

Construction workers and social security: A study in Delhi

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Abstract

15th International Conference of Labour Statisticians (ICLS) describes ‘unorganized workers’ as “...those working in the unorganized sector or households, excluding regular workers with social security benefits provided by the employers and the workers in the formal sector without any employment and social security benefits provided by the employers”. The unorganized sector has a crucial role in the Indian Economy; more than 90 per cent of workforce and around 50 per cent of the national product are accounted for by the Informal Economy in which Construction Sector is 2nd largest employer after agriculture sector (National Statistical Commission, 2012). The research paper is part of a M.Phil. dissertation titled “Social Security Measures for Construction Workers in National Capital Territory (NCT) of Delhi: Issues and Challenges”. A descriptive research design was adopted for the study. The data collection has been done by using purposive sampling methods.

Keywords: Unorganised Sector, Construction Workers, Construction Work, Social Security

Introduction

Unorganised sector for a long time has been serious agenda of concern. Ini-

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tially it was not paid as much attention; but gradually the alarming situation pushed policy makers to look into the situation. It has been also a big challenge to identify unorganised workers, as there was not any acceptable universal definition. International Labour Organisation (ILO) was first to coin the term “Informal Sector”. Since then academicians, researchers, policy-makers, practitioners began to debate the issue and 15th International Conferences of Labour Statisticians, held in year 1993 in Geneva, came out with an elaborative definition of unorganised sector. There has been given a multiple definitions by incorporating other facets related to the unorganised sector. Later, the National Commission for Enterprises, in the year 2006, has given a definition for ‘unorganised sector’ and ‘unorganised sector workers’ in its report on social security for unorganised sector. It stated “... all unincorporated private enterprises owned by individuals or households engaged in the production and sale of goods and services and operated on a proprietary or a partnership basis and employing less than 10 persons” (p. 18). International Labour Organization (ILO) also defined Social Security, as “...the protection which society provides for its members, through a series of public measures against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction in earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age and death; the provision of medical care; and the provisions of subsidies for families with children (as cited in Jhabvala, 1998, p. L-8). Efforts have been put further to calculate the existing numbers of workers involved in the informal sector. The findings of the survey on employment and unemployment conducted by National Sample Survey Office (NSSO) in year 2011-12 indicated that 82.7 percentage of workers (39.14 crore persons) belong to unorganised sector. As per the 2001 census, the total workforce in our country was 402 million, of which 313 million were ‘main workers’ and 89 million ‘marginal workers’. Out of 313 million main workers, 285 million were in the unorganised sector, accounting 91 percentage engaged in informal sector. The Government of India had formed “National Commission for Enterprises in Unorganised Sector”(NCEUS) to look into the livelihood and social security conditions for unorganised workers and also for workers, employed in formal sector but not availing social protection. It pronounced that 8 percent of India’s workforce only enjoys social security where as 91 per-

cent of India's workers lack social security coverage.

Traditionally, the construction industry has been labour intensive as the labour is cheap and easily available. Majority of the workers in this industry belong to the informal economy, which ultimately by providing their services and labour at cheaper rates, subsidise the mainstream economic practice. Workers engaged in this industry also form the bulk of the urban poor since a large section of this population consists of low-skilled rural migrants or migrants from smaller towns. They are characterised by low wages and poor living conditions. There are hardly any regulations on their working conditions and social security is virtually non-existent. Bhatt (2009) the Building and Other Construction Workers (Regulation of Employment and Service Condition) Act was passed in year 1996 to secure social security for workers in the construction industry. The Act mentions formation of a "Welfare Board" for all workers engaged in the construction sector.

Review of Literature

Construction sector is a one of biggest areas from the point of view of employment as well as for its contribution towards the GDP of the country. It covers real estate in which residential complex, offices, hotels, parks government and private as well as projects of areas development such as infrastructure for supply of water, availability of sanitation, transport, school and healthcare (Jha, 2018). As per Government of India, the Construction Industry is expected to become third largest sector globally by 2025, also the output is expected to raise by 7.1 per cent on an average annually, and the revenue gain from construction industry is estimated to touch USD\$5 billion. The Construction Industry share to India's GDP is 9 per cent as per the Government of India and engages 51 million people. Besides, it is both, the second largest employer, and also the second largest Foreign Direct Investment (FDI) recipient in 2017, on account of mega-projects like Smart Cities, Industrial Corridors, Railway Stations, Mega Ports and Commercial Spaces.

The key findings of the Periodic Labour Force Survey (PLFS) conducted by NSSO (July 2017-June, 2018) highlights that 70.7 percent of the persons are living in rural areas in India in which, about 54.9 per cent of males and 18.2 per cent of females were in the labour force. In the rural space, about 55

per cent of the male workers and 73.2 per cent of the female workers engaged in the agriculture sector. Even, male and female engagement in construction sector in rural area recorded 14.5 percentage and 5.3 percentage respectively. The industry sector comprising 'trade, hotel and restaurant' engaged about 24.5 male workers, while manufacturing and 'other services' accounted for about 22.4 per cent and 21.5 per cent respectively, during 2017-18 in urban India, whereas female workers in urban India shared the highest proportion of workers (44.4 per cent) in 'other services'. Press Information Bureau (2016) finding of the labour force survey on employment and unemployment (2011-12) by National Sample Survey Officer (NSSO) pronounced 47.41 crore were employed persons on usual status basis of which 39.14 crore (82.7 percent) were in unorganised sector.

Labour Laws: Recent Reforms

A large size of construction workers are working day and night on minimal wages. The workers are one of the important invisible but markedly a great contributor in construction industry in particular and economy in general. In spite of this fact, they face apathy, neglect and denial of rights such as minimum wages. However, a number of labour laws enacted in which, some of labour laws formulated specific for the purpose of welfare of construction workers. The Second National Commission on Labour in June, 2002 submitted a comprehensive report on Labour to the Ministry of Labour & Employment. The report has given several recommendations including merging of existing around 44 labour laws into broad categories of Industrial Relations; Wage; Social Security; Safety; and Welfare and Working Conditions. In accordance with the recommendations made in the report of Second National Commission on Labour, various tripartite meetings of employer, employees and government happened to reach an agreement on points of amalgamation in various labour acts. Recommendation was made with objective to rationalize, simplify and to bring relevant provisions under the above given five sections. Based on above said recommendation, deliberations made in meetings comprising of government, employer and employees and government came up with four "Labour Codes".

1. The Code on Wages 2019: The Code on Wages comprising of the provi-

sions of the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Payment of Bonus Act, 1965 and the Equal Remuneration Act, 1976. Certain provisions of these acts were merged together to enact the Code on Wages, whereafter these Acts repealed.

2. The Occupational Safety, Health and Working Conditions Code, 2020 (Bill No. 186 of 2019): The Occupational Safety, Health and Working Conditions Code 2020 is based on 13 major central labour legislations responsible for safety and healthy working conditions. The Factories Act, 1948, The Mines Act, 1952, The Dock Workers (Safety, Health and Welfare) Act, 1986, The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, The Plantations Labour Act, 1951, The Contract Labour (Regulation and Abolition) Act, 1970, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, The Working Journalist (Fixation of Rates of Wages) Act, 1958, The Working Journalist and Other News Paper Employees (Conditions of Service and Miscellaneous) Act, 1955, The Motor Transport Workers Act, 1961, The Sales Promotion Employees (Conditions of Service) Act, 1976, The Beedi and Cigar Workers (Conditions of Employment) Act, 1966, and The Cine Workers and Cinema Theatre Workers Act, 1981 were amalgamated. These Acts repealed after Occupational Safety, Health and Working Conditions Code 2020 was passed by the parliament.

3. The Code on Social Security 2020 (Bill No. 375 of 2019): The Code on Social Security 2020 introduced in the Lok Sabha which is based on major legislations meant for regulating social security of workers such as The Employees Compensation Act, 1923, The Employees State Insurance Act, 1948, The Employees Provident Funds and Miscellaneous Provisions Act, 1952, The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959, The Maternity Benefit Act, 1961, The Payment of Gratuity Act, 1972, The Cine-Workers Welfare Fund Act, 1981, The Building and Other Construction Workers Welfare Cess Act, 1996 and The Unorganised Workers Social Security Act, 2008. The day Code on Social Security 2020 was finalised, all the above mentioned major legislations were repealed.

4. The Industrial Relations Code, 2020 (Bill No. 364 of 2019): The Industrial Relations Code combine altogether The Trade Unions Act, 1926, The Indus-

trial Employment (Standing Orders) Act, 1946 and The Industrial Disputes Act, 1947, which have been the crucial legislations for forming unions and raising voices were replaced by the Industrial Relations Code 2020 after getting approval of competent authority.

Construction Related Acts

The Building and Other Construction Workers (BOCW) Act, 1996

The Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996 & The Building and Other Construction (Regulation of Employment and Condition of Services) Cess Act, 1996 are one of prominent Act to provide safety, health and welfare measures for the building and other construction workers. Now the legislation has been amalgamated and it became part of The Occupational Safety, Health and Working Conditions Code, 2020. The original act repealed now.

The Delhi Building and Other Construction Workers Welfare Board

The Government of India enacted “The Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act in year 1996. However, The Government of Delhi constituted and notified “Delhi Building & Other Construction Workers Welfare Board” in year 2002 whereas the Welfare Board started functioning in year 2005.

Cess Collection & Utilization of Welfare Fund

“The Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Cess Act, 1996” besides putting forward provisions for health, safety, and welfare, ensures to have enough funds to run welfare programs too, something hardly found in any other existing legislations. The 28th Lok Sabha Standing Committee Report on “Cess Funds and Their Utilization For Workers Welfare” reported that Cess has to be collected at rate not exceeding two percent but not less than one percent of the cost of construction projects from every employer including Government/Public/Private and medium or small (Dubbudu, 2017).

Kerala is one of the pioneering States and also one among the most performing States providing welfare measures to its workers. Delhi is on third in row, for a number of years, since formation of Workers Welfare Board. It is estimated that more than 7.4 crore workers were engaged in construction work in

India, whereas only a lesser number of construction workers (2.8 crore) have been registered till 30th June 2017 across the country. Delhi stands on 19th position in number of construction workers among States although stands on seventh position in registration of existing workers in India. As per estimate there were 10,00,000 construction workers in Delhi and 5,01,814 workers were found registered (Dubbudu, 17 May, 2017). A Writ Petition Civil No. 318/2006 (Supreme Court) highlighted a whopping amount of 37.5 thousands crore collected across the country in Workers Welfare Board whereas a minimal amount (9.5 thousands crore) spend on safety, health and other welfare programs of the Workers Welfare Board. Delhi occupied fourth position in collection of Cess amount in India. Although, Delhi stands on 17th position in utilization of fund for welfare of construction workers (Dubbudu, 17 May, 2017).

Methodology

Research Design: Considering that the study intended to understand the various social security measures available for construction workers in NCT of Delhi, it adopted a descriptive research design.

Universe and Sampling

The universe for the purpose of the study consists of construction workers in National Capital Territories (NCT) of Delhi. NCT is divided into five zones- East Delhi, West Delhi, South Delhi, North Delhi and Central Delhi. The samples of construction workers was selected using purposive sampling. 25 workers were selected representative of each zone. The construction workers in each zone were divided into two groups - the first group consisted of Construction Workers, not registered under “The Building and Other Construction Workers Welfare Board”, and the second, consisted of Construction Workers registered with the “The Building and Other Construction Workers Welfare Board”. While selecting samples, one third of the sample were women construction workers also selected from each five zones. For the purpose of in-depth analysis, three case studies were also prepared in the study. In total, researcher has approached total 125 samples from five zones of Delhi. Subsequently the data gathered from 117 construction workers were analysed using the SPSS software.

Findings of the Study

Social Background Profile of the Respondents

Among the respondents of the study, 29 per cent were women, and the rest 71 per cent males. The study indicated that more than 90 percentage of construction workers belong to the socially disadvantaged categories such as Other Backward Classes (OBC) and Schedule Caste (SC). It was seen that 66 per cent of the construction workers were from the Schedule Caste category and only 9 per cent hailed from the General category.

Education and Family Status of the Respondents

The study indicated that 31 per cent of workers were illiterate. Among the remaining, above 90 percentage of workers reported studied up to matriculation; however, 5 percentage of workers had education beyond 12th Standard, and 3 per cent of workers reportedly qualified their higher secondary. Whereas the study indicated that 2 was minimum size of family, 13 was the maximum size of construction workers in Delhi; thus, the average family size was five.

Migration Status of Construction Workers:

The study reported 99 percentage of construction workers were migrants from the States of Bihar, Uttar Pradesh, Madhya Pradesh, and Rajasthan. The study findings indicated that more than fifty percentage (52 percentage) of migrant construction workers were from Uttar Pradesh and a good number of workers were also from Bihar (19 percentage) and Madhya Pradesh (17 percentage). A marginal number of workers were also found to be from neighbouring states of Delhi, namely Rajasthan, Haryana and Punjab.

Man-days Status of the Construction Workers:

The findings of the study reported that the each construction workers with almost 7 days of minimum work in a month, were able to avail 3 months of minimum work a year. On the higher side, it also highlighted that the workers got 28 days of maximum work a month and a maximum of 10 months in year. Thus, on an average each construction worker got an average of 7 months of work a year, and an average 17 days of work in year.

Economic Status of the Construction Workers:

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The findings of the study given in the below table number 01 indicates that the construction workers were getting minimum 180 INR daily wage whereas the maximum daily wage of 600 INR reported. An average of 387.44 INR daily wages of construction workers in Delhi highlighted in the findings.

Table No 01: Economical Status of Construction Workers

	Min.	Max.	Mean	Std. Deviation
Earning Members in a Family	1	8	1.97	1.328
Monthly Income of Workers	3000	18000	7491.45	2936.822
Family Monthly Income	5000	36000	12846.15	5803.708
Monthly Saving	0	5000	1735.04	1561.350
Daily Wage	180	600	387.44	98.148

The average number of earning members in a construction worker's family was 2, whereas 8 was the maximum number of earning members in a family of construction workers in Delhi. The average monthly income of the construction workers in Delhi was reported to be INR.7491.45, whereas total family average income of the workers were INR.12846.15. The study also reported disparity in wage payment between male and female construction workers. A female worker's average daily wage was INR.286, whereas a male worker earned an average of INR. 429 daily wage

Health and Safety Provisions

The study highlighted that a large chunk of population of construction workers (95 percentage) was not taking any safety measures; most of time they do not wear shoes at the worksites. The findings also reported that a lesser number (7 percentage) of workers had medical first aid facility at the worksite; one percentage of workers could recall about the health camp which were organized at the worksite. The findings stated that 9 percentage of workers survived major accidents at worksite in which bone fracture, bruises and injury to the body was reported. The respondents also reported cases of death of construction workers. A workers most of time visit government hospitals in case of accident for treatment and almost all of the

workers (94 percentage) stated that they did not receive any kind of accidental relief in the event of an accident. It also highlighted in the study that 10 percentage of workers cited the 'practice of child labour at work sites'. There were signs of infringement on human rights; 35 per cent of workers reported being 'forced to work'; 42 per cent of workers stated that they had to secure the employer's 'permission to go home', while another 42 per cent of workers reported of 'verbal abuse' at the worksite.

Women Workers Safety & Health Status:

The Study findings indicated that 58 per cent among the women workers encountered some form or the other of 'sexual abuse' at the worksite. They were also expected to take care of household chores along with working at construction site. 87 percentage of the women construction workers did not receive 'any kind of help at household work'. Women construction workers were not allowed the mandated rest nor care post-partum. The study shockingly revealed that 73 per cent of the construction workers were getting a mere '10 days of bed-rest' post-delivery.

Accessibility to Social Security and other welfare program

A larger number of construction workers had some form of documentation - Voter Identity Card (94 per cent); Aadhar Card (96 per cent) and Ration Cards (69 per cent). The study stated that 98 per cent of workers had no access to Rashtriya Swasthya Bima Yojana (RSBY) now renamed, "Ayushman Bharat Yojana", a flagship program of the Central Government. 84 per cent of the workers reported availability of bank account. It was reported in the study that around 90 per cent of workers had no access to Atal Pension Yojana, Pradhan Mantri Suraksha Bima Yojana (PMSBY) and Pradhan Mantri Jandhan Yojana (PMJDY) and a lower number of workers, only 26 per cent, were found registered under the Construction Workers Welfare Board in Delhi and only a meagre 41 per cent were members of Trade Unions. The study profoundly highlighted that the workers are poorly covered under social security safety net. It also highlighted that 93 per cent of the workers had no kind of Social Insurance, nor any form of Pension. 96 per cent of the respondents had no awareness regarding any law for construction workers or social security measures.

Participation in Programs by the Worker Welfare Board:

The study reported low performance of programs run by Delhi Building & Other Construction Workers Welfare Board. There are many welfare programs such as house loan, assistance in the event of natural death, assistances for funeral, fatal and non-fatal diseases; however none of the beneficiaries reported of having availed not accessed. The study reported of very limited number of beneficiaries to scholarships provided for school-going children of construction workers.

Corona Virus (Covid-19) Outbreak and Migrant Labourers:

The pandemic spread to almost all parts of the country in a less than six months of the first case of Covid-19 reported in Wuhan, China. The Government of India had imposed first countrywide lockdown for 21 days on March 24, 2020 to curb the spread of virus (Times, 2021). The buses, rail, airways and other means of transports were stopped and people were instructed to remain at their work location. A large number of migrant labourers gathered soon after the announcement of lockdown at the Anand Vihar Bus Stand in Delhi, Railway Stations at Bandra, Mumbai, also at various industrial locations of Surat, Telengana, Kerala and other parts of the country. Many of informal workers having found no means of travel opted to travel on foot beyond 1000 kms along with family and friends (Jha, 2020). Corona Virus (Covid 19) pandemic outbreak first started from Wuhan, China in December 2019, which now engulfed entire human kind. The information available on WHO Coronavirus (Covid-19) Dashboard highlighted there were 244385444 confirmed cases of Covid-19 and 4961489 deaths globally as on 27th October 2021 (till 6.40 pm CEST). The number of the cases of Covid-19 reported in India were 3,42,15,653 whereas 4,55,653 patients died (World Health Organisation, 2021).

In such unprecedented circumstances the migrant daily wages workers were most affected, traumatised, and suffered much. The findings of the study reported average four people were living altogether in rented room, for which they were paying on an average INR.2500 a month, in Delhi. The rooms on such cost were only means of arrangement of night stay (raat katne ka jugar) for migrant workers; they spent most of time on labour chowks or construction sites. Most of their daily basic necessities of toilet

and drinking water were accessed through public utility. The arrangement of accommodation is based on the assumption of short stay, rather than long term planning. Therefore, it is almost next to impossible to stay longer period at their accommodation. Their property owners and other stakeholders were also not willing to allow them to stay, as they looked them as a burden on their resources, probable risk factors of Covid-19 virus spread and others. The Covid-19 aggravated their situations.

Conclusion

The Constitution of India directs and at the same time empowers the State of take proactive initiatives for the social justices. It is very much evident from the findings that State, as an actor, is not acting proactively on issues pertaining to social security of the construction workers. The Building and Other Construction Workers Act, 1996 is expected to comprehensively cater to the social and economic needs of the workers. However, the findings indicated that most of the states have not willingly implemented. The original legislations have been repealed and now become part of the Occupational Safety, Health and Working Conditions Code, 2020.

Delhi government had implemented a semblance of a Code in 2002 and Welfare Board started functioning in the year 2005. Delhi having the most volatile and culturally diverse migratory populations, migration is a phenomena that needs to be steadfastly approached and dealt. The impact of the Government of India's recent steps of labour reforms, especially by way of the Labour Code, in which around 44 central labour legislations were amalgamated into four labour codes for the purpose of simplification and with the point of view of attracting major investment in market, may be analysed in the future. The advantage of The Building and Other Construction Workers Act, 1996 was a mandate on provisions to collect funds from sources. As per estimates around 37.5 thousands crore Cess amount has been collected, (Press Trust of India, 2017). In spite of all these, the social security of construction workers, especially other informal workers looks a distant dream.

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