

# The Commonwealth Games 2010



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## Executive Summary

Children from families compelled to live at the Commonwealth Games construction sites are going without their basic rights to standard housing, sanitation, quality food, water, healthcare and schooling. Children are living at these sites with their parents who are construction workers at the sites.

This observation is based on Child Rights and You (CRY) reports from Dhyanchand National Stadium, R. K. Khanna Stadium, Talkatora Stadium, Nizamuddin Nallah, Lodhi Road, Jawaharlal Nehru Stadium and a sample study at the Siri Fort Construction site. The studies found that children are living in the construction workers' temporary camps, without quality food, safe water, sanitation, quality formal schooling or daycare, healthcare and a safe environment - basically without a childhood. Poverty-linked migration to work at construction sites in Delhi is resulting in children dropping out of school.

According to a Public Interest Litigation (PIL) filed<sup>1</sup> in the Delhi High Court, 4.15 lakh contract daily wage labourers are working on the six venue clusters and five standalone venues. Children from these families



are forced to share the inhabitable living conditions of their parents subsisting on the less-than-minimum wages paid to their parents. The severely deprived condition of the Commonwealth Games construction workers is impacting their children the most.

India has constitutional obligations towards children that must be upheld, not ignored, in the attempt to provide world-class infrastructure for the country.

<sup>1</sup> Peoples Union for Democratic reported that PUDR charges were "well founded" and recommended "exemplary fine" on errant authorities. Rights (PUDR) filed a public interest litigation (PIL) on the condition of the 415,000 contract daily wage workers at Commonwealth Games projects. A four member committee was appointed by the Delhi High Court on February 3, 2010, to ensure that the workers' rights are not violated.

## Findings from CRY's Sample study at the Siri Fort Construction Site

- None of the children at the site attend school.
- There are no facilities for childcare like anganwadis in or near the site.
- Housing conditions are very poor with tin and plastic sheets being used as housing materials, offering little or no protection from the elements. There are shelters which are made entirely out of tin - 7x7 feet shared by the workers who have families on the site. One family is allotted one such shelter irrespective of the family size.
- Primary healthcare is not available. Sanitation facilities are almost non-existent, with mobile toilets in some places, which are not cleaned.
- 96percent are below poverty line. 36percent of the workers have migrated to the city due to lack or failure of agriculture in their original place of residence.
- 84percent are paid less than Rs. 203, the minimum wages for unskilled labour.

Construction workers come to Delhi from the impoverished rural hinterlands of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Uttar Pradesh and West Bengal. Back home, they are mostly landless labourers or marginal farmers. Agrarian distress forces them to migrate as most of them are dependent on unpredictable rainfall to grow food. However, the working and living conditions here are much worse than what they are used to in their villages, since legal safeguards and fundamental rights of the workers and their children are being violated.



## Introduction

*“What about the workers? With less than two months left for the Games, they are toiling almost round-the-clock in sub-human conditions. Has the organising committee, the government and civic authorities bothered to check how most workers are being treated by their contractors? How bare-footed women are spreading crushed stone to pave the expanded roads and how their bare-bodied children play with dirt and stones on the roadside? Have the workers been provided liveable accommodation with toilet facilities which a member of the organising committee would feel like using?”*

*- Workers rights trampled in the 24-hour toil to meet CWG deadline by Dhananjay Mahapatra, in the Times of India August 9, 2010*

<http://timesofindia.indiatimes.com/india/Workers-rights-trampled-in-the-24-hour-toil-to-meet-CWG-deadline/articleshow/6276576.cms>

The Commonwealth of Nations is an intergovernmental organisation of 54 independent countries. The Commonwealth upholds the values of democracy, human rights, good governance, rule of law, individual liberty and world peace.

Among their most notable initiatives is the Commonwealth Games, held once every four years. The Games are hosted by one of the commonwealth member nations. The host nation invites athletes from other member nations to participate and compete. The 2010 Games were hosted by India and held in the national capital, Delhi, between 3 October and 14 October 2010. India is the third developing country to host this grand sporting event after Jamaica and Malaysia in 1966 and in 1998, respectively. As an Asian nation, India was the second country to host this event. The Commonwealth Games 2010 was the largest multi - sport event ever to be held in India.

Delhi, the host city, has a population of more than 15 million and is one of the largest metropolitan cities of the world.

THE COMMONWEALTH GAMES ORGANISING COMMITTEE had set a budget of Rs. 1620 crores for the conduct of games. The total expenditure on the games, including all the associated infrastructure construction and modernisations, however was to the tune of 65,000 crores.

The scale of construction activities in preparation of the CWG was unprecedented in nature and beyond comparison with any other single construction drive for an event ever in India. There were efforts to restructure and modernise all the existing stadia and new stadia were built-up to the latest standards of quality.

The work was delayed due to compounded factors, thus creating a demand for a huge number of labourers to work at the sites in order to complete the construction in time.

To fulfil this demand, labourers came and were brought to Delhi from rural areas of India. Rural - urban migration in India that had increased since 1990s, reached an unprecedented high during the time when construction work for the CWG was underway. CRY's experience indicates that migration to cities is due to a mixture of pull factors in terms of availability of work in cities and the push factors in terms of high levels of poverty and lack of livelihood in rural areas. Pushed out of agriculture and allied livelihoods, in the absence of alternative rural employment, large numbers of agrarian workers migrate to cities in search of employment.

In the eventuality of the global economic slowdown and the food price rise (2009 saw food prices rise by 20percent), combined with drought and flood situations in North India, there was an acute shortage of livelihood and employment opportunities in rural areas. This factor, combined with the availability of work opportunities in Delhi due to CWG-related construction work, increased the inflow of distress migration to the city manifold.

However, construction work falls under the informal sector, providing neither guaranteed employment nor social security to the workers. The workers employed for the Commonwealth Games construction work were under extreme pressure as they were working to meet deadlines that were imposed on them by their contractors, due to delay on part of the organisers and authorities for the Games.

**Against this backdrop** of preparations for this mega event, we consider the condition of more than one lakh children and more than four lakh workers at the various construction sites of the Commonwealth Games. This fact-finding report is an attempt to highlight the concerns and violation of rights of children of construction workers, even as the budgetary allocations and expenditure for infrastructure development crossed all precedents for organising any such event in India.



## Children's Rights - The Policy Context

- India is a party to the **UN Declaration of the Rights of the Child 1959** (adopted by UN General Assembly Resolution 1386 (XIV) of 10 December 1959). It enlists 10 rights for a child, including the right to special care and protection, to good food, housing and medical services, the right to go to school for free, to play, and to have an equal chance to develop oneself and to learn to be responsible, the special right to grow up and to develop physically and spiritually in a healthy and normal way, free, and with dignity.
- The government adopted a **National Policy on Children in 1974**. The policy reaffirmed the constitutional provisions for adequate services to children, both before and after birth and through the period of growth to ensure their full physical, mental and social development.

*The Building & other Construction Workers Act of 1996 includes provision for clean drinking water on all construction sites, crèches for all sites that employ over fifty female workers, first-aid facilities, safety regulations, and pension plans.*

- India is also a signatory to the **World Declaration on the Survival, Protection and Development of Children**. As part of the commitment made at the World Summit, the Department of Women and Child Development under the Ministry of Human Resource Development has formulated a National Plan of Action for Children.
- Most of the recommendations of the **World Summit Action Plan** are reflected in India's **National Plan of Action**- keeping in mind the needs, rights and aspirations of the 440 million children in the country. The priority areas in the Plan are health, nutrition, education, water, sanitation and environment. The Plan gives special consideration to children in difficult circumstances and aims at providing a framework, for actualisation of the objectives of the Convention in the Indian context.
- In order to ensure child rights practices and in response to India's commitment to UN declaration to this effect, the government of India set up a **National Commission for Protection of Child Rights**.
- **Article 21-A**, as inserted by the Constitution (Eighty-Sixth Amendment) Act, 2002, provides for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right.
- Consequently, the **Right of Children to Free and Compulsory Education Act, 2009**, has been enacted by the Parliament.
- In 1996, a Central Act, the **Building and other Construction Workers Act of 1996** was passed as a legal framework for provision of social security to workers in the construction industry and their families. It was seen as a strategic, comprehensive Act to uphold the rights of construction workers.<sup>3</sup> The key features of the Act include provision for clean drinking water on construction sites, crèches for all sites that employ over fifty female workers, first-aid facilities, safety regulations, and pension plans. Following the passing of this Act, it was only in September 2002 that the Delhi Construction Workers Welfare Board was formed.

<sup>3</sup> The Act may be accessed at

[http://labour.delhigovt.nic.in/act/details\\_acts/buliding\\_other\\_construction/building/part\\_1.html](http://labour.delhigovt.nic.in/act/details_acts/buliding_other_construction/building/part_1.html)

The law specifies that crèches shall:

- a) provide adequate accommodation; be adequately lit and ventilated; be maintained in a clean and sanitary condition, and
- b) be under the charge of women trained in the care of children and infants. The other norms and directives of the Rules are:

#### Safety Committee and safety officers

(1) In every establishment wherein five hundred or more building workers are ordinarily employed, the employer is expected to “constitute a Safety Committee consisting of such number of representatives of the employer and the building workers as may be prescribed by the State Government:

Provided that the number of persons representing the workers, shall, in no case, be less than the persons representing the employer.

(2) In every establishment referred to in sub-section (1), the employer shall also appoint a safety officer who shall possess such qualifications and perform such duties as may be prescribed.

#### Responsibility of employers

An employer shall be responsible for providing constant and adequate supervision of any building or other construction work in his establishment as to ensure compliance with the provisions of this Act relating to safety and for taking all practical steps necessary to prevent accidents. It is the responsibility of the employer to provide constant and adequate supervision of any building or other construction work as to ensure compliance with the provisions of the Act relating to safety and for taking all steps necessary to prevent accidents.



A makeshift *Chulha* (cooking stove) made of bricks from the construction site. This is the open air kitchen that serves as a cooking space for workers at the Dhyan Chand Stadium.



At the RK Khanna tennis stadium during construction, two minimally dressed children of the construction workers. Their smiles bely the 3 degrees Celsius temperature typical of Delhi's winter season.

## Objectives of the Study

This is an investigative fact-finding account of living and working conditions of the construction workers and the situation of their children at Dhyana Chand National Stadium, R. K. Khanna Stadium, Talkatora Stadium, Nizamuddin Nallah, Lodhi Road, Jawaharlal Nehru Stadium, and Siri Fort Complex. The field work for Siri Fort Complex was carried out in February 2010 and for the other sites during October and November 2010.

The overall objectives of this fact finding investigative study were:

1. To gather eyewitness accounts of the living and working conditions of workers employed at the Commonwealth Games construction sites.
2. To gather first hand accounts and case stories from children of construction workers.
3. To gain insights into the condition of workers and their children vis-à-vis their legal entitlements.
4. To assess the living conditions of the migrant workers on the site.
5. To study the conditions under which the workers at Commonwealth Games' site have migrated.
6. To assess the impact of migration on the construction workers and their children.

We have looked into Objectives 4 and 5 only with respect to the construction workers at the Siri Fort Complex. The facts that have emerged from these investigations have been analysed in the context of the rights and entitlements of the construction workers and their children.

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## Findings from Siri Fort Complex Site

At the Siri Fort Complex Site a total of 40 construction workers were interviewed and their living and working conditions were observed and analysed.

The living and working conditions were observed as follows:

**A. Housing:** Looking at the amenities and facilities provided on the site, it was found that the housing standards set by the Act was not followed at any of the sites visited. Instead, we found different housing provisions at sites under different companies:

- i. A 35x35 feet brick shelter with a tin roof provided to be shared by over 20 people.
- ii. A 7x7 feet brick shelter with a tin roof provided to be shared by 5 people.
- iii. Shelters made of tin, 7x7 feet in size, shared by the workers who have families on the site. One such shelter was provided per family, irrespective of the family size. The structures were 5 to 6 feet in height, making it extremely difficult to walk or stand up straight inside them.

No fans were provided even in the searing heat of Delhi, when temperatures hovered around 45 degrees Celsius. The roofing material was made of tin, making the atmosphere inside the structures unbearable. Not surprisingly, workers slept outside whenever the weather permitted. During a windy storm, the structures were often blown away as most of them were not properly constructed.

There is a park next to the site that is the property of Siri Fort, in which the workers would occasionally sleep. But they were driven out early in the morning by the guards, as the area had to be used by the members of the sports complex. The park was also used by the children of the workers to play in, but the security guards forced them to leave too.

**B. Water and Sanitation:** The condition of sanitation was equally abysmal. On one sub-site there were only two toilets available for over 50 people. There were no separate toilets for women. A water tanker was present at the site, which was used for washing, bathing and drinking as well. For drinking water, one tap was available.

**C. Food:** In most cases, there were no food provisions present in the contract of the workers. They had to purchase the raw materials and cook on their own.

**D. Social Security:** There was no provision for social security in eventuality of sickness or disease. Thus, a worker could not claim any compensation for the cost of treatment if he/she fell ill or got injured while working. There were a few cases of illness and the patients were taken to the nearest hospital.

The workers were provided with safety equipment such as helmets and belts during work. The contract with the company had an accident insurance according to which if an accident occurred, the victim could claim compensation from the company equal to the money incurred on treatment. However, no claims have been filed under this provision.



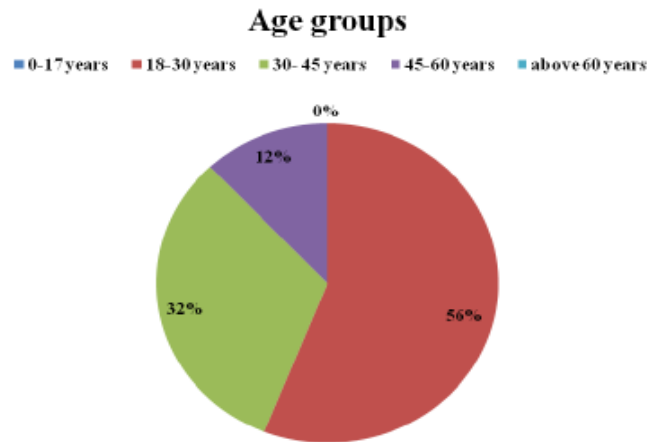
(Above) A makeshift tent that serves as home for the year it took to complete construction at the RK Khanna stadium.

(Below) The tents are built along a main road.



**E. Age Composition of the Workers:** Out of the 40 workers who were interviewed, the largest proportion of workers was in the 15 - 30 age group (see Figure 1). It makes for a predominantly young population who are taking care of young families as well as old parents, etc.

- In a few cases, children aged fourteen or above are also put to work by their parents by faking their age as eighteen. The contractor is not concerned with the age factor, and for the parents the wages are a welcome addition to the meagre family income.

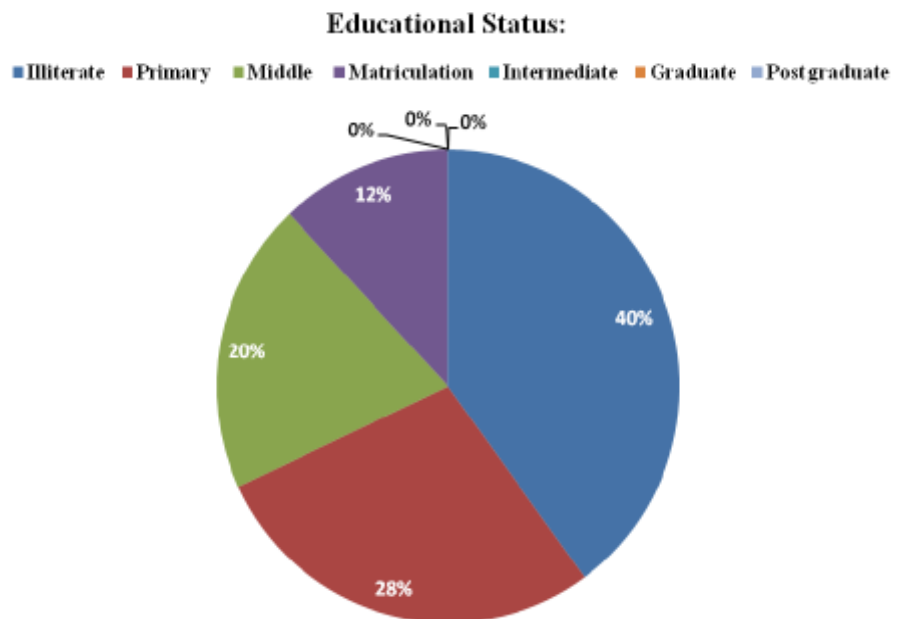


- Migrants aged above 60 are a negligible percentage as they are too old for heavy manual labour required at construction sites

*No one had studied beyond class 10, primarily because of the death of a family breadwinner has forced them into early work.*

**F. Educational Status:** An analysis of the educational qualification of the interviewed workers reveals that 40 percent of the workers are illiterate (see Figure 2). The reasons cited by them included:

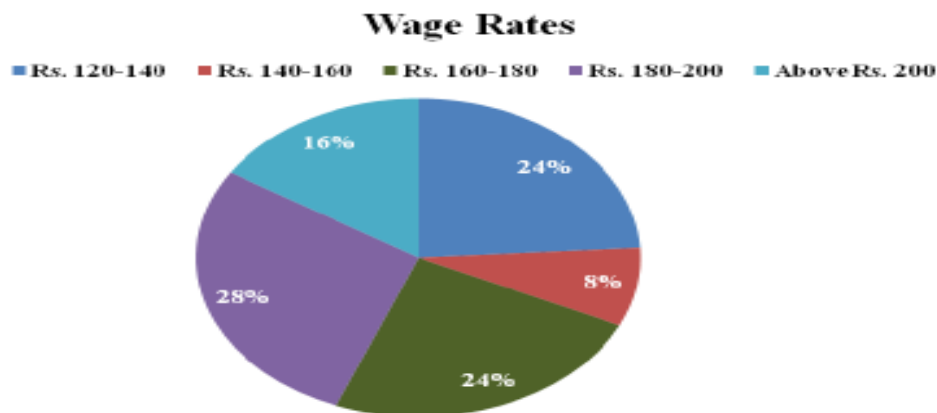
- Financial constraints that forced them to start working at an early age.
- Absence of a functioning school in the vicinity of the village.
- Girls were not encouraged to go to school in their villages.



*Note: Primary= till class 5, Middle= till class 8, Matriculation= till class 10, Intermediate= till class 12*

This means that 40 percent of the workers cannot read or write, with serious implications for registration procedures for the Construction Workers Act, which typically involves paperwork. No one had studied beyond class 10, primarily because of the death of a family breadwinner has forced them into early work. As a result, when questioned about what they want for their children, most workers wished them to study and get ‘good’ jobs. However, the workers with families onsite were not so positive and said that they would not have the money to support their children’s education.

**G: Wage Rate:** An analysis of the wages earned by the interviewed workers reveal that most of them were working on wage rates much lower than those determined by the government. Only 24 percent of workers reported earning more than Rs. 200 per day (see Figure 3).



*Note: The wage rates is in Indian Rupees per day for 8 hours of work in one day. The overtime rate is for 1 hour of work workers get wage equivalent to 1.5 hours of work.*

*Only 24 percent of workers reported earning more than Rs. 200 per day.*

According to the official figures as determined by the Labour Department, Government of NCT of Delhi, the rates w.e.f. 01.02.2010 are as follows:

Category of Labour	Rates (In Rs.)	
	Per day	Per Month
Unskilled	203.00	5278.00
Semi-skilled	225.00	5850.00
Skilled	248.00	6448.00

Source: [www.labour.delhigovt.nic.in](http://www.labour.delhigovt.nic.in)

It was found that only 16percent workers get the stipulated or thereabout wage rate; the rest work for significantly lower (less than minimum) wages.

*90% of households that earn between Rs. 5000 - 8000 per month are single-wage earners*

The workers also reported the following:

- Only those registered with the respective company received the stipulated minimum wages or other incentives such as gratuity and provident fund.
- If they demand registration, the contractor would ask them to leave.

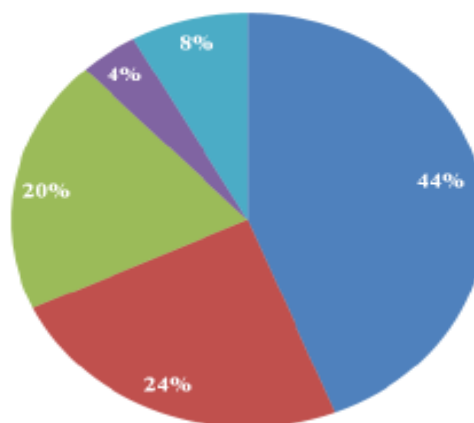
In many cases, the workers were not aware of the registration process, apart from the vague awareness that it involves a lot of paper work.

**H: Household Income:** The average household income was computed for an average family of six members. As illustrated in Figure 4:

- 52 percent of the families surveyed have only 1 wage earner.
- 40 percent of the families have 2 wage earners
- 8 percent of the families have more than 2 wage earners.
- 96 percent of the workers are below the poverty line.

### Income Per Month

■ Rs. 5000-8000 ■ Rs. 8000-10000 ■ Rs. 10000-12000 ■ Rs. 12000-15000 ■ Above Rs. 15000



*Note: The income per month is that of an entire household taking into account all wage earners in one household.*

Further analysis reveals that 44 percent of the households earn, on an average, between Rs. 5000-8000 per month. Of these, 90 percent have one wage earner. Also, most of the workers have to send money back to their families in their village, leaving very little to survive on in a place like Delhi, which is expensive in terms of cost of food. The expenditure also varies from one month to another, considering festivals,

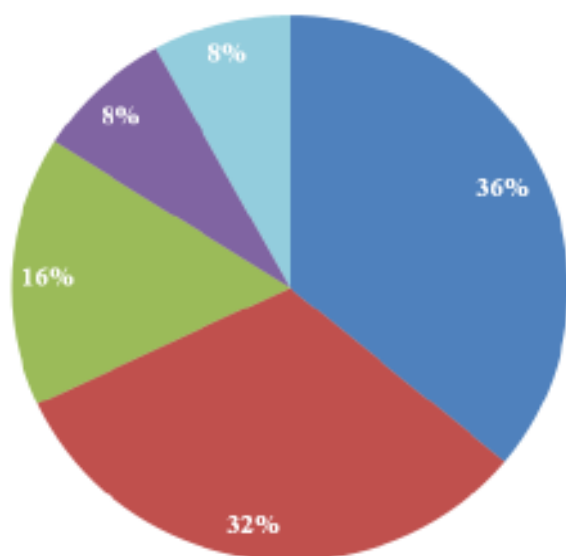
marriages, health problems and other such foreseen and unforeseen events. Considering all this, the amount of pressure on the wage earner is enormous. S/he is expected to work overtime by family members to earn a living. Thus, the physical as well as emotional burden on the worker affects the efficiency and overall working capacity. This seems to have a particularly harsh impact on the health of women, especially those who are pregnant or lactating mothers.

**I. Reasons for Migration:** All the workers in the study belonged to small villages from Rajasthan, Uttar Pradesh, Madhya Pradesh, Bihar, Jharkhand, West Bengal, and Orissa, with the majority from the last four states. Each one of them had worked in other cities including Mumbai, Pune, Surat, Hyderabad, and Bangalore; many had worked on other construction projects in Delhi as well. In other words all were itinerant workers who may have migrated temporarily for work and might well move on to other work spots.

### Reasons for Migration

■ 1 and 2 ■ 1,2 and 3 ■ 1,2,3 and 4 ■ 1,2,3 and 5 ■ 1,2 and 4

1. Lack or Failure of agriculture in the Village
2. Lack of other job opportunities in the village
3. Lure of urban areas
4. Pressure from family and relatives
5. Appeal and Demand of CWG



(Above) An overflowing waste segregation unit within 5 meters of living quarters, spewing dangerous and infection-ridden garbage at the space the children treat as a playground at the RK Khanna Stadium.

(Below) A teenage girl cooks within 5 metres of the waste segregation unit pictured above. The cooking is done on a makeshift wooden stove right outside the shanties the construction workers' families call home.





This family of four has come from Bihar to make a living in Delhi. The work they do now (construction labour) and their living conditions are both drastically deteriorated. But they think this is marginally better since they can buy food here using the wages they get.

Our findings echo those of other larger data sets and studies.

**(i)** One third of the workers interviewed said that they had moved to the city because of **lack or failure of agriculture** and unavailability of other job opportunities in their villages as illustrated in Figure 5. Many have cited a lack of resources (other than non-irrigated land) as the reason for the move, with a failure of the monsoons, a lack of money to buy seeds and other inputs as problems that drove them into cities.

**(ii)** Most of the labourers were landless, though some own very small, unsustainable, uneconomic and inadequate landholdings (of 1 to 2.5 acres) Even for this group, agriculture occupies 3 to 4 months in a year after which they move to Delhi for the rest of the year, while the family stays behind. In some cases, some family members carry on agricultural activities while others seek wage labour in the city.

**(iii)** A second significant reason for moving to cities is the **lure of urban areas**. For the Commonwealth Games, workers were brought to the city by small-time labour sub-contractors, who in many cases were relatives or acquaintances from their villages.

**(iv)** Most workers also cited the fact that they could earn a **higher wage rate in the city** as a reason for migration. Most also claimed that the daily wages under the National Rural Employment Guarantee Act (NREGA) are lower than the daily wage rate in the cities. This is a fact: NREGA offers them a minimum of Rs. 100 per day, when work is available, which is not often the case. In some cases, **family members** pressurise able members to migrate to the cities to work.

It was also observed that the influx of labour to Delhi was high as the labour sub-contractors had brought them on the pretext that there were plenty of work opportunities available. This was combined with the fact that in the last two years, the rural areas of the States from where the labourers came had seen extreme adversities in terms of lack of livelihood and employment opportunities.

Some migrant families have been working in Delhi for over two decades and go to their village only once a year (on an average) for purposes such as marriages or other family functions. However, the largest number are those who do not live on the site with their families, citing several reasons: living in Delhi is expensive and there would be no saving; difficulty of finding a place to live; a need for a family member to look after farm land back in the villages; a perceived lack of safety in the city environment, among other reasons.

Also, 80 percent of the workers are married and thus face a host of family responsibilities, especially their children, for whom they dream of a bright future. Many women have migrated with their husbands after their marriage and work with them, taking on the double burden of home and external work.

**Plight of the Migrants' Children on the site:** Most of the migrants had left their families in their villages for various reasons cited earlier. However, the families present on the site had to face many difficulties for their children.

- There were no crèches provided for the children on the site, leaving parents with no choice but to leave young children under the care of slightly older children.
- There was no supervision of the children - they play unattended among the dangerous machines and implements. This is a matter of worry for most of the mothers and one they are unable to see a way out of.
- None of the children attended school in the city as the migrants were either unaware of any government school nearby or they do not have the means to afford the peripheral costs of education including conveyance fares for children. Even though the fees of the government schools are low, the cost of books, stationery, travel and other miscellaneous costs are a burden on the parents. Thus, parents shy away from getting their children enrolled in schools.
- In the absence of schooling and in the presence of machinery, the children were growing up in an environment which is not conducive to their growth and development.
- There were no facilities for pregnant and lactating mothers.

**J. Post - Games Plans:** The workers were questioned about their whereabouts and plans after the construction work for the commonwealth games is over. The two major responses to the question were as follows:

- I. They would go along with wherever the company they are working for sends them.
- II. They would go home to visit their family for a break before venturing out to look for new work.

In a couple of cases, the migrants wanted to go back to their village and complete



This three years old child plays among the sharp tools and construction material. Contractors are mandated to provide daycare facilities for very small children but none of the sites visited has nurseries.

(Below) This teenage girl cooks for her family when others her age go to school. She is not the only out-of-school child. None of the children at the RK Khanna Stadium construction site go to school.





At the Talkatora Stadium, a woman collects a plastic sack from the discarded materials to be used as a blanket for her infant child.

their matriculation exams. Some workers reported that it was a problem for them to move around, adjusting to new places and surroundings with every new contract. For those who move with families, especially pregnant women and small children, it is all the more cumbersome.

Another question that was asked was whether the workers would like to come back to Delhi and work if such a construction boom opportunity occurs again. Most of the answers were in the affirmative. However, all the workers clarified that this was only because they need work very desperately that they would consider coming back.

Workers who have previously worked in Mumbai, Pune and Surat find Delhi very expensive. They say that their income remains the same as in other cities but their expenditure is higher in Delhi, which leads to lower savings.

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## Impact Analysis of Migration

This section explores whether the CWG-related construction projects have had an impact on the lives of workers. Were working and living conditions at the CWG sites been better than their previous working situations?

### 1. Income Outcomes

Most workers who were interviewed have worked in cities other than Delhi under the same contractor. So their condition of employment, wage rate and benefits remain virtually the same, regardless of what the contractor earns from the construction company on a particular contract. Workers reported that their incomes at the CWG sites are no different from what they earned in other cities, but certainly higher than back in their villages. However, the household and living expenses in the city neutralize the income advantage. This is seen as a deterrent to bringing families with them or sending money home. Overall, given that their income levels remain the same as in other cities, remittances sent home have fallen, since spending is higher in Delhi.

## 2. Health Outcomes

Migrant workers are spending a higher proportion of their incomes on health issues now than earlier. This is because, even as their actual income (factoring in inflation) has remained the same, they get ill more frequently. The cost of treatment has also gone up. Many report that they are taking care of chronically ill family members, a part of their regular expenses. In addition, there are the unexpected expenditures on accidents, illnesses, injuries and infections, which were reported higher during their shift to the CWG sites - a direct fallout of the substandard conditions of hygiene and sanitation. With incomes virtually static and no bonus or additional compensations, their ability to take care of their health has deteriorated.

## 3. Impact on children's education

A section of migrant workers have brought their children with them. When they work at one site for long periods (approximately a year) their children are enrolled in nearby schools. However, the CWG workers' children have had no opportunity for schooling since the period of construction is too short for them to be enrolled in regular schools. No alternative schools have been provided at or near the sites.

Many children - especially boys aged 14 to 18 years - were forced by circumstances of extreme poverty to enter the workforce by faking their age.

The workers whose families are at home are perceived as better off, with their children continuing to study in the village schools. In a few cases, parents have come here to work, leaving their children with grandparents or relatives so that they can complete their education. Many of these children join their parents during schools vacations.

Children who lived with their parents onsite have dropped out of school altogether, something that will definitely contribute to the likelihood that they remain caught in a vicious cycle of lack of education, skilled work and poverty - even as adults. Also, there is no provision of any anganwadis, so pre-schoolers too have no education facilities.



## Case Stories

### **Sunita misses her teacher from her village school**

Seven-year-old Sunita loved to study; she aspires to become a teacher. She used to go to school back in her village in Dadri, Uttar Pradesh. She remembers all the timetables by heart. She loves to read stories. But at the Siri Fort Construction site, she does not go to school, since there isn't one nearby.

She misses the teacher. The entire day she plays around at the site while both her parents at work. "I came to Delhi because mother did not want to leave me alone in the village since I am too small," she says. The nearest government school is in East of Kailash, about 3 kilometers from where Sunita stays.

### **"Came to Delhi because there was very little to eat back home"**

Chand Mohammad, 8, came along with his parents, brother and sisters from Chanchul village, Malda, West Bengal. "There was very little to eat back home, and everyone around said we'll get work in Delhi," says Chand's mother, Gulab Bano.

She and her husband got work at the Delhi University complex of the Commonwealth Games stadium site. She stacks bricks, up to ten at a time, on her head and climbs the stairs of the stadium and drops it off near the mason. Chand's father, Manzoor Mohammad is also a construction worker in the same sports complex.

Chand's mother is paid Rs.125 and his father gets slightly more, Rs. 150. Both of them are paid about half of the amount promised by the contractor's agent. "They promised the men Rs. 300 and us women Rs. 250 per day," Gulab Bano says.

'Home' for the family is a one-room tin shack at Vijay Nagar Labour camp, where Gulab Bano cooks the evening meal over a smoky, open fire with scraps of whatever combustible material she can gather. The camp is devoid of sanitation facilities, with no clean drinking water, healthcare or a formal school.

### **Tired of babysitting her siblings, Chameli wants to play again**

Seven-year-old Chameli is the oldest of 5 siblings who can be seen wandering around the Siri Fort Sports Complex. Both her parents work at the site. She says that she went to a school operated at the site by a local NGO, which later closed down, she doesn't know why. She had enjoyed school; she particularly loved the skipping and counting. "I want to go back to school again," she says.



From morning to night, she cleans up their shack, cooks for her four siblings, helps bathe them, feeds them and keeps a watch on them. She is so occupied with household chores and taking care of her siblings that she does not have time to play. “I don’t know why we have come here, to the city, but I liked our village more because I could play more in the village,” she says.

### Babies at the construction site

Subodh Kumar, 10, accompanied his parents and little sibling from Katihar, Bihar. His parents work at the construction site of the Jawaharlal Nehru Stadium. His mother takes his 6-month-old sister to the construction site as she needs to be breastfed every couple of hours, since there is no specially prepared soft supplementary food for the baby. His little sister is subject to dust, heat, noise and multiple hazards. He hates to live in the labour camp as it is devoid of basic facilities like water, toilets, drainage and electricity. This lethal combination of factors dooms children like his sister and others to ill health, disease, malnutrition, high morbidity and mortality. They inherit a lifelong legacy of poor health.

## Testimonies from Adults

### Birju, 25 and Kalabai, 22

Birju aged 25, who lives near Akshardham Temple, adjacent to the Commonwealth Games Village said, “If I talk to you then there is a risk of losing my job. I migrated from Satna district of Madhya Pradesh along with my family. Our entire family is cramped into a plastic tent. The Contractor who had employed us has not provided any support. They have not given us anything. Whenever media persons come, the site supervisor bluffs them by saying that workers receive Rs. 200 as daily wage and masons get Rs. 500. But we do not receive the promised amount. We only get a part of it and the rest goes to the contractor.”

His wife, Kalabai, who also works on the site said, “I injured my foot while at work and was refused medical help by the *thekedar* (contractor). Whenever anyone is injured during work hours, no medical aid or assistance is given to us. In the *jhuggies*, there is no electricity and children cannot study here.” Pointing towards her daughter, she added, “There are no schools nearby so my daughters are either compelled to stay at home or play on the debris.” None of them have been provided with any protective gear, including shoes, which is what led to Kalabai’s injury.



**Ramsaran Dass, 19**

When Ramsaran Dass boarded a general compartment of a train from Firozabad 15 months ago, he did not know what the Commonwealth Games were. “I work as a wire binder at the construction site of the Commonwealth Games Village near Akshardham Temple. Back in Firozabad, I worked in a bangle factory since I was 10 years old. I studied up to the 8<sup>th</sup> class and came to Delhi in December 2008.”

Ramsaran’s family owns a small landholding of 2 *bighas*, which was too small to feed his family of 10 members. Pushed to penury, he and his brothers came to Delhi. “Two of my brothers also work at the same site and one is still working in Firozabad, where he gets slightly better wages of Rs.130 for 8 hours of work. My brothers and I should get paid Rs. 100 per day for 8 hours of work. But payment is uncertain. Wages paid to us are often delayed too,” he said.

“Hiralal, the contractor, pays us or sends money orders to my home when my brother and I ask him. Our pending wages will be paid at the time of final settlement. Whenever we ask the contractor for payment, he says he is not getting the money from above. Till now I have taken only Rs. 2000 from the contractor. I did not get shoes or gloves. We live in a plastic tent, which has no door.” Ramsaran cooks in the dingy hovel without basic facilities like electricity, water or a toilet. He and his brothers take bath and defecate in the open.

A veil of secrecy surrounds the games sites or temporary labour camps. Whenever an attempt is made to speak to the construction workers and their children, either the security personnel or contractors agents try to stonewall outsider’s queries.

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## Discussion

The Commonwealth of Nations upholds the values of human rights, democracy, good governance and rule of law. However, the preparations for the conduct of the commonwealth games 2010 in Delhi violated each of these values. Workers’ rights were violated and the law enforcement for the safety and safeguards of workers’ rights and children’s rights were weak and inadequate.

The Commonwealth Organising Committee had set a budget of Rs 1620 crore for the conduct of the Games. This figure has been revised from the initial figure of 767 crores. The final figure that emerged from newspaper reports and investigations by NGOs revealed the figure to be in the region of 65,000 crores.

The Games were not only supposed to bring a huge amount of revenue for the government but also, project 'Brand India' as a developed economy in the global arena. Some questions remain:

- How much of this huge revenue will be spent on the welfare of the migrant workers and their children, who are actually the ones laying the foundation to these games? The cost for hosting this event is not just monetary but also social in nature. India ranks very low in the Human Development Index (134/177), so how much does it help the country to score well on the HDI when it is spending crores on the conduct of games that will actually not help improve the conditions of the poor. Also, the renovation of the city leads to a huge displacement of the people including children residing in the slums of the city. Thus, it is again at the cost of the poor that the games are being played.
- Basic rights of children - to education, to health, to protection and to participate in matters that affect them have all been seriously compromised for children living with their parents - workers at the construction sites. What steps will be taken to make sure this is not repeated in future construction projects?

While adults - the athletes - compete for their gold medals, children labouring along with their parents to put the structures together for these adults do not even have basic minimum facilities. The government thinks that making the right to education compulsory will solve the problem of children's education, but clearly the children of migrant workers are deprived of this right.

How much of this revenue earned will actually help the children who have spent precious moments of their childhood here? Every child between the age group of 6-14 years has, as enshrined in article 21(A) of the Constitution, a Right to Free and Compulsory Education. They have the right to go to school for free, to play, and to have an equal chance to develop themselves and to learn to be responsible and useful. They have a right to special care and protection and to good food, housing and medical services, according to the UNCRC, 1959, which India is a signatory to.

These labourers have a right to dignified living (extension of Article 21) but the kind of life they live - earning just 100 a day and sustaining the whole family on that meagre amount suggests how dignified their living is.

Unfortunately, most or none of them are even aware of their rights and thus cannot claim them.

On the 25<sup>th</sup> May, 2010, the Delhi high court told the Centre and the state government to ensure that workers at various building sites in the Capital were registered with the Delhi Building and Other Construction Workers Welfare Board (DBCWWB) so that their rights

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would be safeguarded. Barely 20,000 workers had been registered under the Act by then. The court notice was sent to the New Delhi Municipal Corporation, the Delhi Development Authority and the Sports Authority of India as well.

Eighteen years ago, after the Asiad Games, the Supreme Court had taken the government to task in the Supreme Court in the People's Union for Democratic [Rights vs the Union of India](#) [1982 SCC (3) 235], popularly known as the Asiad case:

“The poor too have civil and political rights and rule of law is meant for them also, though today it exists only on paper and not in reality. If sugar barons and alcohol kings have the fundamental right to carry on their business and to fatten their purses by exploiting the consuming public, have the dalits belonging to the lowest strata of society no fundamental right to earn an honest living through their sweat and toil?”

The number of workers registered with DBCWWB is under 20,000. The high court had appointed a panel of respected members, including former UN ambassador Arundhati Ghosh, in February to assess the situation of construction workers on CWG sites. The committee found that most of the laws were being ‘contravened by the contractors’, just like at the Asiad Games. The committee recommended stringent punishment for non-payment of wages, and sought consolidation of numerous labour laws.

The court had asked respondents to provide an update on 7<sup>th</sup> July 2010 on the registration of workers<sup>1</sup>. However, as of now, these legal directives seem to have remained on paper. The workers at the Siri Fort site had not been registered and were being paid wages less than the stipulated minimum wages. Not only this, most of the workers were not even aware of such a process.

**CRY Demands that the Government makes special provisions to ensure that India’s legal commitments to its children and international human rights commitments are met in the process of any construction projects anywhere in India.**

- **Special attention must be paid to the needs and rights of children of construction workers, especially to secure housing, drinking water, sanitation, healthcare and education so that children from these families have access to their fundamental rights.**
- **Stop dropouts by implementing the Right to Education Act and all schemes pertaining to it including the ICDS and the Midday Meal schemes with immediate effect.**
- **Rehabilitation of all families, with civic amenities in place, in accordance with the Delhi High Court judgement dated February 11, 2010.**