

MIGRANTS AND URBAN GOVERNANCE

A CASE STUDY OF BHUJ MUNICIPALITY, KUTCH DISTRICT, GUJARAT
SEPT 2020





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Report by



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Executive Summary

The pathetic and vulnerable condition of the migrants has been surfaced and eye witnessed by us during the COVID 19 pandemic. Migrants contribute substantial labour to city's infrastructural and industrial growth and need to be considered legitimate citizens at place of destination. However, this perspective and view is poorly developed not only among the fellow citizens but also among urban governance bodies and most of the time what gets build up is that migrants generate pressure on limited infrastructure and resources of the city. Migrants are far away from citizenship rights at the place of destination. This report is a significant contribution to understand the systemic and structural exclusion of the migrants from accessing basic amenities which primarily includes housing, water, sanitation and health and are integral to dignified living. The report brings to light the current status and challenges of migrant workers in Bhuj city of Kutch district in Gujarat which demanded extensive labour work for its reconstruction and rehabilitation post 2001 massive earthquake. It examines and analyzes the policy frameworks and governance context and highlights the gaps that influence the entitlements and access of basic needs of the migrations at the place of destination.

The report comprises of chapters that discuss housing, water, sanitation and health in two parts, one section discusses current status of the access to the basic service and second reviews and analyzes existing policies and programmes and further captures gaps that hinder the reach to the migrant population. It unfolds policies to bring understanding on its aim, mandate, criteria used to define the beneficiary, if migrants explicitly mentioned in the policies or are they absolutely excluded, if few of them have been included what attributed to their inclusion and further how is the governance of the policies and programmes at the district level, does these hold the consistent essence reaching the ground level from the Central level. The report further brings to light the interplay and relationship of various parastatal bodies and stakeholders at the district level that are constitutionally entrusted with the responsibility of provisioning, providing and delivery of basic services to all residing in the city and further accountable to urban governance.

The housing policies discussed in the report includes Jawaharlal Nehru National Urban Renewal Mission, Integrated Housing and Slum Development Program, Rajiv Awas Yojana, Pradhan Mantri Awas Yojana Housing for All (Urban) and the Gujarat Governments Mukhyamantri Gruh Awas Yojana and shelter programmes such as Shelter for Urban Homeless (SUH) under Deendayal Antyodaya Yojana - National Urban Livelihoods Mission (DAY-NULM). It also examines programmes such as Swarnim Jayanti Mukhya Mantri Shaheri Vikas Yojana, AMRUT, Swachh Bharat Mission to assess the kind of infrastructure that has been provided to the migrants to connect them to the basic services.

The report further discusses the constitutional provisions which ensures 'Health for All' and examines Central level policies like PDS and ICDS and their contribution to food security and health of children and women of the migrants and district level schemes like Anna Brahmi and its reach. To a certain extent the report also reflects on Janani Suraksha Yojana, Kasturba Poshan Sahay Yojana and Chiranjivi Yojana reach to the migrants, however, the evidence is more from the service providers perspective.

The Building and Other Construction Workers Act 1996 (BOCW Act), and the Building and Other Construction Workers Welfare Cess Act 1996 is discussed to a large extent. This includes analyzing three aspects central to these legislations which includes registration of construction workers, registration and regulation of employers and construction sites and implementation of welfare provisions for the construction workers.

Acknowledgment

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Preface

According to the 2011 Census, there were 5.4 crore inter-state migrants in India while 39.57 crore moved within a state for work. Article 19(1)(e) of the Constitution, guarantees all Indian citizens the right to reside and settle in any part of the territory of India, subject to reasonable restrictions in the interest of the general public or protection of any scheduled tribe. However, people migrating for work face key challenges including unhealthy conditions at workplaces and access to citizenship entitlements / rights like social security, health and other essential services. While the Inter State Migrant Workmen (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) Act, 1979 does provide certain protections for inter-state migrant workers, its extremely poor implementation doesn't do much to help the grim situation.

As a measure to combat the spread of the COVID 19 pandemic, lockdown in the 1st phase in India was declared since March 25, 2020. The lockdown has severely impacted migrants, several of whom lost their jobs due to shutting of industries and were stranded outside their native places wanting to get back. Since then, the government has announced few relief measures for migrants and made arrangements for migrants to return to their native place. However, lack of policy frameworks responding to the specific needs of the migrants have once again surfaced some pertinent and unaddressed questions. The COVID crisis opened up the prominent issues and gaps in the system very strongly.

The present study was carried out in the pre covid period and aimed to look at the extent and quality of the basic services which the migrants were able to access, understand the various stakeholders involved in the ambit of urban governance and implementation of schemes designed at the central and the state level as well as examining the existing policies with respect to housing, health, sanitation and access to basic entitlements. Effort have been made to analyze the policies in their implementation phase to understand to what extent have they addressed the basic needs of migrant families. The study tries to analyze the gaps in policies and implementation and suggest recommendations based on the critical analysis. However, that the migrants have faced the brunt of the lockdown post COVID, is a result of the long standing vulnerabilities that remained unaddressed and were only exacerbated during these times. We do hope that this study and its recommendations contribute to designing of pro migrant policies – policies that keep migrants and their families at the centre.

Partnership and Geographical scope of the study

SETU Abhiyan has been working for over a decade with the Urban Local Bodies (ULB)s, on facilitating and strengthening the urban governance processes, mainstreaming reach and service delivery to the marginalized urban poor which implicitly includes migrants and improving their participation in planning processes. The Learning Lab for Local Governance (SETU-LL) within SETU Abhiyan anchors and facilitates documentation, research and learning events in partnership with local governance institutions, civil society organizations, and academia to contribute to the local governance discourse.

Aajeevika Bureau is a public service initiative that is at the forefront of developing services and solutions to meet the unaddressed needs of migrant communities, including legal aid, financial services, occupational and primary health, skill training, in addition to mobilization and collectivization of migrant workers. Centre for Migration and Labour Solutions (CMLS) situated within Aajeevika Bureau is a knowledge hub for labour and migration and focuses on research, policy advocacy, teaching and training on related themes.

The study brings in the experience and expertise of SETU Abhiyan in local governance sector and that of Aajeevika Bureau in working with migrants. It attempts to harness the strengths of both the organizations and build evidence around the exclusion that migrant workers experience as citizens of the city, in terms of access to public services and entitlements provided by the Urban Local Bodies (ULB)/Local Development Authorities/District governments/other parastatal bodies in the cities of Ahmedabad and Bhuj. In the pilot phase, SETU Abhiyan has covered Bhuj Municipality of Kutch District while Aajeevika Bureau has covered Ahmedabad and Surat Municipal Corporations. The scope of the study would not be limited to these 3 cities as it is designed to be a part of the larger study which tries to understand the exclusion of migrant workers in the urban governance scenario of more cities in the state of Gujarat. This study report focuses on the findings of the study undertaken in Bhuj by SETU Abhiyan.



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List of Abbreviations

ADA – Area Development Authority	NFSA – National Food Security Act
AMRUT – Atal Mission for Rejuvenation and Urban Transformation	NGO – Non Governmental Organization
ANC- Antenatal care	NRHM - National Rural Health Mission
ANM - Auxiliary Nurse and Midwife	NSS – National Sample Survey
ASHA – Accredited Social Health Activist	NSSO – National Sample Survey Organization
BHADA – Bhuj Area Development Authority	NULM – National Urban Livelihood Mission
BOCW – Building and Other Construction Workers	OBC – Other Backward Caste
BLC – Beneficiary-Led Construction	ODF - Open-Defecation Free
BPL – Below Poverty Line	OSR – Own Source of Revenue
BSUP – Basic Services to Urban Poor	PCGSDP – Per Capita Gross State Domestic Product
CAA – Constitutional Amendment Act	PDS – Public Distribution System
CAG – Comptroller and Auditor General of India	PLR – Place of Last Residence
CGHS - Central Government Health Scheme	PMAY – Pradhan Mantri Awas Yojana
CLSS – Credit Linked Subsidy Scheme	PNC – Postnatal care
CM- Chief Minister	POB – Place of Birth
CY - Chiranjivi Yojana	PPP – Public Private Partnership
DAY-NULM - Deendayal Antyodaya Yojana - National Urban Livelihoods Mission	RAY – Rajiv Awas Yojana
DISH - Directorate of Industrial Safety and Health	RO – Reverse Osmosis
DPR – Detailed Project Report	RSBY - Rasthriya Swasthya Bima Yojana
EWS – Economically Weaker Section	SBM - Swachhh Bharat Mission
FGD – Focus Group Discussion	SC – Scheduled Caste
GBOCWWB – Gujarat Building and Other Construction Workers Welfare Board	SDP – State Domestic Product
GMA – Gujarat Municipalities Act	SJMMSVY – Swarnim Jayanti Mukhya Mantri Shaheri Vikas Yojana
GUDC – Gujarat Urban Development Company Limited	SPSS – Statistical Package for Social Surveys
GULM – Gujarat Urban Livelihood Mission	ST – Scheduled Tribe
ICDS – Integrated Child Development Services	SUH – Shelter for Urban Homeless
IHSDP – Integrated Housing and Slum Development Program	TB-DOTS – Tuberculosis Directly Observed Treatment
INR – Indian Rupee	UDA – Urban Development Authority
IOM – International Organization for Migration	UDP – Urban Development Program
JNNURM – Jawaharlal Nehru National Urban Renewal Mission	ULB – Urban Local Bodies
JSY – Janani Suraksha Yojana	UN – United Nations
KPSY – Kasturba Posahan Sahay	UNESCO – United Nations Educational, Scientific and Cultural Organization
LIG – Low Income Group	UPR – Usual Place of Residence
MA – Mukyamantri Amrutam	UTs – Union Territories
MGY – Mukhya Mantri Gruh Yojana	WHO – World Health Organization
MIG – Middle Income Group	
MMR - Measles, Mumps and Rubella	
MPCE – Monthly Per Capita Expenditure	



Picture by Md Faraz



Chapter 1: Introduction

In India, urbanization began to accelerate after economic liberalization, initiated in 1991, which gave a boost to the development of the private sector. Since then, rapid urbanisation has been a key part of India's development story. Population residing in urban areas in India, according to the 1901 census, was 11.4%. This count increased to 28.53% according to the 2001 census, and crossed 30% as per 2011 census. In 2017 it increased to 34%, according to the World Bank and the recently released UN. World Urbanization Prospects 2018 Report¹. Closely tied to the larger forces of globalization and liberalization the world over, urban expansion in India is taking place at an unprecedented rate², with 53 cities in India hosting a population of one million or more as per Census 2011. While about seven new multi city agglomerations have emerged in India during the period 1999 to 2010³, numbers of smaller urban clusters have also been increasing rapidly⁴.

Arguably, major segments of this sprawling urban growth has been fuelled by labour migrants. Triggered by falling rural incomes and growing impoverishment in the countryside, India's rural poor have migrated in large numbers to its ever expanding urban economic growth centers, seeking livelihoods and opportunities.

As per Census of India, internal migration includes any movement within the political boundaries of a nation, which results in a change from "place of birth" or "place of last residence". If the place of birth or place of last residence is different from the place of enumeration, a person is defined as a migrant.

The National Sample Survey Organization (NSSO) uses the concept of "Usual Place of Residence" for defining migrants. A usual place of residence is defined as a place (village/town) where the person had stayed continuously for a period of six months or more. According to NSSO, a person is defined as a migrant if his/her last usual place of residence is different from the present place of enumeration.

According to Census 2011, the internal migrants have increased to 45.36 crores⁵ which count for 36.36 percent of the total population. Uttar Pradesh and

Bihar are the biggest source states, followed closely by Madhya Pradesh, Punjab, Rajasthan, Uttarakhand, Jammu and Kashmir and West Bengal. Major destination states are Delhi, Maharashtra, Tamil Nadu, Gujarat, Andhra Pradesh and Kerala.

1.1 Migration and urbanization – current discourses and responses

*"Migration and how it is governed, should be an issue at the frontline of urban planning and sustainable development. However, migration is largely omitted from the global debate on urbanization. There is a glaring absence of the mention of migrants in international planning for a new global urban agenda such as Habitat III. Many city and local governments also still do not include migration or migrants in their urban development planning and implementation. Migrants are therefore generally overlooked in global discourse on urbanization and cities"*⁶

As per the UN-Habitat 2009 report, there are 3 million people across the globe who are moving to cities every week, and are the major force behind urbanization. The World Migration report 2015 also argues unequivocally that there is a strong link between urbanization and migration, which has been overlooked internationally. A notable gap in the past approaches is that much of the inquiry into migration trends and policy deliberations has been focused at national levels, ignoring the cities where the political economy of migration actually plays out, sites that can illustrate the close relationship between migration and urban development (IOM, 2015)⁷. Currently, there is a rising appreciation that city governments are the best placed to manage and respond to human mobility. As providers of public services, they have access to migrants and can assess their needs much better, compared to national authorities. However, in the Indian context, for cities to respond to the needs of migrants, Central and State governments have an important role to play by formulating policies, providing execution powers / enforcement directives and allocating budgets.

¹ <https://population.un.org/wup/Country-Profiles/>

² McKinsey (2010), India's Urbanization: A Closer Look, McKinsey Quarterly, 2010, URL: <https://www.mckinsey.com/featured-insights/urbanization/indias-urbanization-a-closer-look>

³ World Bank (2015), Leveraging Urbanization in India, Country Factsheet, URL: <http://www.worldbank.org/en/country/india/brief/leveraging-urbanization-india>

⁴ The Hindu (2018), Urbanization on the rise in India, URL: <https://www.thehindu.com/news/national/growth-in-urbanisation/article23925543.ece>

⁵ The Hindu, December 2, 2016, 45.36 crore Indians are internal migrants, URL: <https://www.thehindu.com/data/45.36-crore-Indians-are-internal-migrants/article16748716.ece>

⁶ IOM (2015), Migrants and Cities- New Partnerships to Manage Mobility, World Migration Report, 2015.

⁷ IOM (2015), Migrants and Cities- New Partnerships to Manage Mobility, World Migration Report, 2015, URL: http://publications.iom.int/system/files/wmr2015_en.pdf.

⁸ Srivastava R. 2011a, 'Internal Migrants and Social Protection in India: The Missing Links', Paper presented at UNESCO-UNICEF National Workshop on Internal Migration and Human Development in

Challenges of enumeration of migration

A migrant might be making many moves in his or her life cycle but Census and NSSO surveys are not able to capture all these moves. Census provides migration data based on 'Place of birth (POB)' or 'Place of last residence (POLR)' while NSSO uses 'Usual Place of Residence (UPR)' to enumerate migrants. Scholars argue that Census and NSSO data are not able to fully capture the 'short-term migrants' on the basis of POB and POLR criteria as short-term migration is seasonal, temporary and circular in nature. It is this section of the migrant population which requires the most attention (Srivastava 2011a)⁸. Ravi Srivastava argues that semi-permanent or long-term circular migrants and seasonal or short-term migrants need more attention because they are engaged as casual labour and face difficulties both in establishing and claiming their entitlements. Seasonal or short-duration migrants are more vulnerable and more likely to come from the Scheduled Castes and Scheduled Tribes, and more likely to have lower levels of education, skills and lower asset ownership (ibid) than other migrants. NSSO statistics show that 54 percent of short-term migrants fall in the bottom two MPCE⁹ quintiles (Srivastava 2011b)¹⁰. They are employed in the informal economy of cities and face extreme forms of exclusion.

less than six months during the previous year. As per the report the rate of short-term migration (proportion of short-term migrants in the population) was 1.7 percent in the rural areas and almost negligible (< 1 percent) in the urban areas. The same definition was also employed in the 55th Round (1999–2000), except that duration was for more than two months but less than six months (NSSO, 2010)¹¹. Even with these challenges which result in an underestimation of these kinds of migrants, the Census and NSSO data are enormously helpful in the study of migration, reflecting changes in the Indian economy and society.

Challenges faced by migrant population

The constraints faced by migrants are many - lack of formal residency rights; lack of identity proof; lack of political representation, less wages, unsafe or hazardous work; limited access to state-provided services such as housing, sanitation and water, health and education and discrimination based on ethnicity, religion, class or gender.

Aajeevika Bureau¹² has appropriately depicted the economic life of migrant workers in south Rajasthan (See Figure 1)¹³. The diagram depicts severe inter-generational implications - transferring vulnerability, poor health and low level of skills from the parents to children.

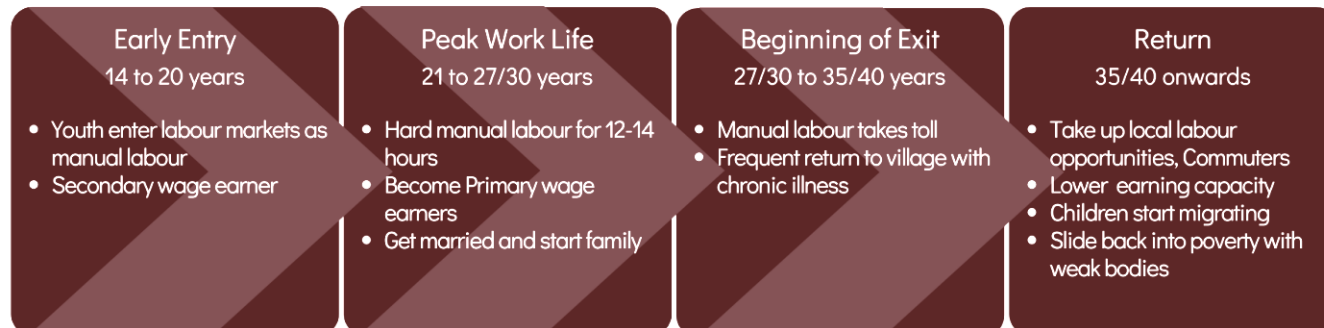


Figure 1 Economic life of Migrant labours

If the place of birth is the same as the place of enumeration, the person is a non-migrant. It has been observed that migrants from rural areas retain attachment to their native place. They continue to maintain links with their families and villages through regular visits and sending remittances.

NSSO has tried to capture short-term/temporary migrants using a different question. For example, in the 64th Round (2007–08), each household was asked whether any member had gone away for employment purposes for more than one month but

In Ahmedabad, one of the largest urban destinations for migrants in Gujarat, a large majority of the workers in the construction sector hail from the nearby triangular, tribal clusters of extreme poverty and deprivation- Banswara and Durgapur in Rajasthan; Dahod/ Panchmahal in Gujarat and Jhabua in Madhya Pradesh. They live in open spaces, under flyovers and in temporary shacks living across areas from centre to periphery and in areas between the cities, demonstrating the poor housing choices that migrants are compelled to make due to the constraints they operate under. While the lack of steady employment

India, 6–7 December 2011, ICSSR, New Delhi.

9 Distribution of person per 1000 number of persons within each Monthly Per Capita Expenditure bracket obtained by the NSS Consumer expenditure survey where household consumer expenditure on each item is recorded for a reference period of last 30 days preceding the date of survey (also known as uniform reference period MPCE) in Urban India.

10 Srivastava R. 2011b, 'Internal Migration in India: An Overview of its Features, Trends and Policy Challenges', Paper presented at UNESCO-UNICEF National Workshop on Internal Migration and Human Development in India, 6–7 December 2011, ICSSR, New Delhi.

11 Bhagat, R.B. (2014). "Urban Migration Trends: Challenges and Opportunities in India", Background paper for World Migration Report 2015, International Organization for Migration, Geneva.

12 Aajeevika Bureau is an organization working with migrants and policy issues of migrants.

13 Sharma K. 2017, "India has 139 million internal migrants, they must not be forgotten" India Economic Summit 2017, World Economic Forum.

options force them to move from one worksite to another, health and income bolts out of the blue at their households at the place of origin trigger a great degree of movement between source and destination. Limited economic means and a high degree of mobility prevent them from investing in safe and secure living spaces, which further compromises their ability to access other public services and makes them vulnerable to harassment by police and other local authorities. They struggle to access water and sanitation on a daily basis, with women from migrant families having to wake up at unearthly hours to relieve themselves before the city wakes up. Their access to fairly priced nutritious food or good quality public health care is severely compromised in the absence of portability mechanisms¹⁴. The long, arduous nature of their lives, work together with these constraints to push them into a spiral of low nutrition and ill-health. Further on account of language constraints and absence of portability, they face hardships in enrolling their children in public schools, thus leading to an intergenerational transmission of poverty and vulnerability.

1.2 Migrants and their right to the city

The dominant political discourse today is averse to the migration happening towards cities as they tend to generate pressure on limited infrastructure and resources. This consideration however ignores the fact that migrants contribute substantial labour to the city's infrastructural and industrial growth and should be considered legitimate citizens and partners in urban governance. Lately, a number of international conventions and deliberations have adopted a "Right to the city" approach and seek to work towards urban transformation that is just and equitable. This approach offers an alternative perspective to counter the negative effects of surplus extraction from migrant workforce in cities and *advocates proactive strategies to include migrant workers in decision-making processes recognizing them as valued citizens* (Bhagat, 2011)¹⁵. The role of city governments is considered crucial as they most directly translate such a vision to effective policies. It is part of their mandate to deliver basic services and civic amenities to citizens. Notably, both the 2030 Agenda for Sustainable Development and the New Urban Agenda 2016 stress on the responsibility of Urban Local Bodies (ULBs) in delivering basic everyday services necessary for the protection and promotion of human rights of all citizens, including migrant workers (UNESCO, 2016)¹⁶.

1.3 State response and urban governance

The Indian state's response to migrant workers' vulnerabilities has been largely inadequate with limited scope. There is no national policy that governs labour mobility responding to the needs of the labour migrants. The single piece of legislation that attempts to regulate labour mobility, the Interstate Migrant Workers' (Regulation of Employment and Conditions of Service) Act, 1979, is largely obsolete and ineffective. The welfare provisions under the Building and Other Construction Workers Act, 1996 for construction workers also faces significant implementation barriers and has so far been unable to respond to the basic needs of the community, such as housing, healthcare, or education for children.

Under the urban development mandate, migrant workers are conspicuous by their absence. Initiatives such as night shelters fail to reach out and serve migrant populations, as they are essentially designed for homeless groups. The recent Central Government initiative against urban poverty brought through NULM¹⁷ has so far been very limited in benefitting migrant communities. Pradhan Mantri Awas Yojana initiated by the Central Government in 2015 which seeks to address housing requirements of urban poor including slum dwellers, has also reached to limited migrant communities. In case of Gujarat, significant attempts through slum improvement and development schemes, such as the Gujarat Slum Areas (Improvement, Clearance and Redevelopment) Act, 1973 and the Mukhya Mantri GRUH (Gujarat Rural Urban Housing) Yojana¹⁸ which came in 2013 have still been unable to include seasonal, short term migrant populations in their purview.

While the 74th Constitutional Amendment Act (CAA) of 1992, which added Twelfth Schedule to the Indian Constitution, has decentralized power to the ULBs to legislate and implement more citizen-oriented programmes and services through localized planning and deliberations with all citizens, it is still to be integrated in spirit in the functioning of the ULBs. The Twelfth Schedule outlines a list of 18 areas under the functional domain of ULBs, spanning from urban poverty to land-use, public health, water supply and much more. However, presently a number of these functions, especially their planning are undertaken by parastatal agencies, reducing the ULBs to just implementing agencies. The Twelfth Schedule specifically mentions urban planning including town planning, regulation of land use and construction of buildings as functions of ULB (Article 243W of the

14 The accessibility to subsidized grains through Fair price shops under PDS is a location linked benefit, ie the ration cards of each household are linked to a particular fair price shop and the beneficiary can buy rations in that particular shop. Portability mechanism means the beneficiary can buy the ration he/she is entitled for from any fair price shop using the same ration card.

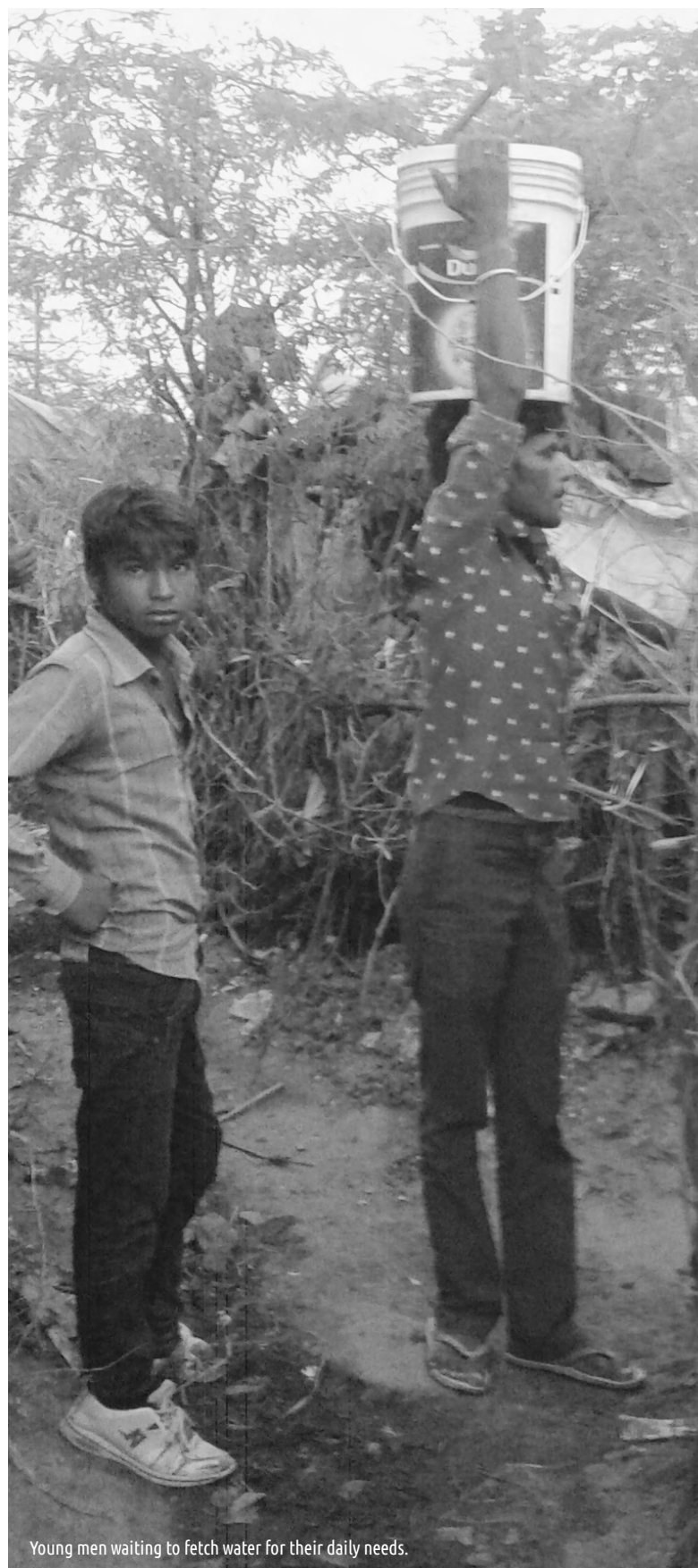
15 Bhagat R. B. (2011), Migrants' (Denied) Right to the city, Conference: UNESCO- UNICEF Seminar on Migration and Human Development, December 2011, URL: https://www.researchgate.net/publication/234169322_Migrants'_Denied_Right_to_the_City

16 UNESCO(2016), Cities Welcoming Refugees and Migrants – Enhancing Effective Governance in an age of Migration, Inclusive and Sustainable Cities Series, UNESCO, URL: <http://unesdoc.unesco.org/images/0024/002465/246558e.pdf>

17 DeendayalAntyodayaYojana-National Urban Livelihood Mission (NULM) is an initiative of the Ministry of Housing and Urban Affairs, Government of India. NULM aims at reducing poverty and vulnerability of urban poor household by enabling their access to self-employment and skilled wage employment opportunities through building grassroots level institutions

Indian Constitution), however, these are currently being executed by the Development Authorities.

ULBs in India lack their own sources of revenue (OSR) (property tax is the main source while the other two are sanitation and water tax) and hence they are dependent on grants from Central and State governments which often are conditional, which reduces their autonomy to design and implement programmes for the population in their jurisdiction. Lately, the Government of India's flagship programmes such as the Smart Cities Mission¹⁹ and Atal Mission for Rejuvenation and Urban Transformation (AMRUT)²⁰ have diluted the powers of ULBs by creating parallel institutions with decision-making autonomy. Gujarat Urban Development Mission is the nodal agency for implementing Smart Cities Mission and AMRUT. Under both the missions, various components²¹ are being implemented by GUDC²² instead of ULBs. In the case of Gujarat, the 74th CAA has been incorporated into the Gujarat Municipalities Act (GMA), 1963. As per the GMA, establishing and maintaining primary schools; providing public medical relief; and constructing, altering and maintaining public latrines and urinals are mandatory duties of the ULBs, while constructing residences for housing homeless people, constructing sanitary dwellings for poorer people, constructing and maintaining connections to sewers and slum redevelopment are only discretionary functions. On the other hand, ULBs also have the responsibility of implementing functions transferred by the Gujarat state. It can be said that in effect, the spirit of the 74th amendment is still to be integrated into the GMA and it still struggles to offer an operational structure that would maximize the efficiency of ULBs. There are several actors in the governance structure besides the Municipal Corporations/Municipalities (ULBs), such as Area Development Authorities, Zilla Panchayat, Gujarat Housing Board and nodal agencies like Gujarat Urban Livelihood Mission (GULM), National Health Mission and Swachhh Bharat Mission-Urban within various departments of State Government which anchor missions launched by the Central Government, making it difficult to ascertain responsibility and accountability. The missions are implemented on the ground through Municipal Corporations/Municipalities or District Panchayats with the grant support provided by the State level nodal agencies. The tertiary levels of government can propose projects (through DPRs), but the powers for sanctioning and disbursement of mission funds (i.e. decision-making powers) is with the nodal agencies. ULBs in India don't have many autonomous financial sources and since they are therefore dependent on many grants (often



Young men waiting to fetch water for their daily needs.

18 MukhyaMantri GRUH (Gujarat Rural Urban Housing) Yojana was brought in 2010 that proposed in situ rehabilitation of slums located on public lands through Public Private Partnership

19 Smart Cities Mission, was launched in 2015 as an urban renewal and retrofitting program to develop 100 cities across the country making them citizen friendly and sustainable

20 AMRUT aims for infrastructural solutions in cities, such as provision of basic civic amenities like water supply, sewerage, urban transport, parks to improve the quality of urban life

21 As per the Hon. CM approval dated 19/04/16, the implementing of STP (Sewage Treatment Plant) works to be done by GUDC in the towns where sewer collecting system has been executed by GUDC

22 Gujarat Urban Development Company Ltd is registered under section 617 of the Companies Act, 1956.

conditional) from the Central and State Governments, this reduces their autonomy to design and implement programmes for the citizens living in their jurisdiction.

Although the inflow of migrants to cities in India has increased substantially in the last three decades, institutions of urban governance remain oblivious to the issues and concerns of labour migrants. On account of their mobility and absence of domicile documents, labour migrants fail to be viewed as a legitimate constituency to be served by the urban local bodies, development authorities and other parastatal bodies. As a result, they fall outside the purview of a range of public services and entitlements in cities. The city governments have struggled to recognize this population and respond to their needs using the limited resources at their disposal; issues such as housing and provision for basic amenities have been especially complex.

This research study focuses on the overlooked interface between urban governance and labour migration. It is an attempt to build evidence around the exclusion that migrant workers experience as citizens of the city²³ in terms of access to public services and entitlements provided in the city by the ULBs and in certain instances, District Panchayat, State governments and parastatals.

1.4 Urbanization and migration in Gujarat

Gujarat being one of the major destination states for the migrants, it is important to understand the response of the State towards the challenges faced by the migrants. Gujarat has been lauded for its urbanization since quite a few decades and stands as the third most urbanized state in India, with about 43% of its population living in urban areas (Census, 2011). A closer look at these macroeconomic trends reveals another direct relationship - between industrialization and in-migration (Shukla et al, 2010)²⁴. Estimates suggest that Gujarat is one of the largest importers of migrant labour with a high net in-migration rate of 16% (NSS, 2007-2008)²⁵. The economic centers of Gujarat have been attracting labour migrants both from within the state (tribal areas such as Dahod and Panchmahal) and from outside - from the rural areas of other states such as Rajasthan, Bihar, U.P., M.P., Chattisgarh, and Jharkhand, where economic growth and opportunities are relatively limited.

There was huge demand for labour in Kutch district of Gujarat after the 2001 earthquake for housing construction and infrastructure development which attracted labour from other States. Industries also received significant subsidies, especially on land to establish units in Kutch district. In 2005, the Gujarat Tourism Department inaugurated Rann Utsav (White Desert Festival) in Kutch which attracted many hotel businessmen and subsequently many hotels were constructed in Kutch, especially Bhuj which is the nearest city to the White Desert. These factors lead to an influx of migrant labourers in the district.

1.5 Purpose of the Study

The purpose of this study is to assess the extent to which migrant workers are able to access basic facilities and services at urban destinations, which is essential to a dignified life. A related pursuit is to develop a sound understanding of the multiple stakeholders involved in urban governance especially the ULBs, but also the District Panchayat wherever relevant, and the State government and parastatals wherever applicable, map out their respective constituencies and understand the gaps that exist in policy design and action when it comes to serving mobile populations.

We hope to use the insights emerging from the study to advocate with the ULBs and District Panchayat, Gujarat Urban Development Department, Ministry for Housing and Urban Affairs as well as with Gujarat Building and Other Construction Workers Welfare Board (GBOCWFB), and suggest suitable reforms. Identified policy opportunities at the city, state and national levels would be pitched, with a view to highlight the nature of exclusion from basic services faced by migrants in cities and initiate deliberations and action at various levels of policymaking.

²³ The term "city" here is not specified in demographic terms. It has been used in a general sense here, to include towns and also metropolitan cities.

²⁴ Shukla, K. K., Mishra, S., Tripathi, S., & Singh, A. (2010). Urbanization and Migration Trends in India. *Demography India*, 39(1), 43-54

²⁵ It is worth mentioning that the NSS data do not capture seasonal and circular movement of labour because of definitional challenges, which has been established to constitute bulk of labour mobility across regions. The actual number of migrants moving into the state will be much higher.

1.6 Research questions

The key research questions that we aim to address through this study are –

- What is the status of access to basic services and civic amenities among migrant workers in Bhuj city? (hereafter referred to as 'Bhuj') What are the constraints faced by them in accessing these services and amenities?
- How do the urban local bodies in Bhuj view migrant workers? What are the policies and schemes through which urban local bodies address the needs of the urban poor, and to what extent do these address (or fail to address) the needs of the migrant workers who are an important group of the urban poor? Presently, what are the ways in which migrant workers are able to access public services, even if not by design? Are there lessons here that can be used in designing policies and mechanisms that are more purposefully inclusive of migrants in urban areas?
- What are the constraints faced by ULBs in Bhuj in reaching out to migrant communities and offering basic public services to them? How to overcome these constraints?
- How can District Government, State Government and other parastatal agencies be involved in urban development/governance with a view to address / respond to the needs of the migrant community, if at all? How can they be made more responsive and accountable to these issues?

1.7 Objectives

1. To assess the extent to which the migrant workers are able to access basic facilities and services at their urban destinations.
2. To develop a sound understanding of the multiple stakeholders involved in urban governance, especially the ULBs and the District Government wherever relevant, and the State Government and parastatals wherever applicable ; functioning of ULBs and other district level bodies implementing policies related to regulation of employment and conditions of services of labours.
3. To map the gaps in the policy design and provide recommendations.

1.8 Thematic areas under consideration for the study

The focus of this study is to understand the state of access to basic urban services such as **affordable housing, water, sanitation and healthcare**, as experienced by labour migrants. Within this, the study proposes to understand the quality of these basic services which are available to migrants in addition to the costs they incur in accessing each of these services at the place of destination/migration. Under the study, health as a thematic area does not include occupational health and safety measures at place of work.

The Study attempts to map different actors of Urban Governance having mandates for basic urban services including affordable housing, water, sanitation and health. This includes understanding the role of ULBs, District Panchayat and State Government in urban governance in Bhuj. The study also attempts mapping of the different departments/units within a ULB, their mandates, the schemes they are empowered to design and implement, and the constituencies that each of them serve; hence developing an understanding on the extent to which the migrants form a legitimate constituency that is served by ULBs and also the bottlenecks that these Local governance bodies face in serving mobile labour communities.



Near Ieva Patel Hospital, Bhuj



Figure 2.1: Migrants Location Map - Bhuj City

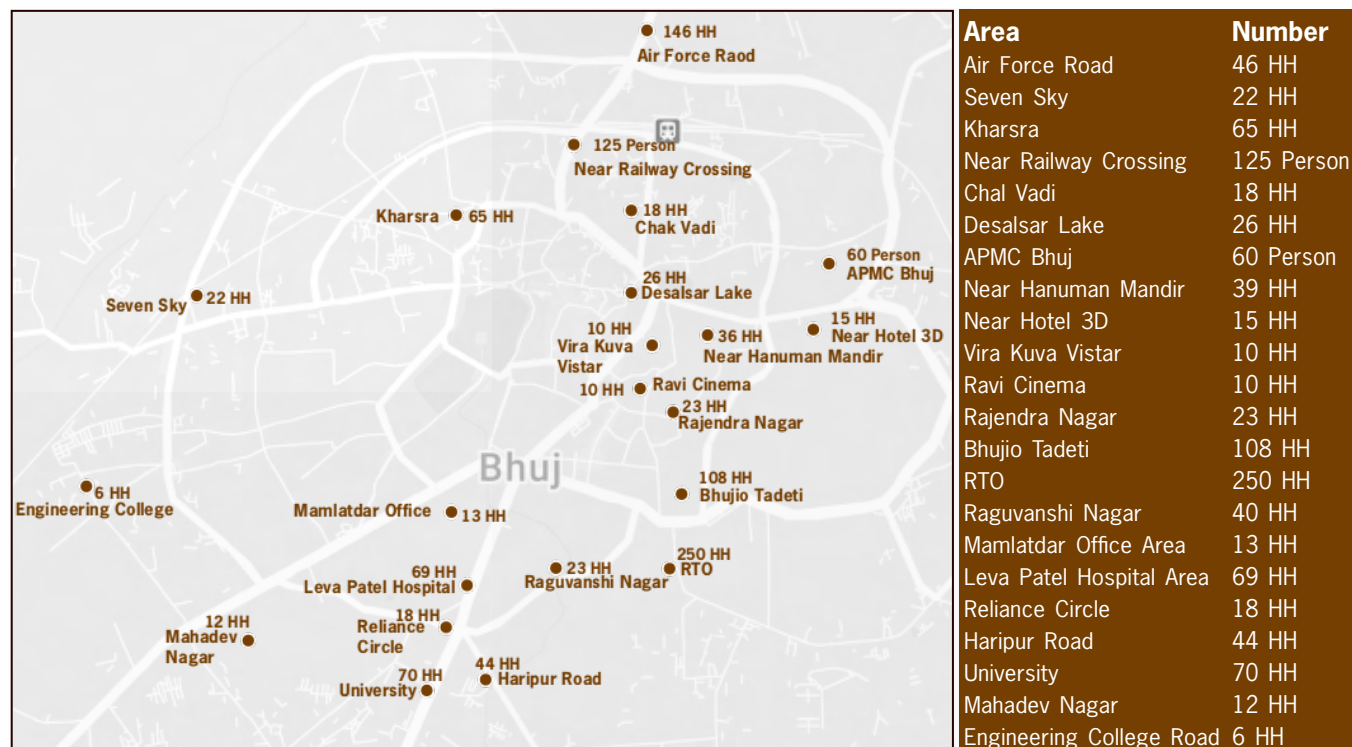



Table 1: Sample covered during the survey

Occupational Categories	Total Migrant workers in Bhuj city	Total Migrant Households in Bhuj city	Migrant Households covered in the sample	Migrant workers covered in the sample
Construction Workers	4000	1250	59	110
Street Vendors	350	90	25	31
Ragpickers	150	85	15	20
Headloaders	160	-	10	9
Hotel/ Dhaba*	1500	-	10	11
Security guards*	200	-	10	11
Total	6360	1425	129	192

Source - Migrant labourers study, 2017, Setu Abhiyan

* They are the single male migrants in Bhuj city



Chapter 2: Research Methodology

The study's research methodology has three components:

- Quantitative survey to understand the level of access to basic services amongst migrants in Bhuj. Sample covered a cross-section of migrants, selected on the basis of the following criteria:

- Different occupational categories
- Different source areas
- Different profiles – family as well as single migrants
- Different living arrangements – in open spaces, at worksites and in rented rooms in the slums

- Qualitative method to probe the experiences, perception and aspirations of the migrants. Separate focus group discussions were carried out with groups of migrant women to understand their experiences and challenges. In-depth interviews were also conducted with key informants at ULB, District Panchayat and State level.

- Desk research to understand and examine various urban policies and programmes mandated to provide entitlements of housing, basic services and social infrastructures and their de-facto status on ground.

2.1 Sample

The research design includes mixed method research, i.e both quantitative and qualitative methods were used for conducting research. There are total **1425 households** of migrant labourers in Bhuj city²⁶ which formed the population frame for the Study. Quantitative samples were collected from six occupational categories. For three of these occupational categories – construction workers, street vendors and ragpickers - approximately 5 to 15% of the city-wide population in these occupations was taken as the sample for the quantitative survey. While for headloaders, hotel and dhaba workers and security guards, 10 households from each of these three occupational categories were randomly selected for the quantitative survey. Households covered for quantitative survey were administered with a pre

designed questionnaire, with closed and open ended questions for further probing. The tool was piloted and tested for flow and appropriateness of questions; skip pattern, appropriateness of translation from English to Gujarati; response options (categories) and to ensure if any additional questions to be incorporated. Table 1 provides details of quantitative samples covered while the map gives the details of location of migrant households in Bhuj city.

The qualitative part of the study included focus group discussions with migrants from different occupations, separate discussions with women migrants and interviews with key informants. Six focus group discussions were carried out with a mix group of men and women migrants while two separate focus group discussions were carried out with women migrants. Interviews with key informants such as President and Chief Executive Officer of Bhuj Nagar Palika, Bhuj Area Development Authority Officials, health functionaries of Kutch Zilla Panchayat, Private health functionaries, officials of Bhuj Nagar Palika implementing NULM, Swachch Bharat, Amrut, BOCW Inspector, data operator at the district-level GBOCWBB office, and officials of Hunnarshala Foundation, Manav Jyot and Swajan were carried out. At the State level, interviews were conducted with Member Secretary, GBOCWBB; Deputy Mission Director, GULM and State Mission Manager, GULM.

Desk Research included critically examining various legislations, urban policies and programmes related to thematic areas – housing, water and sanitation and health.

2.2 Data entry and analysis

Data collected was cleaned and entered in Microsoft excel worksheets. The data was analyzed on the basis of the analysis plan developed in accordance with the study objective. Statistical Package for Social Surveys (SPSS) is used to analyze the data.

²⁶ Migrant labourers study, 2017, Setu Abhiyan

2.3 Report structure:

The report is structured into six chapters – Chapter 1 provides a background on migration at international, national and state level as well as outlines the purpose, objectives and research questions for this study. Chapter 2 outlines the research methodology for the study. Chapter 3 talks about demography and background of the migrants in Bhuj city. Chapter 4 and 5 reflect on the status of housing conditions of migrant workers and access to basic amenities that include water, sanitation and healthcare. Both the chapters include a review of urban policies and programmes and governance dynamics that impact the access of migrant workers to decent housing, water, sanitation and healthcare. Chapter 6 discusses provisions and challenges of Gujarat State Building and Other Construction Workers Welfare Board while Chapter 7 provides a conclusion with policy level recommendations.

2.4 Reference period for the Study:

The reference period of the study is March 2019 to August 2019, the quantitative data was collected in the months of March and April while the focused group discussions and interviews with Key informants took place in the months of June and July 2019.

2.5 Challenges during the Study:

1. Migrant labourers living on construction sites and in hotels shared limited information and were not available for focus group discussions. Migrant labourers residing at the construction sites could not be approached because of entry issues at the construction site.
2. Contractors refused to be interviewed.
3. The study was assumed to be from the Government and at some places the migrants felt annoyed and uncomfortable, despite explanation by the research team about the study being undertaken by an NGO for study purposes.
4. At some places the migrant labourers expressed concerns about sharing information about documents available with them.



Chapter 3: Demography and Background of the Migrant Labourers

The massive earthquake of 2001 in Gujarat destroyed many towns and villages of Kutch. The most affected blocks included Bhuj, Anjar, Rapar and Bhachau. In all of Gujarat, a total of 215,255 houses were reported by the authorities as destroyed, 928,369 were slight to severely damaged. 70% of buildings in Kutch were damaged or destroyed (including 2,000 medical facilities and 12,000 schools)²⁷.

After the earthquake of 2001, the Government of India and the State Government of Gujarat provided incentives with relaxations in excise duty and sales tax to promote rapid industrialization in Kutch. These policies invited a huge number of industries in the district. In Gujarat, total 6,656 industrial projects were sanctioned from 1991 to 2000, out of which Kutch had only 134, which was around 2 percent of the total. After 2001, projects with a total investment of INR 612.61 billion were sanctioned in Gujarat and by August 2004 out of this amount, projects of INR

179.55 billion were in Kutch, which is a remarkable 29 percent of the total investment sanctioned in Gujarat. This figure crossed INR 200 billion in January 2005 and further crossed INR 300 billion in June 2015²⁸.

Housing and infrastructure development including public buildings and monuments, water supply, roads and ports, health and education buildings were in massive demand in Kutch district post the earthquake.

With the huge demand for labour, both in construction and industries, there was a huge influx of labourers from other parts of the state and country to Kutch district. Gujarat has been the hot destination for the migrants from Uttar Pradesh, Bihar, Rajasthan, and Orissa. Uttar Pradesh (-26.9 lakhs) and Bihar (-17.2 lakhs) are the two States with the largest number of persons migrating out of the State²⁹.

This chapter reports the findings on the demography of the migrants in Bhuj from the quantitative survey.

3.1 Migration stream

The migrants surveyed during the study included more than a third (36%) coming from Madhya Pradesh followed by 16% from Uttar Pradesh, 14% from other parts of Gujarat and 12% from Rajasthan and Bihar respectively. Migrants from Madhya Pradesh hail from districts of Jhabua, Ratlam, Ujjain, Malwa, Bhind, Khargoon, Agar, Mandsaur, Sahjapur, Sidhi, Sagar and Alirajpur. Migrants from Uttar Pradesh hail from Sambhal, Muradabad, Firozabad, Etawah, Jaunpur, Bhadohi, Agra, Sitapur; Barahema village in Gonda district; Deoria and Panwari block in Mahoba district and Banaras. Other parts of Gujarat from where the migrants hailed include Dahod, Bhavnagar, Amreli, Anand and Mahisagar districts. Districts of Rajasthan from where the migrants hailed included Jhalawar, Shivgajj, Pali, Bhilwada, Badmer, Chirohi and Jaipur while that of Bihar included Chhapara, Sheohar, Patna, Nalanda, Bagnar,

Samastipur, Muzaffarpur and Saran and in Jharkhand, migrants hailed from Garhwa district.

Table 3.1: Source of Origin of Migrant workers

State	N	%
Madhya Pradesh	46	35.7
Uttar Pradesh	21	16.3
Gujarat	18	14
Rajasthan	16	12.4
Bihar	16	12.4
Jharkhand	2	1.5
Others	10	7.7
Total	129	100

27 Elizabeth A. HAUSLER, 2004, 13th World Conference on Earthquake Engineering, Housing Reconstruction and retrofitting after the 2001 Kachchh, Gujarat Earthquake.

28 Rajesh Khandol, 2016, Economic Development of Kutch after Earthquake of 2001 and analytical study of major growth areas and selected institutions.

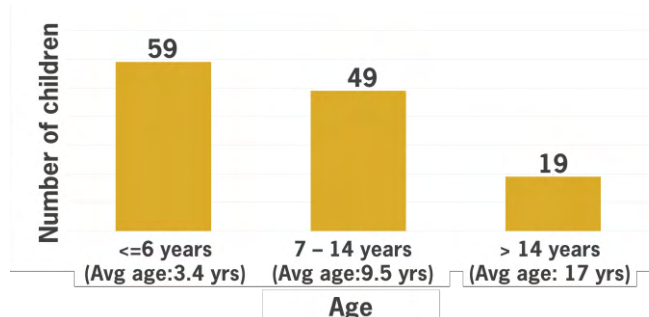
29 Drop-in Article on Census

3.2: Family migration vs single migration

Of the total 129 migrants surveyed, two fifth reported migrating alone while three fifth (59%) reported migrating with families. Focus group discussions with migrants revealed that migration with families is preferred for socialization at place of migration, additional income and support of female members for cooking, other household chores, etc. In most of the cases where the migrants moved with families, both the spouses were found to be working which contributed to the family income. Most of the single migrants were males and these migrated with their extended family members or from other migrants of the same region.

Amongst the migrants who reported migrating with family, most (68%) reported migrating with children. A total of 127 children accompanied the migrant families, most of these children are less than or equal to 6 years (47%) followed by the age group 7 -14 years (37%). Children older than 15 years are generally left behind at their place of origin with other family members.

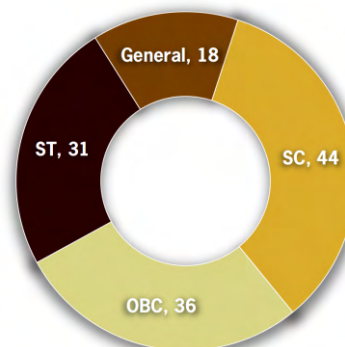
Chart 3.2: Details of children among the migrant families



3.3: Caste composition of the migrants

Caste composition of the migrants included a third belonging to Scheduled caste, more than a quarter belonging to Other Backward Caste, a quarter belonging to Scheduled tribe and a little higher than one tenth (14%) were from the General category. State wise variation reflects that amongst migrants from Gujarat, majority were ST (83%), from Madhya Pradesh majority migrants were SC (63%), nearly equal number of migrants from SC (38%) and ST (31%) category from Rajasthan, from Bihar majority were from OBC category (75%) while from Uttar Pradesh nearly equal migrants belonged from OBC (43%) and General (33%) category.

Chart 3.3: Caste composition of the migrants (in numbers)



3.4: Sex and age of the migrants

During the survey, information on age and sex of all family members working in the city was sought. Among the total working migrants, more than three fifth (68%) were males with an average age of 32 years while nearly a third (32%) were females with an average age of 34 years. No specific variation was observed for the age of migrants from each of their destination states.

Table 3.4a: Sex and Age of migrant workers

Sex	Mean age (years)	N	% of Total N	Minimum	Maximum
Male	32.02	131	68.2	15	58
Female	34.38	61	31.8	16	70
Total	32.77	192	100	15	70

Table 3.4b: Mean age of migrant workers

Age	Mean age (years)	N	% of Total N	Minimum Age (years)	Maximum Age (years)
< = 25 years	21.79	58	30.2	15	25
26 - 35 years	30.51	71	37	26	35
36 - 45 years	40.51	39	20.3	36	45
> 45 years	53.42	24	12.5	48	70
Total	32.85	192	100	15	70



3.5 Occupation and income of the migrants

Nearly three fifth (57%) of the migrant workers covered in the survey were engaged in construction labour, followed by 16% in street vending, 10% ragpickers, 6% each in hotel work and security guard and 5% head loaders³⁰.

Bhuj city being a hot tourist destination each year, the number of hotels and restaurants are increasing in the city and nearby destination places. This attracts migrants from other regions of the country and also from places like Nepal. There are many Nepalis in the hotels of Bhuj working as waiters and other allied jobs. Most of these are young, unmarried boys. During the survey, focus group discussions could not be conducted with the migrants associated with the hospitality sector because they didn't consent to meet the research team alone and asked to meet only in the presence of the manager.

Sex differential for occupation reflects that domestic work is exclusively undertaken by the female migrants, hotel work and head loading by the male migrants while construction work and street vending engaged both males and females (ratio of 60:40 and 70:30 respectively).

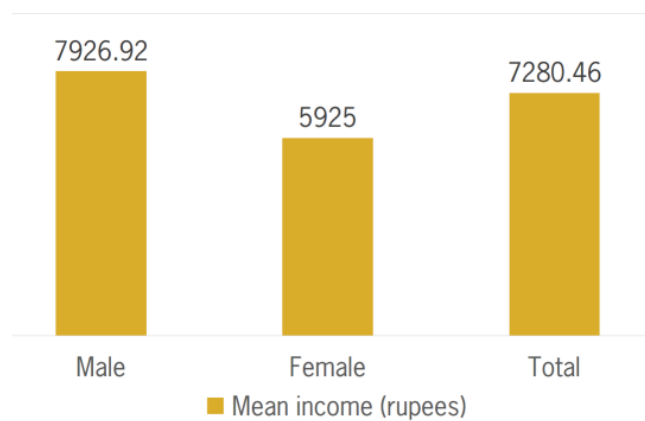
Sex differential for monthly income reflects the average monthly income of male migrants is Rs. 7965/- while that of the female migrants is Rs. 5972/-. Gender pay gap for construction labour work is Rs. 1123/- while that for Street vending and ragpicking is Rs. 3795/- and 1400/- respectively.

Migrants work on an average 22 days in a month, the minimum number of days worked is 10 while the maximum number of days worked is 30. Migrant workers, especially in an occupation like construction do not get enough work which leads to loss of work-days. Since morning at 7, the migrant workers wait at *Nakkas*³¹ in groups for the contractors to approach them. Sometimes they wait till noon and then return to their homes with no work and loss of wages for that day.

Table 3.5a: Occupation of the migrants

Occupation	Total N	%
Construction labour	110	57.29
Street vending	31	16.15
Ragpickers	20	10.42
Hotel work	11	5.73
Security guard	11	5.73
Head loading	9	4.69
Total	192	100

Chart 3.5b: Mean Income and Sex Wage differential



³⁰ The sample was selected to have certain numbers of workers from each occupation, and since in most cases the other migrating family members are in the same occupation, the numbers reflected this. This may not be representative of the actual percentages of migrant workers in different occupations in Bhuj. Most migrant workers engaged in Hotel work and security guards are single migrants in Bhuj city.

³¹ Spots where the labourers gather in the morning in search of work.

3.6: Distance from the workplace

Nearly three fourth (71%) migrants reported workplace located at a distance from the residence. More than two fifth migrants commute an average distance of 1.5 kms and 4 kms respectively to reach the workplace while little higher than a tenth (13%) commute an average distance of 12 kms to reach the workplace. The longest distance traveled to reach the workplace is 50 kms. During the focus group discussion, it was shared that many of the male migrants travel to Mundra, Anjar and Gandhidham everyday to reach the workplaces. These

places are also amongst the hot destination spots in the district and many migrants are commuting daily and many others are also staying there.

Among the migrants who reported workplace located at a distance from the residence, little higher than three fifth (61%) reported commuting to place of work by walking, one third (31%) commuted by shared auto rickshaw while few others by cycle or two wheelers or bus.

Table 3.6: Distance from workplace

Distance from workplace	Mean(kms)	N	% of N	Minimum (kms)	Maximum (kms)
1 - 2 kms	1.45	40	44	1	2
3 - 5 kms	4.18	39	43	3	5
> 5 kms	11.58	12	13	6	50
Total	3.96	91	100	1	50



3.7: Duration of living in the city

The survey probed migrants for the number of years they have been living in the city. Most migrants are young (duration of living is less than or equal to 5 years) to the city (42%), nearly a quarter (22%) are staying since 5 – 10 years while a third (32%) are staying since a decade. Drastic variation was observed for migrants from Gujarat and Uttar Pradesh. Less than one third of Gujarat's migrants are young to the city (27%), in contrast most (60%) have

stayed a decade or more in the city. Migrants from Uttar Pradesh were both young to the city (48%) and also who have stayed for a decade or more (43%). Migrants from Madhya Pradesh have two fifth (41%) of them as young to the city, a quarter (24%) were living since 5 – 10 years in the city while little higher than a third (35%) have stayed a decade or more. The new migration stream from Jharkhand has started with few migrants young to the city.

Table 3.6: Distance from workplace

State		Years of living in the city				Total
		< = 5 years	5 - 10 years	10 - 15 years	> 15 years	
Gujarat	N	5	2	2	9	18
	%	27.8	11.1	11.1	50	100
Madhya Pradesh	N	19	11	5	11	46
	%	41.3	23.9	10.9	23.9	100
Rajasthan	N	7	2	3	4	16
	%	43.8	12.5	18.8	25	100
Bihar	N	7	6	2	1	16
	%	43.8	37.5	12.5	6.3	100
Jharkhand	N	2				2
	%	100				100
Uttar Pradesh	N	10	2	3	6	21
	%	47.6	9.5	14.3	28.6	100
Others	N	4	5	1		10
	%	40	50	10		100
Total	N	54	28	16	31	129
	%	41.9	21.7	12.4	24	100

3.8 Documents available with the migrants at place of origin and migration

Identity documents and proof of residence in the city have an important role in accessing benefits under government housing schemes and basic services like individual water and sewerage connections and electricity meters. These documents are required for proving the eligibility for entitlements under various government schemes. These documents include ration card, election/voter card, aadhar card, electricity bill and water tax receipt. During the survey, questions on identity and proof of residence documents were asked to the migrants.

Most of the migrants have voter card, Aadhar card, ration card and significant numbers also have bank account and electricity bill at place of origin while few migrants reported having these documents at place of migration. As reflected during focus group discussions, the original documents are at risk of getting damaged or lost or stolen and hence they do not carry these documents with them. However, few of them reported carrying aadhar card for showing to the Police in case of any inquiry. As reported, Police

regularly visits the areas resided by the migrants and randomly checks their Aadhar r cards. Since Kutch district borders Pakistan, the Police and Intelligence Bureau are always active and vigilant in the city.

Table 3.8: Documents available with the migrants at place of origin and migration

Documents	At place of origin		At place of migration	
	N	%	N	%
Aadhar	128	99.2	11	9
Voters card	117	90.7	-	-
Ration card	110	85.3	7	5
Bank account	71	55	11	9
Electricity bill	64	49.6	4	3.1
Caste Certificate	28	21.7	-	-
Driving license	5	3.9	-	-
Sramik lcard³²	4	3.6*	-	-

* % calculated from households having construction occupation



³² Sramik I cards are the identity cards provided to the construction workers on registering themselves with Building and Other Construction Workers Welfare Board. In Gujarat, Sramik I cards are valid for three years.

Chapter 4: Housing, Water and Sanitation of Migrant Workers in Bhuj

This section of the report assesses information pertaining to the thematic areas of housing, sanitation, and water. While one aspect of exploration is the present status of housing, sanitation and water as experienced by the migrants at their place of migration in Bhuj city, the other aspect includes review of the missions, policies, and programmes designed by Central / State Governments for improving housing, sanitation and water conditions for the urban poor, which implicitly includes migrants.

4.1: Housing

4.1.A: Status of Housing Conditions

4.1.1: Housing Tenure:

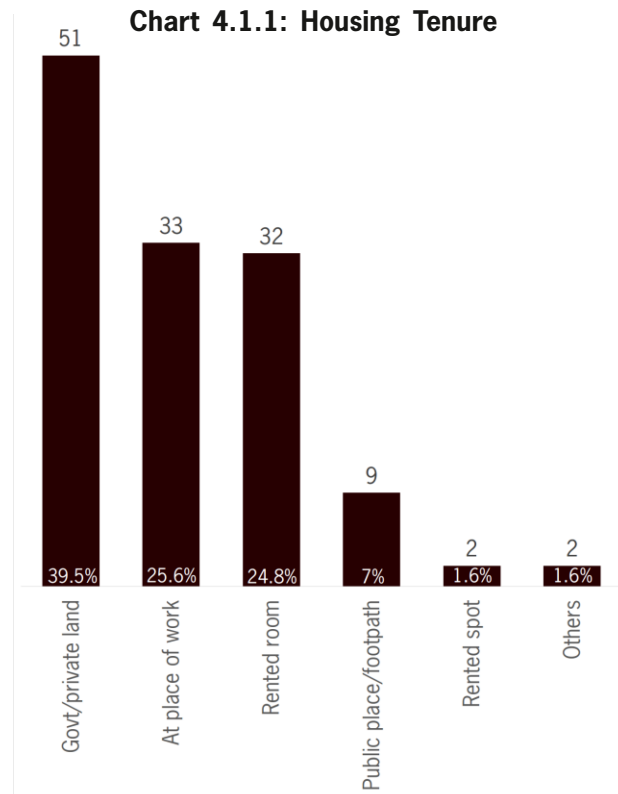
Chart 4.1.1 reflects the housing tenure of the migrants in Bhuj. Two fifths (39.5%) reside in shelters (temporary structures) made up of cloth, gunny bags, tarpaulin, thatch, etc on government / private land, a quarter (25.6%) resides at their place of work³³ while another quarter (24.8%) resides in rented rooms and a little less than one-tenth (7%) reported staying at public places/footpaths in temporary structures. Variations were found in the housing tenure amongst migrants from the different source states, majority from Gujarat and half from Madhya Pradesh resided on government/private lands (83% and 50% respectively), more than half of the migrants from Bihar reported residing at place of work (56%), feature of residing in rented rooms was common for migrants from Uttar Pradesh (48%) while migrants from Rajasthan were found to be staying across the different housing tenures. Annexure 3 provides details on housing tenure amongst migrants from each of the different source states.

In Bhuj city, there are 77 non-notified slums^{34,35}. Few of these slums comprise of third-generation migrants from rural regions of Kutch district. Few of these slums and also the recent slum of Kharasara comprise of intra-district rural-to-urban migrants, inter-district migrants from tribal districts of Dahod and Panchmahal in the Northern part of Gujarat and inter-state migrants from Madhya Pradesh, Rajasthan, Uttar



Pradesh, and Bihar. All of these slums are settlements on government/private land, some slum dwellers have more numbers of dwellings and hence they rent them out.

Chart 4.1.1: Housing Tenure



³³ These are the construction workers, hotel workers.

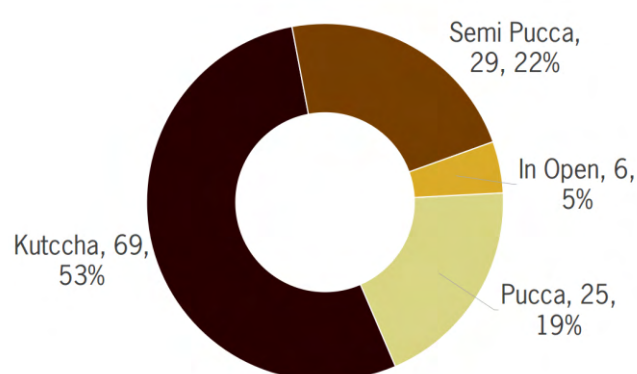
³⁴ Under Section-3 of the Slum Area Improvement and Clearance Act, 1956, slums have been defined as mainly those residential areas where dwellings are in any respect unfit for human habitation by reasons of dilapidation, overcrowding, faulty arrangements and designs of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light, sanitation facilities or any combination of these factors which are detrimental to safety, health and morals.

³⁵ City slum survey by K-Link and Hunnarshala in 2016

4.1.2: Type of housing

Majority of the migrants (53%) had Kutchha houses, followed by a quarter (23%) having semi pucca houses, one fifth (19%) having pucca houses while 5% reported staying in the open. Majority of migrants residing on government/private land or on public places / footpaths had Kutchha houses (80% and 90% respectively). Majority of the rented rooms were semi pucca (59%) and only a third (34%) were pucca. More than half of the houses at place of work were reported to be Kutchha (55%) followed by a third (33%) being pucca. Annexure 2 provides details of type of housing by housing tenure.

Chart 4.1.2: Type of housing



4.1.3: Duration of stay in the same house

As reflected in the Chart 4.1.3a, one fifth migrants reported being in the same house for less than one year (average 4 months), more than two fifth (46%) reported being in the same house for an average of 2.5 years, 16% migrants were staying in the same house for an average of 7.7 years while one fifth migrants have resided in the same house for more than 10 years. To better understand the duration for which migrants lived in the same house in Bhuj, the data was cross tabulated with the number of years they have been living in the city. Table 4.1.3b reflects that a significant proportion of migrants staying in the same house for less than one year (48%), 1 – 2 years (88%) or 2 – 5 years (48%) have been living in the city for ≤ 5 years but as migrants get to know the city for more than 10 years, many try to fix themselves at a stable housing place.

Chart 4.1.3a: Duration of stay in the same house

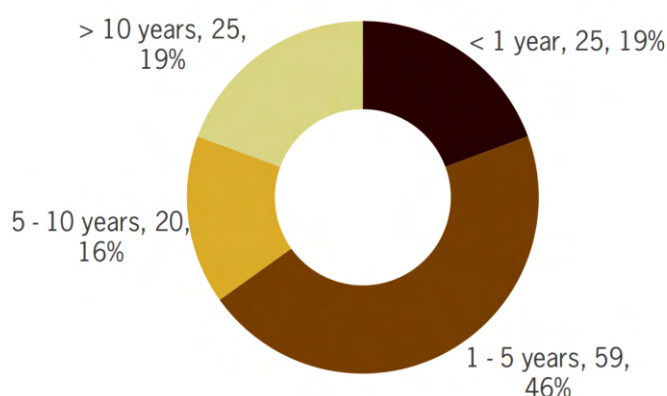


Table 4.1.3b: Number of years living in the city by years staying in the same house

Years staying in the same house		Years living in the city				Total
		< = 5 years	5 - 10 years	10 - 15 years	> 15 years	
< 1 year	N	12	7	3	3	25
	%	48	28	12	12	100
1-2 years	N	30	3	1	-	34
	%	88.2	8.8	2	-	100
2-5 years	N	12	4	4	5	25
	%	48	16	16	20	100
5-10 years	N	-	14	1	5	20
	%	-	70	5	25	100
> 10 years	N	-	-	7	18	25
	%	-	-	28	72	100

4.1.4 Housing expenses:

As reflected in 4.1.1, a quarter of the migrants stay in rented rooms. Amongst these majority paid a fixed monthly rent per room, regardless of number of persons (70%) while nearly one fifth (18%) paid rent per person to the owner. There were few cases (four) where the migrants stayed on government / private land but reported paying rent to someone. During FGDs, it was reported that the Nagar Palika used to take cleaning charges from a few migrants staying on footpaths. Monthly rent of a room for a family ranged from Rs. 600 to Rs. 2500/-. Monthly rent for single males who stay on a sharing basis ranged between 150 to 250/- rupees per month. These single migrants share a room with 7 to 12 other roommates.



4.1.5: Reasons for change in location of the house:

Half (50%) of the migrants reported changing their place of living in the city for reasons such as change of workplace (36%), better facilities (31%) and eviction / harassment (28%). More than one tenth (15%) reported evictions by Municipality and Police while one tenth (9%) faced eviction in the last one year. Among those who reported eviction, most have been evicted once or twice; few cases reported eviction more than four times.

4.1.6: Migrants' aspirations for Government housing schemes

During the survey, migrant's aspiration to own a house in the city was assessed by asking them if

they had made an application under any government housing scheme. Little more than a tenth (13%) of the migrant respondents had applied for a house under the government schemes. Most who applied belonged to Madhya Pradesh (47%), followed by Uttar Pradesh (29%) and Gujarat (12%).

4.1.7: Fuel and Electricity access and related expense

Most of the migrants (80%) use wood for cooking while few others also use LPG (10%) and Kerosene (10%). Most of the time, Kerosene is the alternative fuel stocked in houses for lighting lamps and for cooking in case wood is not available. LPG is rarely used. Monthly expense for fuel ranges between 50 to 400 rupees, with a monthly average of 200 rupees.



Three fifths (61%) of the migrants have access to electricity; this is a common feature for those staying at the place of work and in rented houses. Monthly electricity expenses of these migrants varied between 100 to 1200 rupees with a monthly average of 500 rupees.

Most migrants residing in temporary houses on government/private land (80%) and on public places/footpaths (100%) do not have access to electricity. One fifth staying on government/private land did report having electric supply and owning electricity meters through a municipal officer or local agent. Focus group discussion with migrants reveals that all of them staying on government / private lands or public places/footpaths do not have access to electricity. Bhuj Municipality has provided big focus lights at few slum areas because these areas lacked street lights. However, many such slum areas do not have street lights or even the focus lights

4.1B: Review of Policies and Programs related to Housing in Bhuj Municipality

This section of the Chapter discusses urban policies and programmes designed to cater to the housing needs of the urban poor, which implicitly includes migrants. These policies are studied in the context of Gujarat State and Bhuj city of Kutch district.

Housing:

Jawaharlal Nehru National Urban Renewal Mission (JNNURM)³⁶ launched by the Central Government in 2005 included the Basic Services to Urban Poor. Under JNNURM, the cities / urban agglomerations were selected based on the following criteria:

- A. Cities/ Urban agglomerations with 4 million-plus population as per 2001 census
- B. Cities/ Urban agglomerations with 1 million-plus but less than 4 million population as per 2001 census
- C. Selected Cities/ Urban agglomerations (State Capitals and other cities/ UA of religious/ historic and tourist importance)

A total of 65 cities / urban agglomerations were selected under JNNURM which included five cities of Gujarat, viz. Ahmedabad, Surat, Vadodara, Rajkot and Porbander³⁷.

JNNURM was not implemented in any of the cities of Kutch district since the population criteria were not met.

Integrated Housing and Slum Development Program (IHSDP)³⁸ the Bhuj Municipality revealed that it could not do much in IHSDP; Bhuj Municipality undertook the task of slum development for the first time under Rajiv Awas Yojana (RAY) which had succeeded BSUP and IHSDP.

First attempt to address slum development in Bhuj city was under Rajiv Awas Yojana in 2012.

Rajiv Awas Yojana (RAY) - This scheme by the Central Government ran between 2009 and 2014, focused on slum dwellers and urban poor and envisaged 'Slum Free City'. It mentioned integrated development of all existing slums, notified or non-notified, i.e. the development of infrastructure and housing in the slums/rehabilitation colonies for the

slum dwellers/urban poor, including rental housing. It aimed at providing basic amenities such as,

- a) water supply,
- b) sewerage,
- c) drainage,
- d) internal and approach roads,
- e) street lighting and
- f) social infrastructure facilities

in slums and low-income settlements adopting a 'whole city' approach. The other community facilities like pre-schools, childcare centers, schools, health centers were to be provided through the convergence of other schemes/programmes of the Centre / State Governments.

RAY was implemented in Bhuj city in the year 2012 – 2014 under which 319 slum dwellers in Bhimraonagar, Ramdevnagar and GIDC area. People having documents like city ration card, or fiveyearold documents like electricity or water charges bill etc or letter from an NGO that rehabilitated the dwellers in temporary houses, received assistance of 2.8 lakhs rupees for building in-situ house in 65 sq meter. The salient feature of the scheme was that it provided ownership rights to the dweller. However, many slum dwellers in the city did not have the relevant documents and hence were excluded from the scheme.

Pradhan Mantri Awas Yojana – This scheme is the successor to Rajiv Awas Yojana. The Hon'ble President of India, in his address to the Joint Session of Parliament on 9th June 2014 had announced "By the time the Nation completes 75 years of its Independence, every family will have a pucca house with water connection, toilet facilities, 24x7 electricity supply, and access." The Hon'ble Prime Minister envisioned Housing for All by 2022 when the Nation completes 75 years of its Independence. To achieve this objective, the Central Government launched a comprehensive mission "Pradhan Mantri Awas Yojana – Housing for All (Urban)". The mission seeks to address the housing requirement of urban poor including slum dwellers through following program verticals/housing approaches:

1. Slum rehabilitation of Slum Dwellers with participation of private developers using land as a

³⁶ Jawaharlal Nehru National Urban Renewal Mission was launched by the Central Government of India on December 3, 2005 to encourage cities to initiate steps to bring about improvement in the existing service levels in a financially sustainable manner. The primary objective of the JNNURM is to create economically productive, efficient, equitable and responsive cities. The JNNURM consists of two sub-missions Urban Infrastructure and Governance (UIG) and Basic Services for Urban Poor (BSUP). The Mission focuses on Integrated development of infrastructure services; securing linkages between asset creation and maintenance for long run project sustainability; accelerating the flow of investment into urban infrastructure services; planned development of cities including the peri-urban areas, outgrowths, and urban corridors; renewal and re-development of inner-city areas; universalisation of urban services so as to ensure their availability to the urban poor.

³⁷ Source: Lok Sabha Unstarred Question No. 588, dated 07.08.2013

³⁸ IHSDP aimed at an integrated approach in ameliorating the conditions of the urban slum dwellers who do not possess adequate shelter and reside in dilapidated conditions.

resource. This is being implemented as per the Gujarat Slum Rehabilitation Policy 2013

2. Promotion of Affordable Housing for weaker section through credit linked subsidy (CLSS)
3. Affordable Housing in Partnership with Public & Private sectors
4. Subsidy for beneficiary-led individual house construction /enhancement (BLC)

In Bhuj city, second and fourth verticals are being implemented while DPRs for the first vertical are in process. The Bhuj Municipality is not involved in implementing the Credit Linked Subsidy Scheme; it is being implemented directly by the banks. It is important to find out how the bank determines eligibility of beneficiary under the scheme, however, this was out of the scope of this study. The fourth vertical is being implemented by the agency appointed by the State Government, Dhawal Engineers having head office at Gandhinagar. This vertical provides assistance to individual eligible families belonging to the EWS category to either construct a new house or to enhance an existing house on their own. It demands the beneficiary to have legal ownership of the housing plot. Following documents are required for filling the forms under BLC scheme of PMAY.

- Aadhar Card of both the spouses (should be linked with Bank)
- Voter Card (of both spouses)
- Ration Card
- Bank pass book copy (Jan Dhan account is not acceptable)
- Bobile number (linked with bank)
- Income certificate (From Mamlatdar office, income up to 3 lakh rupees) (Certificate to be not older than 3 years)
- Copies of 8/A, property card, Swamik book, city survey copy
- Map and house/plot plan
- Passport size color photos
- Postcard size family photo with the plot/Kutchha house
- Affidavit specify that the family do not have any other house anywhere in the country

Many of the migrants get excluded from benefiting under this vertical of PMAY because they do not have city documents, nor do they own any land plot in their name. Details of beneficiaries who availed

benefit under BLC were not shared by the Bhuj Municipality, which would have otherwise contributed to further understanding the reach of this scheme in the city.

Under the first vertical, six DPRs developed by Hunnarshala,³⁹ having 1091 housing units are in process with Collectorate and Nagar Palika under the first vertical of slum rehabilitation of PMAY. These six DPRs include the slums Din Dayal Nagar, Machu Nagar, Bhimrav 2, Natvas, Bhadeshwar Mahadev and Vasfoda. The migrants included in this study are not residing in any of these six slums. Machu Nagar and Bhadeshwar are untenable because a part of the former is located on forest land and water body while the latter also has a part located on the water body and adjacent to the highway. A part of the Natvas area is the catchment area of Hamirsar lake and it is also very high in population density. As shared by an official of Hunnarshala, Machu Nagar and Bhadeshwar would be relocated while Natvas will have G+2 housing to accommodate the population density. He also shared that the other three slums – Din Dayal Nagar, Bhimrav 2 and Vasfoda will have in-situ rehabilitation. The proposed land of Aaiya Nagar for relocation is not available since it's been finalized for the construction of District Court. Most of these slums lands are under Mamlatdar, clearance of land title is under process and Hunnarshala hopes to see the results soon. Once the land titles are clear, these six slums will be first notified by the State Government on recommendation of the Slum Rehabilitation Committee at District level and then, the implementation will start. So far, the Slum Rehabilitation Committee has not been formed at the District level. The criteria to be eligible for housing under the slum rehabilitation vertical of PMAY includes having the name in the city slum survey carried out in 2016 by K-Link Foundation⁴⁰ and Hunnarshala or the residents having documents of the city like ration card, election card, electricity bill, water tax receipt. The survey covered households that had city documents like mentioned above, or adhar card or any other document from ULB that proves that they have been staying in the city for three to five years and more. Most of the eligible houses in these 6 areas are covered under the city slum survey, the survey also included tenants if found to be eligible but tenants staying in these slums after 2017 have chances of exclusion from benefits under the schemes. Bhuj is a small city with a population of 1.48 lakh (Census of India, 2011) and as per the 2011 Census; Bhuj (Municipality and Outgrowth) has a slum population of 1195. However, this isn't the true

³⁹ Hunnarshala Foundation, registered under section 25 Company Act of India, promotes eco-friendly construction practices and low energy building designs & technologies having local culture and aesthetics. It works towards environmentally sustainable towns and villages which promote local management and control, empowerment of the local community and ensure dignified living for citizens by providing basic housing and services.

⁴⁰ K-Link Foundation is a not for profit organization working towards mainstreaming information and communication technology into development sector. It supports government organizations and civil societies to implement ICT interventions.

picture. According to survey conducted by K-Link Foundation and Hunnarshala Foundation under Pradhan Mantri Awas Yojna, Housing for All (Urban) – 2022 Bhuj city has 77 slums⁴¹ accommodating 13,979 families with a total population of 46,140. Few of these slums are 40 – 50 years old and existed for two to three generations. Indeed, slums contain 31.2 percent of the total city population. Average household size in the slums is 3.35 persons per household⁴².

At the State level the Gujarat Slum Rehabilitation Policy 2013 gives a cut-off date of Dec 1, 2010 for In-Situ Slum Rehabilitation, yet Bhuj Municipality seems to make attempts to be more inclusionary as they are considering the 2016 survey of K-Link and Hunnarshala to establish the eligibility under first vertical of PMAY. This can also be partly attributed to the involvement of Hunnarshala in the preparation of DPRs, however, we will have to see if these DPRs get sanctioned by the State Government and the attempt of the municipality to be inclusionary is successful or not.

According to Setu Abhiyan, the pressing point under PMAY is the carpet area of 30 sq meter which was 65 sq meter in RAY so many eligible urban poor are also not interested.

Mukhya Mantri GRUH Yojana: In Gujarat, Rehabilitation and Redevelopment of Slum Regulations, 2010 had been announced vide order dated 4-3-2010. With the aim to make urban Gujarat slum free, Government of Gujarat had announced Gujarat Slum Rehabilitation Policy-PPP, 2013 vide order dated 18-07-2013 under Mukhya Mantri GRUH Yojana. Gujarat Slum Rehabilitation Policy applies to slums situated on public lands⁴³ and the slum dwellers' families that are living in slums on or before 1-12-2010. Under this the beneficiaries are given a pucca house having a minimum carpet area of 25 sq. mts with two rooms, kitchen, bath-room and latrine free of cost, in lieu of their hutments. They are also provided basic civic facilities of drinking water, sewerage line and electricity connection. The beneficiaries are responsible for payment of operational and maintenance cost, property tax and any other tax levied by urban local Self-government bodies. The beneficiaries are initially granted lease-hold rights for the houses allotted to them for first 15 years and thereafter are granted ownership rights. However, the ownership of the land remains with the Local Self-government or Authorities or implementing agencies.

Bhuj city does not have notified slums. As per the 69th round survey during July 2012 to December 2012 of the National Sample Survey Office (NSSO), Ministry of Statistics and Programme Implementation, Gujarat ranked third, after Maharashtra and West Bengal in having largest number of non-notified slums in the country. The State has 2058 non-notified slums which have more than 3.84 lakh slum households. This accounts for 10% of the country's 19,749 non-notified slums. It is noteworthy that the State has implemented a Slum Rehabilitation Policy since 2010, and yet has failed to notify a large number of slums. It needs to be further explored if there is linkage between slum notification and slum rehabilitation schemes, is slum notification a prerequisite for implementation of slum rehabilitation schemes or these can be notified even later after the slum rehabilitation schemes get sanctioned.

Under Mukhya Mantri GRUH Yojana, the Government of Gujarat also announced Gujarat Affordable Housing Policy 2014 vide order dated 15-01-2014. Under this, state government planned to construct 50 lakh houses in five years duration starting from 2014 out of which 22 lakh houses were planned in urban area⁴⁴. It planned to provide houses having basic civic amenities at affordable price to beneficiaries who fall under EWS/LIG I and II and MIG I⁴⁵.

The scheme of Shelter for Urban Homeless (SUH) is one among the five components of Deendayal Antyodaya Yojana – National Urban Livelihood Mission which is applicable in district headquarters and other towns having population of one lakh or more, as per the census of 2011.

NULM is being implemented in Bhuj city by Bhuj Municipality and hence the study attempted to understand the implementation of SUH in the city. Three focal persons including the President and Chief Officer, Bhuj Municipality and Programme Manager, NULM, were interviewed and the Project Officer at the NGO – Hunnarshala which had submitted a DPR under SUH 3 years ago during which they had closely worked with Bhuj Municipality to prepare the DPR and submit to GULM, Gandhinagar was also interviewed.

The NULM Programme Manager, who has been recruited in the district since the inception of NULM, shared that the Bhuj Municipality has made attempts to submit a DPR for SUH in last few years, however, due to non clearance of land titles, these DPR were not approved by the State Government. The Municipality does not have land and most of the land

41 Slums were defined under the K-Link survey as Kutchha or Semi Pucca houses build on government/private land, households which do not have any documents of property tax payments and have irregular basic facilities.

42 Homes in the City Programme, 2017, The City Calls, Bhuj Vision 2022 – Towards Decentralization

43 Public land includes Government land, land released under Urban Land Ceiling Act, land owned by Urban Local Bodies, Urban Area Development Authorities, Public Boards, Undertakings and Public authorities. The policy can be extended for other such land also in future as decided by the State government.

44 https://gujra.gujarat.gov.in/resources/staticpage/Affordable_Housing_Policy.pdf

45 Government of Gujarat has set parameters on basis of income criteria for affordable housing. Families having annual income of less than Rs. 1,00,000/- fall under Economically Weaker Section (EWS), families having annual income of Rs. 1,00,000/- to 2,50,000/- fall under category Low Income Group and families having annual income of Rs. 2,50,000/- to 5,00,000/- fall under category Middle Income Group.

in the city is owned by the Collector, Revenue department. Though transfer of land from one government body to the other appears easy, it's actually very difficult. Presently, the Municipality runs a shelter, which they call it, Ren Basera, in the open air theater having a big common hall for men and women with an attached lavatory and drinking water facility. According to the interviewed officials anyone who is homeless can avail the benefit of the shelter and stay there. However, further probing revealed that poor migrants living in the temporary shelters / settlements do not come under their definition of homeless. According to the NULM Programme Manager, homeless include only those who are staying under open sky. This interpretation of the definition at district level excludes and impacts a huge number of people who would be defined as homeless as per the Central Government's SUH Guidelines. Here, we have many entwined questions which need contemplation like should the migrants who have built sheds on government/private land be defined as homeless or do we consider their unsafe homes as proper residence? Or can we say that they have homes but are unsafe? How can their housing be improved and made affordable? Should they be considered homeless and offered shelter or should these settlements be considered as slums and offered slum improvement/development programmes or any other programme with the concept of beneficiary contribution.

Officials shared the challenges they face in reaching out to the homeless (albeit as per their limited definition) - this includes convincing the beneficiaries to stay at the shelter, though it is equipped with all facilities like cooking space, drinking water, lavatory with water, sleeping mattress, pillow and blanket. Many times, the officials seek help from the police to bring the beneficiaries sleeping in the open, to the shelter; but they don't stay there for long.

Discussion with State level officials reflected that they are very clear about the definition and interpretation of 'homeless' and consider the migrants staying in temporary shelters on govt/private land or public places as homeless and as eligible for SUH. According to the State officials the shelters for urban homeless are running well in big cities like Ahmedabad, Surat, Rajkot and during most of the seasons, they remain full.

At district level, it was shared that past few years, the Bhuj Municipality with Hunnarshala tried to get the DPR under SUH sanctioned from the State

Government twice, but was not successful. However, recently the DPR of Bhavi Consultancy Services, an agency based in Vadodara, which is also an empanelled agency for NULM at State level, has received approval for its DPR for construction of a shelter in Bhuj with a capacity of 125 people. They have proposed the Kharasara ground site for the project, the land title of the same has been recently transferred to Bhuj Municipality. Here, it was difficult to understand the process involved in the clearance of land titles and land transfer from one government department to the other; especially how the involvement of a private agency facilitated this, whereas Bhuj Municipality was unable to do it on its own. Involvement of political will and networking can't be clearly refuted, in this case.

The Project Manager from Hunnarshala explained that Hunnarshala had worked with Bhuj Municipality when Rajiv Awas Yojana was being implemented in the city during the year 2012 – 2014. In the context of SUH, Hunnarshala worked with Bhuj Municipality to prepare two DPRs and submit them to the State Government. The first DPR proposed a design for a shelter with 300 person capacity at the RTO relocation site. This DPR was rejected by the State Government on the basis that the RTO relocation site is under the District Collector, Revenue department and this land needs to be transferred to Municipality so that land titles are clear and later construction of the shelter can take place. However, this land transfer could not be achieved, and presently, the land has been transferred to Bhuj Area Development Authority (BHADA), whose office has been proposed on this site.

Hunnarshala, developed a DPR with Bhuj Municipality the second time with the same shelter capacity but proposed a site near Aaiya Nagar for the project this time. However, this time too, the DPR was rejected by the State Government as the land titles were not clear and the Bhuj Municipality did not own this land. Currently, a District court is proposed to be constructed on this land.

4.2 Water and Sanitation

4.2A: Access to Water and Sanitation

Migrants in Bhuj city were probed by the questionnaire and focus group discussions were held to understand their access to water for drinking and domestic purpose and access to toilets. Following findings are based on data gathered through these.

4.2.1: Source of water for Domestic purpose

More than three fifth (68%) reported fetching water from an average distance of 1.13 kms. One third (33%) of the migrant workers reported water being provided by the landlord or employer - majority of these (49%) stayed in rented rooms and stayed at their place of work (42%). Few migrant workers (6%) reported having individual hand pump/tap and they resided on government/private land.

Water consumption for a family is on an average 88 litres per day.

Source of water for domestic purpose*	N	%
Public tap/hand pump	46	35.5
Landlord or employer provides	43	33.3
Private/govt building/company	42	32.6
Individual hand pump / tap	8	6.2
Private tanker	7	5.4
Govt tanker	4	3.1
Other pipeline	2	1.6

* Multiple responses



Only water facility available, Near Leva Patel Hospital, Bhuj

4.2.2: Source of water for drinking purpose

More than half (54%) of the migrant workers reported depending on public tap/hand pump or private/government building/company for drinking water, one fifth (20%) reported using RO water for drinking and nearly one fifth (18%) reported drinking water being provided by the landlord/employer.

Among those who reported using RO water for drinking stayed on rent (53%) or at their workplace (25%). Similarly, among those who reported water provided by the landlord or employer, three-fifth (61%) stayed at the place of work and more than a quarter (29%) stayed in rented houses.

Nearly one fifth (19%) reported spending Rs. 85 every month on an average, on drinking water.

The majority do not purify water (84%), few filter the water with cloth (15%) while a very small number (2%) boil the water.

Source of water for drinking purpose*	N	%
Public tap/hand pump	44	28
Private/govt building/company	41	26.1
RO	32	20.4
Landlord or employer provides	28	17.8
Own hand pump / tap	5	3.2
Other pipeline	4	2.5
Govt tanker	3	1.9

* Multiple responses



4.2.3: Sanitation facility:

During the interviews and FGDs, migrants were probed for the sanitation facilities they use. More than half (55%) of the migrants reported open defecation, followed by more than a quarter (26.4%) who reported using community toilets and nearly one fifth (18%) reported using individual toilets (Table 4.2.3). As captured also in the focus group discussion, migrants residing on government/private lands and public places/footpaths (84% and 89% respectively) reported open defecation. As reflected in Annexure 4 through 15% of the migrants residing on government / private land reported having individual toilets in the quantitative survey. This did not get reflected in focus group discussions. There are possibilities that these migrants have permanently settled in Bhuj and have influenced for toilet construction.

Astonishingly, nearly half (49%) of the migrants residing at the place of work also reported open defecation while others in this category had community or individual toilets ((42% and 10% respectively). Those residing in rented rooms, mostly had access to community toilets (59%) or individual toilets (31%); however, a tenth still reported open defecation.

Three fifth (59%) of those defecating in open have to go a distance of ≤ 200 meters, little more than a third (37%) have to go a distance of 200–500 meters while there were two migrant respondents who reported going more than 500 meters for open defecation.

FGDs with women reveal that they face hard times everyday to address nature's call. They get up early in the morning before the sunrise because it isn't possible to go post the daybreak and they would have to wait the whole day till sunset. In one of the incidents reported in an FGD with women, a young girl of less than 10 years was bitten by a dog while answering nature's call; in a hurry, she went alone that day when the incident took place. She was taken to a private hospital for treatment. Open defecation also increases the vulnerability to animals like snakes, scorpions, dogs and pigs and the risk gets multiplied when the open defecation is done in dark and during the menstrual cycle. Most women reported feeling very uncomfortable and unhygienic to defecate in the open during menstruation. This has been also emphasized in many research studies. Women face several health, safety and dignity issues

including threat of physical and sexual violence due to a lack of sanitation facilities (Koonan and Bhullar, 2014).

Table 4.2.3: Sanitation facility

Sanitation	N	%
In open	71	55
Community toilets	34	26.4
Individual toilets	23	17.8
Pay and use	1	0.8
Total	129	100



4.2.4: Bathing facility:

Those residing in rented rooms and few of those residing at the place of work reported having bathing facilities. Most others and all those residing on govt/ private lands and public places either bathe in open or have made temporary bath facilities with cloths, plastics and sheds. Observations during visits to houses of migrants reflect that these self-constructed temporary bath facilities do not have proper water discharge drains/outlets which results in water accumulation in pits and on pathways which in turn increases the risk of mosquito breeding.

4.2B: Review of Policies and Programs related to Water and Sanitation in Bhuj Municipality

1. Swachhh Bharat Mission (SBM)

SBM, launched on 2nd October 2014 by the Central Government aims at eliminating open defecation by October 2019. As per the Union Budget 2018 – 2019, allocation for the Ministry of Drinking Water and Sanitation is Rs. 22,357 crores of which 17,843 crore is for the Swachhh Bharat Mission with Rs.15,343 crore for rural areas (SBM-Gramin) and Rs.2,500 crore for urban areas (SBM-Urban).. For the first time since the Mission was launched, the allocation for the sanitation programme Swachhh Bharat Mission (SBM) has gone down, from Rs 19,248 crore (RE 2017-18) to Rs 17, 843 crore (2018-2019), however, Swachhh Bharat Urban's allocation for the financial year 2018-19 is marginally more, from Rs. 2,300 crore in 2017-2018 to Rs. 2,500 crore in 2018-2019.

As per the information provided by the Centre to the Lok Sabha in February 2018, till date, 11 States/UTs that includes Sikkim, Himachal Pradesh, Kerala, Uttarakhand, Haryana, Gujarat, Chandigarh, Daman and Diu, Arunachal Pradesh, Chhattisgarh and Meghalaya have been declared Open-Defecation Free (ODF) in the country. While a lot of secondary data and information is available for Swachhh Bharat Mission – Gramin component, the Swachhh Bharat Mission – Urban does not furnish much information in the public domain for ODF cities and ULBs.

In the context of Bhuj Municipality, though it has been verbally reported to be ODF from Municipality officials this could not be substantiated from any official documents. The survey also reflects that 55% of the surveyed migrants are practicing open defecation, thus the on-ground realities do not substantiate the claim of Bhuj being OpenDefecationFree. As per the Budget document of Bhuj Municipality for the year 2019-2020, under Swachhh Bharat Mission, three components are being implemented in the city. This includes construction of pay and use toilets, individual toilets and solid waste management. Under pay and use, so far 12 public toilets⁴⁶ have been constructed at public places that include parks, bus stand, railway station, public gathering spots, bazaar and near hospitals. None of these are accessible to the migrants since their settlements are far from these areas. Migrants also reported that using pay and use was unaffordable for them.

Municipality officials stated that the migrants can use pay and use toilets which includes bathing facility, however, they also know that migrant populace is not the explicit target group of pay and use toilets, because of two reasons, these are neither located near the settlements of the migrants and affordability of pay and use toilets for migrants is out of the question.

Through the efforts of SETU Abhiyan, Municipality has in principle agreed to erect three more pay and use toilets at Kharasara ground, RTO relocation site and Leva Patel Hospital area which are nearer to the settlements of the migrants. The Chief Officer has also agreed to communicate with the State Government to make these pay and use toilets accessible to the migrants for free.

The Bhuj Municipality has four mobile toilets, the basic purpose of these are to provide toilet facility during big functions of Municipality or State Government. Of these four presently, the Municipality has made two accessible to the migrants at Kharasara ground, however, this may be taken away in case of any big function organized in the city. Eight more mobile toilets have been demanded from the State Government.

Point 4.3.2 of the Revised 2017 Guidelines of SBM-Urban states “Beneficiary households will be targeted under this scheme irrespective of whether they live in authorized/unauthorized colonies or notified / non-notified slums. Under SBM (Urban), tenure security issues are to be de-linked with benefits.” SBM is applicable to non-notified slums too. Point 4.3.1 (ii) of the guidelines also states, “ULBs are expected to carry out a house-to-house survey. In so doing they shall also take into consideration Census 2011 data or any recent survey available to them. This baseline data shall be put in public domain by 15.02.2015” The SBM guidelines explicitly recognize migrants and construction labour as special focus groups, requiring that “all temporary accommodation for migrants and the homeless in urban areas have adequate provision for toilets either on the premises or linked to a public /community toilet.”

⁴⁶ Locations of 12 pay and use toilets in Bhuj Municipality includes beside Town Hall, near Lake View Hotel, Near Hamirsar Lake, Sarpat Gate, Near Bhujiya, Old Bus Station, Hospital Road, Bhid Bazar, Khengaripark, Near Mangalam crossing, Main Bazar and Indrabhai Park.

While the Bhuj Municipality, which does not have notified slums, may have conducted a house to house survey, no baseline data is available in the public domain. Interviews at the Municipality only revealed that work on individual toilet construction is under process and information will be made available in public domain in the future. As revealed in the survey, 55% of the migrants surveyed in this study are practicing open defecation and only 17% have individual toilets and most of these migrants reside in slums/settlements on government/private lands. These are the non-notified slums and as per the SBM guidelines should be able to benefit from individual toilets or community toilets. SBM guidelines are therefore getting compromised by the Bhuj Municipality and it is excluding migrants from getting the benefit under the SBM.

Thus migrants who are contributing cheap labour to the development of the city, remain precluded from the Fundamental Right to Life. With regard to Right to Sanitation, the judicial orders in the context of two court cases are worth noting to bring about sensitization and encouraging accountability of ULBs

and other parastatal I bodies having mandate around Sanitation.

The higher judiciary in India (the Supreme Court and High Courts) has interpreted the fundamental right to life under Article 21 of the Constitution to include the right to sanitation. The right to sanitation is, therefore, a part of the fundamental right to life.

“Access to water and sanitation are recognized by the United Nations as human rights, reflecting the fundamental nature of these basics in every person's life. Lack of access to safe, sufficient and affordable water, sanitation and hygiene facilities has a devastating effect on the health, dignity and prosperity of billions of people, and has significant consequences for the realization of other human rights. People are rights-holders and States are duty-bearers of providing water and sanitation services. Rights-holders can claim their rights and duty-bearers must guarantee the rights to water and sanitation equally and without discrimination” – UN Water.

Cases on Right to Sanitation

Virender Gaur v. State of Haryana, Supreme Court of India (1995)2 SCC 577 Article 21 protects the right to life as a fundamental right. Enjoyment of life and its attainment including the right to life with human dignity encompasses within its ambit...sanitation without which life cannot be enjoyed.

LK Koolwal v. State of Haryana, High Court of Rajasthan, AIR 1988 Raj. 2 Maintenance of health, preservation of sanitation and the environment falls within the purview of Article 21 of the Constitution as it adversely affects the life of the citizen and amounts to slow poisoning and reducing the life of the citizen because of the hazards created, if not checked.

2. AMRUT

Atal Mission for Rejuvenation and Urban Transformation was launched in June 2015 with focus on following thrust areas:

- i. Water supply,
- ii. Sewerage facilities and septage management,
- iii. Storm water drains to reduce flooding,
- iv. Pedestrian, non-motorized and public transport facilities, parking spaces, and
- v. Enhancing amenity value of cities by creating and upgrading green spaces, parks and recreation centers, especially for children.

The first and second focus areas of AMRUT have the

purpose to ensure that every household has access to a tap with assured supply of water and a sewerage connection. Reaching the urban poor, which includes migrant workers, is necessary to achieve this universal coverage. AMRUT thus seeks to achieve assured water supply of 135 litres per capita per day in urban areas besides providing water supply and sewerage connections to all urban households⁴⁷.

The Centre has committed a sum of Rs 2,070 crore for a period of 2015 to 2020 for the development of 31 cities in Gujarat under the Atal Mission for Rejuvenation and Urban Transformation (AMRUT) mission of which 414 crores (1st Installment (20%) of Central Assistance released) have already been released by the Centre⁴⁸. 31 AMRUT cities of Gujarat

⁴⁷ <https://blog.mygov.in/editorial/amrut-rejuvenating-urban-india-transforming-india-through-reforming-processes/>

⁴⁸ [http://mohua.gov.in/upload/uploadfiles/files/new_AR-2017-18%20\(Eng\)-Website.pdf](http://mohua.gov.in/upload/uploadfiles/files/new_AR-2017-18%20(Eng)-Website.pdf), page 37, http://amrut.gov.in/upload/newsrelease/5cb816222e27f21st_Apex_Committee.pdf

includes two cities of Kutch district – Gandhidham and Bhuj.

According to the data provided on the website of AMRUT,⁴⁹ so far 10 projects costing Rs. 103.2 crores have been proposed by Bhuj Municipality of which 13 have been approved. This included 3 projects for Parks, 2 projects for Urban transport, 3 projects for Sewerage and Septage Management, 4 projects for Drainage and 1 project for water supply. The project for water supply was proposed recently. As reflected in Bhuj Municipality Budget Document 2019 – 2020, Rs. 10 crores have been budgeted under AMRUT, it also reflects expense of 1.6 crores during April 2018 to December 2018 under this scheme, while the revised budget for 2018 – 2019 stands at Rs. 10 crores. Discussions at Municipality reveal that some work of storm water discharge has been taken under this scheme. It would be worth finding out more about the work undertaken by the Municipality for Rs. 1.6 crores under the Scheme and in which ward this work got implemented.

Amongst the 18 functions laid out in the Twelfth Schedule of the Indian Constitution which was added

by the 74th Amendment Act of 1992⁵⁰, ULBs are responsible and accountable for the provisioning of water supply and solid waste management. Bhuj Municipality collects taxes like water tax and sanitation tax from the citizens. Bhuj Municipality considers that the migrants are not the citizens of the city because they are out of the purview of voting. The Officials of Bhuj Municipality also reflected that migrants do not contribute taxes for water provisioning. Presently, the Bhuj Municipality has installed stand posts in most of the slums and settlements; however, these can be withdrawn in case any construction related project is sanctioned in that area. Many of the slums like that of Ganeshnagar, largest slum in the city having 7000 voters also have household water pipeline connections. Slums and settlements having no voters have stand posts but in fewer numbers. The Municipality has also installed big focus lights connected to the electricity pole in the slums and settlement areas fully devoid of individual electricity meters and streetlights.



⁴⁹ http://amrut.gov.in/content/cities_list.php

⁵⁰ The act aims at the revitalizing and strengthening the urban governments so that they can function effectively as units of local government.



Chapter 5: Migrants and Health Services in Bhuj

Health is defined as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity (WHO, 2006). This definition applies equally to migrants as it does to non-migrants. Health is also a basic human right and an essential component of sustainable development; being and staying healthy is a fundamental precondition for migrants to work, to be productive and to contribute to the social and economic development of their communities of origin and destination.

During the survey, the quantitative tool captured details of illness in past one year for migrants and their migrated family members, clinics/hospitals they last visited, expenditures made by the migrants during their last visit to clinic/hospital, distance of nearest government clinic/hospital, access to health care public services like immunization, reproductive support services to women, mosquito control services, awareness on communicable disease, incidences of accident at place of work, and access to healthcare van services. The focused group discussions with the migrants captured their preference of healthcare facility for different illnesses and reasons for the same, any kinds of big illnesses like kidney stone, cancer, etc faced by them, experience of ANC and PNC, delivery, experience of ASHA and ANM (Auxiliary Nurse and Mid-wife) from the health department, experience of accidents at the place of work and usage of safety measures while at work. The in-depth interviews with health functionaries which included Chief District Health Officer, Medical Officer of Health Center, ANM and private health practitioners captured data on health issues of migrants, their health-seeking behavior, health concerns of women and children, any kind of accidents / mishaps which the migrants had encountered at place of work, reach of government extension services like mobile van, TB-DOTS treatment awareness and cure, visits by ASHA, ANM, coverage of migrants in government schemes like Janani Suraksha Yojana, Kasturba Posahan Sahay, Chiranjivi Yojana and MA card.

The study assesses the reach of health services, National Health Mission, and food security via PDS and ICDS to the migrants and identified gaps and challenges which lead to exclusion of migrants from these services and benefits. The study does not include occupational health hazards and safety measures at place of work.

5.1: Constitutional provisions and migrants' Right to Health:

The concept of migration and health encompasses the idea that there are various factors and conditions that influence the health of migrants. These factors and conditions are referred to as social determinants of health. Migration, among other factors is a social determinant⁵¹ of health because of its potential to impact health.

The dismal state of access to health services and medical care for the migrants is a major issue. A number of factors are responsible which include expensive private health facilities, conflict between time of work and availability of medical practitioners, cost of missing hours or days of work if treatment is sought, long distance to access services and associated problems of transportation, perceived alienation from government health systems at the destination and language difficulties. Many urban migrant women also prefer having home childbirths. Among women and child migrants, maternal and child health indicators remain poor due to early marriages, early pregnancies, birth in the absence of a trained birth attendant, frequent childbirth, poor health after successive childbirths with insufficient spacing, no exclusive breastfeeding for the first six months, and no complementary feeding thereafter (Borhade, 2012).

The relationship between migration and health is complex, and its impact varies considerably across migrant groups, and from person to person within

⁵¹ The social determinants of health are the conditions in which people are born, grow, live, work and age.

such groups. Conditions surrounding the migration process may exacerbate health vulnerabilities and risk behaviours or it may be an enabler for achieving better health trajectories.

“In light of the 2030 Sustainable Development Agenda, data at the nexus of migration and health are

critically important to monitor the Agenda’s progress, including specific progress on the health related goal and targets to ensure that “no one is left behind, irrespective of their legal status” – 2030 Sustainable Development Agenda.

In India, Constitutional provisions ensuring ‘Health for All’ includes:

Article 21 guarantees the fundamental right to life - casts an obligation upon the state to preserve the life of every person by offering immediate medical aid.

Article 23 prohibits traffic in human beings – important in the context of prostitution, STD & HIV AIDS

Article 24 prohibits child labour (below age 14) – (relevant to child health)

Article 32 empowers every citizen of India to move the courts for violation of fundamental rights.

Article 38 enjoins upon the state to minimize the inequalities in income, facilities (including health facilities) and opportunities .

Article 39 reads ‘the state shall direct its policy towards securing health and strength of men, women & children and to see to it that they are not abused’

Article 41 is about the provision of public assistance in case of old age, sickness and disablement.

Article 42 is about provision of just & humane conditions of work and maternity benefits

Article 47 reads’ The State shall regard raising the level of nutrition and the standard of living of its people and improvement of public health as among its primary duties. The State shall endeavour to bring about prohibition of the consumption, except for medical purposes, of intoxicating drinks and of drugs injurious to health

As per the *7th schedule of the Constitution*, provision of health care is the responsibility of the State governments but the Central government also plays a vital role in supporting them in their efforts to ensure all people the access to quality health.

Article 246 pertains to a scheme of distribution of legislative powers between Centre and States as given in the 7th schedule of the Constitution. Union List- Marine hospitals, quarantine, safety in mines, oil fields, manufacture and regulation of salt production. State list- Public health, sanitation, hospitals, dispensaries, production etc. of intoxicating liquors, relief of the disabled, burial grounds, water supplies. Concurrent list – Population control, family planning, vital statistics, lunacy & mental deficiency, adulteration of food stuffs & other goods.

5.2: Food Security via PDS and ICDS

In light of the Constitutional Provisions, the Central and State governments frame many missions, programmes and schemes to ensure that 'All' have access to basic health care provisions and also implements social welfare programmes to ensure security of food for 'All'.

The National Food Security Act (NFSA) 2013 provides for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people so that they can live a life with dignity. Food entitlements are given through the administrative mechanism of the Public Distribution System (PDS) which supplies subsidized food grains through fair price shops (known as ration shops). The beneficiaries are divided according to their socio-economic profiles into three categories, Antyodaya, BPL and APL and all have access to food grains at different subsidized prices through registered ration shops. The biggest challenge for the migrants is that they can access their food entitlements only at the place mentioned in their ration card, hence during mobility for work, they are unable to access their food entitlements. The Working Group on Migration set up by Government of India in 2016 reflects that "the existing administrative infrastructure for food security . . . often results in migrants losing access to their food security entitlements upon moving to a different location, both within and particularly outside the state. Consequently, migrants become vulnerable to malnutrition and resultant health complications. These are particularly pronounced among women and children migrants, whose maternal and child health indicators tend to remain poor." (MHUPA 2017: 29-30).

In the context of Bhuj city, the Food and Civil Supply department of the State Government runs Anna Brahm scheme which provides 10 kgs grains to poor (Niradhar) households who do not have ration cards and are unable to access grain from any other source. This scheme is implemented through Manav Jyot NGO since the last eight years. Interview with the official of Manav Jyot revealed that they make field visits in the city to identify such families and many a times, these people also directly approach the NGO for ration. They have given an identity card to the beneficiaries which are updated each time with quantum of grains provided to the family. The identity card includes information about the number of family members, place of origin, head of the household and

monthly date on which grains were provided. Presently there are 350 beneficiaries under the scheme and this list is updated quarterly.

As revealed by the migrants during the focus group discussion, few of them are linked with the Anna Brahm scheme and get access to the grains regularly. The 350 beneficiaries presently identified for the scheme are just a fraction of the migrants who should be linked with this scheme. Large numbers of migrants are still unable to access grains provided through PDS as the allocation of food grains through the Central Government is made at the place of origin

અન્નમ્ બ્રહ્મ યોજના

કે.: ભિખા પટેલ - ભુજ
૬૨૪૦

કાર્ડ નં.: ૪૨૨
૪૨-૦૬૮૨

પુરુષ નામ: ભિખા પટેલ
મુળ વતન: ભુજ

પુરવઠા નિરીક્ષક (જિલ્લા પુરવઠા અધિકારીશ્રીની કચેરી, ભુજ) / નાયબ મામલતદાર, પુરવઠા (મામલતદાર કચેરી, ભુજ) ની સ્ક્રીપ્ટ પુછતાં જણાવું છું કે, અમોને સરકારીની અન્નમ્ બ્રહ્મ યોજનાની વિગતવાર જાણકારી આપવામાં આવેલ છે. જે અન્વયે અમો જણાવીએ છીએ કે, અમો કોઈપણ પ્રકારનું રેશનકાર્ડ ધરાવતા નથી કે અમોને સરકારીની કોઈ યોજના હેઠળ સહાય મળતી નથી, અમો નિરાધાર છીએ, અમારી પાસે આવકનું કોઈ જ કાયમી સાધન નથી, અમો ઉપર જણાવેલા હેઠાણે / વિસ્તારમાં સરવિહોણી સ્થિતિમાં નિરાધાર રહીએ છીએ તેવું આથી જાહેર કરીએ છીએ. અને અન્નમ્ બ્રહ્મ યોજના હેઠળ ૧૦ કિલો વઉનો જથ્થો અમોને આજરોજ માનવજ્યોત સંસ્થા-ભુજ દ્વારા મળેલ છે. (આ કાર્ડ માત્ર સંસ્થાના ઉપયોગ માટે છે.)

પરિવારની માહિતી

અનુ.	અટક સાથે પુરુષ નામ	સંબંધ	ઉંમર	વ્યવસાય
૧	ભિખા પટેલ	પતિ	૪૫	
૨	ભિખા પટેલ	પુત્ર	૨૩	
૩	ભિખા પટેલ	પુત્ર	૧૫	
૪	ભિખા પટેલ	પુત્ર	૧૦	
૫				
૬				
૭				

ટોટલ સંખ્યા ૪

સહી/ અંગુળે તા: ૨૧/૧ / ૨૦૧૮ માનવજ્યોત - ભુજ-૬૨૪૦.

Anna Brahm scheme Identity card

and portability of food entitlements has not yet been envisaged through PDS scheme.

NFSA 2013 extends to ICDS⁵² beneficiaries which includes expecting mothers, nursing mothers, children of 6 months to 6 years by providing free meals at the Anganwadi centre and Mid day meal at the government schools to ≤ 14 years of school going children.

To make an assessment if the migrants are using the ICDS schemes, two ANM (Auxiliary Nurse and Midwife) of the Urban Health Centre were interviewed. It was shared by the ANMs that Anganwadi centers are not located near the migrant's settlements, which directly exclude the migrant children, expecting mothers and nursing mothers from getting the services from ICDS. The quantitative survey shows that their children have not received immunization.

Through the efforts of Setu Abhiyan, two Anganwadi centres, one at the Kharasara ground slum and another at the slums near Leva Patel Hospital are providing Nasta for children. Another NGO of Bhuj city, Swajan, responds to this need of the migrants, by running 3 Anganwadi centres at the slum areas of Kodki Road, Leva Patel and D Mart site. They provide Nasta to the children and also organize health camps for children and adults through collaboration with the Lions club and other private agencies.

Under ICDS, a community of 400 to 800 people should have one Anganwadi. In Bhuj city, the required numbers of Anganwadis are not found in the slum areas and the free meal component does not reach the beneficiaries. NGOs working to promote Anganwadis in slum areas revealed a lack of suitable place/rental room available in the slum areas to start the Anganwadi. Another challenge is that most migrants work as a couple and leave home early at 7 am and therefore the Anganwadi timings (9:30 am to 3:30 pm) are not adequate for them to leave their child.

Further in the context of the migrants living at workplace it was very difficult to establish if PDS and ICDS is reaching them because the research team were restricted to enter the work premises. This is an aspect that needs to be studied further.

5.3: Maternal and Child Health Services

While discussing the challenges with the ANM, the difficulty of keeping track amongst the migrants of expecting mothers for immunization and ante-natal care and postnatal care surfaced. Most of these mothers prefer delivery at place of origin more specifically for rest and care during delivery and to avoid major expenses on delivery while very few migrant mothers will deliver at place of migration. Challenges associated with young and nursing mothers are also related to lack of awareness on immunization and mis-beliefs, especially for the 9th month vaccine of MMR (Measles, Mumps and Rubella) to the infant.



Mamta Card, a tool for families to learn, understand and follow positive practices for achieving good health of pregnant women, young mothers and children.

The Central as well as State governments have implemented various schemes for the BPL families. Few of the Central government schemes for BPL families are Janani Suraksha Yojana (JSY), Rasthriya Swasthya Bima Yojana (RSBY) and Central Government Health Scheme (CGHS). In Gujarat, the State government has implemented schemes like Mukhyamantri Amrutam (MA) Yojana, Chiranjivi Yojana, Balsakha Yojana and Kasturba Poshan Sahay Yojana (KPSY) in addition to the Central government schemes.

⁵² ICDS aims to improve nutrition, health, and development of children from birth to age six, monitoring and educating pregnant and lactating mothers, and helping vulnerable adolescent girls and women between 15 and 44 years

RSBY and MA Yojana are health insurance schemes wherein, on payment of a token premium, a family receives health insurance for a certain amount.

Janani Suraksha Yojana (JSY) is a safe motherhood intervention under the National Rural Health Mission (NRHM) being implemented with the objective of reducing maternal and neonatal mortality by promoting institutional delivery among poor pregnant women. JSY is a 100 % centrally sponsored scheme and it integrates cash assistance with delivery and post-delivery care.

Chiranjivi Yojana (CY) aims at significantly reducing maternal and infant mortality by harnessing the existing private sector and encouraging it to provide delivery and emergency obstetric care at no cost to families living below the poverty line.

Under Balsakha Yojana all babies born to BPL mothers in the State are covered for neonatal care by partnering with pediatricians, including care in their Neonatal Intensive Care Unit (level 2) at no cost to the beneficiary.

The Gujarat Government launched the "Kasturba Poshan Sahay Yojana - Conditional Cash Transfer" with the goal to reduce morbidity and mortality linked to malnutrition and Anaemia - the scheme targets BPL mothers. To facilitate adequate nutrition during pregnancy, cash support of Rs. 6000/- is given to all the BPL mothers in installments. The Government of Gujarat encourages private practitioners to help the government in providing services to the needy through their participation in Chiranjivi Yojana and Balsakha Yojana.

As reported by the ANM and by the Medical Officer, Urban Health Centre, Bhuj, application forms for JSY and KPSY are filled for every expecting mother, ie all migrant mothers living in slums as well as mothers living on footpath get covered under JSY and KPSY. Both the schemes demand proof of residence, which many migrant mothers do not have. Under such condition the ANM guides the mothers to get residence certificate from the City Councilors which are considered to be valid for these two schemes. This shows that the city councilors (elected members) have a significant role in making the assistance under JSY and KPSY reach the poor migrants. However, the question is whether the councilors are playing this role for the migrants or do they refuse to give residence certificates to them because, like middle-class and elites, they too perceive migrants to be undesirable and potential criminals?

As reported in focus group discussion, migrants prefer to deliver at the place of origin, however, in case they deliver at place of migration and undergo cesarean delivery, ANM fills the Chiranjivi Yojana form and sends the mother to empanelled hospital/doctor (Dr. Devanand Parmar is one of the famous empanelled doctors for Chiranjivi Yojana) and in most of the cases if the mothers are eligible that is, they are below poverty line they receive assistance for free cesarean delivery.

Further in the context of the women/mothers living on construction sites it was very difficult to establish if these programmes and outreach services are reaching them and this is an aspect that needs to be studied further.



Health check up and medicine distribution for migrant women & children by Asha worker



Health check up & vaccination for pregnant migrant women

53 According to the Census of India 2011, the tribal population of India is 8.6 per cent of the total population which is about 67.8 million people. The States of Madhya Pradesh, Maharashtra, Odisha, Gujarat, Rajasthan, Jharkhand, Chhattisgarh, Andhra Pradesh, West Bengal and Karnataka account for around 83% of the total scheduled tribe population in the country and majority of these tribal groups live in rural areas.

54 The prevalence of sickle cell carriers (an inherited form of anemia) among different tribal groups varies from 1 to 40 per cent (Bhatia HM, Rao VR. Bombay: Institute of Immunohaematology (ICMR); 1987. According to the Genetic atlas of Indian Tribes Madhya Pradesh has the highest load of sickle cell carriers. Gonds and Bhils constitute the largest tribal groups in central India. In Maharashtra, the sickle gene is widespread in all the eastern districts, also known as the Vidarbha region, in the Satpura ranges in the north and in some parts of Marathawada. The tribal groups with a high prevalence of sickle cell include the Bhils, Madias, Pawaras, Pardhans and Otkars. In Gujarat, the Dhodia, Dubla, Gamit, and Naika tribes have a high prevalence. Some tribal groups in south Gujarat like Chaudry, Gamit, Rohit, Vasava and Kukana have shown both a high prevalence of sickle cell thalassaemia trait (6.3 to 13.6 %). These tribal groups would have the likelihood of co-inheriting both these genes (Indian J Med Res, 2015 May 141(5):509-515).

5.4: Overall Health Services and Migrants' Health Status

The quantitative survey shows that a quarter (27%) of the respondents reported stomach related illnesses, malaria, gynecological and respiration related illnesses. 13 respondents reported injury at work which included electric shock while working, hand/leg fracture, finger getting cut by a machine and injuries on head, leg and hand.

Private and government health centres are equally preferred by the migrants in Bhuj. For minor illnesses like cold, fever, stomach ache, etc private health practitioners are preferred while for more severe illnesses like gynecological conditions, injuries at work place, tuberculosis, etc, government health centres/hospitals are preferred. Private health care facilities are identified through word of mouth and two such doctors in Bhuj city are known among migrants for good treatment.

As many of the migrants hail from tribal belts of Gujarat and other states⁵³, questions for symptoms related to Sickle Cell Anemia⁵⁴ among the migrant groups were also probed to the ANM; however, the ANM did not have enough information on sickle cell anemia and also reported not being trained on this topic.

The Chief Medical Officer, Kutch Zilla Panchayat, Bhuj, flagged the health implications of risky indulgent behaviours amongst the migrants such as usage of

tobacco and alcohol. A male migrant roughly spends 50 - 70 rupees each day on these substances. He added that it is of utmost importance for them to understand that these indulgences not only reduce their lifespan but also consumes a part of their income which could be rationally used on good health practices to bring good standard of living and health to them and their family members.

Bhuj city has a district hospital, G.K. General Hospital – this is a 300-bed hospital. In 2009 the hospital was given 99 years of lease to Adani Group which now runs a medical college with the hospital.

The district hospital is located on the main road of the city and is easily accessible by public transportation. Another known hospital for good treatment in the affordable range of the migrants is Leva Patel Trust Hospital. There are three urban health centres, Vyayam Shala UHC, Camp area UHC and Laxmi Naraya temple UHC. The first two UHCs are easily accessible by public transportation and located near few slum areas while the last one is located in the interior of the city and is inaccessible to most of the migrants. Slums and settlements located outside the main city area like Airport road are far from all these UHCs and the Trust Hospital and also the migrants residing here do not get direct public transportation and they need to travel more to reach these health services. All the urban health centres function between 10 am to 1 pm and 4 pm to 6 pm on regular days of the week.



Health service near RTO area





Chapter 6: Governance for Migrant Construction Workers' Welfare in the City

As per Migrants Labourers' Study by SETU Abhiyan conducted in the year 2017, there are 6360 migrant workers in Bhuj city, of which approximately 4000 (63%) are engaged in construction work. Considering this vast predominance of construction workers among migrant population in Bhuj city, more number of construction workers (51% of the sample size) were covered in the survey. . Hence, it is important to understand and reflect on the legislations guiding the construction sector for social welfare provisions, regulation of employment and services and de jure and de facto implementation status of these legislations.

The construction industry is the second largest industry in India, after agriculture. The construction sector is of vital importance to the Indian economy, contributing 7.7% to the country's GDP, with a total size of Rs 10,640.68 billion in 2015-16⁵⁵. It is one of India's fastest-growing sectors, with a CAGR of 10.3% in the decade between 2000-01 and 2010-11. Real estate and construction is the second largest employment provider in the country, next only to agriculture, according to the Economic Survey 2017-18. The sector employed over 40 million workforces in 2013, 52 million workforces in 2017 and is expected to employ 67 million workforces by 2022. Nearly 90 per cent of the workforce employed in the real estate and construction sector is engaged in the construction of buildings, while the rest 10 percent workforce is involved in building completion, finishing, electrical, plumbing, other installation services, demolition and site preparation. Over 80 percent of the employment in real estate and construction constitutes minimally skilled workforce, while skilled workforce account for over 9 percent share and the remaining are spread across work classes such as clerical, technicians and engineers⁵⁶.

6.1 Vulnerability of the workforce engaged in construction sector:

Most of the workers engaged in the construction sector are migrants and this becomes their greatest vulnerability. Migrant construction workforce encounters similar vulnerabilities as migrant workforce in other occupations, however, they also experience specific vulnerabilities on account of their occupation. These include:

- **Uncertainty of work:** Construction workers working through Nakkas do not get work each day of the month. Workers come and stand on Nakkas from morning 7 am and wait till 12 in the noon for the Contractors to approach them.
- **Informality of employment:** The construction industry in India is highly fragmented with many numbers of unorganized players that work on sub contracting basis and amongst these migrants are generally the invisible workers. Vulnerability is compounded due to lack of awareness about their 'rights'. The sector offers no opportunity to the construction workers to bargain for fair wages. They are not paid minimum wages; even the agreed wages are not paid on time. Even after the construction work is over, substantial due remains with the builders or the contractors, who are always on the lookout for devouring these due wages. At times the worker ends up into a vicious circle of debt and bondage.
- **Access to Credit:** Most of the construction workers are not linked with formal financial institutions or banks for credit at the place of migration. They highly depend on the contractor or peers for credit; this makes them vulnerable and sets a trend to get engaged with the same contractor every time which also weakens their space for negotiations with the contractor. Site workers who directly get engaged with the contractors from their place of origin are more vulnerable as compared to the workers standing on Nakka. Workers from Nakka are more aware about the market rates for labour, as they interact with workers belonging to other regions and other contractors.

⁵⁵ Nath Roy, Shamindra and Manish, Naik Mukta, (2017), Centre for Policy Research: Migrants in Construction Work: Evaluating their Welfare Framework.

⁵⁶ Realty, construction to generate 15 million jobs by 2022: Economic survey, <https://economictimes.indiatimes.com/jobs/realty-construction-to-generate-15-million-jobs-by-2022-economic-survey/articleshow/62696169.cms?from=mdr>

- **Cash management:** Workers dwelling are not safe enough to keep cash, they generally keep their remuneration deposit with the contractors and take only that much amount which is essential for day-to-day living. This also increases their economic vulnerability, as the contractor always has an upper hand and the workers have to agree to all the terms laid by the contractor. When the workers visit their place of origin during festivals or social occasions, they take with them cash amounts and travel long journeys. Thefts during travel and losses of finances are common issues faced by the workers.
- **Uncertain working hours:** Working times and hours for construction workers are not regulated. They do not get overtime for excess work.
- **Unsafe working conditions:** They work under hazardous conditions. The working conditions and the facilities provided at the sites are inadequate. Safety precautions and measures are compromised. Construction sites generally lack provisions for financial and medical aid in case of accidents. Treatment is left upto the workers and the employer does not bear any responsibility.
- **Occupational hazards:** Construction industry demands working in mud, stone, cement, steel and iron nails, sand, bricks, and unhygienic water. Most of the masonry works depend upon cement mix material. Moreover, the workers do not wear socks or gloves, or shoes or any other necessary safety gear / equipment. . Respiratory illnesses like cough, asthma, allergy, and bronchitis are commonly observed amongst construction workers. Other than these, workers are also at risk of life and loss of limbs in case of fatal accidents.

6.2: Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996⁵⁷ and Building and Other Construction Workers Welfare Cess Act, 1996

In view of the Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act (BOCW), 1996, and the Building and Other Construction Workers Welfare Cess Act, 1996, the Gujarat Government framed the BOCW rules in August 2003 after a delay of seven years from the enactment of the two central legislations. The Gujarat Building and Other Construction Workers Welfare Board (GBOCWWB) was formed on 18th December, 2004 under Rule – 36 (GBOCW Rules) and section 18 of BOCW Act after a delay of eight years from the enactment of BOCW Act while the corporate body of the Board was constituted only in July 2008 which resulted in delay of implementation of welfare schemes for construction workers (CAG, Gujarat Report 2, 2014).

At the State level, currently, there is a fifteen member Advisory Committee under the chairmanship of Hon. Minister of Labour. The committee comprises of two members of State Legislature, Secretary (Labour and Employment), one member nominated by the Central Government, Chief Inspector of Factories, Chief Inspector for inspections from Labour Commissioner, three representatives from employers associations, three representatives from building workers association, one representative each from architect association, civil engineers association and nationalized insurance company.

6.2.1 Registration of Construction workers:

Every building worker who is between the age of eighteen and sixty and who has been engaged in any building or other construction work for not less than ninety days during the last twelve months is eligible for registration as a beneficiary of the BOCW Welfare Fund under this Act. Workers registration is important to avail benefits of the schemes of the GBOCWWB.

According to the Gujarat BOCW Rules, 2003, application for registration is to be made in Form V and is to be accompanied with

- Fees fixed by Board
- Age proof
- Certificate from present employer
- 3 copies of passport size photograph

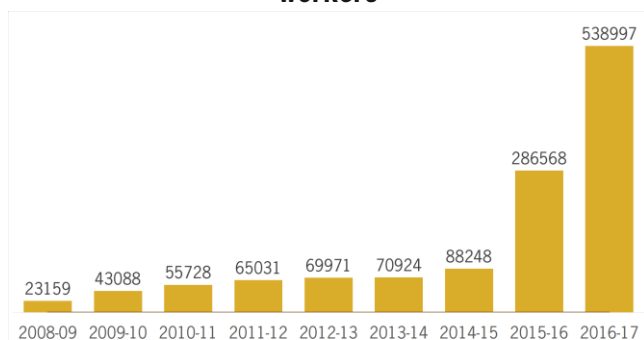
⁵⁷ In pursuant to the decision of the 41st Labour Ministers Conference held on 18th May, 1995, the Committee of State Labour Ministers expressed its consensus for the Central Legislation on the subject of regulating the safety, welfare and other conditions of construction workers. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1995 (Ord. 14 of 1995) was promulgated by the President on 3rd November, 1995 as the Parliament was not in session. To replace this Ordinance, a Bill was introduced in the Lok Sabha on 1st December, 1995, however could not be taken and got lapsed. On 5th January, 1996 the President promulgated the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1996 (Ord. 3 of 1996). To replace this Ordinance, a Bill was introduced in the Parliament which could not be passed and the President promulgated the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Second Ordinance, 1996 (Ord. 15 of 1996) on 27th March, 1996. As this Ordinance could not be replaced by an Act of Parliament, the President promulgated the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996 (Ord. 25 of 1996) on 20th June, 1996. In order to replace this Ordinance, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Bill was introduced in the Parliament and passed by both the Houses of the Parliament and received the assent of the President on 19th August, 1996 and got published in the Gazette of India on 20th August, 1996.

The GBOCWBB website⁵⁸ specifies the following documents to be attached with the registration form:

- Age proof – election card and aadhar card
- Ration card for details of family members
- Self attested certificate for 90 days of work in the last 12 months
- Copy of bank passbook for details of bank account number and
- Self attested certificate for income details
- 3 copies of passport size photograph

In case of Gujarat, Board does not take fees from the construction workers for registration and requirement of the certificate from employer/contractor was replaced by self-attested certificate in which the worker declares that he/she has been engaged for 90 days or more in the last 12 months as a construction worker. This was a positive move of the State Government for improving the registration of the construction workers. This was done because of two reasons, first, employers and contractors were not providing certificates to avoid any legal repercussions and flee from State's regulations and second, the construction workers working on a daily basis with different employers/contractors were finding it difficult to get such a certificate. As reflected in the chart below, till 2014 – 2015, the registration of workers was very poor, after which it increased tremendously. According to the Chart 6.2.1, till 2017, approximately 5.39 lakhs construction workers were registered while

Chart 6.2.1: Registration of construction workers



Source: <https://bocwwb.gujarat.gov.in>

according to the information sought from the GBOCWBB's office in Ahmedabad, approximately 6.5 lakhs construction workers are registered as against 12 lakhs working in the State. Efforts to get district wise details of the registered construction workers were not successful and the GBOCWBB responded that this data will be soon available on their website. Furthermore, from the information furnished on the website and from the officials, it is not clear as to how many construction workers renew their

registration once it expires after three years.

Interviews with the district level officials⁵⁹ of the GBOCWBB revealed that , campaigns were being organized at Nakkas to identify legitimate construction workers and do registrations. He added that self attested certification of construction work for 90 days in last 12 months has also led to non construction workers getting registered and it is very difficult to authenticate the information provided at ground level. He shared his experience where many rickshaw drivers and street vendors tried to get themselves registered and later were identified. Further, reflecting on shortage of staff at the district level, he noted that it is difficult to reach the whole district for registration of workers.

At the district level, there are supposed to be two full-time staff – programme manager and data operator cum field assistant. The role of the programme manager is to make field visits, identify the construction workers, register them, fill forms for welfare schemes and coordinate with the State level functionaries for smoother functioning. The Data operator cum field assistant is mainly responsible for maintaining the MIS and assisting the programme manager. In Kutch district, the programme manager is on long leave due to ill health and the Board is functioning with only data operator cum field assistant. In case of Kutch, it being the largest district of the country covering an area of 45,674 square km, which is too large to be covered by only one programme manager and MIS data operator cum field assistant.

Due to the fear of getting into legal matters, the developers and contractors do not cooperate for the registration of construction workers. Reflecting on these challenges, the Member Secretary, GBOCWBB, remarked that at State level dialogue is in process to decentralize and improve the process of registration and soon Mamlatdar and Taluka Development Officer may have the authority to register the construction workers.

The Member Secretary felt that they have made good efforts in the past three years to improve on the registration of construction workers. They also seek participation of NGOs working in the same sector for identification of construction workers.

Not much has been done on awareness generation on the registration of workers and its benefits. During the survey, only 0.8% of migrants engaged in construction work reported having Shramik Card⁶⁰ and

⁵⁸ <https://bocwwb.gujarat.gov.in/registration-benefits.html>

⁵⁹ Data operator cum field assistant, BOCW office, Bhuj

⁶⁰ Shramik Card is given by GBOCWBB to registered construction workers

most of them were ignorant about it, the registration process and its benefits.

6.3: Registration of Construction sites and regulation of employers and construction sites

Under the Act, establishments, that is, construction sites, employing ten or more workers have to be registered with the government. It applies to every establishment which employs, or had employed on any day of the preceding twelve months, ten or more building workers in any building or other construction work.

Under the BOCW Act, the State Governments are required to appoint a Chief Inspector of Inspection of Building and Construction to enforce the provisions of the Act on the Construction Sites. In Gujarat, such a position has not been created and the implementation task of the Act has been given to Directorate of Industrial Safety and Health (DISH), Labour and Employment Department which already has eight other Labour Laws for enforcement.

The district of Kutch comes under Joint Director, Industrial Safety and Health, Rajkot region whose office is in Adipur block. During the study, a visit was made to the Adipur office to meet the concerned officer in charge of the implementation of BOCW. In the year 2017, the State Government recruited a full-time 'BOCW Inspector' who functions under the Joint Director, DISH, Rajkot region. He is responsible for making visits to the construction sites and enforcing the BOCW Act. Interview with the BOCW Inspector revealed many challenges for registration of establishments under the BOCW Act. Presently, the website of DISH does not show any information for sites registered under the BOCW Act. According to the 2014 CAG – Gujarat Report, 3234 establishments were registered during 2008 – 2013 in Gujarat. According to the BOCW Inspector, Kutch district, 228 construction sites have been registered during the period 2016 to 2018 in Kutch district (76 sites in 2016, 36 sites in 2017 and 116 sites in 2018). He mentioned that these are not the total sites that exist on the ground; there are many more which have not registered themselves to escape the responsibility laid on the employer by the Act. Big developers like Adani, Suzlon and other branded developers strictly comply with the BOCW Act but others try to escape. Many a time, the DISH office comes to know about the unregistered sites only when some fatal accident cases happen and they receive a complaint.

During the study, Bhuj Area Development Authority (BHADA) was approached to get data on the number of establishments that have sought building development permission in the past three years. According to the data shared by BHADA, in the period 2017 up to 19.10.2019, 1671 building development permissions have been given by BHADA. As stated above, in 2017 and 2018, 36 and 116 construction sites were registered under BOCW in Kutch district. Kutch district has 6 Municipalities among which BHADA is the development authority for Bhuj city. Hence we can interpret that there is a huge difference between the number of construction sites getting building development permission from the Local Development Authorities and construction sites that register with BOCW. We do agree that not all the construction sites receiving building development permission would have initiated construction work and a few of them might be out of the purview of BOCW, but still the variation in numbers is significant.

The registration of construction sites under the BOCW Act depends largely on the initiative of employers to register their sites. The 2014 CAG Gujarat Report also states that "The State Government had not conducted any survey or devised any system to ascertain actual number of establishments and also did not take adequate measures or any initiatives to secure registration of all establishments".

Since Kutch is such a large district, it is difficult for one Inspector to inspect all the registered establishments, hence there needs to be a provision for more inspectors. Here, it should also be noted that even the sites that are registered are not inspected on a regular basis and hence provisions of BOCW Act get compromised by the establishments. Also it is not very clearly written in the Gujarat BOCW Rules, 2003 if the role of identifying sites that should be registered and send them a notice falls in the purview of the BOCW Inspector.

The BOCW Inspector reflected that the Local Development Authorities and Local bodies have the mandate to give development permission, building completion certificate and building use permission to the establishments and also collect labour cess and deposit it in the State Treasury. Hence, they have information about the number of construction sites in their jurisdiction. He added that efforts were made to get a list of construction sites from BHADA (Bhuj Area

Development Authority) that have applied for development permission, but it did not work out. He made a note that the employers and contractors have good relationships with Nagar Palikas and Development Authorities because they depend on them for development permission and provisioning of water, electricity during construction. So the DISH / BOCW functionaries should have mandatory linkage with Nagar Palika and Development Authorities, which presently is missing. He added that copy of BOCW Act and GBOCW Rules should be mandatorily made available to the employers and contractors with the forms of development permission through the Nagar Palikas and Development Authorities.

6.4: Welfare Provisions for Construction Workers under the BOCW Act

Chapter 6 of BOCW Act, 1996 talks about hours of work, welfare measures and other conditions of service to be provided to the building workers. Sections 32 to 37 mentions the following provisions to be made by the employers for the construction workers at the construction sites

- drinking water at suitable points conveniently situated for all persons employed and 6 meters away from washing place, latrines and urinal,
- latrines and urinals conveniently situated at place as may be accessible to the building workers at all times
- accommodation free of cost with separate cooking place, bathing, washing and lavatory facilities to be provide to the building workers
- crèches where more than fifty female workers are employed, a suitable room for children under the age of six years, such a room should have adequate accommodation, should be lighted and ventilated, clean and hygienic, and under charge of women trained in children and infant care.
- first aid
- canteens for the workers.

However, as per the GBOCW Rules, 2003, Chapter IX details out the welfare of building workers which has revealed provisions of latrines and urinal accommodation (Rule 59) and Canteens (Rule 60) and there is no specification on provisions of drinking water, accommodation, crèches and first aid. The

absence of specifications leads to the escape of employers and establishments.

The quantitative survey of construction workers reveals that more than half (53%) reside on government/private land or public place/footpath, nearly one third (31%) reside at the place of work and 17% reside in rented rooms. Workers staying on government/private land or public place/footpath have no access to electricity and depend on public tap/hand pump or private/government building/company to fetch water. Those staying at the place of work are provided water by the employer and most of those staying in rented rooms get water through private tankers by their landlords. Toilets are available to those residing in rented rooms, all residing on government/private land or public place/footpath do not have access to toilets and most (80%) construction workers residing at the place of work also do not have access to toilets and hence are forced to defecate in the open.

During the study, though efforts were made to quantitatively and qualitatively capture experiences of construction workers residing at place of work, the contractors and supervisors restricted the entry of the researchers. In focus groups discussions, information on experiences of workers with contractors was sought. It was revealed that construction workers in Bhuj city had poor experiences with the contractors resulting in nonpayment of wages, irregularities in payments and unexplained deductions from payment. Hence, most construction workers are not linked with a particular contractor on a regular basis as this means getting paid after a period of continuous work with the contractor, and instead they prefer to look for work on a daily basis through the Nakkas so that they are paid daily. Under such conditions, workers do not get benefits of welfare provisions of employers laid under the Act and Rules.

The Welfare Board is entrusted to receive grants from the State Government and Central Government to run Welfare Schemes for the Construction Workers. The cess collected on construction by the prescribed authorities gets deposited in the State Treasury which forms the Welfare fund given periodically to the Welfare Board in the form of grant. Table 6.3a shows that amount of cess collected and the amount of grant allotted to the Welfare Board. It shows that the cess started getting collected from the year 2006, though the Welfare Board was formed in December 2004. As reflected in 2014 CAG Gujarat Report this

was due to late issuance of instructions from the Labour and Employment Department.

It should be noted that the table shows the amount allotted in grant, however, it is not essential that the grant received would have been spent. Hence, it is important to get figures on expenditure and schemes wise expenditure to reflect on the performance of the welfare activities of the Board. Also, not all the registered workers would have benefited under one or the other scheme. Hence, break up of scheme wise expenditure and number of construction workers benefited under each scheme is crucial information to reflect on the welfare activities of the Board.

Table 6.3a: Collection of CESS on Construction in Gujarat

Year	Amount (Rs. In Crore)	GRANT ALLOTTED (Rs. In Crore)
2005-06	-	-
2006-07	17.68	-
2007-08	24.59	2.98
2008-09	44.87	1.7
2009-10	77.98	3.07
2010-11	104.99	3.5
2011-12	115.54	3.16
2012-13	155.04	6.26
2013-14	210.82	10.57
2014-15	249.51	293.43
2015-16	323.31	346.52
2016-17	287.65	191.85
2017-18	375.98	748.93
2018-19	109.68	61.37
Total	2097.63	1673.34

Source: <https://bocwwb.gujarat.gov.in>

The CAG – Gujarat Report 2, 2014 noted that of the total cess of Rs. 540.88 crore collected over 2006-13, the Board had incurred expenditure of Rs. 9.92 crore including Rs. 4.12 crore on welfare schemes. Hence, the actual benefit received by the workers was only 0.76 percent of the cess collected. Further, only 12,193 (17.43 percent) out of 69,971 eligible workers were extended assistance under various welfare schemes. Table 6.3a reveals that 2014-2015 onwards the grant allotted has increased tremendously; hence it is important to know the status of the amount disbursed and expenditures for various schemes under the Welfare Board. Till May

2017, an amount of Rs. 64 crore has been disbursed for various schemes under the Welfare Board, majority of this (15.32 crore) was disbursed for Educational Assistance Scheme, followed by 10 crore for MAA Amrutam and MAA Vatsalya Yojana, 9.10 crore for assistance for children for coaching in special subjects, 9.02 crore for Kaushalaya Vardhana/ Vishwakarma Sadhan Sahaay Yojana, 7.43 crore for Assistance for occupational-related illnesses, 4.85 crore for Dhanvantri Aarogya Rath and 2.82 crore for Pandit Deendayal Hungami Awas Yojana. The amount of Rs. 64 crore is only 5.89% of the total collected cess of Rs 1090 crore as of May 2017⁶¹. It would be further interesting to find out expenditures in each scheme which will reveal the reach of the Welfare Board to the construction workers.

During the focus group discussions few migrants enquired the research team on the status of their application made a few years back to avail education assistance for children. It is important to flag that the scheme utility is experienced and appreciated only when the beneficiary gets assistance on time otherwise the purpose of the scheme gets diluted.

It is also important to understand how many registered construction workers make applications under various schemes, how many of the applications get rejected due to one or the other eligibility criteria reasons and what are these reasons. Such data will help improve the processes of scheme implementation by generating awareness on documents to be submitted while making applications for particular schemes under the Welfare Board. Moreover, it would be important to know how many workers are availing benefits in each district.

However, it is felt that as we see in Table 6.3a and also in Table 6.2.1 of the previous section, grants allotted and registration of workers has increased progressively after 2014 and may be the break up data on scheme wise expenditure and number of workers benefited under each scheme could bring new insights. However, a very small percentage of cess collected has been allotted for welfare schemes.

Presently, there are 21 welfare schemes run by the GBOCWWB Gujarat Welfare Board, of which 14 are in operation in Kutch. Following Table 6.3b provides information on welfare schemes including those which are presently operational. However, there would be district wise variation for operational schemes ie, not all 14 operational schemes would be working in all the districts.

⁶¹ Desai, Renu, 2017: Entitlements of Seasonal Migrant Construction Workers to Housing, Basic services and Social Infrastructure in Gujarat's cities, A Background Policy Paper, Centre for Urban Equity, CEPT University.

Table 6.3b: Gujarat BOCW Welfare Board Schemes

Sr. No	Scheme	Remarks
1.	Skill development and tools assistance scheme	Non operational
2.	Coaching to children of registered construction workers for advance education	Non operational
3.	Temporary Housing Scheme	Non operational
4.	Balwadi / Anganwadi	Non Operational
5.	Annapurna scheme	Operational
6.	Safety training aid scheme	Non operational
7.	Dhanvantri Aaroghy Rath (medical aid scheme)	Operational
8.	Women health screening	No activity in 2018 – 19
9.	Hostel facility for children of registered construction workers	Operational
10.	Accidental death/Permanent disability – Assistance schemes	Operational
11.	Education Assistance scheme	Operational
12.	Maternity Assistance Scheme	Operational
13.	Mukhyamantri Bhagyalaxmi Bond Scheme	Operational
14.	Nanaji Deshmukh Housing Scheme	Operational
15.	Antyeitha scheme	Operational
16.	Rashtriya Swasthya Bima Yojana	Scheme has been stopped by Health department
17.	Pradhan Mantri Amrutam Yojana	Operational
18.	Illnesses caused by occupational diseases scheme	Operational
19.	Pradhanmantri Suraksha Bima Yojana	Operational
20.	Pradhanmantri Jeevan Jyoti Bima Yojana	Operational
21.	Old age Pension Scheme	Operational

Source: DISH, Kutch district, the data was shared on 18th June 2019

The district level GBOCWBB officials explained that many times duplication takes place to avail maternity assistance, so for instance, if the beneficiary has filled form for JSY and/or KPSY schemes of Central and State Governments respectively, then they are ineligible for the maternity assistance schemes of GBOCWBB. As reflected, most of the maternity assistance cases are found to be registered (the aadhar card number reflects on the dashboard) under JSY at place of origin and hence the migrant mother becomes ineligible for assistance at the place of migration.

Reflecting on the implementation of Annapurna scheme, Member Secretary, GBOCWBB, shared that this scheme is functioning smoothly in the big cities

of Ahmedabad and Rajkot. In the case of Kutch district, he reflected that the scheme is sanctioned in Kutch district also and the Board is in search of an agency that satisfies the criteria of the Board. He added that the smooth functioning of the scheme requires that each day at least 250 workers eat at the Annapurna centres and then only it becomes feasible for any agency to take up implementation of the scheme.

In Gujarat, recent government resolutions show that a decision was made to distribute utensil kits and Tarpaulin, but this was never implemented in Bhuj city. Information received from the State level office of GBOCWBB reveals that tarpaulins were not provided because it gives shabby looks to the houses and there are chances that the media takes advantage of this good intention and projects it otherwise. The Utensil scheme also got implemented in a few regions and has yet to reach the Kutch district.

Probing State level officials of GBOCWBB for its temporary housing scheme, they revealed that due to land issues Welfare Board is unable to provide housing in Bhuj city, however, in case land is provided by the District Collector, the Welfare Board can construct 'labour colony' for the construction workers. This is a recent idea which the Welfare Board wants to attempt; however, the biggest challenge of implementation to this idea is land titles since the Board does not own any land.

Shri Nanaji Deshmukh Awas gives a housing subsidy of an amount of Rs. 1.6 lakh to male construction workers and Rs. 1.7 lakh to female construction workers who have been allotted housing under Government EWS/LIG housing schemes. Ration card of the city is required to be eligible for the government's EWS/LIG housing schemes. The eligibility criteria states that the beneficiary should be registered with the Board for two years before applying for the scheme and none of the household members should own a house. Discussions with the construction workers during the study reveal that they have joint ration cards with parents and siblings, many of these ration cards are BPL and few have also availed housing under IAY or PMAY at place of origin. Splitting of the ration card also means that the family separating will be registered as APL till the next round of BPL survey by the Government. This also means that eligibility of other welfare schemes available to BPL card holders is lost for the family that is getting separated. So, the construction workers fear to get separate ration cards and

therefore cannot benefit from this housing subsidy scheme.

Dhanvantri Rath is presently operational in Kutch district and visits slums and settlements where construction workers are in high concentration. This scheme is found beneficial by the workers, as revealed during the focus group discussion; they use the services of Dhanvantri and also wait for the day when the Dhanvantri van is scheduled to arrive.

There were four households who took part in the survey who stated that they had Shramik cards and two of these inquired from the researchers about the education assistance which they were supposed to get two years ago. This evinces that by the time they receive assistance, the purpose gets diluted.

Section 22 of the BOCW Act talks about the functions of the Board, while Section 22 (2) states that the Board may grant loan or subsidy to a local authority or an employer in aid of any scheme approved by the

State Government for the purpose connected with the welfare of building workers in any establishment. Section 22 (3) states that the Board may pay annual grants-in-aid to a local authority or to an employer who provides, to the satisfaction of the Board, welfare measures and facilities of the standards specified by the Board for the benefit of the building workers and the members of their family. However, during the study, interviews with the urban local bodies in Bhuj city revealed that they were unaware about the BOCW Acts and also about the district level officials who implement the Welfare Board Schemes. They were willing to collaborate with BOCWWB if such an opportunity emerged and programmes were designed together. There is great scope under Section 22 (2) and (3) which makes it possible for the BOCWWB to conceive ideas on designing and implementing welfare schemes with the urban local bodies.





Conclusions and Way forward

The decadal growth in migration in India has gone up from 35.5% during 1991-2001 to 44.2% during 2001-11; an average of about 14 million migrants every year⁶². Urbanization and migration are directly linked to each other, as urbanization is increasing, migration is bound to increase.

As reflected by Shri Narendra Modi, Prime Minister, India *“India will experience the largest wave of urbanization in the world in the next two decades. It is a challenge, but also a huge responsibility and opportunity”*⁶³.

Migrants cross their administrative boundary when they migrate and hence they are rendered politically disadvantaged as they do not have the voting rights in the city and are unable to exert political demand and pressure.

What does the city offer the migrants in return for the cheap labour it gets for its development? Many studies reflect and note that the cities are always harsh to the migrants. Migrants are unwelcomed in terms of occupying physical, social, political and cultural spaces in the city. The needs of migrants in the cities are usually prioritized as housing, water, sanitation, food and health and overall well being which include safety and security. Also there are differences amongst migrants in terms of access to housing, water, sanitation and health services, eg. the study revealed that more than half of the migrants from Bihar reside at place of work, accommodation in rented rooms was common among migrants from Uttar Pradesh while most from Gujarat and Madhya Pradesh resided on government/private lands. Thus various source areas also decide the housing tenure of the migrants in the city and the housing tenure directly impacts their access to other basic services.

This research reviews the status of housing, water, sanitation and health of a sample of migrants in Bhuj city of Kutch district of Gujarat and also examines various laws, policies and programmes of Central and State Government contextual to these thematic areas and reflects on the ways in which these policies and programmes fail to fulfill their objectives and identifies

gaps in current procedures and policies, which upon bridging, may lead to inclusion of this group.

7.1 Housing:

The Government of India has a stated goal of housing for all by 2022 and the thrust is on affordable housing for the EWS and LIG segments through subsidies. Migrants face exclusions from the subsidized public sector housing because the States allot housing on the basis of city ration card and intra and inter-State migrants generally do not have city ration card.

Slum Rehabilitation Committee at Urban Local Bodies has functions to delineate a slum area and suggest recommendations to the State Government to notify the slum areas; however, it is doubtful if all the Urban Local Bodies have a Slum Rehabilitation Committee; even if it exists, it exists on paper. Bhuj Municipality does not have a Slum Rehabilitation Committee.

RAY was helpful in Bhuj city to rehabilitate some slum dwellers having city ration cards, since it was extended to non-notified slums also.

The 2016 slum survey by K-Link and Hunnarshala under PMAY, Housing for All (Urban) – 2022 can be considered as an act of recognition to the slums and households and most important they have also included the eligible tenants (migrants/non-migrants, permanently settled migrants) in the survey which has given hopes to them to access housing in government schemes. Evidently, here the Bhuj Municipality made significant attempts to be inclusionary because though at the State level the Gujarat Slum Rehabilitation Policy 2013 gives a cut-off date of Dec 1, 2010 for In-Situ Slum Rehabilitation; the Bhuj Municipality was instrumental in deciding to undertake city survey in 2016 in partnership with K-Link and Hunnarshala and consider the households enumerated under it for the benefit of housing schemes. It can also be attributed to the active involvement of Hunnarshala in RAY and consistent dialogue with the Municipality and State Government.

62 Kundu, Amitabh and Mohanan, P.C, 2017, Internal migration in India: A very moving story, The Economics Times, Blogs, <https://economictimes.indiatimes.com/blogs/et-commentary/internal-migration-in-india-a-very-moving-story/>

63 Annual report 2018-2019, MOHUA

The benefits of affordable housing policy under PMAY and Mukhya Mantri Gruh Yojana (MMGY) has been sought by few EWS and LIG/MIG, however, PMAY demands city documents and name in city slum survey of 2016 which again excludes a significant number of migrants. Six DPRs by Hunnarshala for slum rehabilitation under PMAY are under process with the Bhuj Collectorate and Municipality. It proposes to provide 1091 houses to six slum areas. Dhawal Engineers is implementing the Beneficiary Led Construction vertical of PMAY, details of which were not shared by the Bhuj Municipality. Gujarat Affordable Housing Policy – 2014 of MMGY was implemented by the Gujarat Housing Board constructing 522 houses in Bhuj city. As the guideline of MMGY specifies, housing schemes for EWS are carried out by Urban Local Bodies and Development Authorities (ULB/ UDA/ADA) on public land while affordable housing for lower-income groups (LIG-I, LIG-II) and middle-income groups (MIG-I) are constructed through public-private partnership and Gujarat Housing Board. In Bhuj city, the Affordable Housing Policy under MMGY was implemented by Gujarat Housing Board and not by the Bhuj Municipality or Bhuj Area Development Authority and so it gets established that the affordable housing policy applied to LIG/MIG groups and not for the EWS. Many migrants in Bhuj city belonging to the EWS category got excluded. It needs to be explored further as to why Bhuj Municipality was not able to build EWS houses under the Policy. As revealed by the officials of the Bhuj Municipality, it does not own much of the land and is always in the dearth of land to implement any construction projects. However, the question arises that if GHB which is located in Gandhinagar can get land from the Bhuj Collector (Revenue Department) then why the Bhuj Municipality cannot get the land. It seems that in case of housing policies the State Government keeps ascendancy and the local governments have inadequate powers and poor autonomy.

Under Swarnim Jayanti Mukhya Mantri Shaheri Vikas Yojana (SJMMSVY), the Bhuj Municipality is currently undertaking development of Hamirsar Lake, internal roads, streetlights and water supply pipeline work has also been done, but in private societies. Thus, this segment of the budget also excludes the migrants and slum dwellers.

The component of Shelter for Homeless under NULM has potential to provide permanent - all weather 24x7 shelter equipped with essential services to the urban homeless however, the definition of homeless is

vague and provides scope of being differently interpreted. The Bhuj Municipality interprets homeless as those who sleep in open and considers temporary shelters of migrants as houses and hence does not promote the applicability/relevance of this scheme to the migrants.

Hunnarshala's experiences of preparing DPRs for developing Shelters for Homeless with the Municipality reveals that the strength of the DPR not only lies in the design and management aspects of the shelters but political reach/influence for facilitating land transfers from one parastatal body to another parastatal body.

Recommendation:

- Notification of Slums should be undertaken by the Government at regular intervals. The relationship between slum notification and slum rehabilitation schemes needs to be further explored - is slum notification a prerequisite for application of slum rehabilitation schemes or these can be notified even later after the slum rehabilitation schemes get sanctioned.
- Act of recognition of the slums by the ULBs can take place at any point of time; the Bhuj Municipality has demonstrated this by undertaking a city survey in 2016. Though at State level the Gujarat Slum Rehabilitation Policy 2013 gives a cut-off date of Dec 1, 2010 for In-Situ Slum Rehabilitation, the Bhuj Municipality decided to be more inclusive for the poor. The State Government must respect such measures of the Local bodies and it would be appreciated if the six DPRs based on this city survey get sanctioned by the State Government.
- Housing schemes related to slum rehabilitation and redevelopment should have relaxation as provided in RAY, i.e. it should be applicable to non-notified slums also, this includes a large number of slum dwellers which has an implicit group of migrants.
- Swarnim Jayanti Mukhya Mantri Shaheri Vikas Yojana (SJMMSVY) has been implemented in the city to provide infrastructure facilities like internal roads, streetlight and water supply pipelines to private societies on a participatory basis. This should also be made applicable in slum and settlement areas; however, the urban local body should attempt to subsidize the participatory contribution by the slums.
- The Central and State Government should develop

programmes for the in-situ improvement (in-situ upgrading) of services and infrastructure in the slums of cities. The component of subsidy for beneficiary-led construction/enhancement for houses under PMAY should be made applicable to in-situ improvement of slums through services and infrastructure development. The program targeting “housing for all” should go beyond house-building and subsidized house-building and take a more integrated approach for in-situ improvement of slums, so that services and infrastructures as well as houses are improved. Similar projects under the Slum Networking Project have been done in Ahmedabad in the late-1990s to mid-2000s. PMAY has a lot of emphasis on construction of houses and sidelines integrated improvement of slums. This policy shift has also come out of government bias against slums which they see as illegal and ugly, thus wanting to get rid of these settlements and create formal (legal) housing. However, it is impossible for the government in India (Central, State or city government) to move all of the urban poor in India from informal housing to formal housing – the only feasible long-term approach is to recognize majority of the slums as neighborhoods’ and communities and improve them, give them services and give them tenure security so that as far as possible they are not inadequate and unhealthy places to live. Such in-situ slum improvement/upgrading programmes should apply to slums, regardless of whether they are notified or non-notified. As in the case of RAY projects implemented in Bhuj in three non-notified slums, which also gave ownership rights, ownership rights (or at least some kind of secure tenures such as no-eviction guarantee or long-term patta) should be given to the slums dwellers. Giving ownership rights will motivate the slum dwellers to contribute to in-situ slum improvement programmes. It is an important pro-poor component of such in-situ improvement projects. How to reach migrants when they don’t have the required documents (even if they have been coming to the city and living in the same settlement for many years) of course has to be dealt with to make such in-situ improvement accessible to migrant workers.

- Relationship between agencies like Gujarat Housing Board and the Local Bodies also need to be rethought, presently it seems that there is no linkage between these bodies which impacts the living conditions of poor and migrants. GBH can play a role to facilitate the Local Bodies to avail land titles from the Revenue department which seems to be the most pressing point for most of the Local Bodies, especially in small cities like Bhuj.

- Presently the size of EWS houses given under PMAY is 30 sq mts which is too small for a family size of five members, which component needs to be reviewed and the carpet size needs to be increased.

SUH scheme of NULM is very much applicable to the migrants; capacity building initiatives of the staff working in operationalizing this scheme should be more robust to address understanding of the scheme as a whole. Shelter design under SUH scheme should incorporate a demarcated women hostel and common kitchen, family shelter with and without attached toilet and common kitchen, a separate dormitory for men and women with cooking space and toilets, cooking spaces and shelter management cell and shelter reception. Rooms and dormitories should have well maintained cupboards with safety locks and shelves to keep belongings. Such shelters should be well connected with public transportations. Basic infrastructure facilities like water supply, sanitation, safety and security should be provided at all times.

7.2 Sanitation and Water:

Though Swachhh Bharat Mission with an aim to eliminate open defecation by October 2019 is running in full fledged operational mode in the country, however, its reach to migrants is poor. Migrants in Bhuj city continue to defecate in the open and thus encounter health ramifications of the same. Health implications are seen more amongst women, who reported being restricted to early hours or late hours to address nature’s call, cases of dog bite, fear of snakes and other animals. Health implications for expecting mothers and women during menstruation are even more. The SBM guidelines explicitly recognize migrants and construction labour as special focus groups, requiring that “all temporary accommodation for migrants and the homeless in urban areas have adequate provision for toilets either on the premises or linked to a public /community toilet.” Bhuj Municipality has constructed 12 pay and use; however, almost all these pay and use toilets are not benefiting the migrant workers because these are located far from the settlements and slum areas. It has four mobile toilets; two of which are temporarily installed at place of slum location....this is all they have done for slum dweller migrants.

Water is also a massive issue for the migrants, they fetch water daily from an average 1.3 kms for all purposes – domestic use, drinking and sanitation use. Migrants reported usage of 88 litres of water per

household per day which is very less as per the standards laid by Gujarat Water supply and sewerage Board which is 100 lpcpd (litres/capita/day) and it definitely has impact on hygiene of the family and thus has health implications.

Recommendation:

- The SBM guidelines explicitly recognize migrants and construction labour as special focus groups, requiring that “all temporary accommodation for migrants and the homeless in urban areas have adequate provision for toilets either on the premises or linked to a public /community toilet.” In Bhuj city most surveyed migrants resided on government/private land or at place of work or rented rooms. It continues to be debatable that migrants residing on government/private land can be provided individual toilets; however, the urban local bodies always have options for community and mobile toilets. They must concentrate efforts on community toilets with all time water facilities and should include the slum dwellers to form committees for management of community toilets.
- Provisions of mobile toilets for all settlements should be incorporated.
- Few migrants staying in rented houses also reported defecating in the open. Here the landlords must be pressured by ULBs for constructing individual toilets or link them with SBM subsidy for toilet construction.
- ULB must monitor the sanitation and water provisions for accommodation provided by Hotels/restaurants to their workers and guards. Surprise visits at regular intervals must be made to hotels and restaurants.
- The Pay and Use toilets near the slums and settlements should be made free to the slum and settlement dwellers. Dwellers can be issued identity cards by the Municipality for identification.
- Migrants having their huts on government/private lands must be connected with individual water connections by the ULB. Though the ULB has installed stand posts at places which are directly connected with the water supply network, this should be done in a more decentralized way, i.e. more number of stand posts should be installed at shorter distances, this will help reduce the travel distance to fetch water. The frequency and timings of water

availability at the stand post should be increased. The water tank facility for water storage at settlement areas should be considered so that the migrants do not have to worry about water storage at the household level. This will reduce the water fetching burden of women as well as of children.

Response of the Municipality on provisioning water supply and sanitation should be based on fulfilling the fundamental rights and not on humanitarian grounds. Budget estimate of the Municipality should reflect on the needs and geographical spread of the migrants.

7.3 Health:

In general the migrants have poor access to healthcare and treatment facilities. Many of these migrants also work as construction labourers which run the risk of dealing with construction machines, working long hours and working at elevations and hence run the risk of accidents at work. Women in particular discussed a lot of unhygienic sanitation conditions and lack of sufficient water required for basic needs.

As laid in the National Food Security Act, 2013, PDS provides subsidized ration to all ration card holders – Antyodaya, BPL and APL. The biggest challenge for the migrants is that they can access these entitlements only at the place mentioned in their ration card, hence during mobility for work, they are unable to access their entitlements. Thus though being entitled, they get excluded from receiving ration at place of migration. This impacts their nutrition level, more intensely to women and children. Migrants depend on ration from general stores which are not subsidized and hence end up buying limited stock and on a daily basis.

Schemes like ICDS, JSY, KPS and Chiranjivi Yojana are specifically designed to mitigate malnutrition among expecting and nursing mothers, children 0 – 6 years and promote institutional delivery through linkages with ASHA and ANM. Number of Anganwadi in the slum areas of Bhuj are less which makes the children in slums excluded from the benefits of ICDS. Under the outreach programme, the ANM and ASHA visit the slum areas and register expecting and nursing mothers under JSY and KPSY, both of which demand proof of residence. ANM guides the mothers to get residence certificates from the city councilors which are considered to be valid for these two schemes. This implies that the city councilors (elected

members) have a significant role in making the assistance under JSY and KPSY reach the poor migrants. In a few cases Chiranjivi Yojana has also reached the migrant women, however, most of the migrant women prefer to deliver at their place of origin.

NFSA, 2013 extends to ICDS beneficiaries which includes expecting mothers, nursing mothers, children 6 months to 6 years by provisioning free meals at the Anganwadi centre and Mid day meal beneficiaries which includes school going children ≤ 14 years again by provisioning one time free meal at the government school. In Bhuj city, required numbers of Anganwadis are not found in the slum areas, the free meal components do not reach the beneficiaries.

Preference for private and government health care facilities is equal, however, private health care facilities are preferred for minor health ailments, for severe illnesses government health care facilities are preferred. Private health care facilities are identified through word of mouth. G.K. General District Hospital and Leva Patel Trust hospital are government health care facilities often utilized by the migrants.

Health cannot be seen in isolation, it has direct linkage with water, sanitation, and environment. One may provide better health services and nutrition, however, living without potable water, sufficient water, safe sanitation (where a person does not come in contact with sewage), in areas where water logging or mosquito breeding takes place due to lack of proper drainage & solid waste management – has huge impacts for health (and can even undercut the positive impacts of taking good nutrition), and increases health costs for migrants and the public health costs for the government. It is important to understand these linkages and address all the thematic areas (housing, water, sanitation and not just health) as a public health question.

Recommendations:

- Plan more number of Anganwadis in the slum areas. The Urban Local Bodies five year and annual plans should reflect this need. Anganwadi component can easily be taken up in 14th Finance Commission grants available to all ULBs, this is an untied grant and can be utilized for any need delineated by the ULB. The 14th Finance Commission also demands decentralized plans prepared by the ward councilors with people's participation. Taking an opportunity of these provisions under 14th Finance Commission, the councilors of the

wards having slums and settlements of migrants should put such demands in writing to the ULBs and exert influence in General Body meetings of the ULBs. As reflected previously, it is also true that the timings of Anganwadi are such that it cannot be used by the migrant workers because they leave for work early and return back home in the evening. So the migrant worker children get excluded from receiving benefits of Anganwadi, most important of which is the meal component. So even if more numbers of Anganwadis are built, these will be of limited use to migrant workers. Creches for children < 6 years and day schools for school going children are the best options to reach the migrant workers children. The State Government should think in this direction and come out with strategies that are more inclusive for migrant workers.

- Percolation of JSY, KPSY and Chiranjivi Yojana should increase; more number of councilors should be made aware of such schemes and their associated roles. Pamphlets and hoardings detailing the scheme in local language should be used for awareness generation. Public disclosures in a way that reaches the migrants should be designed and disseminated.

- The government health functionaries reflect challenges of 9th-month immunization to the infant and lack of awareness on immunization during pregnancy and ANC and PNC. NGOs working in the city can take up awareness sessions for this segment facilitated through some experts. The health functionaries should also consider reaching labour Nakkas for immunization during the early hours of the day.

- The Dhanvantri scheme of GBOCWWB is found to be used by many residing in slums and settlements. This scheme should have linkage with district health machinery, this will facilitate the ANM to reach to all pockets of slums and settlements and hence more number of children will be covered for immunization and issue of less ANC and PNC can also be addressed to a greater extent.

- Portability of benefits under PDS is an important policy related issue; views from the migrants should be taken while framing and designing the policy. More number of NGOs to get into implementation of schemes like Anna Brahmi, public disclosures on such schemes to be designed in a manner that reaches the migrants.

7.4 Governance for Migrant Construction Workers' Welfare in the City

As per Migrants Labourers' Study of Setu Abhiyan conducted in the year 2017, there are 6360 migrant workers in Bhuj city of which approximately 4000 (63%) are engaged in construction work. Looking at this vast predominance of construction workers among migrant workers in Bhuj city more number of construction workers (51% of the sample size) were covered in the survey. During the study an attempt has been made to understand and reflect on the legislations guiding construction sector for social welfare provisions of construction workers, regulation of employment and services and de jure and de facto implementation status of these legislations

In view of the two Central Legislations, Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996 and Building and Other Construction Workers Welfare Cess Act, 1996, the Gujarat Government framed the rules for BOCW in August 2003 after a delay of seven years, the Gujarat Building and Other Construction Workers Welfare Board (GBOCW WB) was formed on 18th December, 2004 under Rule – 36 (GBOCW Rules) and section 18 of BOCW Act after a delay of eight years while the corporate body of the Board was constituted only in July 2008 which resulted in delay of implementation of welfare schemes for construction workers (CAG, Gujarat Report 2, 2014)

In case of Gujarat, Board does not take fees from the construction workers for registration and requirement of the certificate from employer/contractor was replaced by the self-attested certificate in which the worker declares that he/she has been engaged for 90 days or more in the last 12 months as a construction worker. This was a positive move of the State Government for improving the registration of the construction workers. As reflected in the GBOCW WB website, till 2017, approximately 5.39 lakhs construction workers were registered while according to the information sought from the GBOCW WB's office in Ahmedabad, approximately 6.5 lakhs construction workers are registered as against 12 lakhs working in the State. Efforts to get district wise details of the registered construction workers were not successful and the GBOCW WB responded that this data will be soon available on their website. Furthermore, from the information furnished on the website and from the officials, it is not clear as to how many construction workers renew their registration once it expires after three years.

As revealed by the Kutch district level officials of the GBOCW WB, before 2 – 3 years, campaigns were being organized at Nakkas to identify legitimate construction workers for registrations, however, self attested certification of construction work for 90 days in last 12 months led to non construction workers getting registered and it is very difficult to authenticate the information provided at ground level. The shortage of staff at the district level to reach the whole district for registration of workers was also one of the reasons noted by the district level officials for registration challenges. Presently, Kutch district has one programme manager and one MIS data operator cum field assistance. In case Kutch, it being the largest district of the country and covering an area of 45,674 square km is too large to be covered by only one programme manager and MIS data operator cum field assistant. Due to the fear of getting into legal matters, the developers and contractors do not cooperate for the registration of construction workers. Reflecting on these challenges, the Member Secretary, GBOCW WB, remarked that at State level dialogue is in the process to decentralize and improve the process of registration and soon Mamlatdar and Taluka Development Officer may have the authority to register the construction workers.

Not much has been done on awareness generation on the registration of workers and its benefits. During the survey, only 0.8% of migrants engaged in construction work reported having Shramik Card and most of them were ignorant about it, the registration process and its benefits.

The full-time BOCW Inspector recruited in 2017 by the State Government functioning under the Joint Director, DISH, Rajkot region is entrusted with the responsibility of making visits to the construction sites and enforcing the BOCW Act. The BOCW Inspector revealed many challenges for registration of establishments under the BOCW Act. The website of DISH does not show any information for sites registered under the BOCW Act. According to the 2014 CAG – Gujarat Report, 3234 establishments were registered during 2008 – 2013 in Gujarat. In Kutch, 228 sites have been registered during the period 2016 to 2018 (76 sites in 2016, 36 sites in 2017 and 116 sites in 2018), however, as reflected by the BOCW Inspector these are not the total sites that exist on the ground; there are many more which have not registered themselves to escape the

responsibility laid on the employer by the Act. Big developers like Adani, Suzlon and other branded developers strictly comply with the BOCW Act but others try to escape. Many a time, the DISH office comes to know about the unregistered sites only when some fatal accident cases happen and they receive a complaint.

As shared by Bhuj Area Development Authority (BHADA), in the period 2017 up to 19.10.2019, 1671 construction development permissions have been given by BHADA. As stated above, in 2017 and 2018, 36 and 116 construction sites respectively were registered under BOCW in Kutch district. Hence we can interpret that there is a huge difference between the number of construction sites seeking development permission from the Local Development Authorities and construction sites that register with BOCW.

The registration of construction sites under the BOCW Act depends largely on the initiative of employers to register their sites. The 2014 CAG Gujarat Report also states that *'The State Government had not conducted any survey or devised any system to ascertain the actual number of establishments and also did not take adequate measures or any initiatives to secure registration of all establishments'*.

Since Kutch is such a large district, it is difficult for one Inspector to inspect all the registered establishments, hence there needs to be a provision for more inspectors.

Local Development Authorities and Local bodies have the mandate to give building permission, building completion certificate and building use permission to the establishments and also collect cess and deposit it in the State Treasury and hence they have information about the number of construction sites in their jurisdiction. However, due to lack of mandatory linkage between the ULBs, Development Authorities and district level officials of BOCW, information about the number of construction sites in the district available to the district level officials of BOCW is inaccurate.

The BOCW Act, 1996 lays down welfare measures for the construction workers which includes drinking water, washing place, latrines and urinals accessible at all the time, free accommodation with separate cooking space, bathing, washing and lavatory facilities, crèches in case more than 50 female workers are employed, first aid and canteens to the

workers. The GBOCW Rules, 2003, has laid provisions for latrines and urinal accommodation and Canteens and there is no specification on provisions of drinking water, accommodation, crèches and first aid. The absence of specifications leads to the escape of employers and establishments.

The quantitative data of construction workers reveals that more than half (53%) reside on government/private land or public place/footpath, nearly one third (31%) reside at the place of work and 17% reside in rented rooms. Workers staying on government/private land or public place/footpath have no access to electricity and depend on public tap/hand pump or private/government building/company to fetch water. Those staying at the place of work are provided water by the employer and most of those staying in rented rooms get water through private tankers by their landlords. Toilets are available to those residing in rented rooms, all residing on government/private land or public place/footpath do not have access to toilets and most (80%) construction workers residing at the place of work also do not have access to toilets and hence are forced to defecate in the open.

There are 21 welfare schemes run by the Gujarat Welfare Board, of which 14 are in operation in Kutch, these include Annapurna scheme, Dhanvantri Rath, Hostel facility for children of registered construction workers, Accidental death/Permanent disability – Assistance schemes, Education Assistance scheme, Maternity Assistance Scheme, Mukhyamantri Bhagyalaxmi Bond Scheme, Nanaji Deshmukh Housing Scheme, Antyeitha scheme, Pradhan Mantri Amrutam Yojana, Illnesses caused by occupational diseases scheme, Pradhanmantri Suraksha Bima Yojana, Pradhanmantri Jeevan Jyoti Bima Yojana and Old age Pension Scheme.

Till May 2017, an amount of Rs. 64 crores has been disbursed for various schemes under the Welfare Board, majority of this (15.32 crores) was disbursed for Educational Assistance Scheme, followed by 10 crores for MAA Amrutam and MAA Vatsalya Yojana, 9.10 crores for assistance for children for coaching in special subjects, 9.02 crores for Kaushalaya Vardhana/Vishwakarma Sadhan Sahaay Yojana, 7.43 crores for Assistance for occupational-related illnesses, 4.85 crores for Dhanvantri Aarogya Rath and 2.82 crores for Pandit Deendayal Hungami Awas Yojana. It would be further interesting to find out expenditures in each scheme which will reveal the

reach of the Welfare Board to the construction workers.

Recommendation:

- District-wise details of registered construction workers, number of construction workers renewing their registration and number of workers benefitting under various schemes should be available in the public domain.
- Data on the number of registered construction workers making applications under various schemes, number of applications getting rejected due to one or the other eligibility criteria reasons and associated reasons should be captured, consolidated and made public. Such data will help improve the processes of scheme implementation by generating awareness on documents to be submitted while making applications for particular schemes under the Welfare Board.
- Decentralized mode of registration of construction workers – The BOCWWB is facing challenges of reaching the construction workers for registration and in large districts like that of Kutch, the challenge gets manifold as the geographical area is large and the number of staff is less. The Board should come out with a solution for the registration of construction workers at the Block level; this will help to reach more construction workers. The dearth of the number of staff in the Board results in poor implementation of the schemes of the Board and hence numbers should be rationally increased.
- The construction sites get building, completion and use permission by the Local Development Authorities while the permission for installation of basic services like water, electricity, gutter line are been provided by the Urban Local Bodies, hence they have information about number of construction sites in their jurisdiction while the BOCW officials lack information about number of construction sites in the district. Mandatory linkages between ULBs, Development Authorities and district level officials of BOCW will help in bringing transparency and accuracy for the information on the number of construction sites in the district which will help the BOCW officials to monitor if the construction sites have registered themselves under BOCW and inspect these sites for provisions of BOCW Act. Thus there has to be a relationship between the institutions of labour governance and urban governance because these together shape the living conditions of migrants in Bhuj.
- Copy of BOCW Act and GBOCW Rules should be mandatorily made available to the employers and contractors with the forms of development permission through the Nagar Palikas and Development Authorities.
- Enforcement of the BOCW Act by the construction employer/building is poor. Study reveals that 80% of the construction workers residing at the place of work do not have access to toilets and hence are forced defecating in the open. Though BOCW Act does not provide standards for latrines and urinals, however, GBOCW rules have specifically laid down standards for latrines and urinals to be available to the workers at all times. Monitoring by the BOCW inspector should be made more robust.
- GBOCW Rules, 2003 lacks standards on provisions of drinking water, accommodation, crèches and first aid. The absence of standards on provisions leads to the escape of employers and establishments. It is important that the standards on provision are laid so that the BOCW inspector has clarity on aspects to be monitored while making visits to the construction sites.
- As per the latest secondary data available, 5.89% of the total cess collected as of May 2017 has been disbursed for the welfare activities of the Board. It is also important that the data on expenses made from the disbursed amount should be made available which will reveal the true reach of the Welfare Board to the construction workers.
- Scopes of implementing schemes like Annapurna which are running well in big cities like Ahmedabad and Rajkot should be assessed and at least a pilot of running this scheme in a small city should be done.
- Section 22 of the BOCW Act talks about the functions of the Board, while Section 22 (2) states that the Board may grant loan or subsidy to a local authority or an employer in aid of any scheme approved by the State Government for the purpose connected with the welfare of building workers in any establishment. Section 22 (3) states that the Board may pay annually grants-in-aid to a local authority or to an employer who provides, to the satisfaction of the Board, welfare measures and facilities of the standards specified by the Board for the benefit of the building workers and the members of their family. There is great scope under Section 22 (2) and (3) which makes it possible for the GBOCWWB to conceive ideas on designing and implementing welfare

schemes with the urban local bodies.

The Urban Local Bodies/Urban Development Authorities with GBOCWWB should pilot the concept of 'Labour colony'. GBOCWWB has shown willingness to support the concept if the ULB/Development Authorities provide land for construction.





Annexure

Annexure 1: State wise caste composition of the migrants

State	Caste Category					Total
		General	SC	ST	OBC	
Gujarat	N		1	15	2	18
	%		5.6	83.3	11.1	100
Madhya Pradesh	N	2	29	6	9	46
	%	4.3	63	13	19.6	100
Rajasthan	N	3	6	5	2	16
	%	18.8	37.5	31.3	12.5	100
Bihar	N	2	1	1	12	16
	%	12.5	6.3	6.3	75	100
Jharkhand	N	1	1			2
	%	50	50			100
Uttar Pradesh	N	7	4	1	9	21
	%	33.3	19	4.8	42.9	100
Others	N	3	2	3	2	10
	%	30	20	30	20	100
Total	N	18	44	31	36	129
	%	14	34.1	24	27.9	100

Annexure 2: Type of housing by Housing Tenure

Type of housing	Housing Tenure							Total
		At place of work	Rented room	Govt/private land	Public place/footpath	Rented spot	Others	
Kutchha	N	18	2	41	8			69
	%	54.5	6.3	80.4	88.9			53.5
Half Pucca	N	3	19	7				29
	%	9.1	59.4	13.7				22.5
In open	N	1		3	1	1		6
	%	3		5.9	11.1	50		4.7
Pucca	N	11	11			1	2	25
	%	0.333	34.4			50	100	19.4
Total	N	33	32	51	9	2	2	129
	%	100	100	100	100	100	100	100

Annexure

Annexure 3: Housing tenure by Migrant's State of Origin

State		Housing Tenure						Total
		At place of work	Rented room	Govt/private land	Public place/footpath	Rented spot	Others	
Gujarat	N	1	1	15		1		18
	%	5.6	5.6	83.3		5.6		100
Madhya Pradesh	N	10	10	23	3			46
	%	21.7	21.7	50	6.5			100
Rajasthan	N	3	3	5	3		2	16
	%	18.8	18.8	31.3	18.8		12.5	100
Bihar	N	9	4	2	1			16
	%	56.3	25	12.5	6.3			100
Jharkhand	N	2						2
	%	100						100
Uttar Pradesh	N	4	10	6	1			21
	%	19	47.6	28.6	4.8			100
Others	N	4	4		1	1		10
	%	40	40		10	10		100
Total	N	33	32	51	9	2	2	129
	%	25.6	24.8	39.5	7	1.6	1.6	100

Annexure 4: Toilet facility by housing tenure

		Toilets facility				Total
		In open	Individual toilets	Pay and use	Community toilets	
At place of work	N	16	3		14	33
	%	48.5	9.1		42.4	100
Rented room	N	3	10		19	32
	%	9.4	31.3		59.4	100
Govt/private land	N	43	8			51
	%	84.3	15.7			100
Public place/footpath	N	8		1		9
	%	88.9		11.1		100
Rented spot	N	1	1			2
	%	50	50			100
Others	N		1		1	2
	%		50		50	100
Total	N	71	23	1	34	129
	%	55	17.8	0.8	26.4	100

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SETUs as cluster level information centres emerged immediately post the 2001 earthquake to play a bridge role in coordinating effective relief and information needs. SETUs carved its own niche – facilitating local people & external agencies towards strengthening communities to decide, negotiate and monitor for the kind & the pace of development that they need and can sustain. Over the time, SETUs realized the need to strengthen the local governance and thus re-educating the Gram Panchayats in governing their villages. Since 2004, SETUs thus focused on strengthening local governance more prominently through various innovations. Initially a program of Kutch Nav Nirman Abhiyan (a district network of organizations), got registered under The Indian Trusts Act, 1882 and The Societies Registration Act, 1860 in Mar 2014 under the name SETU Abhiyan. SETU Abhiyan focuses on accompanying local governments (Gram Panchayats and Urban Local Bodies) in efficient functioning on principles of good local governance.

The Urban Setu, within SETU Abhiyan, focuses on the urban aspects facilitating citizens and local governments towards decentralized planning and responsive governance. Primarily, SETUs have been facilitating the urban local bodies in formation of Ward committees and establishment of ward offices in Bhuj and Rapar blocks of Kachchh district. Working with the economically vulnerable population including the migrants has been the target through enabling access to the entitlement and basic services in the city