

AWARENESS, ACCESS, CHALLENGES IN ENTITLEMENTS UNDER 3 LABOUR LEGISLATIONS



Centre for
Social Justice



VAAGDHARA

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List of Acronyms

ASHA	Accredited Social Health Activist
BOCW Act	Building and Other Construction Workers Act, 1996
CAC	Central Building and Other Construction Workers Advisory Committee
CSC	Common Services Centre
CSJ	Centre for Social Justice
CTS	Craftsmen Training Scheme
FGD	Focussed Group Discussion
GP	Gram Panchayat
IGNOAPS	Indira Gandhi National Old Age Pension Scheme
ISWM Act	Inter-State Migrant Workermen Act, 1979
LSA	Legal Services Authority
MGNREGA	Mahatma Gandhi National Rural Employment Gaurantee Act, 2005
MoU	Memorandum of Understanding
NALSA	National Legal Services Authority
NDUW	National Database of Unorganised Workers (e-Shram)
NITI	National Institution for Transforming India
NSAP	National Social Assistance Programme
PMJAY	Pradhan Mantri Jan Arogya Yojana
PMJJBY	Pradhan Mantri Jeevan Jyoti Bima Yojana
PMSBY	Pradhan Mantri Suraksha Bima Yojana
PSU	Public Sector Undertaking
RJSSY	Rajasthan Janani Shishu Suraksha Yojna
SAC	State Building and Other Construction Workers Advisory Committee
SC	Scheduled Caste
SDG	Sustainable Development Goals
ST	Scheduled Tribe
UWSS Act	Unorganised Workers Social Security Act, 2008
VAAGDHARA	Voluntary Association of Agricultural General Development Health and Reconstruction Alliance
WFC	Workers Facilitation Centre



Executive Summary

About the Study

On 25 March 2020, the Central Government announced a complete lockdown of the country to control the spread of the Novel Corona Virus or COVID-19. This has meant shutdown of all economic activity and transport for the lockdown period. For a country like India, where 94% of the workforce is engaged in the informal economy, with a significant percentage engaged in interstate migrant labour, the lockdown has put millions at risk. Thousands of migrant labourers were stranded across the country with no means of livelihood or a way to return home, many of them had even started walking back to their villages on foot. Many other groups such as daily wage workers, domestic workers, sanitation workers and farmers have also lost their source of livelihood.

Almost half of India's regular-wage workers would not have hit rock-bottom amid the COVID-19 lockdown if social security nets were in place, data show. Lack of documentation and registration kept many workers away from accessing government relief and allowed employers to evade their obligations towards their workers during the COVID-19 lockdown, which left millions of workers without jobs and stranded away from their homes.

In this context, a civil society organization, VAAGDHARA and the Centre for Social Justice (CSJ) have collaborated in undertaking a situational analysis of the informal workers in the labour tri-junction of Gujarat, Rajasthan and Madhya Pradesh.

The study is an inquiry into the existing awareness among the informal workers engaged in building and construction work, inter-state migrant work and other unorganised sector work, of the rights and entitlements due to them as workers belonging to a specific labour identity and as entitlements due to them by the industry that employs them.

The research design of the study is an action research methodology known as the Entitlement Availability (EA) Circle. The EA Circle Methodology consists of the following components:-

- Identification of issues
- Raising awareness
- Monitoring/facilitating rights / entitlements
- Advocating for policy change

The phases in the framework will inform interventions of the program while addressing policy concerns that VAAGDHARA is undertaking in Rajasthan, Gujarat and Madhya Pradesh. The objective of the intervention is to bring informal workers within the purview of legally recognised categories in increasing their access to government entitlements (mainly social security).

For the purpose of the study, three legislations which recognizes rights of these predominant identities were chosen. The three legislations that were chosen include:

1. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
2. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
3. The Unorganised Workers' Social Security Act, 2008

We are tracking the transition to the new labour codes by application of our Entitlement Vs Availability

framework. By monitoring the labour registration process under Building & Other Construction Workers Act & Unorganised Workers Social Security Act & Inter-State Migrant Workers Act, the attempt is to find existing systemic issues. Therefore, this research design is an attempt to understand the transition of labour laws, the challenges involved, various systemic issues that may crop up during this process and possible areas of intervention.

Major Findings

The study covers 2,516 respondents from 48 Panchayats in 12 blocks in 6 districts in Gujarat, Rajasthan and Madhya Pradesh. 61.16% of the sample are men and 38.8% are women. The maximum respondents, 76.6%, are from Rajasthan state, followed by Madhya Pradesh (14.7%) and Gujarat (8.6%).

Taking cognizance of multiple labour identities of workers in the informal sector, the distribution of the 2,516 respondents was 56.71% respondents engaged in building and other construction workers, 47.05% respondents working as Inter-state migrant workers and 63.23% respondents working as unorganised workers.

Major findings pertaining to the Building and Other Construction worker's Welfare Act

1427 (56.7%) of the total 2516 respondents are engaged in Building and other Construction Work (BOCW) where only 34.75% among these workers meet the eligibility criteria to register with the Building and Other Construction Workers Welfare This include 74.19% men and 25.8% women workers. The findings of availability and access of entitlements under BOCW Act is as follows:

- 37.7% of respondents report receiving a weekly leave from work and 29.92% are aware while recognizing it as an entitlement. 63.9% are aware of the entitlement to receive drinking water provision at the workplace against this, 16.05 % report receiving drinking water at the workplace. 11.21% are aware of the entitlement to receive accommodation, and 61.1% report receiving accommodation provisions at their workplace. 8.90% workers report awareness of eligibility to entitlement of cooking space at the workplace and 10.86% report receiving this. 12.6% workers report awareness of bathing facilities at the workplace and 9.11% report availing it.
- Our findings show that in addition to the low levels of realisation of rights by workers, educating workers on the rights due to them either under the Building and other Construction Workers' Act is of significant importance as in the case of provision of weekly leave, accommodation and cooking space at the workplace; more workers responded to availing the entitlements but fewer reported having awareness that they are entitled to these provisions. Gender gaps in both the awareness of and availing of entitlements are spotlighted in our findings through consistently lower reporting by women compared to men.
- The 1427 workers were surveyed for challenges faced in availing entitlements under the Building and Other Construction Workers Act, 3.22% report lack of documents in accessing entitlements, 42.88% report lack of awareness of the entitlements available and 53.88% report lack of institutional support.

Major findings pertaining to the Inter-State Migrant Workers' Act

- 24.40% are aware of the eligibility to receive minimum wage from employers, 15.96% men and 8.44% women.
- 15.45% show awareness about receiving their wages before a duly authorised officer and 8.78% report receiving their payment before such an officer. 7.09% are aware of the entitlement to receive relocation allowance from employers against this, 4.22% report receiving relocation allowance. 12.92% are aware

of the entitlement to receive transport allowance, 7.43% report receiving the transport allowance. 6.61% are aware of their entitlement to receive wages during the commute from home. Against this 4.10% report receiving wages during the commute period, 16.9% are aware that they are entitled to receive accommodation facilities, and 9.71% report receiving accommodation facilities. 13.05% are aware of the provision to receive medical aid from employers against this, 7.95% receive medical aid. 5.52% are aware of entitlement to receive safety material and 2.76% report receiving safety material at the workplace. 5.27% have the One Nation One Ration Card, 6.36% have the Shramik Passbook

- Among the 1195 respondents who are engaged in inter-state migration work, 53.49% report the challenge of lacking requisite documents to register 66.36% men, 33.64% women and an inter-state distribution of 89.05%, 10.69% and 0.26% from Rajasthan, Madhya Pradesh and Gujarat respectively. 44.28% report a lack of institutional support to avail their entitlements. 67.8% men and 32.13% women report this of whom 84.09% are in Rajasthan, 15.75% are from Madhya Pradesh and 0.16% from Gujarat.

Major findings pertaining to the Unorganised Workers' Social Security Act

63.2% (1591) of the 2,516 respondents are engaged in the unorganised sector. According to the Sec.10 of the Unorganised Workers' Social Security Act, to be eligible for entitlements a worker has to be self-employed and be an enterprise of under 10 persons. According to this, of the 1591 workers 203 (12.67%) are eligible to register as beneficiaries under the UWSS Act. Of these 5 are in Gujarat, 37 in Madhya Pradesh and 161 in Rajasthan.

- 14.10% of 1591 respondents who reported as engaging in Unorganised Worker report awareness of the Disability insurance that is an entitlement under UWSS Act and 8.50% report having accessed. 5.40% have received health and maternal benefits compared to 26.83% that are aware. 3.20% report availing Old Age Security compared to the 27.46% that are aware. 4.77% are aware of the Bhavishya Nidhi benefit and 0.69% report receiving the Bhavishya Nidhi benefit. 2.32% are aware of entitlement to workplace injury compensation and 0.1% report receiving this benefit. 40% are aware of accommodation benefits and 21.37% report receiving any residence benefit 26.14% are aware of entitlement to receive aid for children's education and 12.38% have received this. 1.88% report awareness of the entitlement to receive last rites compensation and 3 respondents 0.18% report receiving last rites compensation. 8.04% report awareness of old age services and 0.31% have reported receiving old age services as unorganized workers.
- In all sectors, employers not only keep workers off the books, but also ensure that they do not receive payslips or other records of employment. In addition to the lack of formal documentation, the use of long contracting chains with multiple levels of intermediaries, such that workers often do not know the identity of the principal employer or name of the worksite, is common.

Recommendations for the Government

The following set of recommendations have been given on the basis of our experience in facilitating the entitlements of informal workers, engagement with duty bearers and other stakeholders involved in the process.

1. The Central Government must clarify the legislative backing on E-Shram portal because at present it is functioning as merely a database collecting sensitive personal information of informal workers. There is lack of clarity regarding the benefits and processes for availing benefits. Further, with India's poor data protection laws, such a huge online database existing without procedural safeguards (for eg. sunset clause) is a serious privacy concern
2. The respective State Labour Departments must transfer all old informal workers (unorganised/migrant/building workers) registrations to E-Shram so as to ensure there is data convergence.

The State Labour Departments must proactively merge the multiple registration systems currently in force, including those under State Acts that the new Code does not repeal and replace, so as to ensure that a single registration entitles labourers to benefits that they are entitled to under all existing systems. While such a mechanism for merging is being developed, Common Service Centres (CSCs) and other registration personnel should be instructed to register workers as per all systems/legislations that they are entitled to. Once the merging mechanism is in place, previously conducted registrations should be transferred to this singular system. This is a crucial step for data convergence and subsequent policy making considerations.

3. The Legal Services Authorities (LSA) at the District levels should conduct awareness campaigns for registrations under BOCW Welfare Board because our survey findings tells us clearly that across the three States, a significant percentage of workers are not aware about the entitlements available to them. Following this, there has to be effective collaboration as mandated under the NALSA Scheme (Section 5(4) of the LSA to the Workers in the Unorganised Sector Scheme, 2015) to support unorganised workers in claiming their entitlements under government schemes and legislations. Another mandate of the LSA is to identify and register unorganised workers under Section 4(3) of the 2015 NALSA Scheme - which ought to be implemented more strictly by putting monetary mechanisms in place.
4. Upon interaction, we came to know that workers were sometimes registered under different schemes but did not know the source legislation, benefits, process for renewal and other related details.
5. The Central Government and State Government must clarify how the following transitions will take place:
 - Transfer of registrations conducted under previous systems
 - Transition of authorities responsible for administering labour registration systems from the old to the new systems
 - Transition of the various boards set up under the old laws
 - Transfer of budgetary allocations, and specifically of cess money under the Building and Other Construction Workers' System
 - Transfer of existing state and central schemes under the old laws as the new laws come into force
6. The District Administration should effectively collaborate with ASHA Workers, MGNREGA and other inter-linked employment/ livelihood institutions at the District level to identify migrant workers and register them under social security schemes.
7. The District Administration should encourage and create Organised Local Monitoring Bodies- where PRIs organised community-based surveillance systems helps to keep track of migrant workers and their social security needs. This body can involve village elders, the youth, women run self-help groups (SHGs) to assist the record keeping process.
8. Adhere to the responsibility conferred to the District Administration under Sec. 8 (a) of the Unorganised Workers Social Security Act, 2008 to maintain records of unorganised workers at the District level.
9. The State governments of source and recipient States where there is greater flow of informal migrant workers - should proactively enter into Memorandum of Understanding (MoU) for carrying out various responsibilities. A good example to follow would be like the MoU signed between Odisha and Andhra Pradesh.

1. Introduction to the Migrant Crisis

The 2011 Indian Census estimated 454 million internal migrants in India, adding an absolute number of 140 million more migrants during the period 2001–11. In fact, the increase of internal migrants during 1991–2001 was just 82 million, their number rose to 232 million in 1991, and to 314 million in 2001.

On 25 March 2020, the Central Government announced a complete lockdown in the country to control the spread of the Novel CoronaVirus or COVID-19. This has meant shutdown of all economic activity and transport for the lockdown period. For a country like India, where 94% of the workforce is engaged in the informal economy, with a significant percentage engaged as interstate migrant labour, the lockdown put millions at risk. The COVID-19 pandemic has demonstrated the ineffectiveness of India's labour law framework.

On September 14th, 2020, the Minister of Labour and Employment answered that there was no data maintained on the migrant workers who lost their jobs and lives during the COVID-19 lockdown, when asked if the government had carried out any assessment of job losses of migrant workers as well as if it was aware of workers who died on their way back to their home States during the lockdown.

Underpinning this was the fact that India currently does not have a robust system to recognize and register almost 92% of its workforce that is engaged in the informal sector.¹ Without formal recognition, workers in the informal sector are left with no legal recourse to assert their rights. Non-registration also means that the State does not have the necessary data for ensuring workers' access to entitlements. This became particularly apparent during the lockdown, when lack of data/recognition meant that many workers were unable to assert their right to entitlements like social security and wages. Taking cognizance of this, in the case of *Re Problems and Miseries of Migrant labourers (2020)*, the Supreme Court ordered all states to complete registration of informal workers by 31st December, 2021.

In pursuance of this order, the Central Government launched the NDUW (National Database on Unorganised Workers), i.e, the e-Shram portal on 26th August, 2021 to register and collect information about unorganised workers throughout the country. Although this is a long overdue measure, its implementation on the ground has been haphazard. One of the primary impediments to implementation is that the labour law regime in India is currently in the process of being overhauled, leading to confusion on the ground.

2. New Labour Law Reforms and Prevailing Situation

In 2019, the Ministry of Labour and Employment introduced four Bills on labour codes to consolidate 29 central laws.² These Codes regulate: (i) Wages, (ii) Industrial Relations, (iii) Social Security, and (iv) Occupational Safety, Health and Working Conditions. While the Code on Wages, 2019 has been passed by Parliament, Bills on the other three areas were referred to the Standing Committee on Labour. The Standing Committee submitted its reports on all three Bills. The government has replaced these Bills with new ones in September 2020.

¹ K Punia, 'Future of unemployment and the informal sector of India', in *Observer Research Foundation Online*. March 12 2020, viewed on November 11 2021, <https://www.orfonline.org/expert-speak/future-of-unemployment-and-the-informal-sector-of-india-63190/>

² "Overview of Labour Law Reforms." *PRS*, 8 Oct. 2021, <https://prsindia.org/billtrack/overview-of-labour-law-reforms>

Two sets of rules have been formulated under the Code on Wages, of which one i.e. Code on Wage (Central Advisory Board) Rules, 2021 (Central) has been notified.

As of 22nd November 2021, draft Rules have been formulated under all the Codes but none except one of the draft Rules have been finalised yet.³ Due to ambiguity on how and when the labour Codes will get implemented, there is little clarity on the process through which registrations should be taking place. Moreover, despite the announcement of numerous schemes linked to E-Shram registration, as listed on the E-Shram website, there is still confusion about whether registered workers will automatically be provided with benefits associated with the schemes or they need to separately apply for benefits under these schemes. In other words, there is considerable ambiguity in how the labour law regime, and hence the labour registration system, will transition from the old to the new.

Duplicity in registration systems under the old laws further plague complications. For example, most states are undertaking mass registration drives to build a database of unorganised workers in the Central Government's e-Shram portal. However, some states (e.g. Chhattisgarh) continue to have parallel registration systems under the Unorganised Workers Social Security Act 2008 and/or The Building And Other Construction Workers (Regulation Of Employment And Conditions Of Service) Act, 1996 as per State rules. While workers registered under State rules can apply for benefits under various State level schemes, E-Shram does not, at least for now, provide workers with any tangible social security entitlements (except a life and disability cover of 2 and 1 lakh respectively).

NITI Aayog's Labour Rights Framework

The Decent Work agenda includes focus on jobs creation, rights at work, social protection and social dialogue frameworks are part of both ILO's framework and Sustainable development goal. SDG Goal 8 seeks to protect labour rights and promote policies which support decent job creation and safe and secure working environments. Target 8.8 aims to “protect labour rights and promote safe and secure working environments for all workers, including migrant workers, particularly women migrants and those in precarious employment”.

Spurred by the exodus of 10 million migrants from big cities during the Covid-19 lockdown, NITI Aayog, along with a working subgroup of officials and members of civil society, has prepared a draft National Migrant Labour Policy. It puts forward several radical ideas, including the adoption of a rights-based approach and establishing an additional layer of institutions to create a more enabling policy environment for migrants. It proposes a new National Migration Policy and the formation of a special unit within the Labour Ministry to work closely with other ministries.

The NITI Aayog's draft lays down institutional mechanisms to coordinate between Ministries, states, and local departments to implement programmes for migrants. It identifies the Ministry of Labour and Employment as the nodal Ministry for implementation of policies, and asks it to create a special unit to help converge the activities of other Ministries to manage migration resource centres in high migration zones, a national labour Helpline, links of worker households to government schemes, and inter-state migration management bodies.

Alongside the long-term goal, policies should “promote the role of panchayats to aid migrant workers” and integrate urban and rural policies to improve the conditions of migration. Panchayats should maintain a database of migrant workers, issue identity cards and pass books, and provide “migration management and governance” through training, placement, and social-security benefit assurance, the draft says.

The draft also calls for a central database to help employers “fill the gap between demand and supply” and ensure “maximum benefit of social welfare schemes”. It asks the Ministries and the Census office to be consistent with the definitions of migrants and subpopulations, capture seasonal and circular migrants, and incorporate migrant-specific variables in existing surveys.

³Two sets of rules have been formulated under the Code on Wages, of which one i.e. Code on Wage (Central Advisory Board) Rules, 2021 (Central) has been notified.

3. VAAGDHARA and its Initiatives

VAAGDHARA is a civil society organisation which works in 1000 villages of the tribal tri-junction of Gujarat, Rajasthan and Madhya Pradesh. Primarily, the organisation's areas of work include sustainable agriculture, strengthening local governance, facilitating child-friendly villages, access to rights and entitlements, and advocacy of people's issues. VAAGDHARA became involved with the situation by collaborating with community institutions which were developed and strengthened over the past three years. Members of community institutions and volunteers helped to gauge the situation in the tri-junction during both the Covid-19 waves. An assessment of health infrastructure, the quantum of migrant influx, and livelihood opportunities was completed to take steps towards both short-term and long-term measures in this region. According to rapid assessment conducted in the region through primary and secondary sources, nearly 30000 migrant workers returned to villages alone in Banswara district of Rajasthan during the first wave of Covid-19 pandemic. Other than this, assessment indicates that 70% of farmers and returned migrants did not have proper information about emergency welfare measures provided by the government, and 50% of them did not know how to access the existing schemes. A large number of farmers are living more or less in the status of fear and confusion.

Taking cognisance of the situation, VAAGDHARA intervened in the dimensions of food and livelihood security of families.

Dimensions	Interventions
Local Governance	<p>2000+ community based institutions supported us to develop a database mechanism to identify migrant families, vulnerable families, families who require immediate support.</p> <p>1029 volunteers provided immediate support related to food packets, ration kits , medicines and other short-term arrangements in the community.</p> <p>Building knowledge and capability in the short term to specific efforts around COVID 19 in field interventions.</p> <p>Building focus areas with community engagement on addressing COVID 19 through key activities</p>
Linkages with Administration	<p>26650 community members are linked with MNREGA scheme and 15689 get linked with different government entitlements which includes 1978 children. Databases have been shared to administration of 42250 families who are migrants and in need of immediate support.</p> <p>Extended support to provide N 95 masks, hygiene kits in 121 Community health centres, working with the public health system</p>
Basic Amenities	Food, dry rations kits and personal hygiene items to 65792 individuals.
Agriculture and Livelihood Security	Krishi Bachao Campaign" have been organised to 28000 tribal families to rejuvenate their agriculture practices and save livelihoods through agriculture. Seeing the viability of "Agriculture and its Produce" for strengthening small and marginal agriculture families. Unlocking "New Livelihood Possibilities" for migrant workers and their families.
Isolation Centres	Quarantine facilities for migrant families with the support of 1029 volunteers Volunteers were supported for infrastructure for centres , training, protocols and procedures.

The experience of facilitating entitlements of migrants during the Covid-19 lockdown brought to light the need for in-depth study to understand the shortcomings in India's social security system for workers. VAAGDHARA experienced deep rooted systemic issues by field experience and analysis of secondary data, laws, policies for respite of migrant workers. As a first step in the identification of issues, the baseline survey is carried out for study and designing of corresponding interventions.

4. Scope of the Study

The gap between grassroots and academia is well recognised by critical scholars. This study is designed on the basis of action research so as to bridge this often (rightly) criticised gap. The first step for carrying out any good intervention design (Entitlement Availability framework) is to identify the issue and understand its intensity and pervasiveness. This study is designed in a phased manner to precisely address this, and baseline survey is the first step. Through targeted interaction (using a structured questionnaire) with different stakeholders like government duty bearers, beneficiaries (informal workers), local civil society bodies, etc, the issues revolving around social security of informal workers is understood. This understanding is deepened by village shibirs and Focussed Group Discussions (FGDs). With the help of the baseline survey's location specific findings, corresponding interventions would be designed and implemented.

The Entitlement Availability Framework

The Centre for Social Justice (CSJ) has developed a defined action research methodology aimed at raising awareness, monitoring/facilitating rights and entitlements and advocating for policy change in a synergistic manner. This framework, known as the Entitlement Availability circle ('EA Circle'), forms the foundation for the design of this program intervention.

The Circle is brought into action with the process of identification and assessment of issues internally (step 1). This leads to increasing of awareness and filing of individual claims to entitlements and rights. The next step involves monitoring/facilitation of claims and follow up of these claims (steps 2 & 3). This is followed by conversion of individual issues into a collective issue (step 4). The Circle is brought to conclusion by identifying and addressing broader policy concerns (step 5).



Figure 4.1 The Entitlement Availability Framework

The phases in the framework will inform interventions of the program while addressing policy concerns that VAAGDHARA is undertaking in Rajasthan, Gujarat and Madhya Pradesh. The objective of the intervention is to bring informal workers within the purview of legally recognised categories - so as to improve their access to government entitlements (mainly social security).

Therefore, during the review of the legal framework through secondary sources and field based interactions, conclusions about labour identities were derived for the purpose of the study. It became evident that in the life cycle of a migrant worker, predominant identities such as construction worker, farmer/daily-wage worker, etc. are carried by them. Hence, for the purpose of the study, three legislations which offer security to these predominant identities were chosen. The three legislations that were chosen include:

1. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
2. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
3. The Unorganised Workers' Social Security Act, 2008

Albeit in the life cycle of a migrant worker, there are many other identities and relevant rights based legislations, and hence scope of this study is limited to the above mentioned three that enables to rigourously understand systemic issues. After the baseline study, the ground results were juxtaposed against government guaranteed rights to understand the gap areas.

To further the objective of bringing informal workers within legally recognised categories, it is important to register them under the legislation corresponding to their occupation. Hence, our thematic focus is registration under three legislations- namely, UWSS Act, ISMW Act & BOCW Act. Along with this, our thematic focus is also to underscore the role of Gram Panchayats (under Sec. 10 (3) of the UWSS Act) as they are the body vested with the primary responsibility of registering unorganised workers. Our geographical focus therefore, will be 228 Gram Panchayats (GP) across the tribal tri-junction of Rajasthan, Madhya Pradesh and Gujarat. As a result, our thematic focus area will have regional variations in terms of rules/laws, authority responsible, etc.

5. Methodology of the Study

The following baseline study aims to understand the ground reality of informal workers' awareness, knowledge and challenges encountered in availing their rights both as citizens and as are due to them as entitlements from the employers/industry they work in as Building and Other Construction Workers, Inter-state migrant workers, and Unorganised Workers. During our desk research stage, we narrowed down on three legislations so as to map the entitlement access process in depth.

Questionnaire sets for each worker category also included state specific schemes and policies as in the specific schemes under various state's Building and other Construction Workers Welfare Board and schemes for Unorganised Workers. The questionnaire was arrived at using the framework discussed above (Entitlement Availability).

The questionnaire sets were translated into Hindi, field-tested and administered through a CAPI computer assisted personal interviewing technique through the survey application Collect Atlan. A team of enumerators A team of enumerators underwent rigorous 3 day field training in which they were familiarised with the legislations under study, the questionnaires and their design and using the digital survey tool. The survey was conducted from the first to third week of October in 2021.

Sampling

Undertaken in the labour tri-junction region of Gujarat, Rajasthan and Madhya Pradesh. Through a cluster sampling approach 2516 respondents from 12 blocks of 6 districts in these 3 states were selected. Under each block, 4 panchayats were selected based on population's propensity of migration and physical distance from district headquarters to study accessibility of entitlements. Respondents in each panchayat were chosen by random sampling based on the number of villages in each panchayat. There is also a substantial incidence of the snowballing method at play as surveyors identified and selected respondents through local village level leaders, and through respondents themselves.

The overall description of sample selected from each block is as follows:

State	District	Block	Panchayat	Village	Sample	Sample per Village
Rajasthan	Banswara	Anandpuri	4	14	246	18
		Gangadtalai	4	11	216	20
		Ghatol	4	17	372	22
		Kushalgarh	4	14	285	20
		Sajjangarh	4	12	273	23
	Dungarpur	Aspur	4	13	230	18
		Sabla	4	9	184	20
	Pratapgarh	Peepalkhunt	4	12	121	10
Gujarat	Dahod	Fatehpura	4	5	109	21
		Jhalod	4	5	108	22
Madhya Pradesh	Jhabua	Thandla	4	8	162	20
	Ratlam	Bajna	4	11	210	19
Total	6	12	48	131	2516	19

6. Profile of Respondents

The survey covered a total of 2516 respondents from three states. The maximum respondents, 76.6%, were from Rajasthan state, followed by Madhya Pradesh (14.7%) and Gujarat (8.6%). Unlike disparities in the number of respondents among three states, the distribution of men (61.1%) and women (38.8%) within states are comparable. Respondents in Rajasthan cover 64.3% of men and 35.7% women. Madhya Pradesh covered nearly equal numbers of men (49.7%) and women (50.3) as respondents. In Gujarat, a similar ratio of men (52.5%) and women (47.5%) were covered under the study.

Table 6.1 State and Gender Distribution

State \ Gender	Gujarat		Madhya Pradesh		Rajasthan	
	Total	%	Total	%	Total	%
Men	114	52.5	184	49.7	1241	64.3
Women	103	47.5	186	50.3	688	35.7
	217		370		1929	

Graph 6.1 State and Gender Distribution

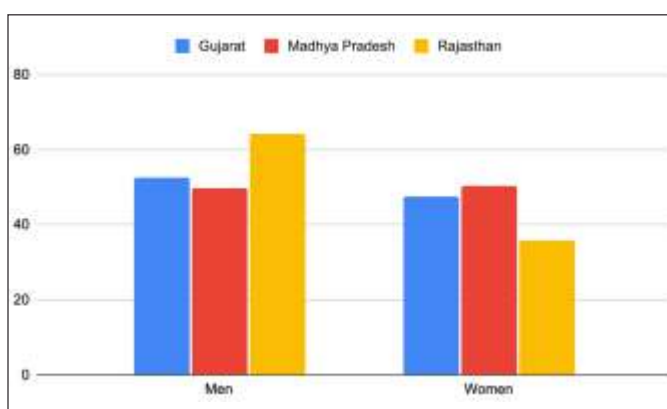


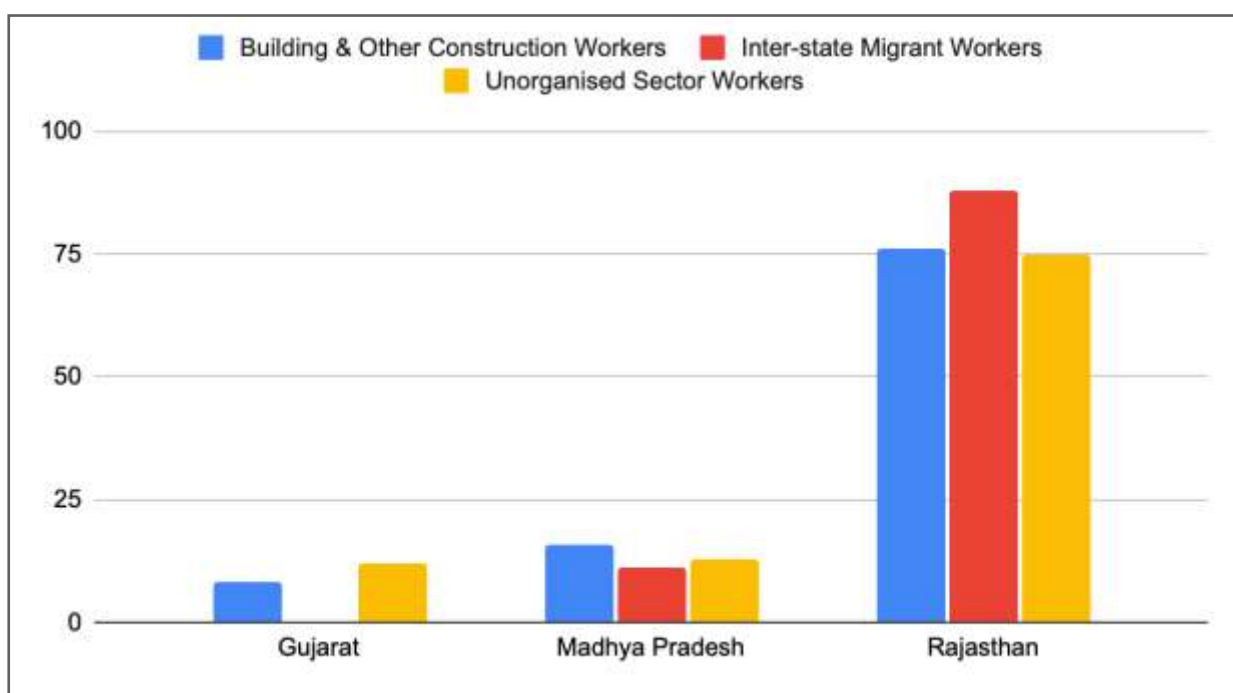
Table 6.2 Labour Identity and Gender Profile

	Building & Other Construction Workers		Inter-State Migrant Workers		Unorganised Workers	
	Total	%	Total	%	Total	%
Men	930	65	758	64	910	57
Women	497	35	426	36	681	43
Total	1427		1184		1591	

Table 6.3 Labour Identity and State profile

Labour Identity	Building and Other Construction Workers		Inter-State Migrant Workers		Unorganised Workers	
	Total	%	Total	%	Total	%
Gujarat	115	8	2	0	187	12
Madhya Pradesh	227	16	135	11	207	13
Rajasthan	1085	76	1047	88	1197	75
Total	1427		1184		1591	

Graph 6.2 Labor Identity and State Profile



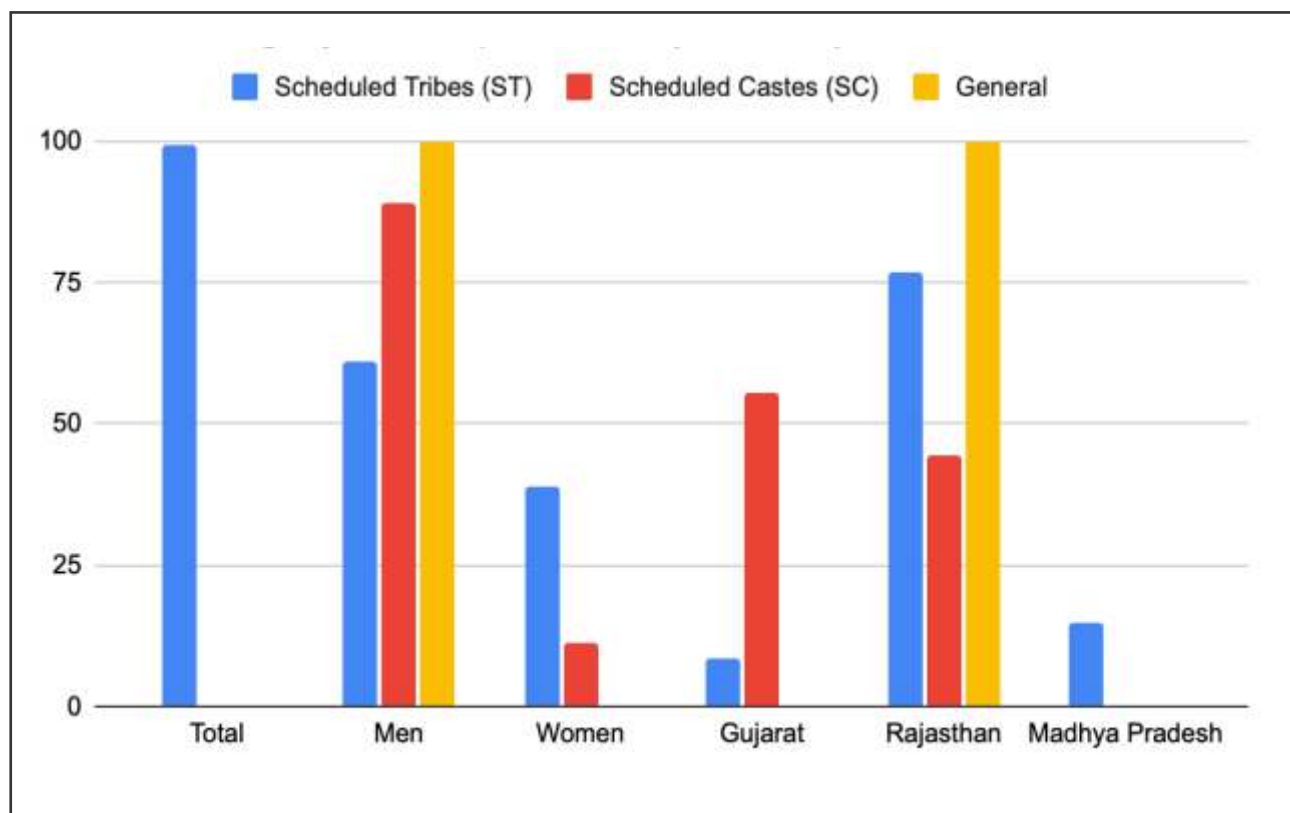
Among 2516 respondents in the study, 56.71% respondents work as building and other construction workers, 47.05% respondents work as inter-state migrant workers and 63.23% respondents work as unorganised workers. This indicates multiple identities of workers in the region and subsequently entitles them for various provisions under these laws for their welfare. Within building and other construction workers, it includes 65% of men and 35% of women. Similar proportion of men (36%) and women (64%) respondents are engaged as inter-state migrant workers. In the case of unorganised workers, 43% of respondents are women compared to 57% men.

- 76% of the respondents engaged in Building and other construction work are covered from Rajasthan, 16% from Madhya Pradesh and 8% from Gujarat.
- 88% of respondents engaged in Inter-state migrant work are covered from Rajasthan, 11% from Rajasthan and 1% from Gujarat
- 75% respondents engaged in unorganised work are covered from Rajasthan, 13% from Madhya Pradesh and 12% from Gujarat.

Table 6.4 Social Category of Respondents

Social Category	scheduled tribe		Scheduled Caste		General	
	Total	%	Total	%	Total	%
Total	2505	99.5	9	0.35	2	0.07
Men	1530	61.07	8	88.88	2	100
Women	975	38.92	1	11.11	0	0
Gujarat	212	8.46	5	55.55	0	
Rajasthan	1923	76.76	4	44.44	2	100
Madhya Pradesh	370	14.77	0		0	

Graph 6.3 Social Category of Respondents



While looking at the social category, 99.5% respondents belong to the Scheduled Tribe (ST), among which 61.07% are women and 38.92% are men.

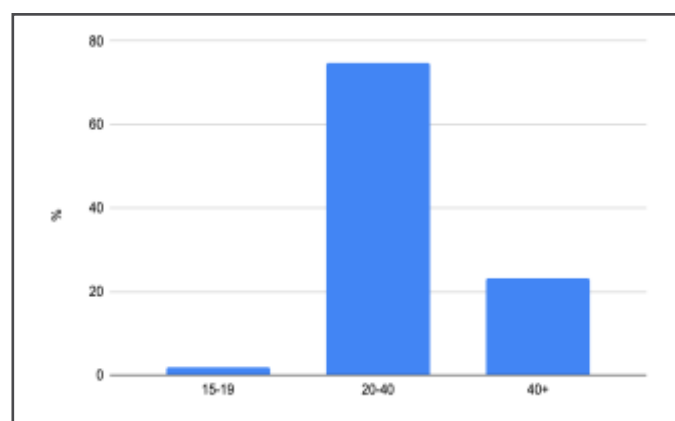
76.76% are from Rajasthan, 14.77% from Madhya Pradesh and 8.46% from Gujarat. The ST majority among the respondents is in correspondence with the tribal community dominance in the selected study areas and the labour tri-junction area of southern Rajasthan, south-western Madhya Pradesh and north-eastern Gujarat states.

9 respondents i.e. 0.35% of the total 2516 respondents belong to the Scheduled Caste (SC).5 (55.55%) are from Gujarat and 4 (44.44%) are from Rajasthan. 5 (88.88%) are men and 4 (11.11%) are women.

Table 6.5 Age Profile of Respondents

Age Group (Years)	Number of Respondents	%
15-19	46	1.8
20-40	1883	74.8
40+	587	23.3
Total	2516	100

Graph 6.4 Age Profile of Respondents



Labour Profile of Respondents: Building and Other Construction Workers

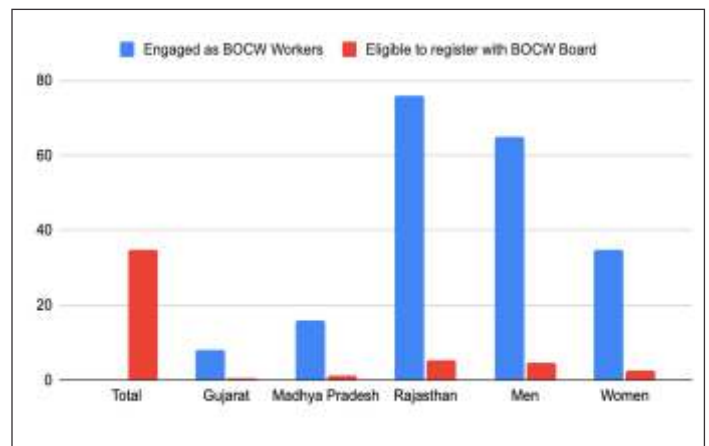
The BOCW Act requires two conditions to be fulfilled in order to establish eligibility of a worker to register with the Building and Other Construction Workers' Welfare Board (under Sec. 12 of the BOCW Act) These conditions are :-

- (i) Working as a BOCW worker for a period of 90 days in a calendar year
- (ii) Workers aged between 15-60 years.

Table 6.6 Workers Engaged versus Eligible under Building and Other Construction Workers Act

Engaged in Building and Other Construction Work				
	Engaged as BOCW Workers		Eligible to Register under BOCW Act	
	Total	%	Total	%
Total	1427		496	34.75
Gujarat	115	8.05	81	16.33
Madhya Pradesh	227	15.9	63	12.7
Rajasthan	1085	76.03	352	70.96
Men	930	65.17	368	74.19
Women	497	34.82	128	25.8

Graph 6.5 Workers Engaged versus Eligible under Building and Other Construction Workers Act



Among the 1427 respondents engaged in Building and other Construction Work 34.75% workers fulfill the eligibility requirements to register with the Building and Other Construction Workers Welfare Board. 74.19% among respondents are men and 25.8% are women. 16.33% are from Gujarat, 12.7% from Madhya Pradesh and 70.96% are from Rajasthan.

In Gujarat state out of 115 workers engaged as Building and other Construction workers, 70.43% are found eligible to register with the Building and Other Construction Workers' Welfare (BOCW) Board. In Madhya Pradesh, out of the 227 BOCW workers 27.75% are found eligible and while Rajasthan 32.44% are found eligible to register with the BOCW Board.

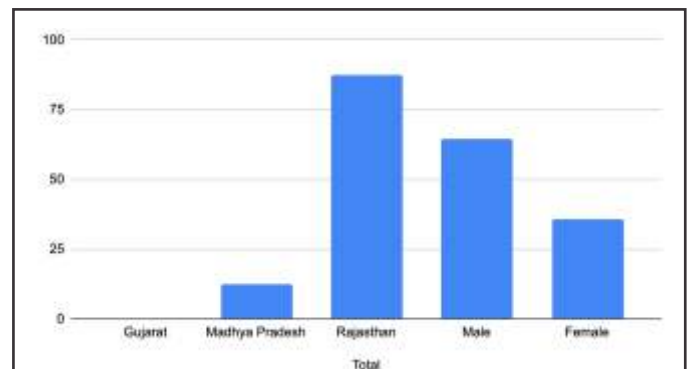
Labour Profile of Respondents: Inter State Migrant Workers

1195 respondents from the 2516 total respondents are engaged in Inter state migrant work, among which 64.18% are men and 35.81% are women. 88.36% are from Rajasthan, 11.38% are from Madhya Pradesh and 0.25% are from Gujarat.

Table 6.7 Inter State Migrant Workers (State and Gender Distribution)

Inter State Migrant Workers (State and Gender distribution)		
Total	1195	
Gujarat	3	0.25
Madhya Pradesh	136	11.38
Rajasthan	1056	88.36
Men	758	64.18
Women	426	35.81

Graph 6.6 Inter State Migrant Workers (State and Gender Distribution)

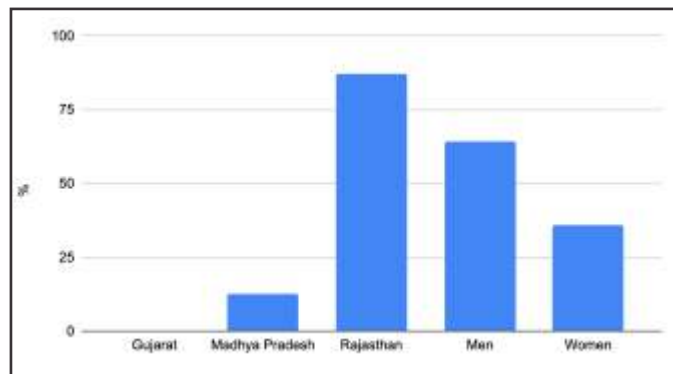


Among the 1195 respondents who reported being engaged in Inter state migration work, 87.41% report migrating outside their home state in the last two years during the Covid-19 pandemic. Among respondents, 87.96% among the men have migrated in the last two years, and a comparable 86.85% among the women show migration in the past two years. Of these 87.16% are from Rajasthan, 12.54% from Madhya Pradesh and 0.28% from Gujarat.

Table 6.8 Inter State Migration Pattern in Last Two Years (State and Gender Distribution)

Inter-state Migration in the last two years (State and Gender Distribution)		
Total	1035	87.41
Gujarat	2	0.28
Madhya Pradesh	130	12.54
Rajasthan	903	87.16
Men	666	64.28
Women	370	35.71

Graph 6.7 Inter State Migration Pattern in Last Two Years (State and Gender Distribution)



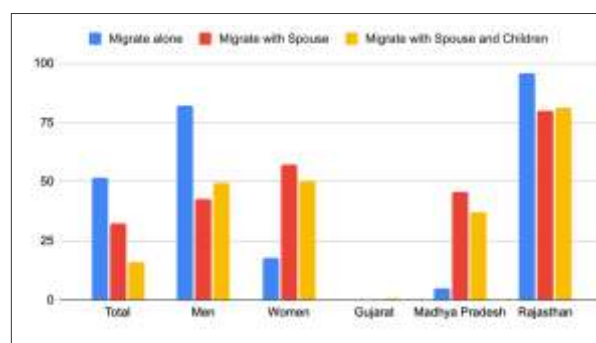
Both of the 2 respondents engaged in interstate migrant work from Gujarat have migrated for work in the last 2 years. 95.58% of the Interstate migrant workers from Madhya Pradesh have migrated in the last 2 years, and 85.51% inter state workers from Rajasthan have migrated in the last two years.

Considering the individual and family migration pattern among 1195 respondents, 51.36% migrate alone which comprises of 82.2% are men and 17.8% women. 32.47% of the respondents go with their spouses which include 42.8% men and 57.2% women. In case of family migration (which include spouse as well as children), 15.9% respondents report migration among which 49.5% men and 50.5% women.

Table 6.9 Individual and Family Migration Pattern in Last Two Years (Gender and State Distribution)

	Alone		With Spouse		With Spouse and Children	
	Total	%	Total	%	Total	%
Total	617	51.63	388	32.47	190	15.9
Men	507	82.2	166	42.8	94	49.5
Women	110	17.8	222	57.2	96	50.5
Gujarat	1	0.16	1	0.26	1	0.53
Madhya Pradesh	25	4.93	76	45.78	35	37.23
Rajasthan	591	95.79	311	80.15	154	81.05

Graph 6.8 Individual and Family Migration Pattern in Last Two Years (Gender and State Distribution)

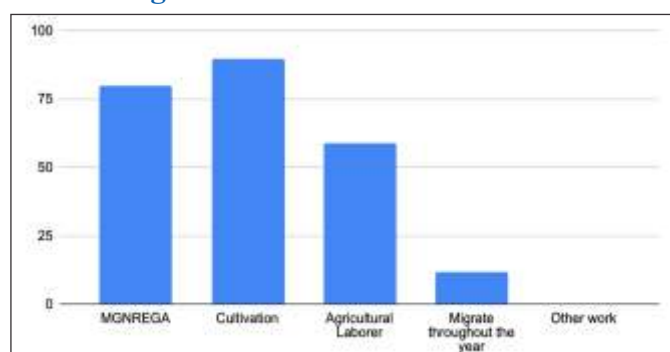


If we look at the occupation of workers in their domicile/home state, out of 1195 respondents, 11.9% migrate outside their home state for the entire year. Rest of the respondents do multiple kinds of occupations in home state of which 840 i.e. 79.77% are engaged as MGNREGA workers, 943 i.e. 89.55% as cultivators, 619 i.e. 58.78% as agricultural labourers and 0.4% in miscellaneous kind of work.

Table 6.10 Occupation Profile of Inter-state Migrant Workers in Domicile State

Work engaged in by Interstate migrant workers in their home state		
MGNREGA	840	79.77
Cultivation	943	89.55
Agricultural Labourer	619	58.78
Migrate throughout the year	142	11.9
Other work	5	0.4

Graph 6.9 Occupation Profile of Inter-state Migrant Workers in Domicile State



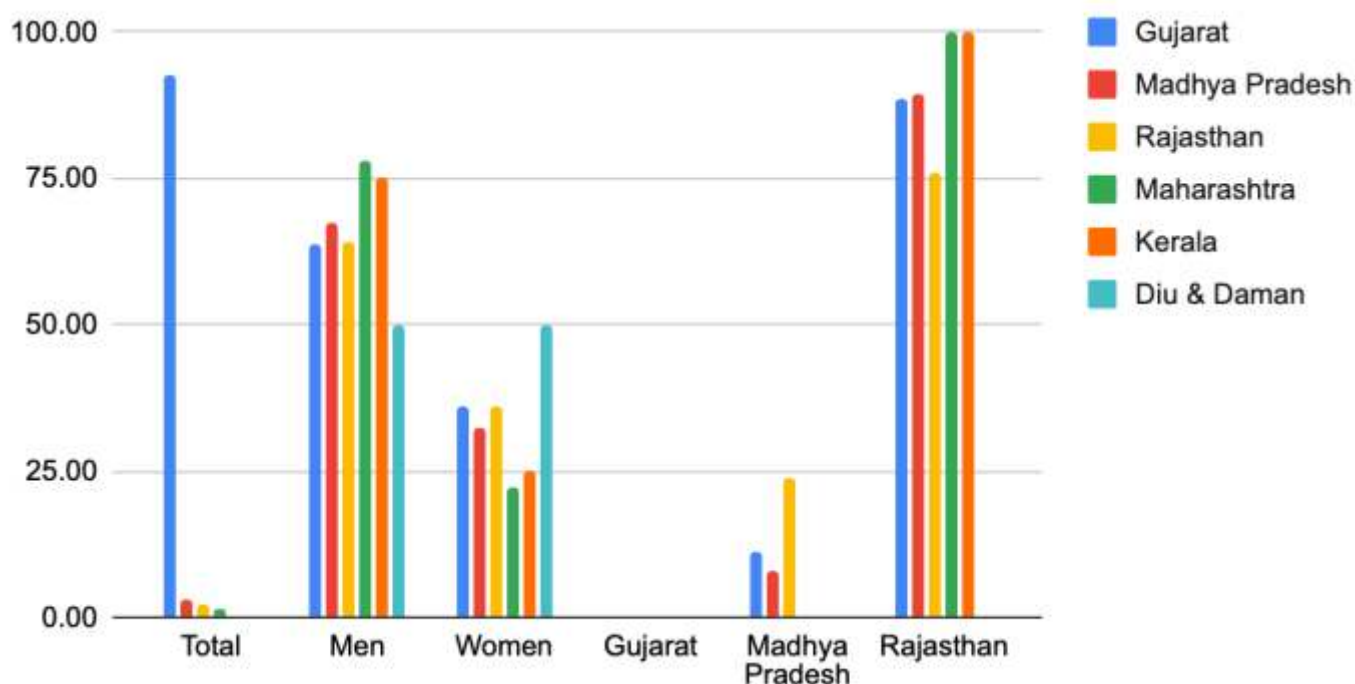
If we look at the pattern of top three destination states for migrants, a record 92.8% respondents migrate to Gujarat followed by Madhya Pradesh (3.09%) and Rajasthan (2.09%). Among 92.8% respondents whose destination state is Gujarat, 63.84% are men and 36.15% are women. In case of 3.09% respondents whose destination state is Madhya Pradesh, 67.56% are men and 32.43% are women. Also, 2.09% respondents who migrate to Rajasthan as destination state, 64% are men and 36% are women among them.

Additionally, if we look at the source/domicile state, Gujarat witness 88.54 respondents from Rajasthan, 22.27 from Madhya Pradesh, and 0.18 % from Gujarat itself. In case of Madhya Pradesh, 89.18% respondents come from Rajasthan, 8.1% from Madhya Pradesh itself and no worker from Gujarat. Rajasthan records most of the respondents (76%) from state itself and 24% from Madhya Pradesh. Similar to Madhya Pradesh, Rajasthan also witness no respondent from Gujarat as destination state. A considerable number of respondents also migrate to Maharashtra (1.51%), Kerala (0.33%), and Daman & Diu (0.17).

Table 6.11 Destination States of Migrant Workers (Gender and State Distribution)

	Gujarat		MP		Rajasthan		Maharashtra		Kerala		Daman and Diu	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Total	1109	92.8	37	3.09	25	2.09	18	1.51	4	0.33	2	0.17
Men	708	63.84	25	67.56	16	64	14	77.78	3	75	1	50
Women	401	36.15	12	32.43	9	36	4	22.22	1	25	1	50
Gujarat	2	0.18	0	0	0	0	0	0	0	0	0	0
Madhya Pradesh	125	11.27	3	8.1	6	24	0	0	0	0	0	0
Rajasthan	982	88.54	33	89.18	19	76	18	100	4	100	0	0

Graph 6.10 Destination States of Migrant Workers (Gender and State Distribution)



7. Brief Description of Entitlements under Three Labour Legislations

Before we proceed to the findings, let us look at entitlements that are available under the three legislations and the bodies responsible for their delivery.

Entitlements under Building and Other Construction Workers Act, 1996

Entitlements under Building and Other Construction Workers Act, 1996	Relevant Provisions	Authority Responsible
1. Benefits provided by the respective State BOCW Welfare Board	Sec. 11	State BOCW Welfare Board
2. Workers are entitled to identity Card with photo for proof of employment	Sec. 13	State BOCW Welfare Board
3. Getting waiver for payment of contribution to the BOCW Welfare Fund upto 3 months if the worker has financial hardships	Sec. 16 (proviso)	State BOCW Welfare Board
4. beneficiary may receive immediate assistance under the BOCW welfare board in case of accident	Sec. 22(a) - they are all categorised as "may" but it is a fundamental right and hence has to be read as "shall"	State BOCW Welfare Board
5. Beneficiaries who have completed 60 years of age are entitled to pension	Sec. 22(b)	State BOCW Welfare Board
6. Beneficiaries Can access loans and advances for construction of houses	Sec. 22(c)	State BOCW Welfare Board
7. Beneficiaries may receive support in payment of premium for any group insurance scheme	Sec. 22(d)	State BOCW Welfare Board
8. Beneficiaries may receive financial assistance for the education of their children.	Sec. 22(e)	State BOCW Welfare Board
9. Support in meeting medical expenses for treating major ailments of the beneficiary or their dependent.	Sec. 22 (f)	State BOCW Welfare Board
10. Receive maternity benefit to the female beneficiaries	Sec. 22 (g)	State BOCW Welfare Board
11. Fixed no.of working hours that is inclusive of one or more specified intervals	Sec. 28 (a)	State Government or Central Government, in case of PSU
12. One paid rest day in every seven days	Sec.28 (b)	State Government or Central Government, in case of PSU
13. Wages for overtime work (twice the ordinary rate)	Sec.29	Contractor
14. Entitled to receive wage book/wage slips	Sec. 30 (3)	State Government or Central Government, in case of PSU
15. Drinking water in every construction site that is accessible for everyone	Sec. 32	Principal Employer
16. Latrines and urinals	Sec. 33	Principal Employer
17. Free of cost accommodation within the work site or near it with separate cooking place, bathing and lavatory facilities.	Sec. 34	Principal Employer
18. Creches, First Aid & Canteens, etc	Sec. 35, Sec. 36 & Sec. 37	Principal Employer
19. Access & representation in the safety committee, including inquiry into certain on-site accidents.	Sec. 38 & 39	State Government or Central Government, in case of PSU

Entitlements under Inter-State Migrant Workers Act, 1979

Entitlements under Inter-State Migrant Workers Act, 1979	Relevant Provisions	Authority Responsible
1. Passbook affixed with photo and languages of the workmen with other relevant details like name of establishment, period of employment, proposed rates and mode of wages, displacement allowance payable and deductions made.	Sec. 12 (1) (b) (i) to (vi)	Contractor
2. Entitled to receive wages that are not less than the minimum wages & Payment of wages to be disbursed in front of the duly authorised officer appointed by the principal employer	Sec. 13 & Sec. 16 (a) & Sec. 17 (2)	Contractor
3. Displacement allowance (at the time of recruitment- which is 50% of the monthly wages due or Rs.75, whichever is higher)	Sec. 14	Contractor or the principal employer in case the contractor fails to pay
4. Journey allowance (onward and return from workers' residence to work during termination)	Sec. 15	Contractor or the principal employer in case the contractor fails to pay
5. Entitled to receive wages during the period of such journeys as if the worker were on duty	Sec. 15	Contractor or the principal employer in case the contractor fails to pay
6. Provide suitable residential accommodation	Sec. 16 (d)	or the principal employer in case the contractor fails
7. Medical facilities free of charge	Sec.16 (e)	Contractor or the principal employer in case the contractor fails
8. Protective clothing to the workers	Sec. 16 (f)	Contractor or the principal employer in case the contractor fails
9. If the worker is seriously injured bodily, they have a right to expect that such matter be reported to the specified authorities of both the States and also the next of their kin.	Sec. 16 (g)	Contractor or the principal employer in case the contractor fails

Entitlements under Unorganised Workers Social Security Act, 2008

Entitlements under Unorganised Workers Social Security Act, 2008	Relevant Provisions	Authority Responsible
1. Life and disability cover	Sec. 3 (a)	Central Government
(i) Aam Admi Bima Yojana.		
(ii) Rashtriya Swasthya Bima Yojana.		
2. Health and maternity benefits	Sec. 3 (b)	Central Government
i) Janani Suraksha Yojana.		
ii) National Family Benefit Scheme.		
3. Old age protection (Indira Gandhi National Old Age Pension Scheme)	Sec. 3 (c)	Central Government
4. Provident Fund	Sec. 4 (a)	State government
5. Employment injury benefit	Sec. 4 (b)	State government
6. Housing	Sec. 4 (c)	State government
7. Education schemes for children	Sec. 4 (d)	State government
8. Skill upgradation of workers	Sec. 4 (e)	State government
i) Handloom Weavers' Comprehensive Welfare Scheme.		
ii) Handicraft Artisans' Comprehensive Welfare Scheme		
iii) Pension to Master craft persons.		
iv) National Scheme for Welfare of Fishermen and Training and Extension.		
9. Funeral assistance	Sec. 4 (f)	State government
10. Old age homes	Sec. 4 (g)	State government
11. Information on social security schemes for the unorganised workers	Sec. 9 (a)	WFC
12. Help in facilitating the filing, processing and forwarding of application forms for registration of unorganised workers.	Sec. 9 (b)	WFC
13. Assistance in obtaining registration from the gram panchayat	Sec. 9 (c)	WFC
14. Facilitation support in enrollment of the registered unorganised workers in social security schemes.	Sec. 9 (d)	WFC

The survey questionnaire was designed on the basis of the entitlements guaranteed by these legislations to check the level of awareness and availability.

8. Findings Pertaining to Awareness and Access of Entitlements under Three Labour Legislations

Now, we will see the findings of the study about awareness and access of entitlements under the above mentioned three labour legislations.

Key Findings under Building and Other Construction Workers Act, 1996

We surveyed 1427 building and other construction workers' for awareness and reception of their entitlements under the BOCW Act regardless of any registration by virtue of being BOCW workers. The findings are as follows:

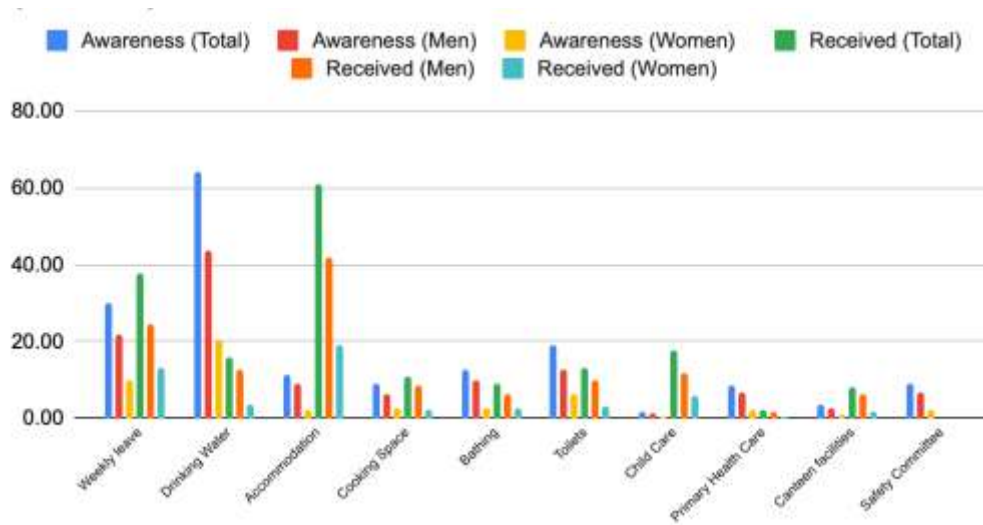
- Even though 37.7% report receiving a weekly leave from work (24.53% being men and 13.17% being women), 29.92% are aware that this provision is an entitlement (22% men and 10% women).
- 63.9% are aware of the entitlement to receive drinking water provision at the workplace of which 43.66% are men and 20.32% are women. Against this, 16.05 % report receiving drinking water at the workplace. 11.21% are aware of the entitlement to receive accommodation, 8.90% men and 2.31% women and 61.1% of which 41.84% are men and 19.27% women report receiving accommodation provisions at their workplace.
- 8.90% workers report awareness of eligibility to entitlement of cooking space at the workplace and 10.86% report receiving this. 6.17% men vs 2.73% women report awareness and 8.55% men vs 2.31% women report receiving entitlement to cooking space at the workplace.

Table 8.1 Awareness and Receiving of Entitlements under BOCW Act, 1996 (N=1427)

Awareness and Reception Of Entitlements under the BOCW Act (N=1427)												
Entitlements	Aware						Received					
	Total	%	Men	%	Women	%	Total	%	Men	%	Women	%
Weekly leave	427	29.92	314	22.00	143	10.02	538	37.70	350	24.53	188	13.17
Drinking Water	913	63.98	623	43.66	290	20.32	229	16.05	178	12.47	51	3.57
Accommodation	160	11.21	127	8.90	33	2.31	872	61.11	597	41.84	275	19.27
Cooking Space	127	8.90	88	6.17	39	2.73	155	10.86	122	8.55	33	2.31
Bathing	179	12.54	140	9.81	39	2.73	130	9.11	92	6.45	38	2.66
Toilets	270	18.92	183	12.82	87	6.10	187	13.10	145	10.16	42	2.94
Child Care	24	1.68	17	1.19	7	0.49	250	17.52	168	11.77	82	5.75
Primary Health Care	125	8.76	95	6.66	30	2.10	33	2.31	25	1.75	8	0.56
Canteen facilities	53	3.71	40	2.80	13	0.91	115	8.06	87	6.10	28	1.96
Safety Committee	127	8.90	95	6.66	32	2.24	NA ¹	NA	NA	NA	NA	NA

- 12.6% workers report awareness of bathing facilities at the workplace and 9.11% report availing it. 9.81% men vs 2.73% women report awareness and 6.45% men vs 2.66% women report receiving and availing bathing facilities at the workplace.

Graph 8.1 Awareness and Receiving of Entitlements under BOCW Act, 1996 (N=1427)



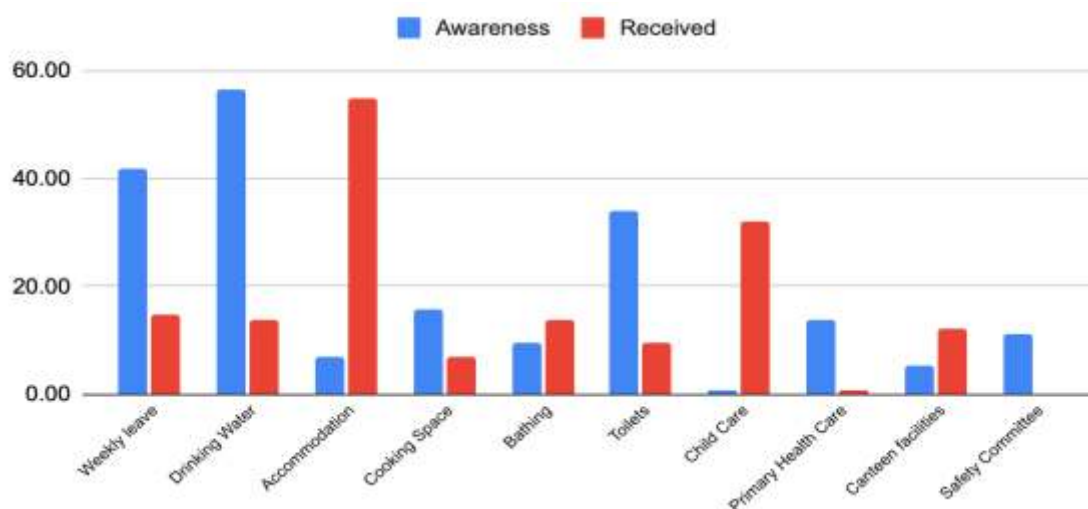
Our findings show that in addition to the low levels of realisation of rights by workers, educating workers about their the rights under the Building and Other Construction Workers' Act is of significant importance. As finding of the study suggest that under provision of weekly leave, accommodation and cooking space at the workplace; more workers responded to availing the entitlements but fewer than that than that reported of having awareness that they are entitled to these provisions. Gender gaps in both the awareness of and availing of entitlements are spotlighted in our findings through consistently lower reporting by women compared to men.

State-wise Distribution of Awareness and Receiving of Entitlement under BOCW Act, 1996: Gujarat

Table 8.2 State-wise Distribution of Awareness and Receiving of Entitlement under BOCW Act, 1996 (N=115) : Gujarat

Gujarat: Awareness and Receiving of Entitlements under the BOCW Act (N 110)				
	Aware		Received	
	Total	%	Total	%
Weekly leave	48	41.74	17	14.78
Drinking Water	65	56.52	16	13.91
Accommodation	8	6.96	63	54.78
Cooking Space	18	15.65	8	6.96
Bathing	11	9.57	16	13.91
Toilets	39	33.91	11	9.57
Child Care	1	0.87	37	32.17
Primary Health Care	16	13.91	1	0.87
Canteen facilities	6	5.22	14	12.17
Safety Committee	13	11.30	0	0.00

Graph 8.2 State-wise Distribution of Awareness and Receiving of Entitlement under BOCW Act, 1996 (N=115) : Gujarat



In Gujarat, out of 110 workers engaged in building and other construction work, 41.74% are aware of the entitlement to weekly leave while 14.78% report availing this. 56.5% are aware of the provision for drinking water and 13.9% report receiving. 6.96% are aware of the entitlement to accommodation while 54.75% report receiving accommodation at their workplace. 15.65% are aware of having the facility of a cooking space against which 6.9% report availing. 9.5% are aware of bathing facilities and 13.9% report availing bathing facilities at their workplace. 33.9% show awareness of toilets at the workplace and 9.5% report availing toilet facilities.

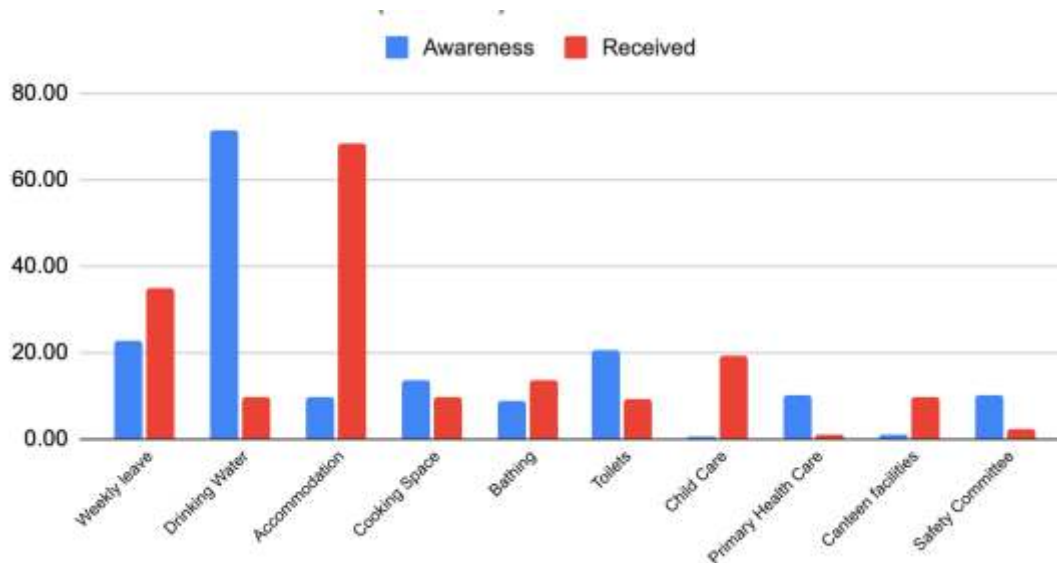
1 worker (0.87%) reported awareness of entitlement to child care facilities at the workplace while 32.17% workers report availing child care services at the workplace. 13.91% workers show awareness of primary health facilities at the workplace and 1 of the 110 workers has reported availing first aid and primary health service at the workplace. 5.2% report awareness of having canteen facilities at the workplace and 12.1% report provision of canteen facilities at the workplace. 11.3% report being aware that there should be a safety committee at the workplace.

State-wise Distribution of Awareness and Receiving of Entitlement under BOCW Act, 1996:Madhya Pradesh

Table 8.3 State-wise Distribution of Awareness and Receiving of Entitlement under BOCW Act, 1996 (N=227) : Madhya Pradesh

Madhya Pradesh: Awareness and Receiving of Entitlements under the BOCW Act (N=227)				
	Aware		Received	
	Total	%	Total	%
Weekly leave	52	22.91	79	34.8
Drinking Water	162	71.37	22	9.69
Accommodation	22	9.69	155	68.28
Cooking Space	31	13.66	22	9.69
Bathing	20	8.81	31	13.66
Toilets	47	20.7	21	9.25
Child Care	1	0.44	44	19.38
Primary Health Care	23	10.13	2	0.88
Canteen facilities	2	0.88	22	9.69
Safety Committee	23	10.13	5	2.2

Graph 8.3 State-wise Distribution of Awareness and Receiving of Entitlement under BOCW Act, 1996 (N=227) : Madhya Pradesh



In Madhya Pradesh, out of 227 workers engaged in building and other construction work, 22.9% are aware of the entitlement to weekly leave while 34.8% report availing this. 71.3% are aware of the provision for drinking water and 9.69% report receiving. 9.69% are aware of the entitlement to accommodation while 68.28% report receiving accommodation at their workplace. 13.66% are aware of having the facility of a cooking space against which 9.69% report availing. 8.81% are aware of bathing facilities and 13.66% report availing bathing facilities at their workplace. 20.7% show awareness of toilets at the workplace and 9.25% report availing toilet facilities.

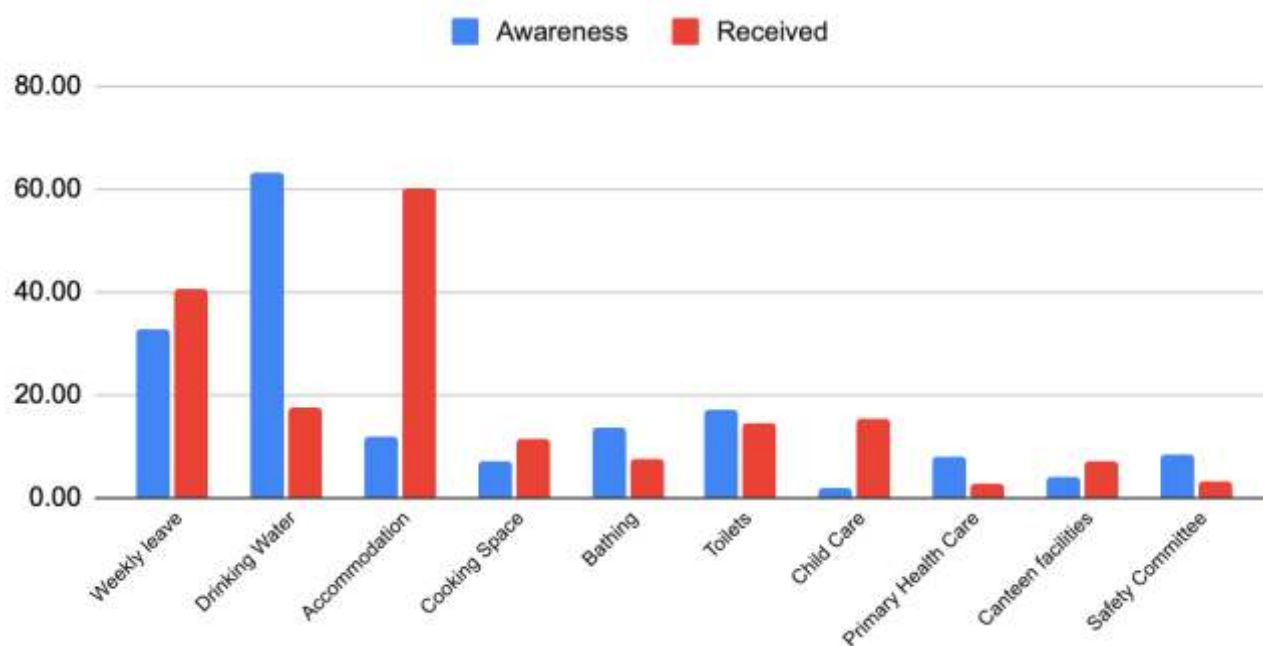
1 (0.44%) worker reported awareness of entitlement to child care facilities at the workplace while 19.38% workers reported availing child care services at the workplace. 10.13% workers show awareness of primary health facilities at the workplace and only 0.8% report provision of first aid and primary health service at the workplace. 0.88% report awareness of having canteen facilities at the workplace and 9.69% report provision of canteen facilities at the workplace. 10.13% report being aware that there should be a safety committee at the workplace.

State-wise Distribution of Awareness and Receiving of Entitlement under BOCW Act, 1996:Rajasthan

Table 8.4 State-wise Distribution of Awareness and Receiving of Entitlement under BOCW Act, 1996 (N=1085) : Rajasthan

Rajasthan: Awareness and Receiving of Entitlements under the BOCW Act (N=1085)				
	Aware		Received	
	Total	%	Total	%
Weekly leave	357	32.9	442	40.74
Drinking Water	686	63.23	191	17.6
Accommodation	130	11.98	654	60.28
Cooking Space	78	7.19	125	11.52
Bathing	148	13.64	83	7.65
Toilets	184	16.96	155	14.29
Child Care	22	2.03	169	15.58
Primary Health Care	86	7.93	30	2.76
Canteen facilities	45	4.15	79	7.28
Safety Committee	91	8.39	35	3.23

Graph 8.4 State-wise Distribution of Awareness and Receiving of Entitlement under BOCW Act, 1996 (N=1085) : Rajasthan



In Rajasthan, out of 1085 workers engaged in building and other construction work, 32.9% are aware of the entitlement to weekly leave while 40.7% report availing this. 63.23% are aware of the provision for drinking water and 17.60% report receiving. 11.9% are aware of the entitlement to accommodation while 60.28% report receiving accommodation at their workplace. 7.19% are aware of having the facility of a cooking space against which 11.52% report availing. 13.64% are aware of bathing facilities and 7.65% report availing bathing facilities at their workplace. 16.9% show awareness of toilets at the workplace and 14.29% report availing toilet facilities.

2.03% reported awareness of entitlement to child care facilities at the workplace while 15.58% workers report availing child care services at the workplace. 7.93% show awareness of primary health facilities at the workplace and 2.76% report provision of first aid and primary health service at the workplace. 4.15% report awareness of having canteen facilities at the workplace and 7.28% report provision of canteen facilities at the workplace. 8.39% report being aware that there should be a safety committee at the workplace.

Key Findings under Inter-State Migrant Workers Act, 1979

Among the 1195 respondents engaged in inter-state migration work 24.40% are aware of the eligibility to receive minimum wage from employers, 15.96% men and 8.44% women.

15.45% show awareness about receiving their wages before a duly authorised officer (11.23% men and 4.22% women), and 8.78% report receiving their payment before such an officer (6.41% men and 2.36% women).

7.09% are aware of the entitlement to receive relocation allowance from employers of which 5.57% are men and 1.52% are women. Against this, 4.22% report receiving relocation allowance. 3.29% are men and 0.92% women. 12.92% are aware of the entitlement to receive transport allowance, 9.45% men and 3.46% are women. 7.43% report receiving the transport allowance, 5.06% men and 2.36% women.

6.61% of which 4.94% are men and 1.67% are women are aware of their entitlement to receive wages during the commute from home. Against this 4.10% report receiving wages during the commute period, 3.43% men and 0.67% women.

16.9% are aware that they are entitled to receive accommodation facilities, 11.55% and 5.36% women. Of these 9.71% report receiving accommodation facilities, 6.95% men and 2.76% women. 13.05% are aware of the provision to receive medical aid from employers 9.87% are men and 3.18% are women. Against this, 7.95% receive medical aid of which 6.19% are men and 1.76% women.

5.52% are aware of entitlement to receive safety material 4.10% men and 1.42%, and 2.76% report receiving safety material at the work pace, 2.18% men and 0.59% are women.

Table 8.5 Awareness and Receiving of Entitlements under the Inter-State Migrant Workers Act, 1979 (N=1195)

Awareness and Receiving of Entitlements under the ISMW Act (N=1195)												
	Reported Awareness of Entitlement						Reported Receiving of Entitlement					
	Total	%	Men	%	Women	%	Total	%	Men	%	Women	%
Minimum Wages	289	24.40	189	15.96	100	8.44						
Payment of wages before authorised officer	183	15.45	133	11.23	50	4.22	104	8.78	76	6.41	28	2.36
Relocation Allowance	84	7.09	66	5.57	18	1.52	50	4.22	39	3.29	11	0.92
Transport Allowance	153	12.92	112	9.45	41	3.46	88	7.43	60	5.06	28	2.36
Wages during commute period	79	6.61	59	4.94	20	1.67	49	4.10	41	3.43	8	0.67
Residence	202	16.90	138	11.55	64	5.36	116	9.71	83	6.95	33	2.76
Medical Aid	156	13.05	118	9.87	38	3.18	95	7.95	74	6.19	21	1.76
Provision for check-up within a week if ill	46	3.85	39	3.26	7	0.59	28	2.34	23	1.92	5	0.42
Safety material	66	5.52	49	4.10	17	1.42	33	2.76	26	2.18	7	0.59

Graph 8.5 Awareness and Receiving of Entitlements under the Inter-State Migrant Workers Act, 1979 (N=1195)

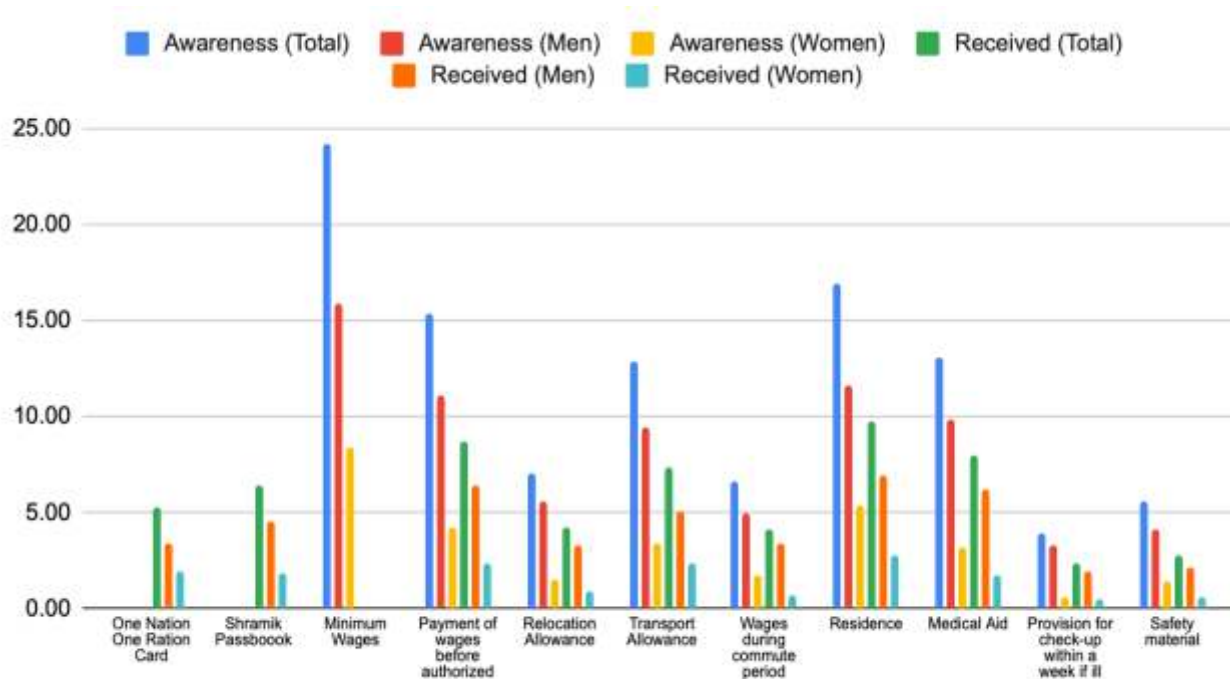


Table 8.6 Availability of One Nation One Ration Card with Respondents (N=1195)

Availability of One Nation One Ration Card (N=1195)						
	Total	%	Men	%	Women	%
One Nation One Ration Card	63	5.27	40	3.35	23	1.92

Among the 1195 total respondents working as inter state migrant workers, 5.27% have the One Nation One Ration Card, of which 3.35% are men and 1.92% are women.

Table 8.7 Availability of Shramik Passbook with Respondents (N=1195)

Shramik Passbook (N=1195)						
	Total	%	Men	%	Women	%
Shramik Passbook	76	6.36	54	4.52	22	1.84

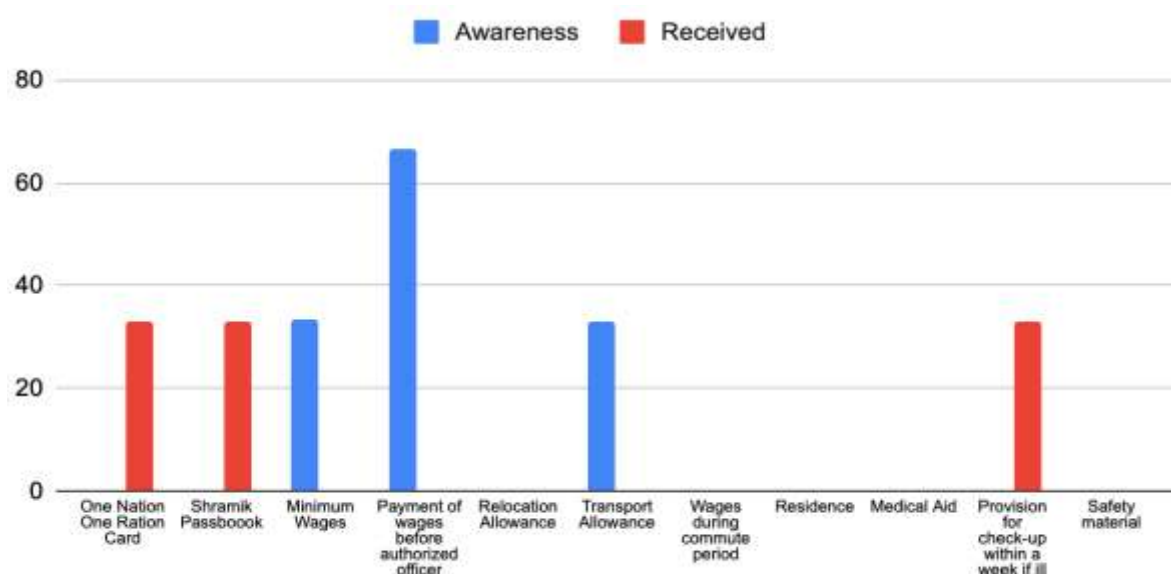
Among the 1195 total respondents working as inter state migrant workers, 6.36% have the Shramik Passbook, of which 4.52% are men and 1.84% are women.

State-wise Distribution of Awareness and Receiving of Entitlement under ISWM Act, 1979:Gujarat

Table 8.8 State-wise Distribution of Awareness and Receiving of Entitlement under ISWM Act, 1979 (N= 3) : Gujarat

Gujarat: Awareness and Receiving of Entitlements under the ISMW Act (N=3)				
	Total	%	Men	%
One Nation One Ration Card	0	0	1	33
Shramik Passbook	0	0	1	33
Minimum Wages	1	33		
Payment of wages before authorised officer	2	67	0	0
Relocation Allowance	0	0	0	0
Transport Allowance	1	33	0	0
Wages during commute period	0	0	0	0
Residence	0	0	0	0
Medical Aid	0	0	0	0
Provision for check-up within a week if ill	0	0	1	33
Safety material	0	0	0	0

Graph 8.6 State-wise Distribution of Awareness and Receiving of Entitlement under ISWM Act, 1979 (N= 3) : Gujarat



Of the 3 inter state migrant workers in Gujarat, 1 has the One Nation One Ration Card and 1 worker has the Shramik Passbook.

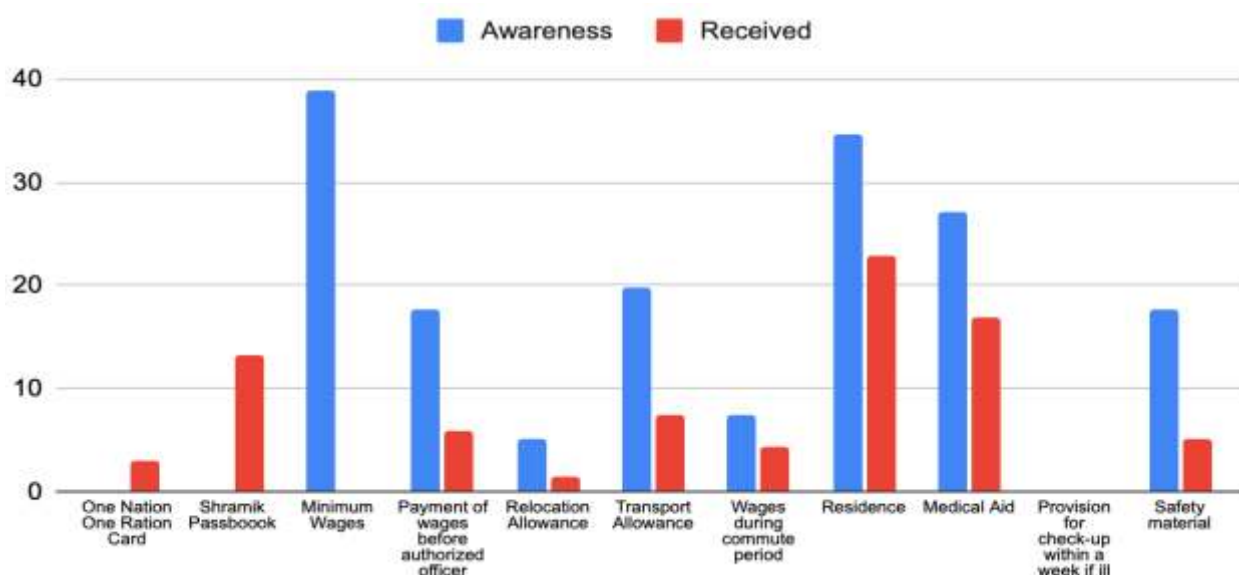
In Gujarat of the 3 workers surveyed, 1/3 (33%) are aware of the eligibility to receive minimum wage from employers. 2 of the workers are aware of receiving payment before an authorized officer, and 1 worker is aware of the transport allowance. No workers has reported awareness of other entitlements such as relocation allowance, payment of wages during the commute period, accommodation, medical aid, provision for check up within a week if ill, and safety material.

State-wise Distribution of Awareness and Receiving of Entitlement under ISWM Act, 1979: Madhya Pradesh

Table 8.9 State-wise Distribution of Awareness and Receiving of Entitlement under ISWM Act, 1979 (N= 136) : Madhya Pradesh

Madhya Pradesh: Awareness and Receiving of Entitlements under the ISMW Act (N=136)				
	Aware		Received	
	Total	%	Total	%
One Nation One Ration Card			4	3
Shramik Passbook			18	13
Minimum Wages	53	39		
Payment of wages before authorised officer	24	18	8	6
Relocation Allowance	7	5	2	1
Transport Allowance	27	20	10	7
Wages during commute period	10	7	6	4
Residence	47	35	31	23
Medical Aid	37	27	23	17
Provision for check-up within a week if ill	0	0	0	0
Safety material	24	18	7	5

Graph 8.7 State-wise Distribution of Awareness and Receiving of Entitlement under ISWM Act, 1979 (N= 136) : Madhya Pradesh



Among the 136 inter state migrant workers in Madhya Pradesh, 4 (3%) have the One Nation One Ration Card and 18 (13%) workers have the Shramik Passbook.

39% are aware of the eligibility to receive minimum wage from employers. 18% are aware of the entitlement to receive wages before a duly authorized officer, and 6% report receiving this. 5% are aware of the relocation allowance and 1% report receiving relocation allowance. 20% are aware of entitlement to transport allowance by employers and 7% report receiving transport allowance. 7% are aware of receiving wages during the commute period, and 4% report receiving wages for the commute period. 35% are aware of the entitlement to receive accommodation facilities by the employer, 23% report receiving accommodation. 27% report awareness of receiving medical aid from the employer, 17% report receiving medical aid. 18% workers are aware of entitlement to safety material and 5% report receiving safety material. No respondent has reported awareness that they are entitled to receive check-up within a week if ill and nobody has reported receiving either.

State-wise Distribution of Awareness and Receiving of Entitlement under ISWM Act, 1979:Rajasthan

Table 8.10 State-wise Distribution of Awareness and Receiving of Entitlement under ISWM Act, 1979 (N= 1056) : Rajasthan

Rajasthan: Awareness and Receiving of Entitlements under the ISMW Act (N=1056)				
	Aware		Received	
	Total	%	Total	%
One Nation One Ration Card			58	5
Shramik Passbook			57	5
Minimum Wages	235	22		
Payment of wages before authorised officer	157	15	96	9
Relocation Allowance	77	7	48	5
Transport Allowance	125	12	78	7
Wages during commute period	69	7	43	4
Residence	155	15	85	8
Medical Aid	119	11	72	7
Provision for check-up within a week if ill	46	4	27	3
Safety material	42	4	26	2

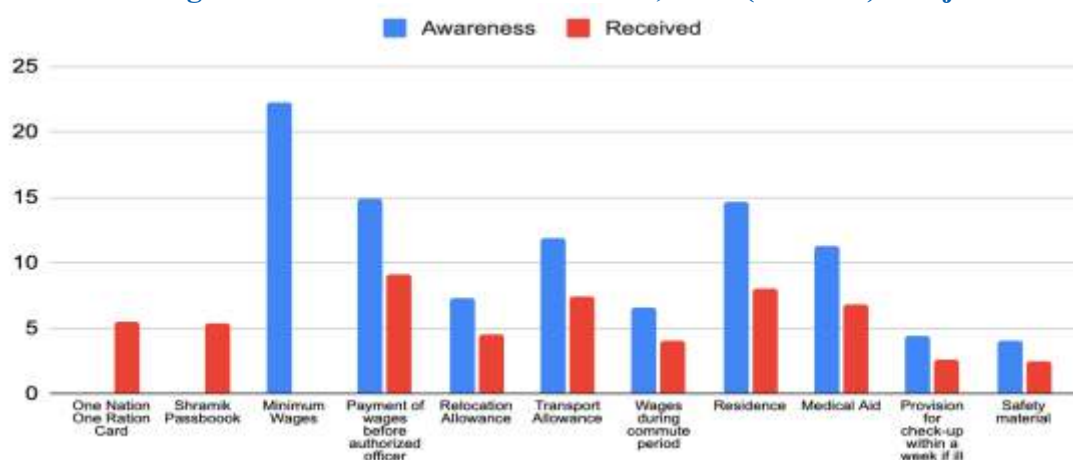
In Rajasthan, of the 1056 inter state migrant workers, 5% possess the One Nation One Ration Card and 5% have the Shramik Passbook.

7% are aware of the relocation allowance and 5% report receiving it. 12% report awareness of transport allowance and 7% report receiving. 7% report awareness of receiving wages during the commute period to place of employment and 4% have confirmed that they have received this. 15% report awareness of entitlement to accommodation facilities at their workplace and 8% report receiving this.

11% report awareness of receiving medical aid at their workplace and 7% report receiving medical aid when required. 4% know they are entitled to receive a medical check within a week if they fall ill and 3% report receiving this.

4% are aware of the safety material they are entitled to at the workplace and 2% report receiving it.

Graph 8.8 State-wise Distribution of Awareness and Receiving of Entitlement under ISWM Act, 1979 (N= 1056) : Rajasthan



Key Findings under Unorganised Workers Social Security Act, 2008

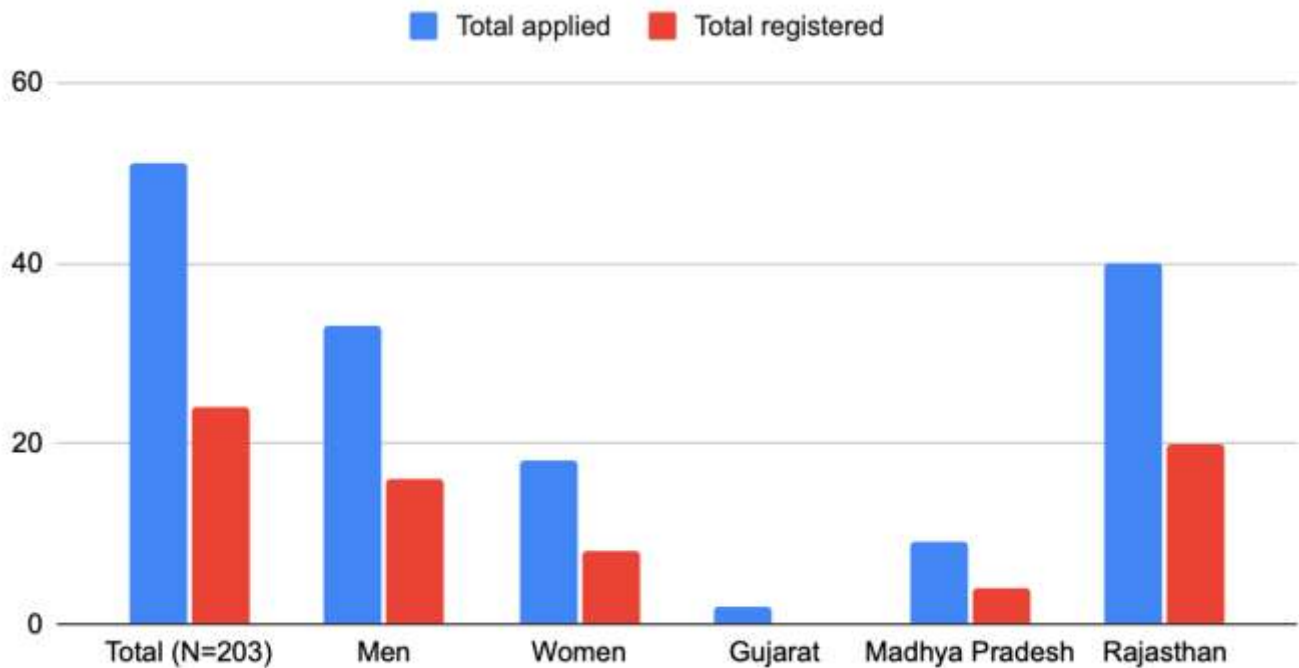
According to the Sec.10 of the Unorganised Workers' Social Security Act, to be eligible for entitlements a worker has to be self-employed and be an enterprise of under 10 persons. According to this, of the 1591 workers 203 (12.67%) are eligible to register as beneficiaries under the UWSS Act. Of these 5 are in Gujarat, 37 in Madhya Pradesh and 161 in Rajasthan.

Among the 203, 25.12% have applied to the district administration for ID cards and 11.82% have received their ID cards. Of these 64.71% men and 35.29% women have applied and of the 24 that have received 66.7% are men and 33.3% are women. In Gujarat, 2 (3.92%) have applied and none have received the ID cards. In Madhya Pradesh, 9 (17.6%) have applied and 4 (16.6%) have received, and in Rajasthan 40 (78.43%) have applied to the district administration and 20 (83

Table 8.11 Application and Availability of Identity Card from District Administration (N=203)

	Applied to district administration		Registered with district administration	
	Total	%	Total	%
Total (N=203)	51	25.12	24	11.82
Men	33	16.25	16	7.88
Women	18	8.86	8	3.94
Gujarat	2	0.98	0	0
Madhya Pradesh	9	4.43	4	1.97
Rajasthan	40	19.7	20	9.85

Graph 8.9 Application and Availability of Identity Card from District Administration (N=203)

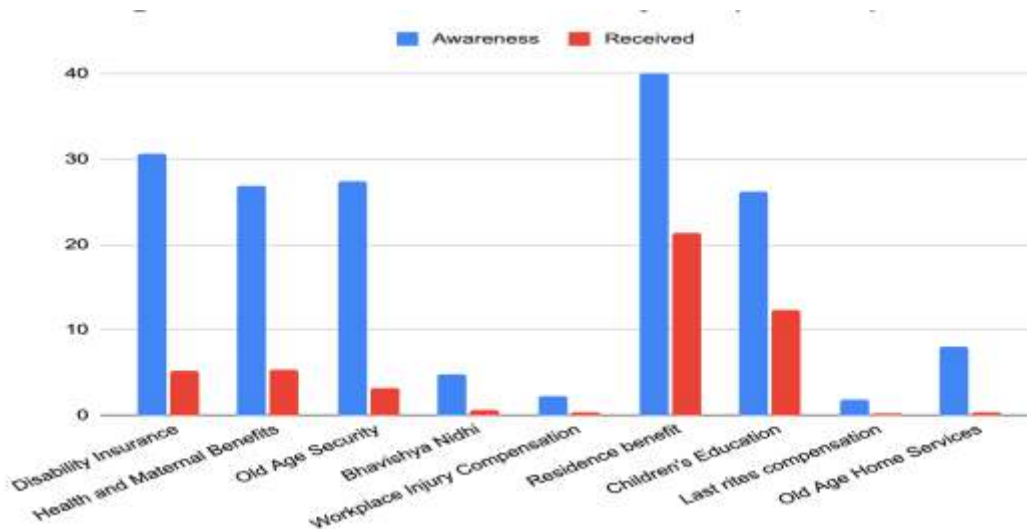


Of the 203 workers eligible to register for UWSS ID cards (25.12%) have applied and 24 (11.82%) have received the ID cards. 33/203 (16.25%) men have applied and 16 (7.88%) have received the card, and 18 (8.86%) women have applied and 8 (3.94%) have received the ID cards.

Table 8.12 Awareness and Receiving of Entitlements under the Unorganised Workers Social Security Act, 2008 (N=1591)

Entitlements		Disability Insurance	Health and Maternal Benefits	Old Age Security	Bhavishya Nidhi	Workplace Injury Compensation	Residence benefit	Children's Education	Last rites compensation	Old Age Home Services
Reported awareness	Total	488	427	437	76	37	638	416	30	128
	%	30.67	26.83	27.46	4.77	2.32	40	26.14	1.88	8.04
Reported Reception	Total	82	86	51	11	5	340	197	3	5
	%	5.15	5.4	3.2	0.69	0.31	21.37	12.38	0.18	0.31

Graph 8.10 Awareness and Receiving of Entitlements under the Unorganised Workers Social Security Act, 2008 (N=1591)



14.10% of 1591 respondents who reported as engaging in Unorganised Worker report awareness of the Disability insurance that is an entitlement under UWSS Act and 8.50% report having accessed.

5.40% have received health and maternal benefits compared to 26.83% that are aware. 3.20% report availing Old Age Security compared to the 27.46% that are aware. 4.77% are aware of the Bhavishya Nidhi benefit and 0.69% report receiving the Bhavishya Nidhi benefit. 2.32% are aware of entitlement to workplace injury compensation and 0.1% report receiving this benefit. 40% are aware of accommodation benefits and 21.37% report receiving any residence benefit 26.14% are aware of entitlement to receive aid for children's education and 12.38% have received this. 1.88% report awareness of the entitlement to receive last rites compensation and 3 respondents 0.18% report receiving last rites compensation. 8.04% report awareness of old age services and 0.31% have reported receiving old age services as unorganized workers.

State-wise Distribution of Awareness and Receiving of Entitlement under UWSS Act, 2008:Gujarat

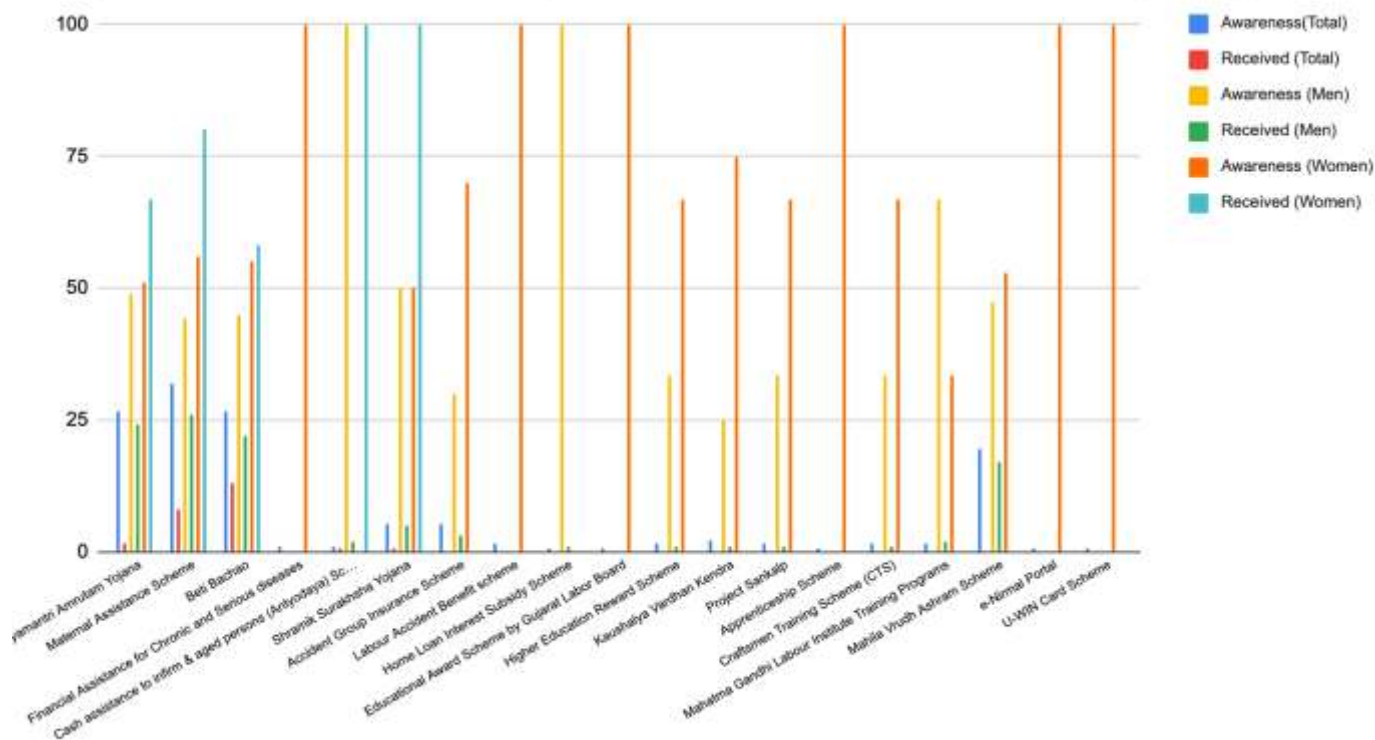
Table 8.13 State-wise Distribution of Awareness and Receiving of Entitlement under UWSS Act, 2008 (N= 187) : Gujarat

Awareness and Reception of State UWSS Schemes: Gujarat (N=187)												
	Aware of Entitlement		Received Entitlement		Aware of Entitlement		Received Entitlement		Aware of Entitlement		Received Entitlement	
	Total				Men				Women			
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Mukhyamantri Amrutam Yojana	49	26.5	3	1.6	24	49	1	33.3	25	51	2	66.7
Maternal Assistance Scheme	59	31.9	15	8.1	26	44.1	3	20	33	55.9	12	80
Beti Bachao	49	26.5	24	13	22	44.9	10	41.7	27	55.1	14	58.3
Financial Assistance for Chronic and Serious diseases	2	1.1	0	0	0	0	0	0	2	100	0	0
Cash assistance to infirm & aged persons (Antyodaya) Scheme	2	1.1	1	0.5	2	100	0	0	0	0	1	100
Shramik Surakhsha Yojana	10	5.4	1	0.5	5	50	0	0	5	50	1	100
Accident Group Insurance Scheme	10	5.4	0	0	3	30	0	0	7	70	0	0
Labour Accident Benefit scheme	3	1.6	0	0	0	0	0	0	3	100	0	0
Home Loan Interest Subsidy Scheme	1	0.5	0	0	1	100	0	0	0	0	0	0
Educational Award Scheme by Gujarat Labor Board	1	0.5	0	0	0	0	0	0	1	100	0	0
Higher Education Reward Scheme	3	1.6	0	0	1	33.3	0	0	2	66.7	0	0
Kaushalya Vardhan Kendra	4	2.2	0	0	1	25	0	0	3	75	0	0

Awareness and Reception of State UWSS Schemes: Gujarat (N=187)

	Aware of Entitlement		Received Entitlement		Aware of Entitlement		Received Entitlement		Aware of Entitlement		Received Entitlement	
	Total				Men				Women			
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Project Sankalp	3	1.6	0	0	1	33.3	0	0	2	66.7	0	0
Apprenticeship Scheme	1	0.5	0	0	0	0	0	0	1	100	0	0
Craftsmen Training Scheme (CTS)	3	1.6	0	0	1	33.3	0	0	2	66.7	0	0
Mahatma Gandhi Labour Institute Training Programs	3	1.6	0	0	2	66.7	0	0	1	33.3	0	0
Mahila Vrudh Ashram Scheme	36	19.5	0	0	17	47.2	0	0	19	52.8	0	0
e-Nirmal Portal	1	0.5	0	0	0	0	0	0	1	100	0	0
U-WIN Card Scheme	1	0.5	0	0	0	0	0	0	1	100	0	0

Graph 8.11 State-wise Distribution of Awareness and Receiving of Entitlement under UWSS Act, 2008 (N= 187) : Gujarat

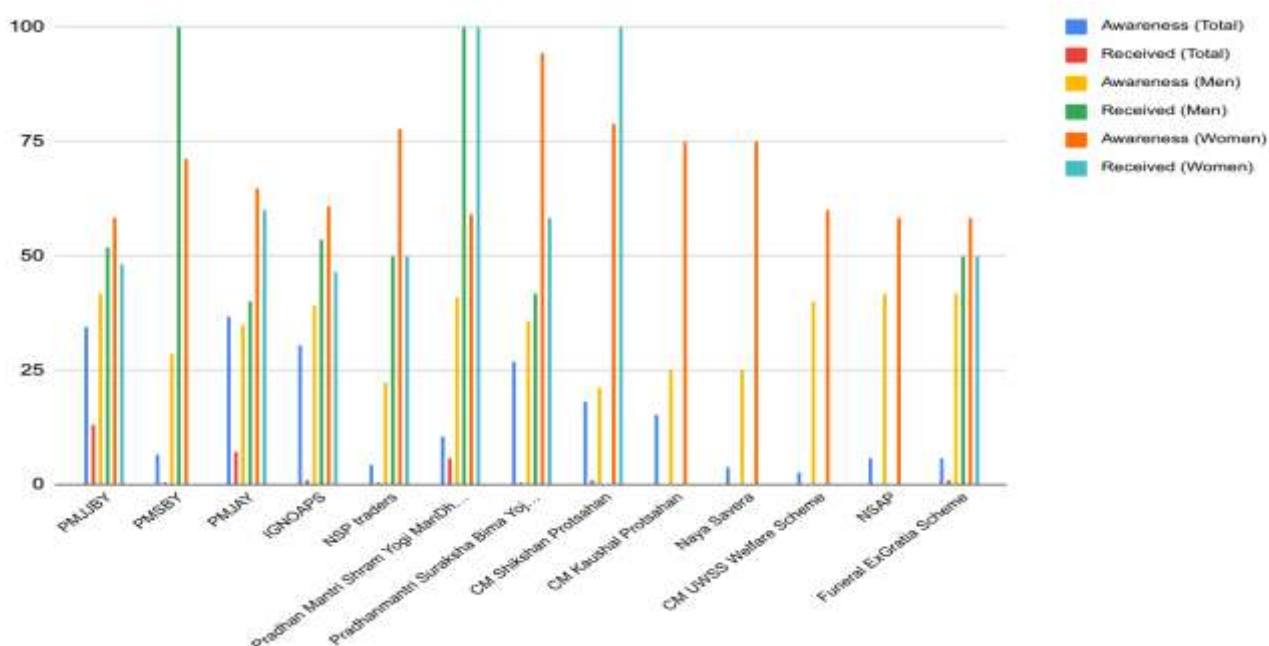


State-wise Distribution of Awareness and Receiving of Entitlement under UWSS Act, 2008: Madhya Pradesh

Table 8.14 State-wise Distribution of Awareness and Receiving of Entitlement under UWSS Act, 2008 (N= 207) : Madhya Pradesh

	Total				Men				Women			
	Aware of Entitlement		Received Entitlement		Aware of Entitlement		Received Entitlement		Aware of Entitlement		Received Entitlement	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
PMJJBY	72	34.3	27	12.9	30	41.7	14	51.9	42	58.3	13	48.1
PMSBY	14	6.7	1	0.5	4	28.6	1	100	10	71.4	0	0
PMJAY	77	36.7	15	7.1	27	35.1	6	40	50	64.9	9	60
IGNOAPS	64	30.5	28	1	25	39.1	15	53.6	39	60.9	13	46.4
NSP traders	9	4.3	2	0.5	2	22.2	1	50	7	77.8	1	50
Pradhan Mantri Shram Yogi ManDhan	22	10.5	1	5.7	9	40.9	0	100	13	59.1	1	100
Pradhanmantri Suraksha Bima Yojana	56	26.7	12	0.5	20	35.7	5	41.7	36	94.3	7	58.3
CM Shikshan Protsahan	38	18.1	1	1	8	21.1	0	0	30	78.9	1	100
CM Kaushal Protsahan	32	15.2	0	0	8	25	0	0	24	75	0	0
Naya Savera	8	3.8	0	0	2	25	0	0	6	75	0	0
CM UWSS Welfare Scheme	5	2.5	0	0	2	40	0	0	3	60	0	0
NSAP	12	5.7	0	0	5	41.7	0	0	7	58.3	0	0
Funeral ExGratia Scheme	12	5.7	2	1	5	41.7	1	50	7	58.3	1	50

Graph 8.12 State-wise Distribution of Awareness and Receiving of Entitlement under UWSS Act, 2008 (N= 207) : Madhya Pradesh

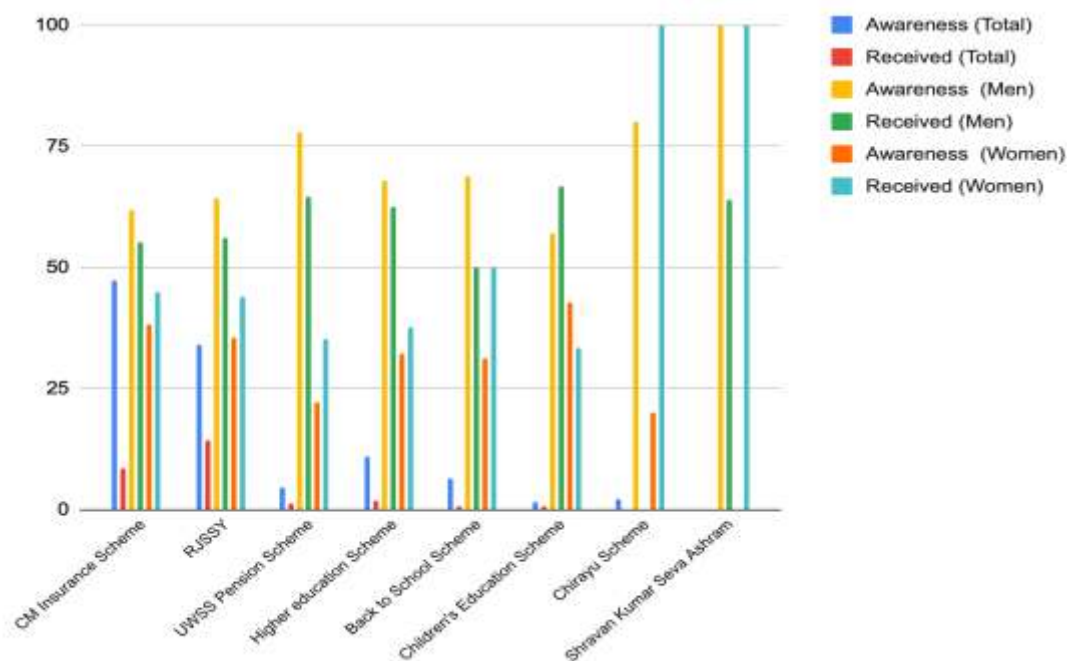


State-wise Distribution of Awareness and Receiving of Entitlement under UWSS Act, 2008:Rajasthan

Table 8.15 State-wise Distribution of Awareness and Receiving of Entitlement under UWSS Act, 2008 (N= 1197) : Rajasthan

	Awareness		Received		Aware		Receive		Aware		Received Entitlement	
	Total	%	Total	%	Men	%	Men	%	Women	%	Women	%
CM Insurance Scheme	571	47.30	105	8.7	353	61.8	58	55.2	218	38.2	47	44.8
RJSSY	410	34.00	171	14.2	264	64.4	96	56.1	146	35.6	75	43.9
UWSS Pension Scheme	54	4.50	17	1.4	42	77.8	11	64.7	12	22.2	6	35.3
Higher education Scheme	134	11.10	24	2	91	67.9	15	62.5	43	32.1	9	37.5
Back to School Scheme	77	6.40	8	0.7	53	68.8	4	50	24	31.2	4	50
Children's Education Scheme	21	1.70	9	0.7	12	57.1	6	66.7	9	42.9	3	33.3
Chirayu Scheme	25	2.10	1	0.1	20	80	0	0	5	20	1	100
Shravan Kumar Seva Ashram	3	0.20	1	0.1	3	100	0	64	0	0	1	100

Graph 8.13 State-wise Distribution of Awareness and Receiving of Entitlement under UWSS Act, 2008 (N= 1197) : Rajasthan



9. Challenges Encountered by Workers in Accessing Entitlements

Respondents were also surveyed to ascertain different type of challenges encountered by them under all three labour legislations. Majorly, three types of challenges i.e. awareness related, document related and support from implementing department/institution related were looked during the study. Additionally, challenges faced by workers in registration on NDUW (e-Shram) portal were also covered under the study. The challenges faced by workers under respective legislations are as follows:

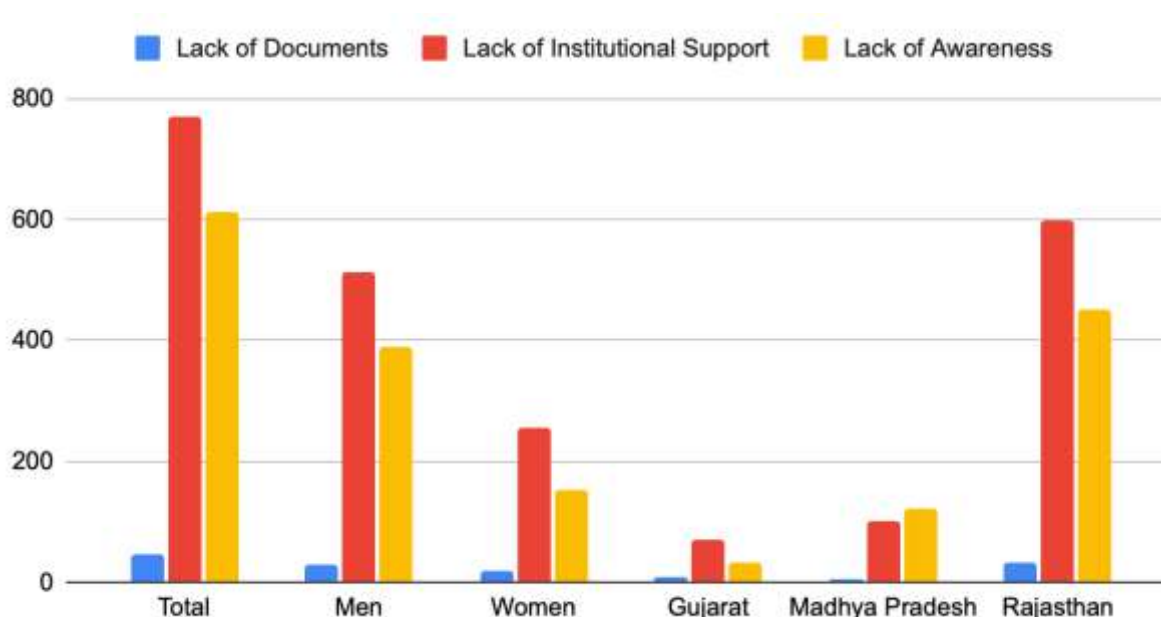
Challenges under Building and Other Construction Workers Act, 1996

1427 respondents were surveyed under the Building and Other Construction Workers Act. Among respondents, 3.22% reported lack of documents in accessing entitlements, 42.88% reported lack of awareness about different available entitlements and 53.88% reported lack of institutional support.

Table 9.1 Challenges Encountered by Workers in Accessing Entitlements under BOCW Act, 1996 (N=1427)

Challenges Encountered by Workers in Accessing Entitlements under BOCW Act, 1996 (N=1427)						
Gender & State	Lack of Documents		Lack of Institutional Support		Lack of Awareness	
	Total	%	Total	%	Total	%
Total	46	3.22	769	53.88	612	42.88
Men	28	1.96	512	35.87	390	27.33
Women	18	1.26	257	18	151	10.58
Gujarat	7	0.49	69	4.83	34	2.38
Madhya Pradesh	5	0.35	100	7	122	8.54
Rajasthan	34	2.38	600	42.04	451	31.60

Graph 9.1 Challenges Encountered by Workers in Accessing Entitlements under BOCW Act, 1996 (N=1427)



If we take a look at separate account challenges encountered by men and women, 1.96% men reported lack of documents, 27.33% reported lack of awareness and 35.87% reported lack of institutional support. In case women, 1.26% reported lack of documents, 18% reported lack of institutional support and 10.58% reported lack of awareness.

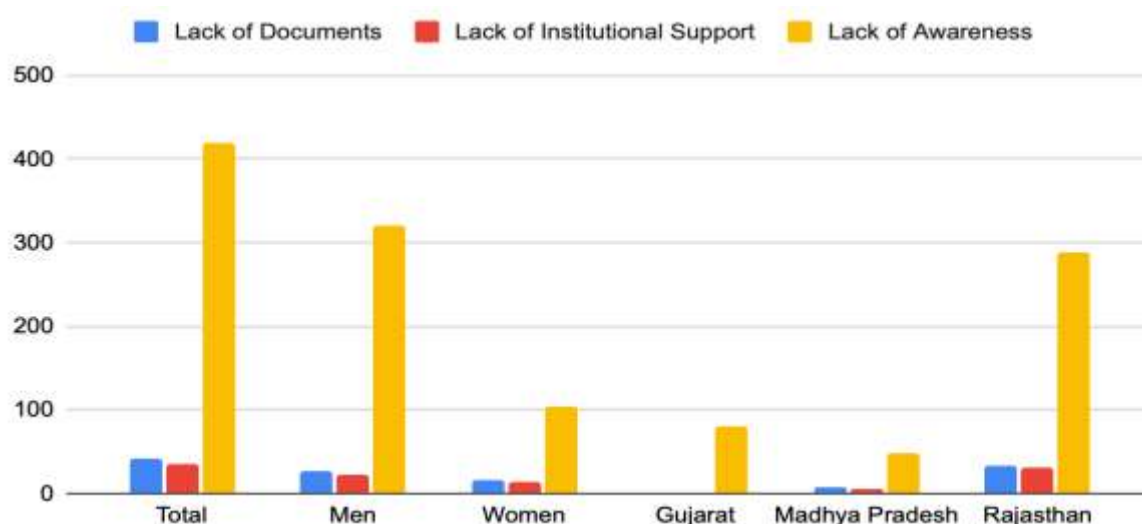
Talking about state-wise information, In Gujarat, of the 110 respondents who are building and other construction workers, 0.49% report lack of documents, 2.38% report lack of awareness and 4.83% report lack of institutional support. In Madhya Pradesh, of 227 Building and other construction workers, 0.35% report lack of documents, 7% report lack of institutional support and 8.54% report lack of awareness. In Rajasthan, of 1085 building and other construction workers, 2.38% report lack of documents, 31.60% report lack of awareness and 42.04% report lack of institutional support.

In Addition to this, 496 respondents among 1427 engaged building and other workers are eligible to register themselves with Building and Other Construction Workers Welfare Board and obtain Photo identity card (Shramik Card/Labour Card). Therefore, 496 eligible building and other construction workers were specifically asked about challenges encountered by them in obtaining a photo identity card from the board.

Table 9.2 Challenges Encountered by Workers in Application of Photo Identity Card under BOCW Act, 1996 : Gender and State Distribution (N=496)

Challenges Encountered by Workers in Application of Photo Identity Card under BOCW Act, 1996 : Gender and State Distribution (N=496)						
Gender & State	Lack of Documents		Lack of Institutional Support		Lack of Awareness	
	Total	%	Total	%	Total	%
Total	42	8.46	35	7.05	419	84.47
Men	26	5.24	22	4.43	320	64.51
Women	16	3.22	13	2.62	103	20.76
Gujarat	0	NA	0	NA	81	16.33
Madhya Pradesh	8	1.61	5	1	49	9.87
Rajasthan	34	9.65	30	6.04	288	58.06

Graph 9.2 Challenges Encountered by Workers in Application of Photo Identity Card under BOCW Act, 1996 : Gender and State Distribution (N=496)



Among the 496 eligible BOCW workers, 84.47% report lack of awareness, 8.46% report lack of documents and 7.05% reported lack of institutional support. In case of men who are eligible to register with BOCW Welfare Board, 64.51% reported lack of awareness, 5.24% reported lack of documents, and 4.43% report lack of institutional support and among women respondents, 20.76% reported lack of awareness, 3.22% reported lack of documents and 13 2.62% reported lack of institutional support.

Talking about state-wise information, among 81 respondents in Gujarat, 16.33% reported lack of awareness as a challenge while others have not indicated any challenge. In Madhya Pradesh, of 63 respondents, 9.87% reported lack of awareness, 1.61% reported lack of documents and 1% report lack of institutional support. In Rajasthan, of 352 respondents, 58.06% reported lack of awareness, 9.65% reported lack of documents and 6.04% reported lack of institutional support.

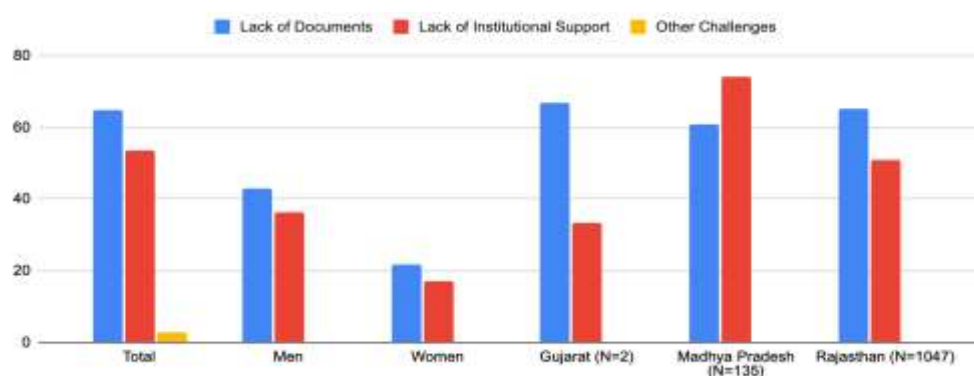
Challenges Encountered by Workers under Inter-State Migrant Workers Act, 1979

Among the 1195 respondents who are engaged in inter-state migration work, 53.49% reported the challenge of lacking requisite documents to register 66.36% men, 33.64% women and an inter-state distribution of 89.05%, 10.69% and 0.26% from Rajasthan, Madhya Pradesh and Gujarat respectively.

Table 9.3 Challenges Encountered by Workers in Accessing Entitlements under ISWM Act, 1979 : Gender and State Distribution (N=1195)

Challenges Encountered by Workers in Accessing Entitlements under ISWM Act, 1979 : Gender and State Distribution (N=1195)						
	Lack of Documents		Lack of Institutional Support		Other	
	Total	%	Total	%	Total	%
Total	767	64.78	635	53.63	32	2.7
Men	509	42.98	431	36.4	22	
Women	258	21.79	204	17.22	10	
Gujarat (N=2)	2	66.66	1	33.33	0	
Madhya Pradesh (N=135)	82	60.74	100	74.07	1	
Rajasthan (N=1047)	683	65.23	534	51	31	
Within Gujarat (N=2)	2	66.66	1	33.33	0	0
Within Madhya Pradesh (N=135)	82	44.8	100	54.64	1	0.54
Within Rajasthan (N=1047)	683	54.72	534	42.78	31	2.48
Among Men (N=962)	509	52.91	431	44.8	22	2.28
Among Women (N=472)	258	54.66	204	43.22	10	2.11

Graph 9.3 Challenges Encountered by Workers in Accessing Entitlements under ISWM Act, 1979 : Gender and State Distribution (N=1195)



44.28% report a lack of institutional support to avail their entitlements. 67.8% men and 32.13% women report this of whom 84.09% are in Rajasthan, 15.75% are from Madhya Pradesh and 0.16% from Gujarat.

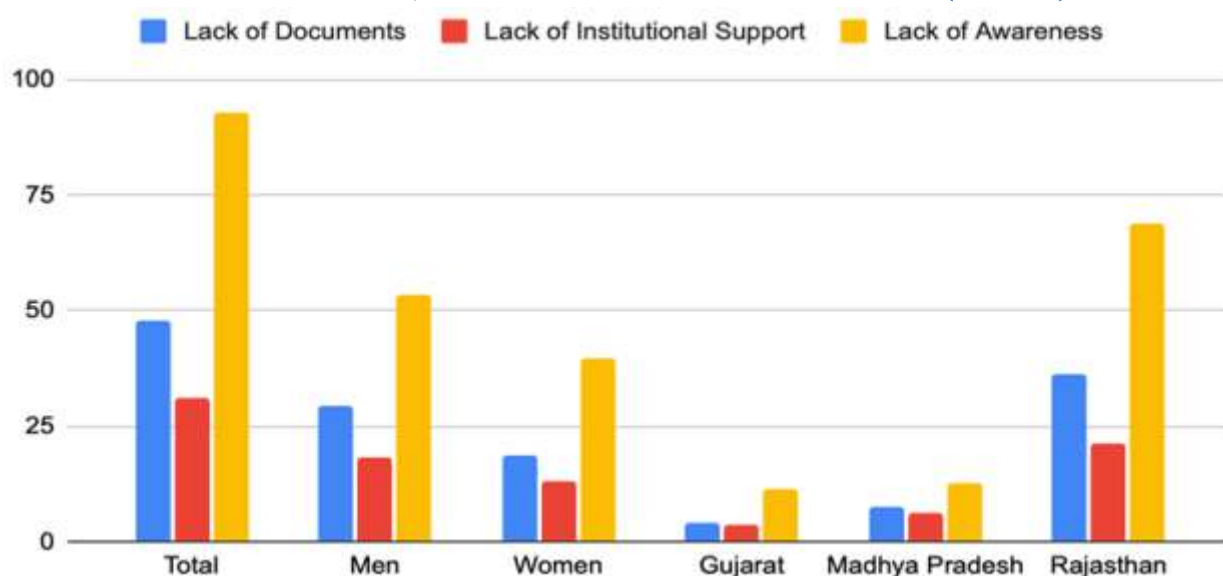
Challenges Encountered by Workers under Unorganised Workers Social Security Act, 2008

While registering under UWSS act, out 1591 respondents surveyed, 92.81% reported a lack of awareness to among which 53.2% are men and 39.6% are women. 47.97% reported lack of documents which include 29.1% men and 18.80% women. Also, lack of institutional support is reported by 30.98% which comprises of 18.05% men and 12.9% women.

Table 9.4 Challenges Encountered by Workers in Registration under UWSS Act, 2008 : Gender and State Distribution (N=1591)

	Lack of Documents		Lack of Institutional Support		Lack Awareness	
	Total	%	Total	%	Total	%
Total	768	47.97	496	30.98	1486	92.81
Men	467	29.16	289	18.05	852	53.21
Women	301	18.8	207	12.92	634	39.6
Gujarat	68	4.24	57	3.56	179	11.18
Madhya Pradesh	121	7.55	97	6.05	204	12.74
Rajasthan	579	36.16	343	21.42	1103	68.89

Graph 9.4 Challenges Encountered by Workers in Registration under UWSS Act, 2008 : Gender and State Distribution (N=1591)



Among the 910 men, 93.62% report lack of awareness, 51.31% report lack of requisite documents and 31.75% report lack of institutional support. Among 681 women, 93.09% report lack of awareness, 44.19% report lack of documents and 30.39% report lack of institutional support.

In Gujarat among the 187 unorganised workers surveyed, 95.72% report a lack of awareness, 36.36% report lack of documents and 30.48% report lack of institutional support in accessing entitlements.

In Madhya Pradesh among the 207 workers, 98.55% report a lack of awareness, 58.45% report lack of documents and 46.85% report lack of institutional support

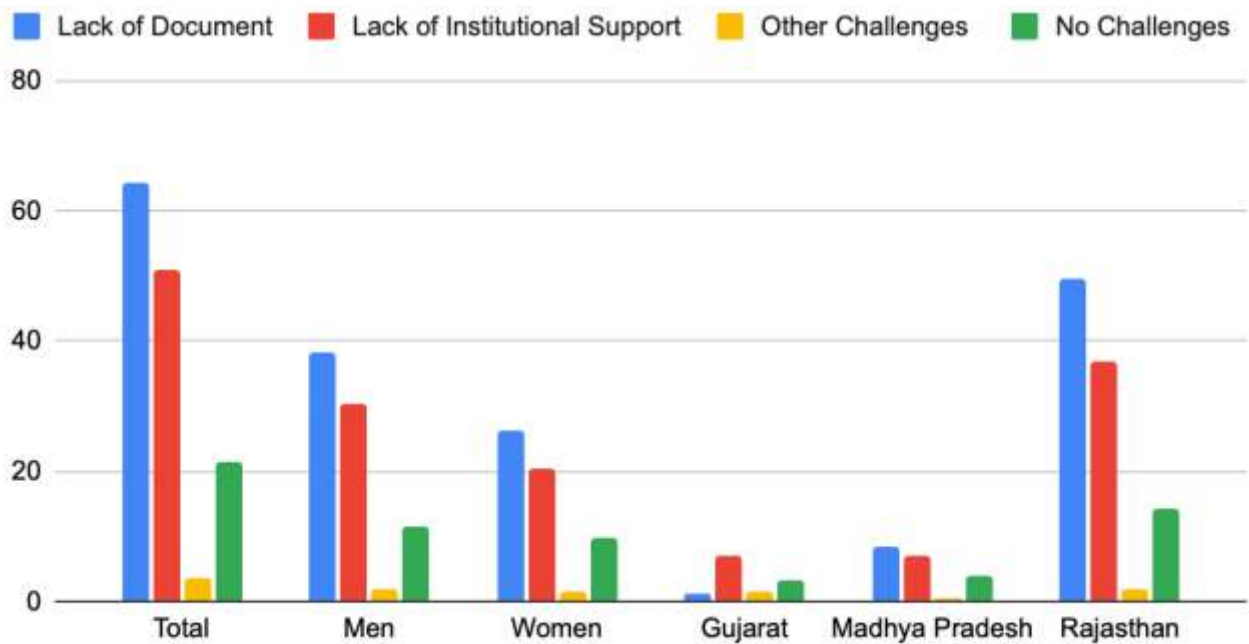
In Rajasthan among the 1197 workers, 92.14% report lack of awareness, 48.37% report lack of documents and 28.65% report lack of institutional support

In case challenges related to accessing entitlements under UWSS Act, among 1591 unorganized workers, 64.3% reported lack of documents, 50.9% reported lack of institutional support, and 3.4% reported miscellaneous reasons as challenges.

Table 9.5 Challenges Encountered by Workers in Accessing Entitlements UWSS Act, 2008 : Gender and State Distribution (N=1591)

	Lack of Documents		Lack of Institutional Support		Other		None	
	Total	%	Total	%	Total	%	Total	%
Total	1024	64.36	810	50.91	55	3.46	340	21.37
Men	609	38.28	485	30.48	30	1.89	184	11.57
Women	415	26.08	325	20.43	25	1.57	156	9.81
Gujarat	19	1.19	109	6.85	22	1.38	53	3.33
Madhya Pradesh	134	8.42	112	7.04	6	0.38	61	3.83
Rajasthan	791	49.72	589	37.02	27	1.7	226	14.2

Graph 9.5 Challenges Encountered by Workers in Accessing Entitlements UWSS Act, 2008 : Gender and State Distribution (N=1591)



Among 910 men, 38.2% report lack of documents, 30.4% reported lack of institutional support, and 1.8% reported miscellaneous.

Among 681 women, 26% reported lack of documents, 20.4% reported lack of institutional support and 1.5% reported miscellaneous challenges.

In Gujarat, out of 187 respondents surveyed, 58.2% report lack of institutional support, 19 10.1% report lack of documents, 11.7% report other reasons and 28.3% report no challenges.

In Madhya Pradesh, out of 207 respondents surveyed, 64.7% report lack of documents, 54.1% report lack of institutional support, 2.9% report other reasons and 29.4% report no challenges.

In Rajasthan, out of 1197 respondents surveyed, 66% report lack of documents, 49.2% report lack of institutional support. 2.2% report other challenges, and 18.8% report no challenges.

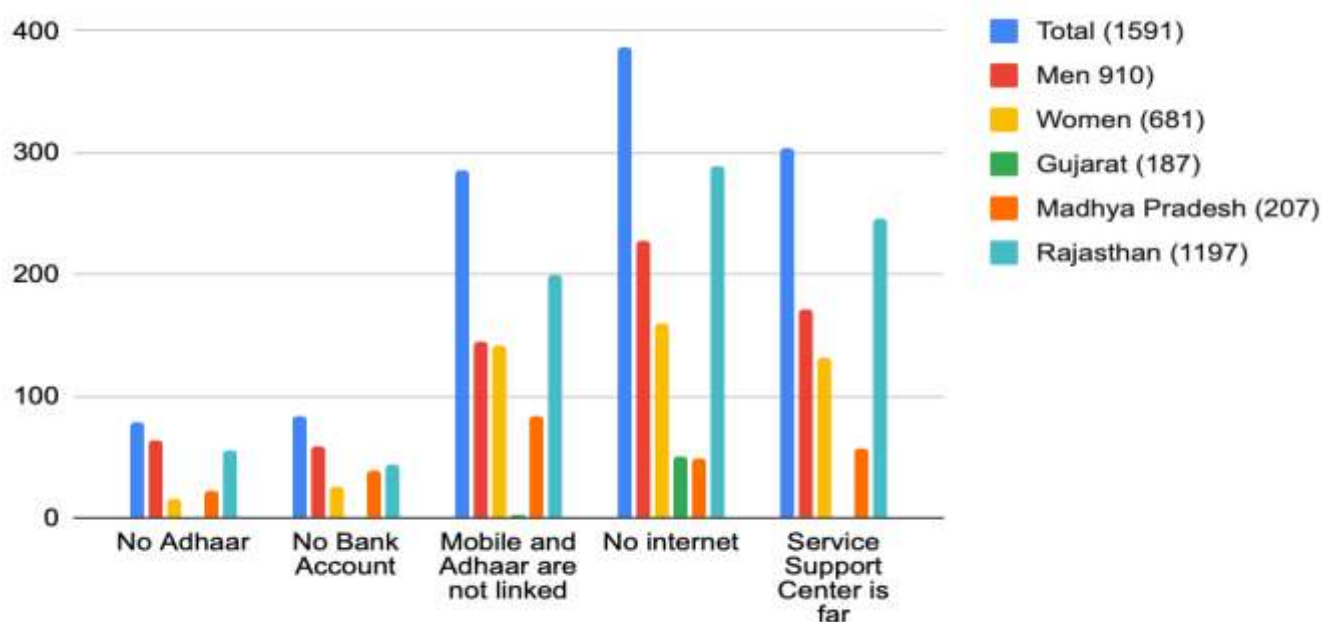
Challenges Encountered by Workers in Registration on NDUW (e-Shram) Portal

Among 1591 respondents who are unorganised workers, 66.55% report lack of awareness, 24.32% report lack of internet facilities, 19% report that the service support centre being far is a challenge, 17.9% report their challenge is mobile and Aadhar card are not linked, 5.2% report having no bank account and 4.9% report not having an Aadhar card.

Table 9.6 Challenges Encountered by Workers in Registration on NDUW (e-Shram) Portal: Gender and State Distribution (N=1591)

	No awareness		No Aadhar		No Bank Account		Mobile and Aadhar are not linked		No internet		Service Support Center is far	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Total	1043	65.55	79	4.96	84	5.27	285	17.91	387	24.32	303	19.04
Men	593	64.59	64	6.97	58	6.31	144	15.68	227	14.26	172	10.81
Women	450	66.86	15	2.22	26	3.86	141	20.95	160	23.77	131	19.46
Gujarat	78	41.71	1	0.53	1	0.53	2	1.06	50	26.73	0	0
Madhya Pradesh	106	51.2	23	11.11	39	18.8	83	40.09	48	23.18	57	27.53
Rajasthan	859	71.76	55	4.59	44	3.67	200	16.7	289	24.14	246	20.55

Graph 9.6 Challenges Encountered by Workers in Registration on NDUW (e-Shram) Portal: Gender and State Distribution (N=1591)



Among the 910 men, 65.1% report lack of awareness, 24.9% report lack of internet, 18.9% report that the service support center being far is a challenge, 15.8% report their challenge is mobile and Aadhar card are not linked, 7% report not having an Aadhar card and 6.3% report not having a bank account.

43% report a lack of awareness of the E-Shram portal, 56.9% being men, 43.1% women, 82.4% from Rajasthan, 7.5% respondents from Gujarat and 10.2% from Madhya Pradesh.

27.1% report the challenge of accessing internet services to access the portal comprising 58.7% men, 41.3%

women and an inter-state distribution of 74.7%, 12.9% and 12.4% from Rajasthan, Gujarat and Madhya Pradesh respectively.

12.5% report that a service support centre is too far from their home. 56.8% men and 43.2% women report this of whom 81.2% are in Rajasthan and 18.8% are from Madhya Pradesh.

11.8% report that their mobile number and Adhaar not linked are causing challenges in registering on the E-Shram portal. 50.5% men and 49.5% women report this of whom 70.2% are in Rajasthan, 29.1% are from Madhya Pradesh and 0.7% are from Gujarat.

3.5% report the challenge of not having a bank account comprising 61% men, 31% women and an inter-state distribution of 52.4%, 46.4% and 1.2% from Rajasthan, Gujarat and Madhya Pradesh respectively.

3.3% report the challenge of not having an Adhaar card comprising 81% men, 19% women and an inter-state distribution of 69.6%, 1.3% and 29.1% from Rajasthan, Gujarat and Madhya Pradesh respectively.

10. Important findings upon interaction with government duty bearers

At the District level, only the District level Labour Commissioner and the Assistant Labour Commissioners are relevant to the study. Apart from this, Gram Panchayats also play an important role in registration of migrant workers. Therefore, our field facilitators carried out interviews with them to understand the implementation of these social security legislations at the District level - which is the most crucial first step.

Other important implementing authorities under the three Acts like BOCW Welfare Board, Unorganised Workers Social Security Board- also with whom interviews were conducted in the three states. A detailed list of questions to be asked with different government authorities can be found in the Annexure- A.

The following points of clarity and challenges were identified:-

- i) For becoming a beneficiary under the BOCW Welfare Board of Rajasthan, the worker has to pay a monthly contribution of Rs.12 per month and this registration is valid for 5 years. Whereas in Gujarat, as of 2014, the monthly contribution to be paid by the BOCW worker was completely abolished. Despite these labour friendly measures, many workers do not register under BOCW due to lack of awareness.
- ii) It is an institutional practice to appoint the District Assistant Labor Commissioner in the capacity of a Registering officer, Licensing Officer as well as an Inspector under the Inter-State Migrant Workmen Act. Now, these three responsibilities require additional time and human resources which are not available with the District Assistant Labor Commissioner's office. This is a systemic issue in implementation that has to be rectified by allocating more human resources to monitoring mechanisms.
- iii) The Gram Panchayats are not carrying out any functions in terms of registering unorganized workers and issuing identity cards as provisioned under Section 10 of the UWSS Act. This function has now become the umbrella e-Shram registration and the District Assistant Labour Commissioner office is the body responsible for its implementation. It is an important finding for designing our intervention because the digital divide is very high and workers find it challenging to access services that aid their entitlement facilitation process. Hence, the responsibility of registering workers has to be taken up by the Gram Panchayat which has visibility in the Block and Taluka level, so that the migration patterns can be mapped in a robust manner.
- iv) Again, when it comes to registering officers for registering establishments that do building and other construction work, granting of licence for contractors, conducting inspection for safety and other compliances, these responsibilities under the BOCW Act have been assigned to The District Assistant Labor Commissioner. As discussed above, these three responsibilities require additional time and human resources which are not available with the District Assistant Labor Commissioner's office. This is a systemic issue in implementation that has to be rectified by allocating more human resources to monitoring mechanisms.
- v) The District Labor Commissioner's office has lacks visibility/staff in the Block/Panchayat and village level and this is causing many challenges in terms of verifying credibility of claims/physical verification of required documents, pressure from local politicians, labor unions, e-mitra/CSC and other intermediaries who try to take advantage of the workers and take away the beneficiary money that is intended for the workers. Overall, in the three legislations, the incentive to comply with the provisions are far less than the

practical barriers that come in the way of effective implementation. Therefore, field based realities should be accounted for and corresponding changes made.

vi) Entitlement specific challenges experienced by the labor department so far:-

- Aadhar card and mobile number is not linked and facility to do this is not easily available at the village level. - 90 days work certificate for MGNREGA is easily accepted. It is found to be credible because government maintains accounts, but when contractor submits this, labor department has trust issues and take time to pass it (high prevalence of fraudulent forms)
- BOCW Welfare Board only has money but the category of workers who are within its registration ambit is less- it should include unorganized workers as well because if a worker is registered under UWSS Board, there are NO tangible schemes/benefits available
- Digital divide & lack of awareness
- - Eshram registration asks for father's name as a compulsory field of information, making it non-inclusive for people raised by single mothers.

11. Recommendations for the Government

The event of the magnitude of the coronavirus outbreak and its magnitude holds and its magnitude holds lessons for policymakers and practitioners to ensure that the most vulnerable have a reliable net for the most vulnerable. The following set of recommendations have been given on the basis of our experience in facilitating the entitlements of informal workers, engagement with duty bearers and other relevant stakeholder involved in the process.

1. The Central Government must clarify the legislative backing on E-Shram portal because at present it is functioning as merely a database collecting sensitive personal information of informal workers. There is lack of clarity regarding the benefits and processes for availing benefits. Further, with India's poor data protection laws, such a huge online database existing without procedural safeguards (for eg. sunset clause) is a serious privacy concern
2. The respective State Labour Departments must transfer all old informal workers (unorganised/migrant/building workers) registrations to E-Shram so as to ensure there is data convergence. The State Labour Departments must proactively merge the multiple registration systems currently in force, including those under State Acts that the new Code does not repeal and replace, so as to ensure that a single registration entitles labourers to benefits that they are entitled to under all existing systems. While such a mechanism for merging is being developed, Common Service Centres (CSCs) and other registration personnel should be instructed to register workers as per all systems/legislations that they are entitled to. Once the merging mechanism is in place, previously conducted registrations should be transferred to this singular system. This is a crucial step for data convergence and subsequent policy making considerations.
3. The Legal Services Authorities (LSA) at the District level should explore opportunities to conduct awareness campaigns for registrations under BOCW Welfare Board because findings of the study suggest that across the three States, a significant percentage of workers are not aware about the entitlements available to them. Following this, there has to be effective collaboration as mandated under the NALSA Scheme (Section 5(4) of the LSA to the Workers in the Unorganised Sector Scheme, 2015) to support unorganised workers in claiming their entitlements under government schemes and legislations. Another

mandate of the LSA is to identify and register unorganised workers under Section 4(3) of the 2015 NALSA Scheme - which ought to be implemented more strictly by putting monetary mechanisms in place.

4. Upon interaction, we came to know that workers were sometimes registered under different schemes but did not know the source legislation, benefits, process for renewal and other related details.
5. The Central Government and State Government must clarify how the following transitions will take place:
 - Transfer of registrations conducted under previous systems
 - Transition of authorities responsible for administering labour registration systems from the old to the new systems
 - Transition of the various boards set up under the old laws
 - Transfer of budgetary allocations, and specifically of cess money under the Building and Other Construction Workers' System
 - Transfer of existing state and central schemes under the old laws as the new laws come into force
6. The District Administration should effectively collaborate with ASHA Workers, MGNREGA and other inter-linked employment/livelihood institutions at the District level to identify migrant workers and register them under social security schemes.
7. The District Administration should encourage and create Organised Local Monitoring Bodies- where PRIs organised community-based surveillance systems helps to keep track of migrant workers and their social security needs. This body can involve village elders, the youth, women run self-help groups (SHGs) to assist the record keeping process.
8. Adhere to the responsibility conferred to the District Administration under Sec. 8 (a) of the Unorganised Workers Social Security Act, 2008 to maintain records of unorganised workers at the District level.
10. The State governments of source and recipient States where there is greater flow of informal migrant workers - should proactively enter into Memorandum of Understanding (MoU) for carrying out various responsibilities. A good example to follow would be like the [MoU](#) signed between Odisha and Andhra Pradesh.

Annexure A Questionnaire with Government Duty Bearers

What is our objective behind asking questions to the duty bearers?

- i) Identify a few significant aspects which they must know, inter-connected duties for robust delivery and checking their level of awareness
- ii) Any latest information they may have regarding official instructions by way of GR, advisory letter etc
- iii) Challenges they face
- iv) Possible collaboration
- v) In the physical interview- split it as document questions (GR/notifications) and hook questions in the conversation like best practices to ask more critical questions. Document questions can be asked separately.
- vi) What are the awareness levels regarding transition to the Labour Codes? What is the implication of the Labour Codes to this particular authority?

Inter-State Migrant Workmen Act, 1979

1. Registering officer (Sec.3 of ISMW) - ask District level Asst. Labour Commissioner as to who is the State appointed registering officer for registering establishments that employ migrant workers? Based on our experience so far, it will most probably be the same commissioner.

- 1.1 Ask for the list of establishments that have been registered by the registered officer
- 1.2 What is the procedure for registration of establishments? What are the institutional challenges faced by you? What are the common challenges faced by establishments in this registration process?
- 1.3 What is the action taken/ has any action been taken for non-registration (Sec.25) ?
- 1.4 Contact details of the registering officer
- 1.5 Please provide a copy of the official gazette notification through which this was done.
2. Licensing officer (Sec.7) - ask District level Asst. labor commissioner as to who is the State appointed licensing officer granting license to contractors who employ migrant workers. Again, it could be the same commissioner who is assigned with this responsibility.
- 2.1 Ask for the list of contractors who have been granted license by this licensing officer
- 2.2 What is the action taken/ has any action been taken for non-registration (Sec.25)?
- 2.3 Contact details of the licensing officer
- 2.4 Please provide a copy of the official gazette notification through which this was done.
- 2.5 Is there any responsibility for the Gram Panchayat in identification of these establishments?

3. Inspectors (Sec.20)

- 3.1 Who is the State appointed Inspector under ISMW?
- 3.2 Contact details of the inspector under ISMW
- 3.3 Please provide a copy of the official gazette notification of the State government through which this was done.
- 3.4 How many inspections of establishments have been carried out in the past one year?
- 3.5 Were any search & seizure done in any of these establishments where inspection was carried out? (Sec.20(5))

Unorganised Workers Social Security Act, 2008

1. District Administration (Gram Panchayat/ Gram Sabha)

- 1.1 How many unorganized workers have been registered and issued unique ID cards in your district?
- 1.2 How many unorganized workers have been registered by your office in this district?
- 1.3 How many unorganized workers have been assisted by your office in enrollment for different social security schemes?

2. State level Unorganised Workers' Welfare Board (or) Unorganized workers Social Security Board

- 2.1 Has such a board been constituted?
 - 2.2 Who are the members of this board?
 - 2.3 In the board members list, is there representation from i) unorganized workers ii) employers of unorganized workers iii) members of respective State Legislative Assembly iv) concerned State Government department v) minorities vi) ST vii) SC viii) women ix) civil society
 - 2.4 What are the recommendations sent by this board to the State government for framing suitable schemes for different sections of the unorganized workers?
 - 2.5 Has this board monitored social welfare schemes for unorganized workers administered by the State government? If yes, please provide documents/ details
 - 2.6 Has this board reviewed the record keeping functions performed at the District level? If yes, please provide documents/ details
 - 2.7 Has this board reviewed the registration and issue of ID cards to unorganized workers? If yes, please provide documents/ details
 - 2.8 Has this board reviewed the expenditure from the funds under various schemes? If yes, please provide documents/details
 - 2.9 Has this board monitored social welfare schemes administered by the State government? If yes, please provide documents/details
- 3. State level Workers Facilitation Centre (WFC)**
- 3.1 Has a workers' Facilitation center been formed by the State government?
 - 3.2 How many District Administrations has this WFC assisted in the registration of unorganized workers?
 - 3.3 How many unorganized workers have been facilitated by this WFC in enrollment for different social security schemes?

4. National Social Security Board

- 4.1 Has this board done any review of the progress of registration and issue of ID Cards at the District level? If yes, please provide documents/details
- 4.2 Has this board checked the record keeping at the State level? If yes, please provide documents/ details
- 4.2 What are the recommendations sent by this board to the Central government for framing suitable schemes for different sections of the unorganized workers?
- 4.3 Has this board reviewed the expenditure from the funds under various schemes? If yes, please provide documents/details
- 4.4 Has this board been assigned with any other functions by the Central Government under this Act?
- 4.5 Who are the members of this board?
- 4.6 Is the members list representative of i) unorganized workers ii) employers of unorganized workers iii) members of respective State Legislative Assembly iv) Lok Sabha & Rajya Sabha v) minorities vi) ST vii) SC viii) women ix) civil society

Building & Other Construction Workers Act, 1996

1. Registering Officer
 - 1.1 Who is the Central level registering officer appointed for registering PSUs for registering establishments that do building and other construction work? Provide corresponding gazette notification for appointment of this officer
 - 1.2 Who is the State level registering officer appointed for registering establishments that do building and other construction work? Provide corresponding gazette notification for appointment of this officer
2. Central Building and Other Construction Workers' Advisory Committee (CAC)
 - 2.1 Whether a CAC has been constituted?
 - 2.2 Who are the members of the CAC?
 - 2.3 Provide copy of the gazette notification for constitution of CAC
3. State Building and Other Construction Workers' Advisory Committee (SAC) no
 - 2.1 Whether a SAC has been constituted?
 - 2.2 Who are the members of the SAC?
 - 2.3 Provide copy of the gazette notification for constitution of SAC
4. Authorized Officer
5. State level Building & Other Construction Workers' Welfare Board
 - 5.1 Whether such a board has been constituted? Who are members? Who is the Secretary? Provide copy of the gazette notification for the same
 - 5.2 List of beneficiaries registered under this Board - District wise data for our field areas alone
 - 5.3 What is the procedure for registration as beneficiary under this Board?
 - 5.4 What is the role of the District Administration in registering beneficiaries under this Board?
 - 5.5 What are the State specific schemes or benefits given by this Board to its beneficiaries
 - 5.6 What is the exact amount of monthly contribution that is to be paid by a registered beneficiary? And, what is the procedure for payment of this monthly contribution?
 - 5.7 What is the validity period of this registration? What is the procedure and fees for renewal of this registration?
 - 5.8 How many meetings have been held by this board in the past one year? Please share the minutes of the meeting
 - 5.9 How many beneficiaries have received immediate assistance for accidents by this Board in the past one year, please provide the list and details of such beneficiaries
 - 5.10 How many old age pension beneficiaries are there? please provide the list and details of such beneficiaries
 - 5.11 How many beneficiaries have been sanctioned loans and advances for construction of houses? please provide the list and details of such beneficiaries
 - 5.12 How many beneficiaries have been given financial assistance for treatment of major ailments of themselves or their dependents? please provide the list and details of such beneficiaries
 - 5.12 How many beneficiaries have been given financial assistance for the education of children? please provide the list and details of such beneficiaries
 - 5.13 How many beneficiaries have been assisted with maternity benefits? please provide the list and details of such beneficiaries

-
- 5.14 What is the amount spent in providing welfare measures and facilities as determined by the State Government?
 - 5.15 Please provide details of grants/loans or subsidies given by this board to any local authority or an employer in aid of any State schemes for the welfare of BOCW in any establishment.
 - 5.16 Please provide a copy of the budget (Sec.25) prepared by this Board for the latest financial year and submitted to the State & Central government
 - 5.17 Please provide copy of the annual report prepared by this Board and submitted to the State & Central government

Note: In case of PSUs- it will be Central level BOCW Welfare Board but functions remain the same

6. DG/CI & Inspector

- 6.1 Ask for the Notification of the Central Government through which it has appointed a Gazetted officer as the Director General of Inspection under Sec.42 ?

Annexure B Questionnaire with Survey Respondents

Primary Information

1. Name
2. Gender
3. Age
4. Name of village/Panchayat/ Hamlet/Puthapatha
5. Do you have the following documents? - i) Ration card- APL/BPL/ Antyodaya ii) Voter ID iii) Aadhar Card iv) Jan Aadhar v) Any document related to labour identity (like job card, ID Card/BOCW beneficiary card, pass book etc, jan aadhar, shramik card-
6. Which of the following employment categories were you employed in the last two years?
 - i) Building and Other Construction Work
 - ii) Inter-state migrant work
 - iii) Unorganized Sector
 - iv) Both i) and ii)
7. On the basis of the information collected so far, which of the following laws will be applicable to this category of worker? -Building and Other Construction Workers' Act
-Inter State Migrant Workers' Act
-Unorganized Workers' Social Security Act
Part A - Building and Other Construction Workers (BOCW)
The following two questions are to determine eligibility of worker under the BOCW Act
 1. Days spent in construction work in the last 12 months
 2. Age Select one of the following categories
 - a. Engaged in construction work for more than 90 days in the last 12 months and above 18 years but below 60 years of age (building and building Construction Workers (Eligible for Registration under the B.O.C.W Act)
 - b. Worked in construction for less than 90 days in the last 12 months, and is less than 18 years or more than 60 years of age (Not Eligible for

registration under Building & Construction Workers (B.O.C.W) Act

The following set of questions are to be administered to the respondents who meet requirements of the above category a. i.e.

1. Are you aware whether you are eligible to register under Rajasthan Bhawan and Other Construction Workers Welfare Board as a beneficiary?

Yes	No	Don't know
-----	----	------------
2. If Aware, have you attempted to register as beneficiary under the Building and Other Construction Workers' Welfare Board as beneficiary?

Yes	No	Don't know
-----	----	------------
3. If yes, then do you have the beneficiary card/registration proof as a beneficiary under the Building and Other Construction Workers' Welfare Board?

Yes	No	Don't know
-----	----	------------
4. Challenges faced in the process (Tick as many as applicable)
 - Lack of Required Documents
 - Lack of Institutional Support
 - Lack of Awareness
5. List places you have worked as in the last two years as Building and Other Construction Workers
6. Elaborate the nature of building and construction work you are engaged in

Skilled	Un-skilled
emi-skilled	Manual Supervisory
Other	
7. Which of the following is responsible for construction/project?

Government	Contractor
Company	Private

8. Do you know that you have to contribute to the Building and Other Construction Workers (BOCW) after which you can take Avail the schemes?

Yes No Don't Know

9. If Yes, Do you pay a contribution to the BOCW Welfare fund?

Yes No Don't Know

10. If Yes, Do you regularly pay a contribution to the BOCW Welfare fund?

Yes No Don't Know

11. If not, have you ever been in a situation where you faced financial hardships and couldn't pay a contribution?

Yes No

12. If yes, did you know that you know that you are entitled to getting a waiver for payment of contribution to the BOCW Welfare Fund upto 3 months if the worker has financial hardships?

Yes No

13. If yes, have you applied to avail this provision?

Yes No

14. If yes, have you received support from the BOCW Board?

Yes No

15. Are you aware that you are entitled to get an identity card with a photo for proof of employment?

Yes No

16. If yes, have you applied for it with the State BOCW welfare board

Yes No

17. Challenges faced in the process (Tick as many as applicable)

Lack of Required Documents

Lack of Institutional Support

Lack of Awareness

Other Challenges

1. Entitlements

Entitlement	Awareness Yes/No	Application Yes/No
Old Age Pension		
Loans and Advances for House Construction		
Help with Premium Payment		
Financial Assistance for Child Education		
Medical assistance for the treatment of major diseases		

2. Challenges in availing entitlements (Tick as applicable)

Entitlement	Lack of Required Documents	Lack of Institutional Support	Lack of Awareness	Other Challenges
Old Age Pension				
Loans and Advances for House Construction				
Help with Premium Payment				
Financial Assistance for Child Education				
Medical assistance for the treatment of major diseases				

BOCW Part 2

Note- that the following set of questions are applicable to all workers who are engaged in building and other construction work, even if they are not registered as a beneficiary with the BOCW Welfare Board

- How many hours do you work at your workplace? Are you aware that you are entitled to work a determined number of hours of work? (Not more than nine hours in a day, and 43 hours in a week)
Less than 9 hours
More than 9 hours (Specify the number of hours worked....)
- Are you aware that you are entitled to one paid rest day every seven days?

- Yes No
- Have you ever been asked to work more than ten days in a row without taking rest for the whole day?
Yes No
 - Are you aware that you are entitled to wages for overtime work (twice the ordinary rate)
Yes No
 - If yes, has this right ever been violated for you?
Yes No
 - Are you aware that you are entitled to receive wage book/wage slips?
Yes No
 - If yes, do you receive wage book/wage slips?
Yes No

8. Entitlements

Entitlement	Awareness Yes/No	Application Yes/No
Drinking Water		
Accommodation		
Cooking Space		
Bathing		
Toilets		
Child Care		
Primary Health Care		
Canteen facilities		

- Are you aware, you are eligible to be a part of the Safety Committee at the work site?
Yes No
- Are you a part of the Safety Committee at your workplace?
Yes No

Part B - Inter-State Migrant Workers (I.S.M.W)

- Did you travel to another State in the past two years for employment?
Yes No

- If yes, the name of the state
- Have there been more than five inter-state workers employed at your workplace in the last one year
Yes No
- What are the reason for your migration
For employment
Because of lack of water (for agriculture)
Due to weak economic position
Other

5. What work are you engaged in when you are not migrating

MGNREGA

Cultivation (on own field)

Agricultural labour in other's field

Other

6. Which are the months you usually migrate out in?

7. Which are the months you usually reside in your home village?

8. Do you take your family along when you migrate?

Spouse Spouse and Children Alone

9. Do you have the One Nation One Ration card

Yes No

10. Are you aware that you are entitled to receive passbook affixed with photo and languages

15. Entitlements

Entitlement	Awareness Yes/No	Application Made Yes/No
Relocation Allowance		
Transport Allowance		
Wages during commute period		
Residence		
Medical Aid		
Provision for check-up within a week if ill		
Safety Kits		

16. Challenges

Entitlement	Lack of Required Documents	Lack of Institutional Support	Lack of Awareness	Other Challenges
Relocation Allowance				
Transport Allowance				
Wages during commute period				
Residence				
Medical Aid				
Provision for check-up within a week if ill				
Safety Kits				

spoken by you along with other relevant details like i) name of establishment, ii) period of employment, iii) proposed rates and iv) mode of wages, v) displacement allowance payable and vi) deductions made?

Yes No

11. Are you aware you are eligible to receive minimum payment?

Yes No

12. If yes, what is the payment you receive?

13. Are you aware that Payment of wages is to be disbursed in front of a duly authorized officer appointed by the principal employer?

Yes No

14. If yes, do you receive your wages in front of a duly authorized officer appointed by the principal employer?

Yes No

17. If your establishment has fewer than 100 employees, then as an inter-state migrant worker you are entitled to receive your wages before the 7th of every month. Do you receive this?

Yes No

18. If your establishment has more than 100 employees, then as an inter-state migrant worker you are entitled to receive your wages before the 10th of every month. Do you receive this?

Yes No

19. Is there notice showing the place and time of wage period and disbursement of wages displayed at the work site?

Yes No

Part C - Unorganised Workers' Social Security Act

As a definition, an “unorganised worker” means a home based worker, self-employed worker or wage worker in the unorganized sector and includes a worker in the organised sector who is not covered by any of the Acts mentioned in Schedule II to this Act.

The Acts mentioned in Schedule II are:-

- Workmen's Compensation Act, 1923
- The Industrial Disputes Act, 1947
- The Employees State Insurance Act, 1948
- The Employees' Provident Funds & Miscellaneous Provisions Act, 1952

- The Maternity Benefit Act, 1961
- The Payment of Gratuity Act, 1972

1. Does your enterprise employ fewer than 10 persons at the workplace?

Yes No

2. Are you a self-employed/home-based worker?

Yes No

3. Indicate your monthly income

Below Rs. 10,000

Between Rs. 10,000 and Rs. 20,000

Above Rs. 20,000

4. Have you ever applied to the District Administration for registration as "Unorganized Workers" under this Act?

Yes No

5. Challenges faced in the process (Tick as many as applicable)

Lack of Required Documents

Lack of Institutional Support

Lack of Awareness

Other Challenges

6. If yes, did you get support for this registration or from the District More Service Authority?

Yes No

7. Answer yes or no against the information related to the entitlement

Entitlement	Awareness of Entitlement	Application to Entitlement
Disability Insurance		
Health and Maternal Benefits		
Old Age Security		
Bhavishya Nidhi		
Workplace Injury Compensation		
Residence benefit		
Children's Education		
Last rites compensation		
Old Age Home Services		

8. Challenges faced in availing entitlements under UWSS Act

Entitlement	Lack of Required Documents	Lack of Institutional Support	Lack of Awareness	Other Challenges
Disability Insurance				
Health and Maternal Benefits				
Old Age Security				
Bhavishya Nidhi				
Workplace Injury Compensation				
Residence benefit				
Children's Education				
Last rites compensation				
Old Age Home Services				

9. Are you aware you are entitled to skill upgradation programmes if registered as an Unorganized Worker

Yes No

10. Have you ever applied to any of the below programmes

- i) Handloom Weavers' Comprehensive Welfare Scheme.
- ii) Handicraft Artisans' Comprehensive Welfare Scheme
- iii) Pension to Master craft persons.
- iv) National Scheme for Welfare of Fishermen and Training and Extension ?

13.1. Gujarat State

Entitlements	Awareness	Application	Availed
Mukhyamantri Amrutam Yojana			
Maternal Assistance Scheme			
Beti Bachao			
Financial Assistance for Chronic and Serious diseases			
Cash assistance to infirm & aged persons (Antyodaya) Scheme			

11. Challenges faced in the process (Tick as many as applicable)

Lack of Required Documents

Lack of Institutional Support

Lack of Awareness

Other Challenges

12. Are you aware that you are entitled to receive information on Social Security Schemes from the Worker Facilitation Centre (WFC)?

Yes No

13. Awareness, application and availing of state-specific social security schemes under the UWSS Act

Entitlements	Awareness	Application	Availed
Shramik Surakhsha Yojana			
Accident Group Insurance Scheme			
Labour Accident Benefit scheme			
Home Loan Interest Subsidy Scheme			
Educational Award Scheme by Gujarat Labor Board			
Higher Education Reward Scheme			
Kaushalya Vardhan Kendra			
Project Sankalp			
Apprenticeship Scheme			
Craftsmen Training Scheme (CTS)			
Mahatma Gandhi Labour Institute Training Programs			
Mahila Vrudh Ashram Scheme			
e-Nirmal Portal			
U-WIN Card Scheme			

13.2 Madhya Pradesh State Schemes

Entitlements	Awareness	Application	Availed
PMJJBY			
PMSBY			
PMJAY			
IGNOAPS			
NSP traders			
Pradhan Mantri Shram Yogi ManDhan			
Pradhanmantri Surakhsha Bima Yojana			
CM Shikshan Protsahan			
CM Kaushal Protsahan			
Naya Savera			
CM UWSS Welfare Scheme			
NSAP			
Funeral ExGratia Scheme			

13.3 Rajasthan State Schemes

Entitlements	Awareness	Application	Availed
CM Insurance Scheme			
RJSSY			
UWSS Pension Scheme			
Higher education Scheme			
Back to School Scheme			
Children's Education Scheme			
Chirayu Scheme			
Shravan Kumar Seva Ashram			





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