



Games the State Plays

***A Follow-up Report on the Violations of
Workers' Rights in Commonwealth Games
Related Construction Sites***

**Peoples Union for Democratic Rights (Delhi)
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Introduction

For the last few years, a massive amount of construction work has been going on in various parts of Delhi for the Commonwealth Games (CWG) to be held in October this year. People's Union for Democratic Rights (PUDR) tried to conduct a fact finding at the Commonwealth Games Village (CGV) site two years back. We sought permission from several authorities including the Chief Labour Commissioner and the DDA to visit the site, but were not granted any such permission. However, PUDR managed to conduct a fact finding at CGV, one of the main Games related construction sites located on the Yamuna bed near the Akshardham Temple in East Delhi, and released a report on 24th April 2009. We sent this report to the Labour Department and the other state agencies involved in the construction work for CWG. Similar reports by other groups confirmed that the violation of labour laws was equally rampant at other CWG sites like those in the University of Delhi, Jawaharlal Nehru Stadium etc.

Our attempts to draw the attention of the Labour Departments of both the Delhi Government and the Central Government towards these illegalities yielded nothing. In a response to our letter dated 28.3.08, the Regional Labour Commissioner, accepted that there were violations at CWG site, but that such instances were isolated. Other agencies involved, in responses to our RTIs, vehemently feigned ignorance of any violations.

Several other groups of concerned citizens also persistently brought the above issues to the notice of state/central government departments like the Lt. Governor, the Chief Minister, the Ministry of Labour (GoI), the Labour Department Central and State, Construction Workers' Welfare Board in Delhi, and the Ministry of Youth Affairs and Sports (GoI). However, none of these efforts resulted in any redressal. Finally, in our pursuit to make the state fulfill its constitutional and legal obligations, PUDR decided to approach the judiciary. On 20th January 2010, we filed a Public Interest Litigation (PIL) in Delhi High Court together with the Nirmaan Mazdoor Panchayat Sangam, an organisation which is a part of the National Campaign Committee for Central Legislation on Construction Labour (NCC-CL), and Common Cause, a registered society working on issues of governance in Delhi.

This report is a recapitulation of our experiences of the developments that have followed since the time of admission of the petition by the Delhi High Court for consideration. While it has been of some consolation that our findings on the extent and severity of violations have been vindicated by a committee appointed by the Delhi High Court, yet, at another level, the entire experience has been one that has brought forth the limitations and weaknesses of the legal process. At a time when the deadline for the completion of construction for the Games is fast approaching, and when many workers have either already left or are in the process of leaving, precious time for redressal is being lost. The fact that the average worker has still no guarantees regarding wages, safe working conditions, and dignified living conditions, is a stark reminder of the realities that make the fight against injustice a long and arduous task.

The Public Interest Litigation

After the release of the PUDR report, the spokesperson of the DDA told the press that their engineers carried out periodical checks at the CWV site but they have not received any complaints from workers employed at the site. He also said that since PUDR had raised these issues, they would look into it¹. This was in clear violation the Supreme Court order of 1982 where it had said,

“...we may add that whenever any construction work is being carried out either departmentally or through contractors, the government or any other governmental authority including a public sector corporation which is carrying out such work must take great care to see that the provisions of the labour laws are being strictly observed and they should not wait for any complaint to be received from the workmen in regard to nonobservance of any such provision before proceeding to take action against the erring officers or contractor, but they should institute an effective system of periodic inspections coupled with occasional surprise inspections by the higher officers in order to ensure that there are no violations of the provisions of labour laws and the workmen are not denied the rights and benefits to which they are entitled under such provisions and if any such violations are found, immediate action should be taken against defaulting officers or contractors. That is the least which a government or a governmental authority or a public sector corporation is expected to do in a social welfare state.”²

However, even after 8 months of the release of our report, there were no changes in the working and living conditions of the workers and the violations continued unabated. Finally, in January 2010, a petition, under Article 226 and 227 of Indian Constitution, concerning the violation of workers’ rights at the CWG and related construction sites, was filed in the Delhi High Court.

The PIL [No. 524 Writ Petition (C)], was admitted in the Delhi High Court on 7th January 2010. The matter came before the Hon’ble Chief Justice Mr. A. P. Shah and Hon’ble Justice Mr. Rajiv Sahai Endlaw.

On the day of the admission, the court issued notices to, The Union of India, Govt. of NCT of Delhi, Sports Authority of India, Delhi Development Authority (DDA) Director General of Inspections, Central Public Works Department (CPWD), New Delhi Municipal Corporation (NDMC), Municipal Corporation of Delhi (MCD), Delhi Building and Other Construction Workers Welfare Board, Delhi International Airport Limited (DIAL), Delhi Metro Rail Corporation Ltd. (DMRC), and Chief Inspector of Inspection of Building and Construction of Delhi.

The petition listed gross violations of a number of legislations like *the Building and other Construction Workers (Regulation of Employment and Condition of Services) Act* (1996), *Minimum Wages Act* (1948), *Interstate Migrant Workmen (Regulation of Employment and Condition of Services) Act* (1979), and *the Contract Workers (Prohibition and Regulation) Act* (1970).

These observations were supported by the aforementioned PUDR report; other fact-finding reports related to the CWV site, a few metro sites, and the international airport site; the report of a public hearing organised by the Commonwealth Games-Citizens for Workers,

¹“Civil Rights Group Slams Working Conditions in Games Village”, *Hindustan Times*, New Delhi, April 25, 2009, p.3

² Peoples Union for Democratic Rights v. Union of India & Ors

Women & Children (CWG – CWC) on the conditions of construction workers at the CWG sites on 13th October, 2009; and finally, by a report on the absolute non-functioning of the Delhi Welfare Board constituted as per *the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act* (BCWA hereafter), 1996 and its rules which were notified in 2002. All these reports provided ample evidence of the systemic violations of labour laws and unsafe working and deplorable living conditions of workers, nowhere close to what is stipulated in the legislations safeguarding their rights.

One of the main prayers in the petition was to direct the setting up of an independent committee by the court, to visit various construction sites related to CWG, interview the workers, and make a report with respect to the grievances mentioned in the petition. The other prayers included directing the respondents to ensure

- (i) Compliance of the provisions of the BCWA and the rules made there-under relating to health and safety of construction workers.
- (ii) That all the workmen employed in connection with the CWG be given identity cards, insurance cover under Jan Shree Bima Yojna/ Rashtriya Swasthya Bima Yojna, minimum wages, double wages for overtime, wage slips, a paid weekly off, proper medical facilities, workmen's compensation in all cases of accidents, clean drinking water and toilet facilities.
- (iii) That all construction workers employed in connection with the CWG be registered with the Welfare Board constituted under the BCWA within two weeks, be provided with appropriate documentation as required under the Act, and given due benefits with retrospective effect from the date of starting work.
- (iv) That the quarters where the workers are staying be properly designed and maintained with secure doors, electricity supply, and an adequate number of toilets which are cleaned daily. In sum, hygienic surroundings.

As obvious from a simple reading, most of the requirements listed above are very basic and can be easily recognised as rights that are very fundamental to life and livelihood, which many tend to take for granted. However, their surprisingly blatant absence/violation is a reality for most employed at these sites, a reality that is neatly and carefully tucked away from the glitz, fanfare and countdowns, before the incessantly churned out loud nationalistic rhetoric takes over.

Formation of the High Court Monitoring Committee

In the first hearing of the case on 3rd February, the Court constituted a four member Monitoring Committee (MC) comprising of the Secretary (Labour), Govt. of National Capital Territory of Delhi (GNCTD), Mr. R. D. Srivastav; Commissioner (Labour), NCT of Delhi, Mr. A. K. Singh; Former Indian Ambassador to the United Nations, Ms. Arundhati Ghose; and Special Rapporteur, National Human Rights Commission, Dr. Lakshmidhar Mishra. The Court instructed the Committee to take appropriate steps to redress the grievances of the construction workers in Delhi and for implementation of provisions of the BCWA. The Court also directed the Welfare Board to abide by the directions issued by the MC. The Committee was directed to submit its report by March 17.

Functioning of the Monitoring Committee

The MC, in one of its first planning meetings, co-opted the Chief Labour Commissioner

Details of field visits of the Monitoring Committee				
S. No.	Date	Worksite	Principal Employer	Contractors and Sub Contractor
1.	19.2.10	Commonwealth Games Village Akshardham Complex	DDA, EMAAR-MGF	Ahluwalia Contracts, Sam India Builder Pvt. Ltd., Fed Alloyed Corporation, Shiv Naresh Sports Pvt. Ltd.
2.	19.2.10	Construction of three level grid separator, Ghazipur.	PWD	AFCONS Infrastructure Ltd.
3.	20.2.10	Jawaharlal Nehru Stadium	CPWD	Shapoorjee Palonjee, Era Infrastructure, Nagarjuna
4.	3.3.10	International Airport, Delhi	DIAL	Larson and Toubro
5.	4.3.10	BC 16, Tughlak Road	DMRC	CEC, SOMA, ETA
6.	6.3.10	Shastri Park	DMRC	Alpine Samsung-HCC and CCCL
7.	9.3.10	Delhi University Area	Delhi University	MCD, Rama Contracts, Nagarjuna Constructions
8.	12.3.10	Siri Fort roadside area and Siri Fort Stadium	PWD, DDA	Jain Contractors, BE Billimoria Company
9.	12.3.10	R.K. Khanna Tennis Stadium		Skyline Engineering Contractors Pvt. Ltd.
10.	12.3.10	Africa Avenue and surroundings	PWD	Satya Prakash Brothers Pvt. Ltd.

(Central) as one of its members. This was done because some projects of the CWG are of the Central Government. The MC also decided to allow the petitioners to attend its meetings and let volunteers from these organisations accompany the MC on its site visits as it was the petitioners who had brought to light the ground realities with respect to the working conditions at the CWG construction sites. It was also decided to short list some of the sites for inspection as it was not possible to cover all the sites due to paucity of time. The MC made field visits to the sites at Commonwealth Games Village; Jawaharlal Nehru Stadium; Delhi International Airport Ltd; Construction of three level grid separator, Ghazipur; Tughlak Road (Metro); Shastri Park (Metro); Delhi University Area; Siri Fort roadside area and Siri Fort Stadium; R.K. Khanna Stadium; Africa Avenue and surroundings. The Committee also met students of University of Delhi and JNU, who presented their reports of studies done at CWG construction sites.

However, as the MC began the task assigned to it by the court, a serious contradiction in the composition of the committee emerged. Two members of the Committee - from the Labour Department of NCT of Delhi, and the one co-opted member from the Labour Department (Central Government)- were technically part of the respondents. The Committee was set up keeping the workers' interests in mind. However, it was not in the interests of the two Labour Departments that the non-implementation of labour laws come to light. Needless to say, this contradiction had an adverse effect on the functioning of the Committee. The Labour Department, which is supposed to protect the rights of the workers was seen, openly and shamelessly, trying to shield the illegalities of the contractor companies at the cost of workers' interests. Other government agencies like DDA, NDMC, MCD, DMRC, DIAL, and CPWD also joined hands in furthering this common objective since they were trying to cover up their own deeds of commission and omission as model principal employers.

There were other shortcomings too. Surprisingly the Court made no allowance for providing logistical support to the MC members (transport, coordination of visits, etc.) which was absolutely essential for the efficiency and independence of the investigation. More importantly, the Committee members were not provided with any authority letter or identity cards to enable them to visit the CWG construction sites without unnecessary hold-ups. This made the MC members dependent on the Labor Department (one of the respondents) for embarking on field visits. In the Committee's own words:

"The Committee members were not having I-cards to entitle them to enter areas like DIAL, DMRC, JN Stadium etc. which have stringent security regulations for entry of outsiders and, therefore, all field visits could not be unrestricted or uninhibited. There was no provision for any logistic support in the order of the Court and the Committee had to bank on the good offices of officers of Central and State Labour Law Enforcement Machinery for provision of such support. The Committee had also to rely on the secretarial support provided by the NHRC for typing the report of the Committee." (p.15 of the committee report.)

As a result of the above shortcomings,

(A) *The MC visited the sites as guests of the respondents*, and at places, were welcomed by the contractors with bouquets of flowers! The course of the investigation was essentially set by the representatives of the Labour Department, including the selection of sites, the drawing up of the schedule and the wasting of committee time in discussions in a conference room over a cup of tea rather than on conversations with workers free of the threatening presence of employers. To make matters worse, the officials from the Labour Department ensured that the employer agencies and the contractor companies had prior information of the Committee's visit. Often, the members from the petitioner

organisations were actively prevented by the project authorities from interacting with the workers, conducting interviews and taking photographs.

(B) The officials and the employers took a series of steps to *stage manage these visits*. These included:

1. Massive cleaning operations at the labour camps, painting of camps, putting up new dustbins, filling up of putrid water ponds, lining lanes with chalk powder, dusting with pesticide powder.
2. Demolition of the labour camp itself just before the visit by the committee.
3. Sending the workers away leaving very few to interact with the committee. Coercing workers to stay away from the Committee or tutoring them to make incorrect statements. The contractor's representatives could also be seen shooing away workers. At times, the interaction was allowed selectively with the tutored workers and at other times the workers were forced to follow a set script about minimum wages, overtime, amenities, etc.
4. A huge contingent of about 25-30 people, including officials from the Labour Department and the construction firms were always present during the interviews with the workers. Despite repeated requests by the Committee members not to interfere or accompany them employers' representatives and labour officials refused to comply. Evidence of workers being warned against telling the truth to the MC also came to the fore. Workers at the CWG sites in Delhi University had earlier told the petitioners that they were receiving Rs. 110 to 120 for 8 hours of work. A day before the scheduled visit of the MC however, the workers started saying that they were receiving Rs 225. After much reassurance they revealed that the employers had pressurised them to cite this high figure. The workers stated that they were afraid of losing their jobs and hence would make statements as demanded by the employers.

(C) At every site, the MC asked for *documents to corroborate the information given to them orally* about the contractors, as well as about the payment of wages as per the law. However,

1. No registers were presented containing records of a) employment of the beneficiaries, b) number of hours constituted as normal working days, c) number of hours constituting a normal working day, d) rest (weekly off) in every period of seven days, and e) wages paid to the workers, as required under BCWA.
2. Muster rolls were shown at a few places but these could also not be scrutinised properly or cross verified with workers' statements due to lack of time. In some places the committee even found that the signatures of workers on a muster roll were in the same handwriting.
3. None of the companies provided lists of contractors hired by them and their license numbers.

In fact, the MC in its report also pointed at the cover up measures at several places:

1. At CWV site

- (a) "A large number of workmen were found to be assembled at a common point at one of the residential camps at around 4.30 PM when members of the MC visited, instead of being at the worksite (normal working hours are from 8 AM to 5 PM). One plausible reason for this could be that on account of visit of the members of the MC a large number of workers have been sent back to the colony so that Committee members

interrogating the workers could be avoided;

- (b) Project officials were following the members of the MC at the time of visit to worksites which prevented a free and spontaneous interrogation of the workers, their conduct and demeanors did not undergo any change despite repeated prodding and goading of members;
 - (c) Pavements and drains in both Camps at CWV were being cleaned at the time of visit which indicated a veiled attempt at orchestration or window dressing which does not speak well of the management;
 - (d) Shining new dustbins lined with white powder at every corner presented an ugly sight.” (p. 52-53 of the committee report)
2. At CCCL camp at Shastri Park: “There were only two painters, who had spent the last day in painting the shacks of the labour camp.” (p. 74)
 3. At IT park at Shastri Park: “The workers seemed to be in some awe of the management officials who were accompanying the Committee.” (p. 75)
 4. At Polo Grounds, Delhi University: “A creche along with a ‘new’ teacher was shown to the Committee which did not exist two days before such date as according to the findings of the petitioners.” (p. 79)
 5. At R.K. Khanna Stadium: “The workers had no complaints regarding wages, perhaps because the team was accompanied by representatives of the management.” (p. 82)

While the massive cover up operations by the state agencies and the project officials failed to hide the ground realities, but were quite successful in concealing the *extent* and *enormity* of the actual violations HoNeverof the fundamental rights of the workers at the construction sites.

Report of the Monitoring Committee

Nevertheless, the MC submitted an extremely hard hitting report to the Delhi High Court on 17th March, 2010. The report categorically stated that:

- 1) “The Monitoring Committee has concluded that the *allegations made by the petitioners are well founded.*” (p.2)
- 2) “*The possibility of an unholy alliance or collusion between the contractor and representative of the principal employer may not thus be altogether ruled out.* Where such an alliance or collusion exists, it is futile to expect that the workers concerned can ever get any justice from the representatives of the principal employer. In other words, the ground reality vis-a-vis the provisions of law could be fraught with such malevolent possibilities, which will be totally detrimental to the interests of the workmen.” (p.88)

Some of the major findings of the Committee are the following:

I. Wages

The stand of the petitioner regarding denial of minimum wage (which includes non-payment of notified Minimum Wage, non-payment of weekly off and non-payment of overtime at double the rate of ordinary wages) *stands corroborated, fully or partially* in course of field visits of the MC.

i) Wage Rates and Working Hours

In many cases the workers were not receiving any overtime wages and wherever they did, it was at the same rate as ordinary wages whereas they should be paid at double the

rate of ordinary wages, as per the statutory position. In a large number of cases, there was no weekly off which would have translated into the workers' getting 7 days wages for 6 days of work. Also workers were employed on a daily wage basis and received payment only for the days they actually worked.

At the CWV site, the wages paid were Rs. 105/- for unskilled, Rs. 250/- for skilled and Rs. 300/- for highly skilled work. At Jawaharlal Nehru Stadium (JNS hereafter) the notified minimum wages were not being paid. Many had not received any payment since January, 2010. Also full wages were withheld and '*kharcha*' was being paid instead for day to day expenditures of workers, which established a control over a worker's mobility. Thus, the worker forfeited his/her freedom of employment and other avenues of livelihood. At the Ghazipur site, workers were made to work for 12 hours without any weekly off. At the Road Work in Delhi University carried out by the MCD, the wages reported by the workers ranged from Rs. 100 for unskilled to Rs. 150 for semi skilled. At the Sports Complex site in Delhi University, wages varied from Rs. 100 for unskilled to Rs. 200 for skilled workers. In fact, one of the sub-contractors was found to have run off with the workers' money last year. At the Africa Avenue site, the workers were employed on a daily wage basis and received about Rs. 100 per day.

ii) Presence of Principal Employer

While on the ground there was generally an affirmation of the fact that the duly authorised representative of the principal employer was present at the time of disbursement of wages, *there was no actual evidence* of him/her certifying that statutorily notified minimum wages have been paid to such and such workers. Without such certification in black and white, it was difficult to rely on the statement that minimum wages had been paid to the workers by the contractor/sub-contractor in the presence of an authorised representative of the principal employer. At the CWV site though the representatives of DDA, the principal employer, claimed that they remained present at the time of disbursement of wages, no mechanism existed to check and prevent the cut which the sub-contractors and representatives of principal employer were alleged to have received. At the JNS site, it was the contractors who disbursed the wages. The presence of a representative of the principal employer at the time of disbursement could not be confirmed.

iii) Muster Rolls, Wage Slips and Identity Card

The muster rolls were available only at some sites. At CGV and JNS sites, no muster

Statutory Minimum Wages

Government of India

Unskilled - 'A' area Rs. 203/-, 'B' area Rs. 169/-, 'C' area Rs.135/-

Semi skilled - 'A' area Rs. 225/-, 'B' area Rs.192/-, 'C' area Rs.158/-

Skilled - 'A' area Rs. 248/-, 'B' area Rs. 225/-, 'C' area Rs. 192/-

Highly skilled - 'A' area Rs. 270/-, 'B' area Rs. 248/-, 'C' area Rs. 225/-

Delhi Government (NCT)

Unskilled- Rs. 152/-

Semi skilled- Rs. 158/-

Skilled- Rs. 168/- (This figure has been revised in March 2010 and implemented retrospectively from February 2010)

Highly skilled -no minimum wage has been notified for this category.

rolls that are required to be maintained under Rule 241 of Delhi BCWA could be produced by the contractor/sub-contractors despite a specific request having been made for the latter. The muster rolls produced at the time of the Committee's visit to the project sites of MCD and Nagarjuna in Delhi University appeared to be fake.

At the CGV and the Delhi University sites, no employment or identity cards had been issued to the workers.

At all sites, no wage slips were found to have been issued as required under Rule 26(2) of Minimum Wages Central Rules, 1950. At the Ghazipur site, despite claims by the main contractor that they had been issued, no wage slips could be produced.

iv) Journey and Displacement Allowances

There were a number of interstate migrant workmen but it was not established through interaction that benefits like a journey allowance, displacement allowance, wages during journey period and all their legal entitlements had been paid to them at the time of their recruitment. The workers at the CGV site were asked about these allowances, who reported not have received any money on account of these.

II. Gender Discrimination

The Committee was distressed to observe in the course of its visits to various worksites that women were either employed in very small numbers or not employed at all. The MC considered this a regrettable development. At one place (grid separator in Ghazipur) the reason advanced for such non employment was that it was against the policy of the company to employ women. At JNS, it was explained that women did not have the level of skills that the company required for carrying out certain operations. At Shastri Park site the company did not employ women workers whereas at Siri Fort, R.K. Khanna, and Africa Avenue sites, there were very few women employed. At CGV, women were not getting the same wages for same or similar nature of work as required u/s 4 of Equal Remuneration Act.

III. Health and Safety

At the CWV the total workforce reported to be employed by the contractor and the four sub-contractors was more than 5,000, yet no statement of policy on health and safety of workers was in place. There was no evidence of a medical examination of workers at such intervals as may be laid down by the Chief Inspector of Inspections of Building and Construction under Rule 223 of Delhi BCW Rules. Similarly the establishments of Shapoorjee Palonjee, Era Infrastructure, and Nagarjuna, though employing more than 50 building workers had no written statement of policy in respect of safety and health of building workers as required u/s 39 of BCWA.

The health and safety measures were highly unsatisfactory and the Committee made extensive recommendations regarding the same. Accidents were taking place frequently causing injuries that had resulted in disablement, both temporary and permanent, and even death. The workplace was extremely dirty, unhygienic and dangerous. Old, damaged and unserviceable articles were littered all over the worksites and they had just gone unnoticed. Safety appliances conforming to national standards had either not been issued or were not in use. Wherever workers were found to be using boots, a sum of Rs. 300/- to Rs. 800/- was reported to be deducted from the wages of the worker, in violation of legal norms. At the CWV site, the stone cutters reported that they were not getting gloves for protection. Also though a number of earth moving equipments and vehicles (like trucks) were moving at the site, generating a lot of dust, no warning signs or notices required for the safety of the



**This is how
the workers
live**



Bunk beds at the Commonwealth Games Village labour camp



Bathing space!

building workers at the site and in a language understood by the majority of such workers were found. Injuries had been reported, some of them even fatal. At the Sports Complex site in Delhi University, many workers were seen without boots and other safety gear at the site. A woman worker had died in an accident and didn't receive any compensation (p. 77).

IV. Registration with Welfare Board

Very few workers at the sites visited had been registered with the Welfare Board under the BCWA. At Ghazipur, only 25 out of the 350 workers were registered and even they had not received the pass books whereas at DIAL, less than 5 per cent of the workers were registered. None of the 450 workers employed by Shapoorjee Palonjee at the JNS site had been registered. At the same site, Era Infrastructure and Nagarjuna failed to give any information about the status of their workers' registration. At Shastri Park, the workers were neither aware of the existence of the Welfare Board, nor that they could be registered under it. The management however claimed that 475 forms had been sent for registration and replies were awaited.

V. Living Conditions

The report stated that the residential colonies are at the worksite, due to dearth of land, the barracks have been constructed closely, leading to congestion and do not present a neat and tidy look. The sanitary latrines (both static and mobile) and bathrooms were not cleaned at regular intervals and resulted in an unhygienic environment. On account of proximity of the labour colony to the worksite, the barracks were laden with a thick coat of dust. Drainage and sewer lines, wherever present, were not maintained properly. Rows of huts covered with plastic sheets were commonplace for all MCD, PWD, NDMC, and CPWD projects relating to road widening/landscaping/beautification projects, all for Commonwealth Games. Built on pavements, they lacked basic amenities such as toilets, water (potable or otherwise) and in some cases, as on Africa Avenue, the migrant workers were huddled together with families. At the CWV site it was found that the hutments were made of asbestos sheet with no ventilation. The dormitories with three tier bunk bed system for the workers were unkempt and lacked any bedding except the plywood. It was a pity that it was called a bed. There was no provision of a ceiling fan which was sure to make the stay inside the dormitory miserable in the summer months. Some workers reported that they get some of their provisions at an exorbitant price from a provision store within the camp premises. At Ghazipur, a large open field was found with a water logged ditch along with Eucalyptus trees just before the entrance to the labour camp. Measuring about 400 square meters, it was polluted and unhygienic, and gave a bad stench. The hutments were made of GI sheets with a GI roof, no windows, no proper flooring or ventilation, and no ceiling fans. Neither was there a proper arrangement for cleaning and sweeping. There was no provision for cleaning the toilets either and they had no doors. There were no bathrooms. Workers had to bathe in the open with a few taps fixed by the side of the wall near the entrance gate. At JNS, the barracks were ramshackle structures which provided no protection against the cold and the heat; made of corrugated sheets they were likely to generate an enormous amount of heat in the fast approaching summer months.

The person to toilet ratio was a miserable 15:1 and even these were poorly maintained. This ratio made the waiting period for using the toilet too long, making it difficult from him/her to catch up with the work schedule - as a result many workers preferred to ease themselves in the open. The camps, being at the worksite, were laden with dust and fumes. There was no canteen where food was available at subsidised rates. As for water, at 40 litres per head, the minimum quantity of water required was about 64,000 litres but there was no evidence

of either a storage tank of this size or arrangements for filtration and testing of water to make it potable (fit for drinking).

At the DMRC site, Tughlaq Road, the workers had no access to potable water and hygiene conditions were abysmal. At the MCD Road Works in Delhi University, around 40 hutments made of cloth and plastic stood at the roadside which the workers had themselves erected and at their own expense. The workers were living in unhygienic conditions and there was no provision for electricity, toilet, bathing space, potable water, medical aid or crèche. They defecated in a park nearby and bathed behind a curtain in their hutments. Living in such conditions, if they fell ill, they had to avail treatment at their own expense. One of the workers said that children fell sick frequently due to unsafe and contaminated water, and there were no doctors in such a situation.

At the Polo Grounds residence, one of the workers reported that there were an average of about 10 people per room. The camp had around 400 hutments which had ply walls and tin roofs. They lacked room for ventilation and windows. There were large uncovered pits for disposal of used water posing a hazard especially for the children playing nearby. The establishment promised to cover these pits with grills. Women bathed behind an enclosed space near their hutments as the bathing space provided at the rear of the camp was considered unsafe and dirty. There were only 9 toilets for 400 families out of which only 2 were allotted to women. There was absolutely no provision for medical aid. The rear of the camp was an awful sight, and smelt terrible as an open drain flowed through the lane. This lane had 9 toilets and one bathing area and was unkempt.

At the R.K. Khanna Stadium the accommodation was highly unsatisfactory with small dark and stuffy rooms each housing at least two persons. There were 4 toilets in the camp and 2 on site. There was no evidence of any medical facilities and no canteen except a tea shop.

VI. Claims and Complaints

A number of claim cases had been field u/s 20 of Minimum Wages Act in 2007-08 and 2008-09 but were yet to be adjudicated/settled/disbursed. Also, there were large number of unresolved complaints related to illegal recruitment of migrant workers, illegal detention, and non-payment of dues of interstate migrant workers. A number of cases under Workmen's Compensation Act were pending in the Court of Commissioner, Workmen's Compensation. The urgency and seriousness of concern which these cases merited was not forthcoming.

VII. Other Observations

The Committee was made aware of the numerous communications by the petitioners and other NGOs working in the field, which received either incomplete or no response.

One of the major observations of the Committee was that out of all the sites that the MC surveyed, only a single worksite had a crèche facility.

Almost all the main contractors used the service of labour contractors, often without verifying their antecedents and whether they had obtained their license under the Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. The principal employers as well as the contractors/sub-contractors were not fully aware of the provisions of labour legislations (Payment of Wages Act, Minimum Wages Act, Contract Labour (Regulation and Abolition) Act, Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, Equal Remuneration Act, Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act and the

According to one Committee member, “the depressing living conditions at the Jawaharlal Nehru Stadium labour colony represent hovels where human beings have to literally crawl like animals.” The member was reminded of what Rabindranath Tagore had written 100 years ago in *‘Ebar Phirao More’*

“This is a deep dark world

Poor, empty, tiny, caged and cabined, dark cells”

Rules framed there-under.

In short, it was reaffirmed by the report of the MC that the following allegations of the petitioners, as listed in the petition, were found to be correct:

- i. Non-payment of stipulated minimum wages.
- ii. Non-payment of overtime wage rate for overtime work.
- iii. No provision for weekly off.
- iv. Irregular and arbitrary payment of wages.
- v. Absence of principal employer at the time of payment of wages.
- vi. Lack of identity card or other proof of employment.
- vii. Non registration of workers with the welfare board.
- viii. Basic safety equipment not provided or provided at employees’ expense.
- ix. Safety requirements not followed as stipulated by law.
- x. Residence of sub-human standard provided by employer, or not provided altogether.
- xi. Amenities of water supply, bathing and toilet spaces and general sanitation far below the stipulated norms
- xii. Crèche facility not available at most places, small children seen in unsafe work environment
- xiii. Formality of a First –aid room with little capacity of coping with injuries in some places; no such provision at other sites.
- xiv. Claims by employers regarding maintenance of employment, labour payment records remains unverified. Information of registration/ license of job contractors and labour contractors not provided for scrutiny.

Recommendations made by the Monitoring Committee

The Monitoring Committee made the following short and long term recommendations in the report.

- The MC requested the HC to “direct all principal employers/main contractors, whether of projects for the Commonwealth Games or the other, to immediately take steps to ensure that minimum wages are actually paid to the workers, to be confirmed and reported on action taken by the regulatory authority concerned i.e., the Chief Labour Commissioner (Central)/Labour Commissioner, Delhi”.
- “Unpaid wages should be immediately disbursed directly to the workers”.
- “Payment of wages through zero balance bank account should be tried urgently wherever possible”.
- “Claims u/s 20 of the Minimum Wages Act in the event of non-payment of wages or short

Reflection of Callousness and Non-Accountability

The Committee invited the respondents to a meeting on March 16, 2010 to share their respective stand vis-a-vis the ground level situation pertaining to working and living conditions of the workers and provisions of labour laws. None of the other respondents except the Chief Labour Commissioner (Central), Chief Engineer (MCD), Executive Engineer (PWD) and a very low ranking official of NDMC (an Assistant Accounts Officer), turned up or sent any communication intimating their inability to attend or any suggestion which they would have liked to make in writing. This was noted by the MC as utter indifference and disregard for its authority.

payment should be filed by the officers of the labour law enforcement machinery (both central and state) before the competent authority and a direction should be issued by the Hon'ble High Court to such authority to adjudicate and settle the claims in a time bound manner".

- "Disparity between Minimum Wage Rates notified by central and state governments should be eliminated".
- The MC requested the court to "direct the regulators i.e., the DG (Inspection) both at the central and state level to monitor steps taken to ensure that all the safety measures stipulated by law are implemented and the action taken reported to the Hon'ble Court on a regular basis".
- The MC requested the court to "direct all principal employers/main contractors to ensure basic clean and hygienic working and living conditions for all workers on an urgent basis in accordance with the provisions of the relevant laws".
- The MC requested the court to "direct the Welfare Board to start a time bound programme for registration of all construction workers, preceded, if necessary, by a wide ranging and easily understandable campaign among the workers and process the request for assistance on an urgent basis".
- "Longer term issues, as brought out in the report need to be studied and addressed urgently, such as re-examination of recruitment procedures by changing the *Thekedar* system, allotment of land for accommodation of workers at the same time as land is allotted for a project, recruitment of and provision of amenities for women, crèches for infants and above all, responsiveness to and collaboration with concerned civil society organisations on all these issues by the authorities both at the central and state government levels".
- "Insertion of a clause relating to the observance of labour laws and compliance with directions of courts which are issued from time to time on such observance in the tender and work orders issued by the CPWD, PWD etc to the lowest bidders".
- The MC requested the court to "Consider the imposition of exemplary and deterrent punishment for all violations of the provisions of relevant laws".
- The MC requested the court to "Consider continuous and empowered monitoring of the directions of the Hon'ble Court".

Court Proceedings

In the first hearing on 3rd February, 2010 as the issues of violation of labour laws like, non-payment of minimum wages, overtime, and the problems related to living and working condition of the workers, were raised by the court, the respondents stated that it becomes difficult to ensure these as the workers do not have permanent address. On being suggested by the petitioners that the problem could be solved by issuing I cards to the workers, they stated that I cards had already being issued to 17,000 workers. The number 17,000 by the way, was actually came from the estimate of number of workers made by the petitioners. In any case this was a false claim as the MC latter discovered that most of the workers had not been issued I cards. In the same hearing the High Court directed the Welfare Board to hold extra/special meetings and to comply with the various provisions of the Act/Rules and ensure issuance of identity cards to all the construction workers. The Court also directed the board to abide by directions issued by the MCE constituted by the HC. Subsequently, the Committee in the month of February itself issued an Advisory Note to the Welfare Board to, besides other things, ensure issuance of identity cards to all eligible construction workers and comply with the various provisions of the BCWA and Rules framed there under.

On 7th April a HC bench comprising of acting Chief Justice Lokur and Justice Mukta Gupta issued a notice to the Delhi Government to categorically state as to which of the recommendations of the report could be implemented straightway, without any further direction from the Court and it further ordered that those recommendations be automatically implemented by the Delhi Government. In case there were some recommendations which required discussion or debate, they could be pointed out and necessary directions would be passed after hearing the learned counsel for the parties. The state council promised to file a reply within 4-5 days.

The same bench on 15th April, 2010 directed the Respondents, i.e., the Union of India through the Director General, CPWD, DDA, NDMC, MCD, DIAL, DMRC, and GNCTD to place on an affidavit within two weeks, the list of all the projects that each one of them was implementing in respect of the scheduled CWG as well as the names and addresses of principal officers of each of the contractors involved with the projects.

The Respondents were directed to obtain the above information and list of workers employed by each one of them in respect of each project from all the contractors who were assisting them in implementation of the projects. After all this information had been gathered, steps would be taken by the GNCTD to register these workers and issue them pass books in accordance with the BCWA.

By the time of the next hearing on 28th April, none of the Respondents had filed any affidavits. They assured the court that the affidavits would be filed within the following 2-3 days. At the next hearing on 5th May, the Court again ordered the GNCTD to try and complete the process of issuing pass books after coordinating with the various agencies.

The case was heard again on 26th May. A bench comprising of the new Chief Justice Deepak Misra and Justice Madan B. Lokur pulled up the respondents for the slow speed of registration and ordered them to register all the workers at the earliest, provide them with pass books, and identity cards.

The last hearing was on the 7th of July. Chief Justice Deepak Misra and Justice Manmohan once again called upon all the concerned authorities to complete the formalities regarding registration of workers and issuing of passbooks so that workers could avail of the benefits provided. The order also focused on the need to proceed with the exercise in a

systematic way focusing on site-wise collection and registration of workers. For this purpose, the order directed the GNCTD to constitute a committee of three officers for holding camps site-wise. It also called for the appointment of three lawyers from the Delhi Legal Services Authority to help in this process.

The Ground Reality as it Stands

Between 5th and 7th July, the respondents filed affidavits running into hundreds of pages. These affidavits mainly contained the names of contractors and workers employed by them in various projects. The affidavits contained incomplete, inconsistent and sometimes irrelevant information. For instance, out of the 230 page affidavit submitted by the Delhi Government, 204 pages dealt with information not connected with CWG sites at all. This rather open attempt to hoodwink the public by providing unrelated details is nothing short of a direct contempt of Court. Other examples of the callous approach of the Respondents are following.

- At the CGV site, the number of workers reported to be employed by Ahluwalia Constructs in April 2010 was said to be 2,349 even though in March they had informed the Committee that the number was 5,000. The duration of employment was not stated in the list provided. The lists that were supplied indicated a large percentage of migrant workers yet had no mention of the Inter-state Migrant Act.
- In the affidavit filed by GNCTD, it was stated that the Welfare Board, in association with Directorate of Health Services, had already deployed 13 Mobile dispensaries catering to 47 construction sites. Yet somehow, they were unable to provide any details of the location of these dispensaries.
- In the same affidavit, it was claimed that compensation had been paid in 45 incidents of accidents (43 deaths and two injury cases) by the Dy. Labour Commissioner of the Labour Department, notified as Commissioner, under Workmen's Compensation Act, however, no details of the names of the victims or the compensation paid were given. It is seemingly inexplicable that the employers, facing allegations of large-scale violations, would want to keep a secret, any details that could mitigate their crime, or at least give an impression of doing so. According to the same affidavit, *challans* had been filed by the Labour Department, Delhi Govt. against the contractors regarding the irregularities found by the Committee at the three construction sites i.e., Africa Avenue, Siri Fort (road side area), and R.K. Khanna Tennis Stadium (outside area). Yet again, for some reason, no details of the violation and action taken were provided. The only logical rationale for this omission being the question of the credibility and veracity of these affidavits.
- The DMRC informed the Court that Rs. 114 crores as cess had been deposited by it, and 2,800 of its workers had been registered with the welfare board. It must be noted here that the number specified by the DMRC has no actual relevance as the affidavit makes no mention of the total number of workers employed. Also, no details of disbursement of welfare benefits were given.
- The DMRC affidavit also stated that dependant families of 65 workers were paid benefits under its own scheme of Labour Welfare Fund amounting to more than Rs. 1 crore. However, details were provided neither of the deaths and accidents that had taken place, nor of the amount of compensation paid in the 65 cases.
- The DDA and CPWD did not mention how many of its workers engaged at the CWG sites were registered.
- CPWD did not provide the list of the names of the workers.

The approach of the respondents has been to confuse the petitioners by providing voluminous documents, without actually bothering to do anything about the real issue of rectifying the injustices meted out due to the flagrant violation of labour laws. Thus because of the total apathy and disrespect for the rule of law on the part of the respondents, none of the favourable orders by the Court for the benefit of the workers has actually changed anything at the ground level. None of the affidavits have cared to address the 7th April order of the Court dealing with the implementation of the recommendations of the Monitoring Committee.

Our findings of the conditions at the construction sites reveal that the violations continue unabated and the entire exercise has not changed much at the ground level.

Living and working conditions

The Monitoring Committee Report and the High Court orders before and after the submission of the Committee's report, and their widespread coverage in the print and the electronic media gave the petitioners hope that the situation would improve at the ground level, at least at the Commonwealth Games' sites. They hoped that even if back wages were not paid, at least the workers would get the stipulated minimum wages, weekly offs, overtime etc. thereafter, and that the living conditions would improve a bit.

With this hope in our heart, PUDR visited the CWV site, the Delhi University sites, and the site of the road beautification work near R.K. Khanna Tennis Stadium in the months of May, June and July. However, we want to report, with utter dismay, that the voluminous exercise has failed to provide any relief to the workers.

At the road beautification work site near R.K. Khanna Tennis Stadium, workers informed us that they were getting Rs. 120 per day for 8 hrs of work i.e., from 9 am to 5.30 pm. They were not getting any weekly offs, they had not been issued any I-cards, they had no knowledge of registration. They were living on the road side in temporary shelters made of tarpaulin (*see photograph*). There was still no arrangement for toilets or bathrooms. Even at the stadium, maximum the workers are getting is Rs. 150 per day, without weekly offs or over time, even though the minimum wage at this site should be Rs. 203. Women workers are getting even lesser payment that is Rs. 110 for the same work.



At the MCD and the PWD sites in the University of Delhi, the workers are still not being paid wages as per the Minimum Wages Act. A woman worker from Bhagalpur, Bihar who is living in a hutment on a pavement in the Ridge area reported that she was getting only Rs 130 for 8 months. Her husband is a skilled worker (mason) and he is also getting only Rs 150 for 10 hours of work (8am-6pm). These workers are not getting any medical facility, there are no toilets or bathrooms, there is no creche and the children were playing near the busy road. Some workers staying in Jhuggis near Patel Chest and working in road beautification projects

reported that they have been promised Rs 150 per day. Some workers from West Bengal, staying in Khalsa college reported that they have come on three months contract basis and the *thekedar* has already paid them in the village at the rate of Rs 150 per day. The *thekedar* also provides food but they work from 8am to 6 pm.] Some workers from Madhya Pradesh informed PUDR that they were getting only Rs 120. While the Labour Department has been posting advertisements requesting the workers to come forth and report violations, PUDR met a group of workers who had gone to the Labour Office at Ashok Vihar, but failed to get their complaints registered. It should be noted that due to the fear of losing their jobs, only a few workers actually came forward to file a complaint. The worker who had tried to file a complaint was soon fired.

Some workers at the CWV site were from Saigarh village in Sagar district, MP, who had been working at the site for only 7-12 days, reported that they had been promised Rs. 150 per day but were made to work from 8 am to 5.30 - 6 pm and often up to 7 pm. The work site is under DDA, so the stipulated minimum wage for 8 hrs of work is Rs. 203 per day. The mode of payment was weekly *kharcha* (expenses). No I-cards had been issued to them. They were living in brick houses with no windows, close to the entrance from Nizamuddin Bridge side.

A worker from Murshidabad, working at the CWV site for last 6 months, reported that he was receiving Rs 3,000 per month plus food even though he was working 10-11 hrs per day (which means about 3 hours of overtime). Some Bengali unskilled workers reported that they were paid Rs.100 per day plus food by the contractor for 9-10 hours of work. The workers also mentioned the distribution of some forms, but that nothing happened after that.

The PUDR team also tried to enter this site but was denied entry. Our attempts to get permission to visit the site from officials of Emaar - MGF, or Ahluwalia Contracts did not get us anywhere as they made us call a number for permission and finally told us that

How many workers are there?

The first step to ensure enforcement of labour laws is to have an estimate of the number of workers employed. Yet surprisingly, the government agencies have no idea about the number of workers employed at various construction sites or at least that is the impression they wish to give to us.

As a result, the same agency, that is, the Inspections Department, provided two different estimates regarding the total workers employed at various sites. According to the lists submitted by it, one list places the number at 30,935 while another estimates the total number to be 40,392 i.e., a difference of almost 25%! As of now, there is no single estimate of how many workers have been employed since the inception of work. Such an omission, that was practically allowed to happen because of the statutory authorities not doing their work, has serious ramifications in this case. In the absence of identity cards, wage slips issued to workers by contractors and employers, there is virtually no proof that a worker was present, in order to claim retrospective benefits for having been employed in CWG sites. In the end, the principle employers, the contractors, and the sub-contractors profited as their own omission in issuing I cards to the workers denied many workers, the opportunity to even prove the fact of their employment at of the sites.

It is obvious that this omission is not unintentional!

we could not go in without permission from the DDA. This was of course simply a repeat of what had happened in the first few months of 2008 when we were made to run from pillar to post to get permission to visit the site. On 20th June, workers halted renovation work at the Talkatora stadium demanding wages at the level they are legally entitled to.

The fact that even the payment of minimum wages cannot be ensured by the Labour Department and the state agencies involved as principal employers clearly shows that these agencies have a lot to hide as far as the compliance with the High Court order is concerned.

Registration with the Welfare Board

The GNCTD mentioned in its affidavit that between March and mid-May 2010, 3,958 workers were registered taking the total number of registered workers to 29,640. Playing with numbers without giving complete information and proof appears to be a shameless tactic used by the government agencies. The number they have quoted is actually the total number of all the construction workers registered in Delhi till date. Thus, out of about 6-7 lakh workers, an appalling 29,640 had been registered (since who knows when) and extremely few of these were the actual CWG workers. Needless to say, registration of just about 5 per cent of the workers after the 8 years existence of the Welfare Board is reflective of not only the utter and total failure of the Board, but also of its near defunct status as a body supposed to ensure the welfare of one of the most exploited sections of our society. It was also not clear how many of these were live registrations, which actually made the worker entitled to the benefits that were due to him/her. Again, it is also not clear from the affidavit if the 3,958 fresh registrations were those of CWG workers or whether it included any other workers as well. From the affidavits, it is estimated that the number of workers employed at the Games related sites is about 40,392. So even if it is presumed that all of these fresh registrations are of CWG workers, at this rate of registration, it will take at least two years to complete the entire registration process! Not only does this time frame reflect the depressing rate of progress, but also points at the complete lack of political will to deliver. The time frame is completely absurd, as most of the CWG workers would leave the city before the games begin and none of the agencies involved in the violations (including the state and central government) could be trusted to be sincere enough to ensure that the registration process (and the subsequent benefits attached to it) continues even after the Games are over.

PUDR's participation as an observer in the camps organised for registration of workers by the Labour Department following the Court's orders also provide little hope. The camp held on 30th June in Delhi University was farcical to say the least. The supposed camp actually meant two officers from the Labour Department arriving at the spot and asking the workers to produce documents such as age proof, photographs etc. PUDR was shocked to find that neither contractors nor any officer from the Central Labour Department were present to facilitate the registration process. The workers were given no prior notice, which meant that they came virtually unprepared without any documents for registration. Ideally, workers need to be informed at least 6-7 days in advance so that they can arrange for documents like birth certificate, identity proof and photographs that go along with the registration form. And since workers generally do not have birth certificates, it is incumbent on the Labour Department to ensure that affidavits in lieu of birth certificate can be prepared so that the registration can take place.

Incidentally, a one worker told the labour officers that he was getting only Rs 130. Instead of forwarding his complaint to the concerned authority, the labour officers told him that it was not under their jurisdiction. PUDR wrote a letter in this regard to Deputy Labour Commissioner). But nothing happened as usual.

Eros Group

A fact-finding team visited the Eros Construction site on 16 April 2010, after news of irregularities at the site appeared in the press. The team met the construction workers, representatives of the contractor and the Eros group, and the police at the Mayur Vihar police station. The construction at the site had started around three years ago. M/s Chawla Techno Construct Ltd. was the principal contractor for the main structure which was nearly complete. According to the contractor, less than a hundred workers were employed by them. The rest were employed by Eros Resorts Hotels Ltd. According to the workers however, there were around 2,000 workers that were employed at the site. Most of the workers employed were from West Bengal, Bihar, and the Bundelkhand region in Uttar Pradesh and Madhya Pradesh. They were employed through 13 labour contractors (*jamadars*). The workers resided close to the construction site in a slum that had been created with corrugated metal sheets. The living conditions in these makeshift *jhuggis* were abysmal, especially with the temperature rising each day.

The workers were promised a wage of Rs. 199 from the beginning of the new financial year. However, they did not receive their wage payments for a period of one to three months. During this period, they were paid a survival allowance of Rs. 300 every eight days. Agitated over this non-payment, the workers gave an ultimatum to the Eros management that their balance wages be settled forthwith, failing which, they would proceed on strike from 14 April, 2010.

Early in the morning of 14 April, workers collected outside the gate of the construction site and refused to go for work. They expected the top management of the Eros Group to intervene and ensure their payments. The Eros management at the construction site immediately called in the police claiming a law and order problem. Over a hundred police personnel from the nearby police stations, including the SHO of Mayur Vihar police station, arrived at the site. The police started to disperse the gathered workers using batons without warning and without any instigation. When a number of workers were hit, the others ran for safety and threw stones at the police party. The police claimed that four policemen suffered minor injuries.

It is shameful that the construction site management succeeded in denying wages and proper living conditions and used the police to browbeat workers. It is also disturbing that despite the orders of the High Court to the Labour Department to ensure implementation of labour laws, the violations continue in such an overt fashion and the department officials have still not managed to intervene and ensure wage payment and proper living conditions.

Conclusion

The Commonwealth Games have been an eye opener in several ways. Behind the glitz of fancy stadiums, hotels, and apartments, lies the murky and sensitive death knell of a large majority of people whose livelihoods and habitats are at stake and who have become cheap pawns in the Commonwealth jamboree. The case has clearly brought out the hypocrisy of the Government's concern for human development and security of its people. Little shanties along pavements housing construction workers, working round the clock, with no protective or safety gear of sorts, are plainly visible for all to see. Denial of rights in terms of stipulated wages, overtime, weekly off, medical facilities etc have become visible to any sensitive eye with a little effort. Yet, neither the Delhi Government nor the Central Government has the political will to defend the weak against the strong. More than that the Government is

inside back

trying to bring to life its dream of hosting world class games in a world class city riding on the backs of these capitalist employers.

In a PIL filed in the Supreme Court at the time of the 1982 Asian Games regarding violations of labour laws, the Court had given a very strong judgment vindicating PUDR's claims. However, in that case, the workers did not get much relief because by the time the judgment came, the construction work was already over. This time around, while the MC appointed by the HC court submitted its report well in time which allowed the violations to become public knowledge through widespread coverage in the media, it is disheartening to see history being repeated. There is not much impact of the exposure that these violations have received. The Chief Minister of Delhi, throughout this whole episode, did not even once come out and publically condemn the violations. The connivance of state agencies with the construction companies in perpetuating crimes remains unbroken. The Labour Department, both of the state and centre besides other government agencies, have yet to devise a mechanism for assessing the violations that have already occurred, remedial action, and steps to check further violations, making it easy for the contractors and companies to continue with the impunity to deny workers their rights.

That the government does not think it to be necessary to even keep a record of the number of workers employed, is a reflection of their total apathy towards their constitutional obligations to protect the rights of the workers of the unorganised sector. Even if the court lays down an order for payment of back wages and other benefits to the workers who have left, there are practically no records which can make it possible. The court proceedings have shown how government agencies, through their complacent behavior, have actually undermined the credibility of this entire judicial exercise. The state and the central governments completely turned a blind eye to the court order of 7th April to look into the implementation of the recommendations of the MC with respect to all the issues raised. Unfortunately, the case has got stuck on the registration of workers with the Welfare Board, which is only a welfare measure, and does not have much to do with the implementation of the labour laws. The above account is for scrutiny and to judge the scope and limitations of legal interventions in a struggle against injustice.

The rule of law, especially labour law, seems to have lost all its sanctity with government agencies shamelessly closing their eyes to blatant abuse of constitutional norms. The Asiad judgment had categorically stated that the non-payment of minimum wages is equivalent to *begar* or forced labour, and a violation of Articles 21 and 23 of the Indian Constitution (the Right to Life and the Right against Exploitation respectively). The court had also directed the concerned authorities to develop a mechanism through which it could investigate the violations of the labour laws so that in cases where violations had occurred, strict action could be taken against the contractors and the concerned officials. A precedent was thus laid, but the Indian state refused to change its ways. The unholy alliance between government agencies and private contractors remained virtually unchallenged, and with the coming in of liberalisation, things only got worse for the workers. Statutory responsibilities associated with the fundamental rights of workers are being sacrificed to be able to allow the corporates to mint money at the cost of workers' rights. The role of major trade unions was also disappointing to say the least. There was a complete silence on their part, even after the findings of the MC became public through wide spread media coverage.

In a scenario where the state institutions fail to deliver on their constitutional responsibilities, where rulings and judgments of even the highest court of the country are not taken seriously, where the authorities are not shamed even by the media coverage of their criminal neglect, what is the way out?



**Labour camp at
Shastri park
demolished a
day before the
Committee's
visit**

**Water for all pur-
poses**



**Working in the
rains without shoes**

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Workers' safety compromised



Working at height at RK Khanna Stadium in the last week of July, without safety belts or helmets.



Working at RK Khanna Stadium in the last week of July, without shoes and helmets. Orders of HC are of no relevance here.

- On 27th July 2010, Minister of State for Labour Harish Rawat admitted in Rajya Sabha that 42 labourers have been killed in connection with the work on various CWG sites.

Child Labour used to meet the dead lines

- On 26th July 2010, newspapers reported killing of 4 labourers, when they were run over by a speeding car while working overnight at the CWG Safdarjung airport site. One of those killed was a boy of around 14 years old.