



Prayas Centre for Labour  
Research and Action  
(PCLRA)



Rosa Luxemburg  
Stiftung

# HERE, HOPE HAS NO ADDRESS



Proceedings of workshop on  
housing for migrant workers  
December 30<sup>th</sup>, 2019

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# F O R E W O R D

In a meeting in Mumbai, some two years ago, of individuals and institutions working on the urban housing issue, organized on the occasion of an exhibition on 50 years of Housing in India—carefully researched, thoughtfully assembled and creatively presented—by some of the most creative minds and sensitive individuals on the subject in the country, I made an observation that some 80 percent of the analysis as to what was wrong with India’s urban housing—from policy to program; from public sector delivery system to private sector working; from institutions to professionals; from affordability constraints to land markets; from corruption to education; from planning to building bylaws—and the ideas and the solutions as to what was needed to be done to fix it existed in that very room where we were sitting. Only if it could be used and applied! Yes. I was ascertaining that the people participating in that meeting had the knowledge and ideas—and if you like, solutions—on the urban housing matter. What got noticed and registered, however, was not my assertive statement that we knew what was to be done with the housing challenge. It was the second part of the observation: that the knowledge, ideas, wisdom and solutions that one was referring to had no relation to what was happening outside in the cities. That the government, the authorities, the private players had no use of that knowledge and ideas. That they were two different worlds: the world of ideas and concepts and the world of practice, the practical action. The questions that came up were: why was the disconnect? Why was it so total? What accounted for it? What explained it? Why could not the gap be bridged or reduced?

My reaction was almost identical attending a different kind of meeting in Delhi some time last year, whose account this report carries: Housing of the migrant workers in Indian cities. Housing of the homeless, such as construction workers, who are on the move, are temporary at a location. One of the main topics being discussed was the design and management of the shelters being provided by the government, by the municipal authority in various cities. Some 40/50 participants from across the country, mainly civil society organizations, while discussing the matter were conveying a clear impression that they had studied the matter well and from different angles; that they had first-hand knowledge of the conditions; that they knew what they were talking about; that they were clear as to what was not right with the design, arrangements, management system, provision, location, facilities, etc. and what was to be done to improve conditions and performance. Both the concern and the passion were visible. Also, clarity of ideas. Yet, the concern, the voice that was coming across was: would they—the authorities—listen? Would they agree to improve, change? Would they accept ideas, suggestions, recommendations?

Just the last week in one more meeting in Ahmedabad, on the same subject (shelter for the migrant labour) a highly skilled, experienced and knowledgeable research professional, who is working on the assignment voluntarily, was lamenting the data gaps and therefore difficulty in drawing conclusions and completing recommendations, as the official agencies would not co-operate and not share the data they had. And see that in this context. One, there are just only about 44 such shelters in the city of 6 million, probably one tenth of what is needed. Two, the official survey of the people/families in need conducted just last year is suspect both in quality and methodology. Three, the “state of the environment” study of these shelters, aimed at providing feedback to the authorities is almost a yearlong effort by a voluntary consortium of experienced NGOs working completely voluntarily. Four, it is done meticulously and with a degree of care and concern to offer specific and evidence based suggestions to improve the shelter design, facilities and working of the overall system. Cannot this be done with greater sharing, cooperation and understanding between the authorities and the voluntarily working NGOs? Is not there a need for closer working, even partnership, in such areas



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of welfare delivery? In a manner of speaking, are not the voluntary agencies doing work of the formal authorities? Should not the working relations and protocol be different?

The shelter for the migrant labour is a part of the service to making our cities more inclusive, people caring and poor sensitive—the poor and the migrants being an inescapable reality of any city. And even if it may appear on the lower priority compared to the matters related to economic productivity and the systems efficiency, it is an area of work for the local government. And therefore, the fact that they are investing, building and providing them is a good idea. And therefore, doing it better—better coverage of the population in need, better quality of services, better management, etc.—needs some questioning, thinking and forward planning.

Putting simply that may include the following. One, better structured and better working partnership with the civil society organizations in building and management of the shelters. It needs accepting that in the community welfare services sector, NGOs are better equipped to deliver and manage and therefore deserve respectful engagement, role playing and facilitation. Two, out of box thinking in making them less expensive, better distributed across the city area and faster in construction. The questions to ask are: in the land scarce cities are formal buildings essential for the purpose? Can they be delinked from the exclusive land use and tied up with other public buildings in temporary but comfortable arrangements? Three, can they be more than just the residential dormitories? Four, can they be on the rental basis in low income settlements, formal or informal? Five, can they be constructed as part of re-densification of apartments projects? Six, can the citizens be involved in locating places where they could be housed?

One of the challenges in city management is catching up on the backlog of under provided services. Shelter for the migrant labour is one such area. Both the capacity and quality must improve. Innovative thinking and creative partnerships are the way out. It is in fitness of things to consider that doing it well is not a rocket science. It is a question of getting on the job properly. An early tick mark that it is done well is eminently doable. And that will be good for a city.



Kirtee Shah  
President, Habitat Forum (Inhaf)  
Hon. Director, Ahmedabad Study Action Group (ASAG)  
Chairman, KSA Design Planning Services Pvt. Ltd.

Here, hope has no address



“Housing is a fundamental requirement for dignified living. My Government is steadfast in fulfilling the aspirations of all households, particularly the poorest of the poor, to have a dwelling unit under the Mission "Housing for All" by 2022, marking 75 years of our independence”.

-President of India Speech in Joint Session of Parliament. Para 8 of the Full Speech Text 23 Feb 2015)

## **Proceeding of National Consultation on Housing for Circular Migrant workers at Destination**

Date: 30<sup>th</sup> December, 2019, Vishwa Yuvak  
Kendra, New Delhi.

**F**ield studies and the experience of civil society demonstrate that short-term, seasonal and circular migration is a predominant part of the migration narrative in India, perhaps to the tune of 40-100 million people (Deshingkar & Akter, 2009; Srivastava, 2011). Official data sources like the Census and the NSSO do provide estimates of short-term migration but with several limitations, making it very challenging to articulate policy imperatives for this vulnerable section of the population. However, it is realized that migrant workers are an important part of the country’s workforce; recent government reports have recommended their inclusion in government schemes and policies that target improvement of services, infrastructure, housing, labour welfare and social protection (MoHUA, 2017).

Tens of millions of these circular migrants are poor and marginalised villagers who move regularly for short periods from their villages to areas of destination under conditions of distress to earn a livelihood. Such distress migration

takes place across the country from rural to urban as well as rural to rural areas. The problem of housing cuts across all types of such migration. For instance, millions of migrant workers at various construction sites, in brick-kilns, on farms for various works, in dhabas and restaurants, mines and quarries, industrial, houses as domestic workers and other work sites are largely deprived of proper housing.

The housing policies and programmes like Pradhan Mantri Awas Yojana (PMAY), ‘housing for all’ are not relevant for such migrants as they are not interested in housing schemes based on ownership and those interested cannot afford. Moreover, for a complex set of reasons, such as, earning less than a living wage, irregular employment, social discrimination, lack of appropriate policy including land policy, coercion by employers to extract long hours of work, lack of awareness and collectives, non-implementation of available entitlements, they by and large are unable to access alternate housing for short periods of their stay at place of destination. Consequently, a majority of poor

# 1. INTRODUCTION

and marginalised workers perform live, in addition to workplaces, in the open on pavements, under flyovers, near railway tracks, informal rental houses/rooms in deplorable conditions or on vacant lands facing innumerable problems.

Keeping in view the socio-economic reality of circular migrant workers, there is an urgent need for an all-India alternate policy especially in terms of affordable workers hostels, workplace housing and variety of other rental housing (see section 4.1 - meaning and types of rental housing). In addition to address the current problems of housing, a proactive policy is required keeping in future requirements so that with development of areas no new slums emerge and homelessness is created. Though GOI has come out with a rental housing policy in 2015 and some labour laws put obligation on employers/contractors to provide free accommodation at work sites to migrant labour but they are confined to paper only. At state level, some efforts were made in Maharashtra earlier and rental housing units were constructed but eventually the plan was shelved. Punjab Government recently announced rental housing policy to construct rental houses in PPP mode (see Section 4.3). Kerala Government launched 'Apna Ghar' programme in 2017 and first rental housing complex was inaugurated in Feb 2019 but it is limited to a defined set of workers. So far, no other state has announced such an initiative.

There are other initiatives as well- like the

1. or this, it is necessary that the issue of housing is embedded, inter alia, in township, industrial policies and urban transport policies. For instance, in a township where hundreds of flats/houses are constructed, all residents who require service providers like domestic workers, guards, drivers, cleaners, electricians, plumbers etc. but no provision is made for their housing leading to slums/informal housing. Similar is the case for developing industrial areas.

effort to generate awareness and promote collectives of workers to find local solutions, and build pressure on the policy makers. Courts have been involved through Public Interest Litigation. Due to court orders and civil society pressure, in 2013 GOI announced a 'shelter for urban homeless' (SUH) scheme under National Urban Livelihood Mission (NULM), recently renamed as Deendayal Upadhyay Antyodaya Yojana- (DAY-NULM) but this too does not address the problem of housing of migrant workers due to its limited scope and different structure. Some changes have been made in the recent past, but restructuring is required. Also, the implementation of the scheme is a problem despite Supreme Court monitoring (for details about scheme and important court orders please refer to Section 4.2). The state of Rajasthan is the first state which, under orders of the Supreme Court and Rajasthan High Court, has notified a policy for urban homeless in January 2018 with certain good provisions (see Section 4.2.1). But since the last two years it is gathering dust in files. There have been no efforts to implement the same. If implemented effectively it can help poor migrant labour considerably in accessing housing at reasonable rates.

Some private agencies and some employers have also taken local initiatives, but such efforts are isolated and limited to make any perceptible difference. Central Trade Unions however have not taken up this issue in a concerted way.

In the context of urban housing, circular migrants are doubly vulnerable. Firstly, they are poor and secondly, they work in poorly paid informal sector jobs. Many thus land up on streets or in open spaces as homeless, or live at work-places with heavy social cost and severe





exploitation. Although relatively better off, they too, like the larger category of the urban poor, bear the brunt of the shortage in formal low-income housing supply and live in under-serviced and crowded conditions in slums or unregulated informal rental-spaces. The male-dominated temporary nature of their residence in the city means that they require certain forms of rental housing like hostels. The focus of housing policy in India has been ownership-based, and rentals are emerging only now, as an action agenda for state though a draft rental policy prepared in 2015. The news report suggests that the central government is working on the issue and is soon to launch rental housing for migrant labour in metro cities (see Section 4.4).

Prayas Centre for Labour Research and Action (PCLRA) is working on the issue of circular migrant workers for over a decade including on the issue of housing. Concerned with the issue, it has been planning a national meeting and organized a day-long national consultation of different stakeholders on 30<sup>th</sup> December 2019 at Vishwa Yuvak Kendra, Chanakyapuri, New Delhi on the subject. The

consultation aimed at critically examining evidence-based existing situation, policy/programmes in relation to housing requirements of circular migrants, discuss essentials for relevant policy and possibility of a joint action-plan. All the stake holders - organisations and individuals working on the issue of housing for circular migrants, official of the government, employers' association, academics and trade unions were invited. Total 53 participants attended the workshop. The list of participants is appended in the last.

## II: THE PROCEEDINGS OF THE CONSULTATION

The consultation began with welcome of the participants by Preeti Oza of PCLRA and brief introduction of the participants. Thereafter, Ashok Khandelwal initiating the proceedings shared his views as background for the consultation. Locating the issue in broader socio-economic context, he said that the issue of housing for circular migrant workers is not an isolated issue but rather an outcome of the process of development which has led to high unemployment/under employment, high income and other inequalities of different types, social exclusion and low-grade work opportunities with less than minimum wages. The resources from the marginalized people have been systematically taken away and the State has been complicit in the process. The rural to urban as well as rural to rural distress migration is a result of this development process. Such migration is increasing rising with time. Around 26 million people have left agriculture according to the latest government statistics for the year 2017-18 and many of them

2. With respect to minimum wage two issues are important, one- the fixation of wages; and other payment of wages. Wage-fixation in India is arbitrary, based on a committee recommendation or notification and is much below the living wage. The current floor wage standing at Rs 178/- (as of March 2020) announced by the Government of India; is no more than bare minimum survival wage.

3. For instance, in the first few decades after independence more than 55 million persons, majority being poor tribals/SCs/OBCs, have been deprived of their only source of livelihood which was land, in the name of development – which turned many into distressed and forced poor migrants (GOI 2014).

in addition to other unemployed or poorly employed have been looking for employment elsewhere through circular migration process. It is in this context that this consultation is taking place. Referring to the recent incident in Delhi wherein 43 workers living at workplace lost their lives due to a fire in a factory- because they did not have proper housing, Khandelwal underlined the need for ensuring workers' rights and employers' responsibility regarding housing in addition to responsibility of the welfare State and civil society. About housing policies for this group of workers, he stated that the existing program of Shelter for Urban Homeless is inadequate as the workers living at the workplaces are not counted. In this context he also highlighted the inadequate definition of homeless category in Census as it leaves out workers living at work place, hence rendering them invisible. The limited provisions in labour law such as in the case of inter-state workers act remain confined on paper due to non-implementation and other inadequacies. The discussion on housing of workers in the context of labour rights has been limited so far which needs to be emphasised. Raising the issue related to affordability and distribution of subsidy he discussed that a brief analysis of the PMAY and changes therein suggests that the affordability has been defined in such a way that the subsidy is being given to middle/high





income groups who can afford to buy houses worth millions of rupees. This question is equally relevant in case of proposed rental housing. What does it indicate and at whose cost? In his view the existing schemes need restructuring /modification to make them favourable for majority of poor migrant and urban workers. Equitable distribution of land rightly incorporated in the SUH guidelines remains unresolved. He also stated that the minimum standard of housing needs to be spelt out. The proposed one-room tenements as rental housing seems highly inadequate and may not even satisfy minimum standard provided in SUH scheme. So is the case with current private rentals. Khandelwal concluded by drawing attention to the issues of inadequate definition of homelessness, invisibility of employer- employee relation, suitability of PMAY for the migrant and poor workers and need for a platform where organizations and activists working on the issues of migrant workers especially housing can come together to do advocacy and create awareness and plan collective articulation and action.

Around 26 million people have left agriculture according to the latest government statistics for the year 2017-18 and many of them in addition to other unemployed or poorly employed have been looking for employment elsewhere through circular migration process.

## The spread & implications of the problem of housing for Circular Migrants.

**Moderator:** Indu Prakash Singh

**Speakers:** Mukta Naik, Centre for Policy Research, Preeti Oza & Mina Jadhav, Majur Adhikar Manch.

### **Mukta Naik from Centre for Policy**

**Research** shared her work on informal renting in Gurgaon, an area in the National Capital Region (NCR) having both small scale and heavy industries as well as offices and service industry units. Area is dotted with lakhs of migrant workers. Hundreds of garments units alone provide jobs to lakhs of migrant workers, a good number of whom are women. She discussed how her study informs that many migrants live in informal rentals but these rentals are never visible in various studies. Naik presented findings and insight from the study that she undertook in two areas in Gurgaon which has grown rapidly in the last couple of decades. These urban villages were quickly filling gaps to provide for housing for mid segment and lower income segment (for details refer to section 4.5). Since this is mainly a market-based supply, the speaker stated, that it works as an important income generation tool for the landlords and affordable for the renters.

The research found a range of market determined typologies of private housing like slums, shacks, tenements, one-room-sets, apartments, PGs etc. where the workers live and share common amenities. These rentals spaces are located in close proximity with offices, work places which offered flexibility to the workers in rental housing. The deplorable conditions, extreme crowding, and unsanitary conditions continue to persist since due to lack of any regulations, the landlords are unwilling to invest in providing even basic adequate facilities. The power relations favoured the landlord's not only as owners of rentals spaces but also due to the fact they were found to be part of the political dynamics. Overall, the renters do not have protection against evictions, are faced with arbitrary rent increments and other exploitation in absence of any regulations. The quality of the housing of the rented spaces are not formally recognized by state as they are not under formal

agreements.

Naik further said that even though there are rental policy and schemes like Model Tenancy Act, but what the study found at the ground were a variety of informal rental arrangements. She also shared about certain nuances that emerged from the study: the informal arrangements has different outcomes for the renters as some of the landlords are exploitative and some others are benevolent; oral contracts which are founded on trust may be at times precarious; such contracts offer flexibility to tenants in terms of freedom of mobility and might offer agency as well despite unequal power relations; questions of surveillance, morality which inform are met with everyday resistance. In conclusion the speaker underlined the need for protection and augmentation of informal rentals and to move forward in this direction suggested that (a) there is a need to recognize informal supply of rental housing and assurance of zero adverse effects, (b) initiate pilot interventions to mediate conversations between landlords and tenants in which individuals, local leaders, collectives and unions should participate, (c) promote registry/collectives of migrant tenants at settlement/ward level. In last she added that the landlords may have many incentives to come to the table, what is required is a political and social push for this.

**Mina Jadhav and Preeti Oza** in their joint presentations discussed the living conditions of migrant workers in the brick kilns of Gujarat and Rajasthan, and sugarcane harvesters of South Gujarat. Jadhav said that lakhs of migrant workers arrive in south Gujarat





for sugar cane harvesters arriving in teams or gangs consisting of 15-20 pairs (known as 'koytas'). They stay for about eight to nine months on lands outside of village –common land usually reserved for grazing – where 5-6 teams stay together (approximately 250-300 people), area named as 'padav'. The families are given bamboo sticks and plastic sheets to make the make-shift arrangements which are not enough to occupy a family of four people and makes living difficult in the times of rain and cold.

Citing a PCLRA 2017 report based on mapping and interviews of workers, Jadhav said that many children were outside the school in the destination though they were enrolled in the source; about 50% of the workforce were women who had grave concerns about safety and privacy. Workers live with no electricity, water, sanitation and with no access to public services like health and nutrition and live in a constant threat of poisonous and dangerous animals. Also, Jadhav explained that workers have been struggling to raise their wages which are not even close to the minimum wages for agricultural labour in Gujarat. She discussed

Lakhs of migrant workers arrive in south Gujarat for sugar cane harvesters ...They stay for about eight to nine months on lands outside of village – land usually reserved for grazing–where 5-6 teams stay together (approximately 250-300 people). The families are given bamboo sticks and plastic sheets to make the make-shift arrangements which are not enough to occupy a family of four people and makes living difficult in the times of rain and cold.

that the workers recently also staged a strike, which was a first in the history demanding interest-free advance payment, travel allowance, compensation when workers do not have work in the fields, accident insurance, proper housing, public services, social security services, education, health, nutrition services, implementation of Mathadi board.

workers in brick kilns too remain in situation that is desperate and requires attention. To explain the spread of the issue, Oza shared that there were total of 1.50 lakh kilns which employ about 1.2 crores workers, majority of whom are circular migrants and many work under conditions of bondage. A good number of these workers migrate with family including children and live on worksite.

Oza shared the plight of the migrant workers at the kilns of Gujarat. The speaker elaborated that as far as the workers in brick kilns are concerned, they too remain in situation that is desperate and requires attention. To explain the spread of the issue, Oza shared that there were total of 1.50 lakh kilns which employ about 1.2 crores workers, majority of whom are circular migrants and many work under conditions of bondage. A good number of these workers migrate with family including children and live on worksite creating temporary living spaces. Most of the workers have no access to electricity, clean water, sanitation facility, public services like education, health, and nutrition. The women face concerns regarding their safety and privacy. This situation continues despite the fact that most of the brick kilns are permanently located at a place and workers stay up to eight-nine months. The employers do not make proper housing arrangements and even do not assure for basic amenities for workers largely because there is absolutely no regulation. The contract system also makes establishing the employer and employee relationship difficult and hence the employers escape their responsibilities.

At the end of this presentation Rajesh raised concern about the likely conditions of these invisible workers in future in the new era

of upcoming labour codes which will turn many present labour laws redundant and our Prime Minister stating that there is no need of labour laws.

### Opening discussion:

**Renu Desai** raised question about the variety of housing in urban villages and some details about the kind of informalities which are in practice. Mukta Naik in response stated that there is not much difference in rental arrangements, but informalities are clear. Landlords own the land in urban villages. But there are issues where the state govt may not recognise the extended part of the land beyond the Lal Dora area. There are a host of typologies, for which landlords charge accordingly. And the market it seems is responding both in the terms of service and accommodation. Anjali Singla enquired about the possible interventions in situation of inequality in access to resources. Mukta Naik said in a scenario such as this, provision of basic services could be a valuable point of entry in terms of interventions. Although recognition of issue limits the counting. In the Census exercise, such people are often undercounted. If the landlord is recognised and can be assured that no action will be taken against him, then he might admit that he has twenty renters and he might be willing to provide for services. Another question related to the informal rented spaces with reference to the standards of housing defined by shelter for urban homeless/United Nations and the affordability of these spaces to which Mukta responded that it may not be contextual to impose these standards given that the rental spaces are market determined based on the needs of the communities living in these spaces..

Sandeep (Action Aid) commented that we know that a lot of commotion can arise when we raise issues of regulation. We know that it is the responsibility of the State to ensure regulation. However, we are also aware that the market is increasingly being allowed to enter and provide for services where there are gaps. Also, with





abolition of certain significant labour laws, talking of implementation of laws seems redundant now. We saw no resistance when labour codes came out. Thus, there is now a need to fight not only for decent housing and basic amenities but the fight should be for dignified work as well. He also drew the attention towards large numbers of bonded labourers in sugarcane fields.

Towards the end, Akhila Sivasdas commented that there is a need for us to collectively deliberate what are the incremental changes in housing– what can we do as civil society? There was a conversation about affordable housing for women garment workers. How can people be brought together, ones working with workers and people? Under the circumstances of informalization, recognition becomes essential, where we can fight the system intelligently. There is a critical need to bring forces together. We often feel policy is a great way to entry point – often not realising the levels of resistance from the system. Thus, a need to address at the operationalizing level – work and target a whole set of service providers – only then can we collectively arrive at the

bottlenecks that do not let the policy move. Review of policy will help address these issues.

**In his concluding remarks Indu Prakash** stated that in addition to housing as part of workers’ rights, we also need to look at the issue from human rights view as well. The discussion highlighted a need for evidence-based research and studies to ground our understanding of the condition of workers, their needs and demands. There is also a need to have a robust counting of the homeless, after extending the definition of homelessness. The number that we received for the homeless was 46000 in Delhi, which we know is gross underestimate. He called the participants to come together to conduct a counting of the homeless, which would be in our collective interest.

## Current Policy Regime: Provisions, Implementation, and Limitations: Workers Right to Housing, PMAY, SUH

**Moderator/Chair:** Kirtee Shah, National President, INHAF

**Speakers:** Ashwin Parulkar, (CPR); Dheeraj Dubey (Pratham); Mahesh Gajera (Aajeevika Bureau); R C Patel (Surat Municipal Corporation)

### Chair in his initial remarks

underlined the need for shift in our approach towards the question of housing. He posed a question as to what would happen if the cities that we aspire for were not 'smart cities' but 'liveable cities' or people's city and similarly if we talk not about 'affordable housing' but 'affordable shelter' or 'shelter for all'. Had the names of the programmes been Liveable city and Affordable Shelter, the outcomes would have been more favourable for the majority of city population looking for housing within their means. When we reflect on the solution to shelter, we often overlook how slums can present a solution. If one accepts the informal process of slums as legitimate, then it offers us an interim solution.

Elaborating further, he said that problem lies in our static way of looking at things whether it's the family, the family size, income, housing and the city itself in times when things are changing. Once we recognize that, our position of looking at the shelter and provision of housing will change. Rather than having a static view in terms of formal housing for the poor in the cities, we need to accept the informal process of creating a shelter and give such processes legitimacy. Shelter needs to be understood and designed with a non-static understanding, with provisions for incrementality, improvability and extendability. On this note, the moderator invited the first speaker for the session.

### Ashwin Parulkar from Centre for Policy Research

made first presentation on the 'implementation of policy on shelter for urban homeless (SUH) in the state of Delhi'. There are around 200 shelters spread over 15 clusters across the city with a capacity of 16,000 persons and average occupancy is around 5,000. The shelters are placed under the Delhi Urban

Shelter Improvement Board (DUSIB) that acts as a facilitator body and a nodal agency between the state government and the NGO. It takes the money from the state government and distributes among the NGOs that are managing and operating the shelters. The total allocated fund for O&M is 20 Crores of which only 15 crores are used. The 200 shelters in the city of Delhi are managed by select 6 NGOs only.

The NGOs/Shelter Management Agencies are paid for management and operation but regular and timely payment is the biggest problem as payments are delayed by 6 months to one year. The policy mandates State to provide basic facilities in the shelters as also a framework for operation and management but the entire task of implementation is delegated to the Civil Society or Non-governmental agencies who are confronted with the problem of resource and thus these agencies are performe taking upon themselves the role of State to fulfil the various policy mandates against all odds.

By locations the shelters in use can be divided in two types. One those which are located near the labour chowks (places where the casual labourers gather in the mornings looking for work). Such shelters are used mainly by the single male migrants. There is a need to recognize how the NGOs are providing the basic services mentioned in the policy mandate for the homeless which, in fact, should be part of the labour rights. The other set of locations like Jama Masjid, Nehru Place are used by the people who were evicted from their shacks. Such use emerges due to a failure of resettlement policy. The organizations catering to such areas also provide services of entitlement, de-





addiction related rehabilitation support, etc. He concluded saying that while the capacity of shelters in the city is enough to take care of the thousands of migrants, but due to implementation and other issues the policy for Shelter for Urban Homeless is proving ineffective. He suggested that the organizations managing these shelters can work to identify the extent to which labour laws are being implemented by working with the beneficiaries, identify and understand their needs, and work to address those needs.

In response to a clarification by the Chair about abdication of responsibility by the State of Delhi, Ashwin responded that the state has admitted that their role is limited to that of providing funds only for the operation and management of the shelters. The policy of SUH has certain mandates and the NGOs end up fulfilling those mandates, adhere to the guidelines of the Supreme Court and the policy. The state government takes no responsibility of implementation.

**Next presentation was by Dheeraj**

In response to a clarification about abdication of responsibility by the State of Delhi, Ashwin responded that the state has admitted that their role is limited to that of providing funds only for the operation and management of the shelters. The policy of SUH has certain mandates and the NGOs end up fulfilling those mandates,...The state government takes no responsibility of implementation.

**from Pratham** who began sharing concern about how the migrants are perceived as outside intruders threatening the local social fabric while in reality migrants largely constitute the labour force who build the city itself. There is a need to work to change such negative perceptions associated with poor migrant workers among

Pratham initiated the low-rent hostel facility for the first-time migrants to the city looking for affordable housing and help them save the initial cost of settling down. In this process they also linked the hostel spaces with provision of vocational skills for interested migrant workers and also help them in getting placed.

the locals. He also drew attention to the point made earlier about lack of data including during Census about migrant workers and emphasized the need to collect data. Due to the inadequacy of data, we find gaps in proper understanding of the reality leading to inadequacies in the policy and programmes formulation.

Prior to the setting of workers hostels, Pratham did a study with focus on housing of the migrant labourers visiting various labour chowks in Mumbai and Pune and found that out of average monthly income of about Rs 6,500/- of a migrant, 40% went into housing rent. The high rent, it was found, forced the migrants to return to their place of origin. A need for cheap housing alternatives for migrants thus emerged and based on such need, Pratham initiated the low-rent hostel facility for the first-time migrants to the city looking for affordable housing and help them save the initial cost of settling down. In this process they also linked the hostel spaces with provision of vocational skills for interested migrant workers and also

4. The SUH is a central government scheme initiated in December 2013 and the major part of cost of operation and management is borne by the central government in the ratio of 60:40. The cost provided is rupees fifty thousand per month for one shelter. The Scheme stipulates that O&M cost will be provided only for first five years.

help them in getting placed.

**Mahesh Gajera from Aajeevika Bureau, the next speaker**

focused on the informal network of migrants in the city of Ahmedabad. Most of the migrants live either at private/public open spaces, shelters and work sites. The invisible category constitutes of those living at work sites (for a detailed note based on primary field study on the housing of migrants in Ahmedabad please see Section 4.6). People who migrate with family mostly live at work sites as it is safe for them. He said that discussion on migrant workers generally revolves around men while women and children are missed out. Conditions of women are most vulnerable as they work for long hours and face multiple exclusions. A study in Ahmedabad found average working hours of women migrants to be 17 hours. They lack access to basic amenities such as cooking spaces, availability of water, sanitation services and lack privacy in their daily lives. The issue of privacy is an extremely important issue that haunts all women workers. The women have no privacy be it workspace or living spaces even in shelters and face constant threat of harassment.

About local authorities he said that their responses reeks of ignorance and apathy towards the migrants. They do not want to spend any resources for the cause of migrants. They view people living on the footpath as homeless and do not consider them even the citizens of the city. Circular migrants are in a worse off position as they do not have a dedicated space. Studies show that local officials even extract money as rent per person from the people living on the footpath. For the migrants who accompanied the contractors were found living in the factory premises or the shop floor. One reason for this is low payments to contractors that does not allow them to arrange proper accommodation for his workers. The question of decent housing for migrant workers at destination is urgent and of human right to a dignified life.

Sharing experience of the SUH in Ahmedabad, he said that the NGOs have been





asked by the concerned government departments to give a plan for managing and operating the shelters for homeless by themselves without any State grant thus abdicating its responsibility in providing resources. There has been no sensitization or training of the caretakers of shelters. He also shared that five of the shelters in Ahmedabad were found occupied not by homeless and being used for illegal activities which have subsequently been closed down.

**R.C. Patel from Surat Municipal Corporation** was next to present experience of implementation of SUH scheme in Surat. He reiterated the point of Akhila emphasising the need to work with the operational bodies implementing the policy. He said there is no paucity of funds for the shelters, what matters is the appointment of a nodal agency for SUH. In Surat the nodal agency is UCD to implement the DAY-NULM. The survey in Surat counted 11000 homeless persons and shelters are being built in clusters across the city including the model shelters with focus on at places where large number of migrants have been living and after

taking into consideration their flexibility. While the shelters are being built, the UCD is faced with the challenges of sustaining these shelters, given that the target population is floating in nature, with cultural diversity. The important point he made was that the staff is being sensitized which reflects in change of perspective. Whereas earlier the department was found apathetic, now they are becoming empathetic. Realising the need of the migrant population, family centres are being built along with dormitory style shelters. As per SUH guidelines efforts are being made to provide entitlement to the shelter residents. Shelter Management Committees are providing and organizing livelihood trainings; organising camps to make identity related documents; helping children to enrol in school; ensuring ICDS and health services, holding primary health check-up camps; ensuring bank linkage and linkage with social security schemes-PMJJBY. Prayas has helped them in the process of creating and managing the shelters. About funds he said that the labour welfare board of the state of Gujarat has thousands of crores unspent.



**In the discussion that followed Renu Desai** said that SMC had shared some plans for proposed shelters at a workshop in Ahmedabad in 2017, where the shelters were shown to have quite many family rooms, however, from a recent discussion at SMC it seemed that these plans had been modified and much fewer family rooms would now be built. Since SMC is building family shelters, will they be able to create enough spaces to accommodate 11000 homeless workers? Patel responded by stating that family accommodation is a recent development. After Prayas' representations we have started including workers as homeless as well in our survey. Even though worker wise data is unavailable, I estimate that 60 – 70 percent are workers. By July 2020, it is hoped shelters for 2682 persons will be functional. Patel further clarified that UCD works with a specialised team of sensitised workers who bring people to the shelters and has also been collaborating with TATA trusts for health camps. Patel invited all the participants present to visit the shelters in Surat and help the department understand their shortcomings. Indu Prakash shared that Delhi has many shelters in porta cabins and tents and many are erected only during the winters. No user fee is charged. In Delhi – the struggle regarding the shelters was possible due to the pressure created by the High Court and Supreme Court orders. Land is not available for shelters. There are instances when existing shelters have been bulldozed by the DDA. The shortage of permanent shelters in Delhi is to the tune of 80 percent. Since the state government has no complete control over the land, it is difficult to resolve land issue with them. Prem Narayan Jat (of Koshish) observed that the homeless people often are stigmatised under various laws. Under the garb of maintaining law and order – these people are often picked up and put in lock-ups. No matter what our position, there is a need to highlight how homeless workers are being criminalised. Secondly, shelters have not been built based on people's needs rather they are based on capacity obligation. What is required is hostel type accommodations.

**The Chairperson in his concluding remarks** said that the Pradhan Mantri Awas Yojana (PMAY) is not for the poor and that current set of government housing programmes will not work for poor so long as they are confined to formal housing. There is need to consider informal shelters for housing rather than formal concrete shelters. Since the final responsibility and accountability lies with the State, it should restructure housing programmes. Alternate funding sources like CSR as an Institutional arrangement must be considered and looked upon for funding in addition to other resources. India will have 520 million urban population by 2030 and the number will be around 850 million by 2050 and a large number of these will be poor migrants and so there is a problem with formalization of shelters. Alternate intermediate solution should be looked into in slums developments and prepare them create additional incremental spaces to accommodate such migrants. For this there is a need to create sub structures and institutional mechanisms such as specialised bodies under municipal corporations to look after the urban poor. Focus has to be on Urban Community Development. He also underlined the need to fill the gap for quality data.





## S e s s i o n 3

### Housing as labour right: Affordable Worker hostels/Rental Housing-PPP, Pvt and State supported and Workplace Housing

**Moderator/Chair:** Bipin Rai, Delhi Urban Shelter Improvement Board

**Speakers:** Omkar Sharma, Dy. CLC, Ministry of Labour and Employment, GOI; Amitav Guha, CITU; Renu Desai, Independent researcher, Ahmedabad; Anirudh Raghuvanshi, IGSSS, Delhi; Shanti Lal Rawat, PCLRA, Surat.

**Omkar Sharma, Deputy Labour Commissioner,** Ministry of Labour, Government of India shared the four provisions in the existing labour laws regarding housing of workers. First, he stated that the component of housing rent is included in the minimum wages fixed. Second, three laws, namely, the Inter-state migrant workers Act 1979 (ISMWA), the

Plantation Labour Act 1951 and The Building and other Construction Workers (BOCW) Act 1996 (For details refer to Section 4.7) have provisions to provide free accommodation to workers. He further informed that under ISMWA, the inter-state-migrant labour has been defined as a person who has been recruited through a contractor in one state for work in

another state and number of workers recruited are five or more and the said contractor is registered in both the states under the provisions of the Act. This definition has been changed in the new relevant code for certain benefits including housing benefit. Now any inter-state migrant worker irrespective of the recruitment mode and number will be eligible for certain benefits including of free housing. The bill is currently with the standing committee. For plantation labourers, the employer is responsible for providing the housing. Similar are the provisions in other two acts.

Sudhir Katiyar in his observation said that the employers prefer to employ migrant workers and they are often expected to live on the worksite like in the factory, building site, hotel/dhabas. This brings down the rent to zero for workers. However, the broader issue remains that workers are also forced to live like bonded labour because they are unable to afford accommodation. Add to this the conflict between the migrant and local, that makes difficult for migrants to find accommodation due to the xenophobic stigma attached to them. Ashok Khandelwal sought clarification about the difference between minimum wages and the floor wage. Sharma responded that although the law recognises the difference between the local and migrant, however the law fails to address this difference. We agree that the issue of housing is a highly sensitive issue, and the way house rent is included into the wages only complicates the matter. About floor wage he said it is the minimum wage a state can fix. Elaborating further he said that to discipline certain states a floor wage was introduced as there were states that were paying wages much below the minimum wage. It was hoped that with the national wage floor, the workers will not have to migrate to far away states that pay relatively better.

**His presentation was followed by Amitava Guha from the CITU.** At the outset he said that the central Trade unions have not worked much for migrant workers' concerns except on the question of minimum wages and

in various conferences, but we realise that we must work for them. He confessed that even though there are a number of workers who work in the building and construction sector, trade unions have not engaged with them. About the new labour codes, he stated that present Union Ministry of Labour has neither consulted central trade unions (CTUs) framing the said codes nor has accepted any of the suggestions. As there is no assurance that they will pay heed to suggestions made and the way CTUs are being side lined, we have been boycotting the meetings. He further said that the new codes are not following UN conventions on human rights. Referring to ILO convention on migrant workers he said that the clauses have not been followed by the ministry in new code. For instance, the migrant workers should be paid more than the local based workers as per the ILO conventions which is not followed in the code. Likewise, the ILO convention does not mention about subcontractor and despite the fact that it is widely recognised that the cloudy definition of the contractor and subcontractor causes workers to suffer since they do not get their dues, codes include them. The other issues he raised about codes were: agricultural workers are absent in the definition of workers which constitute more than 50% of workers. The code covers merely 20-30% of the total workers while the preamble mentions the code is universally applicable for all. Government has not applied the ILO convention for Inspection as well and instead has made the role of Inspector as that of a facilitator. The inspection is required to happen in presence of trade union and/or workers which is not provided for. Furthermore, the bureaucracy which often side with the employers have been assigned arbitration roles in place of judiciary at the expense of legal remedy. The code is not applicable to central and state government offices. One important point he made was that no approvals are being given to employers who





are willing to plan and provide for shelters. In conclusion he stated that the entire set of codes is exclusionary and is a deliberate attempt to undermine and scuttle the functioning of the trade unions and the codes literally take away the labour rights earned with the hard work of the labour movements. Finally, he suggested that the trade unions must be involved in further meetings and that there is a need to create a large forum for migrant workers and of unorganized sector workers.

**Next presentation was by Renu Desai of Ahmedabad** who presented details of new initiative of migrant workers rental housing by the state of Kerala based on her recent study (For a more detailed note please refer to Section 4.8). Providing details, she said the state of Kerala currently has four housing schemes for the workers which are being implemented through special vehicle Bhavanam Foundation, a registered non-profit company. This model was conceived and discussed in 2014. Subsequently, Kerala State Government Floated a public-sector non-profit company, the Bhavanam Foundation Kerala (BFK) to address

the issue of housing for the labour under direct provision of the state. The Apna Ghar projects are being developed in industrial clusters with a concentration of migrant workers. Of the four, two of these are ownership based and others rental based. Of the two schemes based on rentals, one known as Apna Ghar is specifically for the migrant workers, and the other rental-based scheme include a scheme of studio apartments for migrant working women. The first Apna Ghar now operational is in Palakkad since February 2019 and caters to industrial workers. Proposal is to have these Apna Ghars in Industrial parks. Two others under construction are in Kozhikode and Ernakulam. The plan is to have one Apna Ghar in each district where the land will be leased from industrial parks and at some places the land is to be bought.

The present Apna Ghar at Palakkad is a four-story building with 64 rooms with lockers, community kitchens, dining halls etc. The facility, located in industrial park, is well designed and maintained. These rental spaces are rented in by the companies and are used for their own workers. Concerns for 'full occupancy'

The current housing policies are skewed towards ownership and Shelter for Urban Homeless but rental housing is neglected in the urban housing continuum despite draft rental housing policy of 2015. The houses constructed under affordable housing projects/schemes are unaffordable by poor and therefore many properties are lying vacant and the poor are still living in informal settlements without security of tenure, opportunities and standard of living.

seems to have led to adoption of this model. Through this rent the hostels are to be maintained. Previously either the company had provided accommodation at work sites or rented -in private rooms in nearby market for their workers. The workers are satisfied with the Apna Ghar. The location is near the market, there is common cooking space, gas connection etc. The Apna Ghar is not fully occupied but spaces are fully booked by the companies. Apna Ghar rental spaces thus caters to regular workers of the companies and therefore the floating daily wage workers are excluded. The use of this rental facility by general casual workers is remote under present system.

She raised several issues with regard to the Apna Ghar model. Is the State subsidizing the company for accommodation who otherwise will have to incur higher cost to provide workers accommodation? Can the state government open part of Apna Ghar for all and charge differential rates, higher rates from companies and then cross subsidize casual workers? What is the possibility of scaling this up considering the large number of migrant workers in the State and how should the resources be spent? How does this get to be linked with other services? Building new rental housing and migrant hostels may not be the only way to go. What is the feasibility of recognising and promoting informal rental rooms?

Some other questions raised were has this model helped in the process of unionization? Was this model a result of demands by workers or civil society organizations or companies or initiative by government? What about the migrants which are completely marginalized and not employed by industries? The speaker also talked briefly of a scheme in Kerala where the collector has tried to regulate the informal rental accommodations. In the end, the speaker concluded that Apna Ghar may offer a good example as to how housing for migrants can be thought of in addition to in-situ upgradation of slums for migrant housing.

**Anirudh Raghuvanshi of IGSSS made the next presentation.** He shared the proposal to renovate the vacant flats and unused shelters for homeless in Delhi for use as rental housing for migrant workers. This proposal was prepared after a proper Assessment and Feasibility study on Housing Continuum & Need based social rental housing. Explaining further he said that the current housing policies are skewed towards ownership and Shelter for Urban Homeless but rental housing is neglected in the urban housing continuum despite draft rental housing policy of 2015. The houses constructed under affordable housing projects/schemes are unaffordable by poor and therefore many properties are lying vacant and the poor are still living in informal settlements without security of tenure, opportunities and standard of living.

The speaker pointed out that the need for housing facilities arises significantly during winter, thus there was an attempt to launch pilot projects of worker's hostel before November 2019. The rental housing in workers hostels should ensure tenurial security, basic amenities, required infrastructure like storage facility, security and safety as well as other optional facilities such as recreational and community space, linkages to other welfare schemes and their convergence, community kitchen among others. About rent he said that various research studies show that the fee for the facilities mentioned above should not be more than Rs.





1,500 per month given the earnings of low-income workers.

In addition to unsold properties under affordable housing which can be used for social rental housing especially for working poor, there are several shelters among 200 shelters under SUH schemes which are underutilized or are scarcely used can also be used as rental housing. A list of properties provided which can be used for rental housing purposes included (1) Unoccupied EWS Flat Projects under DSIIDC (built under Rajiv Awas Yojana), e.g. Bawana. (2) Vacant properties under DUSIB e.g. Karkardooma, Dwarka, Geeta Colony, Ghazipur Mandi (3) Unused Night Shelters location (due to non-occupancy) under DUSIB, e.g. Avantika, Azadpur Mandi, Rohini, Sarai Pipal Thala etc. (4) A similar kind of unoccupied structure in JHILMIL COLONY can be utilized for the workers rental housing.

**Shantilal Rawat of PCLRA, Surat** made the last presentation in the session on the informal shelter they are running for last two year. He began sharing that circular migrants in Surat city of Gujarat live on pavements, shacks,

slums, community rooms, etc. They face problem of housing and diseases because of living in unhygienic spaces. Many face problems of eviction without intimation from current locations. Police also detain migrants arbitrarily. Majur Adhikar Manch has held protests and given letter to officials. He then shared the experience of running a shelter for poor tribal migrant labourers by the PCLRA in collaboration with the Surat Municipal Corporation (SMC). This shelter has been given on contract by the Surat Municipality. It is an old 32-room hospital building which was lying vacant and was non-functional. A legal agreement in an MOU was signed between Prayas and SMC in May 2018, wherein SMC handed over the building situated at Sahara Darwaja in Surat. It is now being used as housing for residents of squatter settlements who are mostly tribal construction workers and who cannot afford rental accommodation in the city and houses around 150-200 migrants, some with families. From time to time SMC also organizes medical camps and check-ups for the residents of the shelter and provide medicines. Children are also enrolled in the neighbouring

Kerala's Apna Ghar project seems to be one of the exceptions where the state is taking the onus of managing rental housing. So-far we have witnessed that the state does not want to manage rental accommodation and often outsources to other civil society organizations. It is critical to track how the model of direct involvement and PPP model turn out in the next few years.

school. The facility is being run without any user fee, and SMC is paying for all the maintenance. Since the workers are seasonal in nature so workers keep coming and going.

In the discussion that followed several questions were raised and comments made. Mukta Naik observed that Kerala's Apna Ghar project seems to be one of the exceptions where the state is taking the onus of managing rental housing. So-far we have witnessed that the state does not want to manage rental accommodation and often outsources to other civil society organizations. It is critical to track how the model of direct involvement and PPP model turn out in the next few years. It is critical that we discuss what kind of institutional arrangement will be workable for the state vis-à-vis housing for migrants and what will be our position since this would include the rights of the workers. Ashok Khandelwal commented that the Kerala model has a major drawback since this is not a general rental housing model but caters to specific target group of industrial workers in a given industrial area and to specific workers of specific factories/industrial units that have rented in. The state is providing cross subsidy to the industries who book accommodation in the Apna Ghar housing. Therefore, for us, it is critical to discuss how this model can be brought for the general casual migrant workers who are not necessarily employed in the industry. Anand Lakhani also shared the same concern saying that Apna Ghar

Model talks of rental housing for those who have a secured employment in factories or industries where employers are booking and making arrangements for their employees and nothing was mentioned about how casual daily wagers will fit into this model. Indu Prakash disagreed with the proposal that that the shelters should be converted into rental housing or levying any user fee on the ground that wherever the user fee is applied, the accommodation is bound to collapse. For instance, when user fee was levied in shelter near the Azadpur Sabzi Mandi the occupancy fell drastically. Preeti Oza drew the attention towards complete lack of planning in designing new urban spaces, specifically in markets or industrial areas where the housing space for migrants and labourers in general is not considered at all.

In his concluding remarks, the moderator said that in the session various kinds of the housing arrangements and typologies were presented and discussed, that offered alternative of various kinds to various categories of workers which will be differently applicable to different cities. As far as Delhi is concerned, the moderator informed that Hamal Panchayat act has been tabled in Delhi and we hope that it will be replicated across the 12 districts of Delhi where the housing as well as social security will be addressed to workers covered under the act. The moderator suggested that the action plan be specific to the city and also to the groups they wish to cater to. He continued to elaborate that the need is to rationally discuss the action plan that is applicable on the ground and is financially viable especially when discussing affordable housing. We need to unpack the meaning of affordability vis-à-vis the target group. He mentioned the difficulties of governance in terms of getting things approved and also about the problems related to rental based social-housing spaces already given on lease. For instance, in Delhi where the houses have been leased, rent amounts are not been received by the Delhi Urban Shelter Improvement Board.





## S e s s i o n 4

### The Way Ahead- Action Points

**Moderator/Chair:** Kirtee Shah

**Speakers:** Anand Lakhan, Nav Nirman Manch, Sharad Mahajan, Pune and Akriti Bhatia from Delhi University.

**Anand Lakhan of Madhya Pradesh Nav Nirman Manch** began saying that Indore has been treated like an Urban Reform Laboratory along with Ahmedabad where in the name of Swachh Bharat Mission and Smart City scores of people who have been living on pavements and slums have been evicted to declare the city Open Defecation Free and earn scores on cleanliness and other parameters. Around 2200 families have been thrown out overnight with the support of some of the NGOs in order to earn

‘smart city’ tag. To pre-empt further evictions, a survey has already been done of slums in five cities of Madhya Pradesh (MP) and data base of number of people on the verge of eviction has been prepared on the basis of which the issues will be taken up with the government in advance. Sharing the most disturbing information he claimed that a greater number of houses have been damaged under PMAY than constructed. One must therefore be critically alert of such schemes.

The initiative of the two organisations have helped in developing thousands of houses along with government. Financial help was provided through the Micro Finance platforms in almost all of the slums of Pune.

Sharing his experiences of community mobilisation in all cities of MP prior to elections so as to put on agenda of housing on the list of aspiring candidates, he highlighted its importance. Even the detailing of colours in master plans was understood by the communities which made it difficult for the candidates to influence them otherwise or take them for a ride. He was of the view that it is better to work at State level and mobilize for collective action rather than waiting for the centre to listen to us and accepting our demands and that it is essential to have accurate data and mapping of slums and spaces facing threats of eviction so that it is easier to have effective concrete demands.

**Sharad Mahajan of Mashal Pune**, the next speaker, shared his organization's experience of working on housing for poor across 16 cities of Maharashtra. With an experience of architect spanning 40 years, he works particularly with the population dwelling in the slums of Mumbai, Nashik and Pune. He said that the number of people living in the slums have been increasing. For instance, in Pune currently about 38-40% of population is living in slums compared to about 25% 15 years ago. In Pune, most of slum residents are permanent migrants, very few seasonal migrants are residing and 75% of houses are getting water supply from Municipal Corporation and 50% of them are concrete houses so it is difficult to evict them by government.

He, based on the experiences of Mashal

and Annapurna in Pune, highlighted the need for informal solutions to the problems of housing of the permanent migrant residents in the cities in particular. The initiative of the two organisations have helped in developing thousands of houses along with government. Financial help was provided through the Micro Finance platforms in almost all of the slums of Pune. It further aims to provide loans up to rupees one lakh to 7,500 families for informal housing in the next three years along with technical support from beginning to end. In his considered experienced based view, incremental housing along with institutional support is a long-term solution to the problem of housing in the cities for the poor. He said that there is a need to document this work related to incremental informal housing for advocacy with the government. A fifth vertical of providing subsidy for informal housing of Rs 50,000 can be highly successful if given a chance.

**Akriti Bhatia from Delhi University**, the last speaker underlined the need for documenting the content and communicating through media platforms so as to establish the accountability of employers and State towards housing of poor seasonal migrant workers. She also highlighted the importance of labour relations in the context of housing. It is important to ask how do we look at source and destination? who is migrating, for which duration? what is the nature gender relations? Is there patron-client relationships continuum from rural to urban spaces with migration? The workers are provided living spaces in the factory so that they may be put to work. Many owners keep workers locked-up in the factories. The question of space is also connected to feasibility of unionization as the workers living in factory cannot be approached for unionisation. Cyclical migration is due to a lot of factors and could be voluntary, involuntary and due to rural and agrarian distress, pauperization. She also drew attention to newer forms of insecure labour work such as OLA and Uber drivers, where the workers have to sleep in the cars they are using. They are not allowed to take the car to their hometown.

6. This labour law is modelled on unique Mathadi Act of Maharashtra which has been hailed as the best labour law in the world by the ILO in the recent past. It is a comprehensive act that is implemented through a tripartite arrangement and involves no cost to government and ensures job security, negotiated wages and social security to workers. Both workers and employers are registered and all money transactions are through the board.

7. Two presentation in this session by Anand Lakhan and Sharad Mahajan primarily related to housing for poor permanent slum dwellers rather than for circular migrants. However incremental housing is relevant for circular migrants as well as slums do provide rental and other chain-migrants in relatives and friends spaces to live.





Presentations followed open session wherein the following suggestions were made by the participants for future action plan:

- 1) **Setting-up/Creation of joint action platform:** One important suggestion made by several participants and there was consensus on which related to creating a joint platform or collective or alliance or consortium of networks, formulate a demand charter and prepare an action plan around that. It was suggested to make a commitment that we will soon join hands together to collectively do advocacy/networking/ action.
- 2) **Hold regional consultation:** One suggestion was to hold regional consultation like the one held in Delhi. This will also help in setting-up national level joint action platform.
- 3) **Participate in survey under SUH:** Different surveys under the SUH show that as per definition of homeless, many poor circular migrants fall in the category of homeless. Under the SUH scheme it is mandatory to do headcount of homeless from time to time. Participation in such surveys in various cities would help in understanding the magnitude and issue of housing for the most deprived migrants who are in urgent need of housing. It is necessary and important to push for such surveys and participate in the process of making housing accessible to homeless and/or poor migrant workers. Survey based understanding would also help in effective action plan in addition to identify those circular migrants in particular who are living on the site of work and are found working in slave like conditions.
- 4) **Promoting and replicating available models in other cities and states:** Efforts should be made to promote and duplicate efforts like workers' hostel by Pratham in Mumbai, state sponsored Apna Ghar in Kerala and shelter run by PCLRA in Surat. A serious attempt to scale up the workable models shared and discussed in the consultation can be quite fruitful.
- 5) **Understanding dynamics of migration:** There is a need to understand and acknowledge the changes in the pattern of migration due to factors like increasing exit of workers from agriculture and their movement in non-agricultural sector; better wages and work opportunities in the developing smaller towns and regional inequalities within rural hinterland. We need to pay attention to how our urbanization is getting dispersed. The

differentiation between rural and urban as destination of migration becomes important to understand as that will help in appropriate advocacy and solutions.

- 6) **Intervening and participation in Census 2020 operations:** Given that Census exercise will begin soon, can we list out issues- objectively and specifically- and demand from the State what information should be collected about circular migrants and how can we collaborate and participate in counting of homeless in particular. We need to tell the Census teams at local levels that we can assist them to capture the data that we need. Given the darkness in the statistical information it becomes important.
- 7) **Collating and understanding relevant information:** Given that a lot of work has been going on the question of urban housing for poor and migrant workers in terms of case studies, research studies, anecdotal studies, we should plan collating these studies to deepen our understanding that will also help us find the gaps. This will help us in narrow down our strategy about what exactly is it that we want to work on. We need to invest time, say six months to consolidate all the work that is being done/ have been doing.
- 8) **Dissemination of and access to information and data:** Centre for Policy Research is already consolidating studies on a portal on the state of housing in India. We can also add to and access information on that.
- 9) **Data collection for comparison with Census data:** We should conduct a study of our own where we map how many people are homeless so that we can compare it with the data that Census would give us.
- 10) **Inclusion of and dialogue with different stakeholders:** It was suggested that we include the contractors and employers in our discussions on the issue of housing, where we offer our support to help them provide housing to their workers.
- 11) **Promoting awareness, mobilization and organisation of migrant workers:** Attempt should be made to mobilize and organize migrant workers in destination. In power-looms, it is found that 500 workers stay together and work together. We can tap such spaces to bring workers together and mobilize them.

- 12) **Survey at place of source:** We should also attempt surveys in the source areas of the migrants regarding the housing at destination including expectation of workers in terms of housing. Such exercise would also help in creating awareness and mobilisation.
- 13) **Promote city level alliances:** It was suggested that on lines of a platform created in Ahmedabad, namely, Citizen's for Shelter Alliance, Ahmedabad (CISHAA), city level platforms should be promoted in other cities also. And all these may be part of a national alliance/consortium.
- 14) **Use of electronic and Social media:** Electronic platforms need to be used systematically for highlighting issues and initiatives. And for this there is a need to collating and upload videos of such attempts.
- 15) **Attempt should be made to establish employer-employee relationship for visibility of migrant workers and accountability of employers:** Presently a good number of migrant workers stand deprived of dignified work conditions due to lack of housing. Such workers live at work-places and are invisible and are exploited. Even their lives are at risk as is testified in several incidents like recent one in Delhi. We need to work to develop a system of registration of workers and employers to make the workers visible and accessible. It is difficult to identify them due to lack of employee-employer relation.
- 16) **Political, Rights based Strategy:** There is a requirement of political strategy and need of developing Commission on Urbanization in different states if not at centre. As part of such strategy, need to examine city wise possibility of undertaking/initiating upgrading of slums as an option and its solution providing ability. The approach should be based on right to city and with evidences. Engagement with urban development and labour ministry should be based on such approach.

With the conclusion of open session, Preeti Oza presented a vote of thanks to all those who participated, presented, and contributed before final dispersal.





### III: SUMMARY OF PROCEEDINGS—POLICY RECOMMENDATIONS

This section provides the main take-aways from the day-long consultation from the point of view of ensuring access to housing with adequate minimum facilities to poor circular seasonal migrants. Overall, it emerges that the state firstly has failed to provide social support and secondly, also failed to implement existing legal provisions in labour laws related specifically to migrant workers and other legal entitlements specially under National Food Security Act, Right to Education Act and provisions related to safety of children and women. Other important issue relates to negative perceptions about the poor homeless migrants among the civil society in large, including police and local administration. They are not considered as legitimate citizens and thus stand deprived of state support and face the wrath of the police and the administration. The important recommendations that emerged from the discussion are summarized below:

**Incorporate Public Rental Housing as a**

**key component of the affordable housing schemes including PMAY:** It is clear that the migrant workers are not looking for permanent housing in the city. However, the primary affordable housing scheme of the Central Government PMAY focuses on ownership-based housing. The experiences presented during the consultation clearly bring out the PMAY is unaffordable for the migrants and the subsidy is not reaching a significant section that needs it most. The High Level Task Force on Affordable Housing for All, 2008 endorsed the need to enhance the supply of rental housing specially for the urban poor, EWS and LIG households, recommended setting up a regulator to track rents, initiation of research on rental price indices, and Public-Private Partnership (PPP) in the production and management of rental housing. A draft urban rental housing policy was announced in 2015. However not much physical progress has taken place on this front so far. There is a critical need for restructuring PMAY

There are provisions in labour laws that places the responsibility on the employers to provide housing to migrant labourers, construction workers, plantation workers etc. These provisions have not been implemented so far. There is a need for awareness, mobilization, advocacy and other actions for implementation of existing provisions...

and incorporate public rental housing as a significant component to suit the housing needs of the circular migrant workers. Workers hostels on the pattern of Apna Ghar in Kerala need to be incorporated in the PMAY and built on a large scale in metro cities and industrial estates

**Standardise minimum housing requirements across different Acts and Rules:** A number of labour laws have provision for housing of workers deployed. These include Contract Labour Act, Inter State Migrant Workmen Act, Plantation Workers Act, BOCW Act. However, there are different requirements in each of these Acts. The minimum standards for housing need to be standardised across different Acts. It should be much easier now with the different Labour Acts being amalgamated into four Labour Codes.

**Strictly Enforce the Minimum Housing Standards:** Implementation remains the Achilles's heel of all labour laws. There are provisions in labour laws that places the responsibility on the employers to provide housing to migrant labourers, construction workers, plantation workers etc. These provisions have not been implemented so far. There is a need for awareness, mobilization, advocacy and other actions for implementation of existing provisions. Housing requirements need to become part of the Occupational Health Safety requirements under the physical distancing protocols in force since Covid 19

pandemic and be enforced strictly.

**Implement Shelter for Urban Homeless (SUH) Scheme fully with some modifications** while integrating it with planning processes in the cities, such as master plans / development plans, town planning schemes, land allocated for EWS housing schemes. Shelter for Urban Homeless (SUH) scheme can help seasonal migrant labour to access affordable/free short-term housing in urban areas. SUH scheme which is applicable to all cities with one lakh population, can provide transit housing to lakhs of migrants across the cities. The full benefits of the centrally sponsored scheme have not been harnessed so far. The scheme also provides opportunity for surveys, allocation of land in the city, providing skills and other social benefits to poor migrant workers. The Scheme requires certain modifications to maximise its potential. These relate to (i) changes in definition of homeless to include workers living at work site (ii) designation of some Shelters as Workers' Hostel (iii) formulating a Standard Operating Protocol (iv) giving it a statutory basis.

**Catalyse market driven rental housing in urban areas and peripheries of industrial estates:** The main presentation based on research suggests that low-income migrant workers live in different types of private housing depending upon their paying capacity like slums, tenements, one-room-sets. Such spaces are usually based on oral contracts near the work places, where the rent is negotiable but living conditions are highly inadequate in terms of area, access to sanitation and water, facilities of cooking, privacy, security of tenure, etc. Due to lack of regulation, bad conditions continue to persist. Terms are inequitable and are drawn heavily in favour of the landowners. The tenant workers face arbitrary evictions, rent hikes and other such excesses. It is the nature of landlord which determines the conditions of living. Despite being market driven, this type of rental housing could benefit from being recognized by state and regulated by local authorities. The state needs to promote market driven rental housing actively. It should recognize and regulate it through a combination of model tenancy laws and financial incentives. Punjab Government has made such an attempt that needs to be studied to draw lessons. Workers





trade unions could play a role in such initiatives.

**Utilization of houses lying vacant under various housing schemes for rental housing purposes in urban areas:** In several cities many houses constructed under various schemes by government authorities are lying vacant- such properties should be put to rental housing as has been proposed by IGSSS for the city of Delhi and shared during the course of consultation. This is being tried out in Ahmedabad and needs to be replicated across more cities.

**The rental housing policy of 2015 continue to remain on paper:** The policy on rental housing is an important instrument in providing access to housing to short term migrants since it has provisions for giving subsidies in various forms to make housing accessible. Almost five years have passed but there is no concrete proposal to roll out the provisions of the policy.

**Housing conditions of seasonal migrants for agriculture purposes and in brick-kilns (affecting millions) are deplorable, which need immediate and urgent attention and action:** Several millions of circular migrant workers are engaged by two industries namely the sugar industry for sugarcane harvesting and brick-kiln industry for different operations in brick-making (mainly moulding). The workers in both the industries migrate with their families and live in conditions which are pathetic. They make their own make-shift living

arrangement after reaching the place of work. The sugarcane workers are provided with bamboos and plastic sheets, which are ineffective during heavy rains and severe winters. Most of these workers live with no electricity, lack access to proper adequate water, toilet and bathing facilities, with no access to public services like education for children, health and nutrition, and live in constant threat from poisonous and dangerous animals. The women are found to be doubly burdened as they perform their household work in the absence of basic amenities and are vulnerable to sexual harassments due to lack of privacy.

**Create Regional Data Bases (State, District/Metropolitan, Local/ Municipal level) on migrant workers:** Several participants and presentations raised the non-availability of reliable estimates both quantitative and qualitative pertaining to circular migrant workers. The NSSO and Census data have several limitations and are unable to capture the same. The large and often glaring gaps in various policies and programmes can be attributed to the absence of such data sets. Census and NSSO can never capture the continually dynamic nature of our cities and migration, which is what needs to be captured for planning - this dynamism can only be captured through local/regional level data, which can also be updated more frequently, and directly used for planning purposes by Municipal Corporations/Municipalities and Urban Development Authorities.

## IV: BRIEF THEMATIC WRITE-UPS

This section provides brief write-ups on various issues discussed during the course of consultation. Many of these relate to specific sessions and are brief summary of reports/articles that were circulated.

### 4. 1: WHAT IS RENTAL HOUSING?

Ashwini Kumar Sharma

Rental housing refers to a property occupied by someone other than the owner, for which the tenant pays a periodic mutually agreed rent to the owner

The most unaffordable basic necessity is undoubtedly a roof over the head. Leave aside owning a house, even taking a small house on rent in most metros is unaffordable. Things get more difficult for those who move to bigger cities from smaller towns for education and employment. Though the government has ambitious plans of providing "housing for all by 2022", it is not easy to buy a house. To supplement the need of housing, the government has been planning to bring in "rental housing".

#### What is rental housing?

According to the National Urban Rental Housing Policy (Draft) 2015, issued by the ministry of housing and urban poverty alleviation, rental housing refers to a property occupied by someone other than the owner, for which the tenant pays a periodic mutually agreed rent to the owner.

The need for rental housing was first mentioned in National Housing Policy, 1988, but not much has been done so far. In January this year, the Punjab cabinet approved a policy on rental housing for students, corporate professionals, senior citizens, migrant labourers and others in the state.

#### Types of rental housing

The draft broadly differentiates the rental housing in five categories.

*Formal and informal:* In case of formal rental housing, the owner and tenant enter into an agreement and get it registered with the competent authority. Under informal rental housing, there is no such registered agreement.

*Market driven:* This is provided by individual owners or institutions or private rental housing operators (such as hostel owners) wherein owners finance the construction and management of the housing, without any assistance or aid from the government.

*Need-based:* This is based on the need of different groups (such as students, teachers, working women or men, nurses, construction workers, migrants) who have a source of income, but find it difficult to afford rent.

*Public:* This refers to social rental housing owned by the government, local authority or its entities.

*Social:* Here the rent is set at a level below the market rates in order to make it affordable for poor people (economically weaker section and low-income group). It may be owned and managed by the government, local authorities, public sector undertakings, non-profit organisations, private or any others charitable institutions.

Rental housing does not include hotels, lodging houses, *dharamshalas* and so on.

In September last year, the housing ministry announced a new public-private partnership (PPP) policy to promote private investment in affordable housing, including rental housing. As per the policy, the government will promote "Direct Relationship Rental Housing" by providing land to the





builder to build rental housing and allowing the builder to recover the cost of construction through rental income. Tenants of such rental housing are also eligible to take benefit of central assistance of up to Rs 2.50 lakh per house under different components of Pradhan Mantri Awas Yojana (Urban).

Given that National Urban Rental Housing Policy is still under construction and there is lack of clarity on rules and regulation related to rental housing, private developers may not be in a hurry to join the initiative. Not surprisingly, the wait for rental housing in India could be long.

#### **4.2 SUH AND CIRCULAR MIGRANT WORKERS HOUSING IN URBAN INDIA**

Ashok Khandelwal, Rajasthan High Court Commissioner (CW 8663/2013) and Member Supreme Court Committee to monitor Shelter for Urban Homeless for Rajasthan

*Housing is a fundamental requirement for dignified living. My Government is steadfast in fulfilling the aspirations of all households, particularly the poorest of the poor, to have a dwelling unit under the Mission "Housing for All" by 2022, marking 75 years of our independence. (President of India Speech in Parliament. Para 8 of the Full Speech Text)*

In this brief note I argue, based on my experiences of working with the Scheme for last nine years right from its formulation to implementation, that the Shelter for Urban Homeless (SUH), one of the components of NULN now rechristened as DAY-NULM, is an important programme in the context of housing for circular seasonal migrants and that if modified slightly and implemented in right earnest it can help in providing, to some extent, housing to circular migrants in the urban India to lead a dignified life.

#### **The provisions of SUH Scheme:**

The provisions in the scheme are based on the recognition of the social position of the most marginalized workers as well as the critical

structural barriers. If implemented in right spirit the scheme will make the workers visible which in turn will help them access housing and other social benefits. The important provisions



include:

1: The SUH document **recognizes the need for ensuring equitable supply of land**, housing at affordable prices to all and especially the most vulnerable in urban homeless, **defines homeless** as one who do not have a house either self-owned or rented and most importantly it **recognizes the contribution of homeless in the economy** of the cities and nation as provider of cheap labour in the informal sector and the fact that 'yet they **live with no shelter or social security protection**'. And the SUH fills this gap (Section 1).

2: Accordingly, the objective of the scheme is to 'ensure availability of and access to permanent shelters with at least 50 sq. feet space for each resident including the basic infrastructure facilities like water supply, sanitation, safety, security, first aid, recreation facility, common kitchen with utensils and so on. It also underlines the needs of the vulnerable segments like children, aged, single women, mentally ill etc. It also provides for access to social benefits and skill development and other benefits. **The most important provision is that of providing Identity Card that is making them visible** (Sections 2 to 4 and 5.1).

3: It also contains a very important provision of time to time survey to ensure detailed mapping of areas homeless live, understand their demographic profile, mapping of local resources in land and buildings near to the work locations of the workers and the typology of the workers for suitable shelters (Annexure 1 of the Scheme).

4: SUH also provides details about the management of the shelters, their audit including performance and social audit and evaluation, awareness and sensitization and so on.

5. There is specific provision for funding by the central government for construction and for management and running of the shelters on cost

sharing basis.

6. Finally the most important aspect of the SUH is that it has a mechanism of implementation and monitoring involving civil society and the Supreme Court of India

Overall, the SUH Scheme provides good alternative source of housing to the most vulnerable circular migrants with some imaginative innovation and modification in the structure of the Scheme.

**Survey shows that the majority of homeless are migrant workers:**

It is a well-recognized fact that majority of the homeless are poor circular migrants who reach urban destination for a livelihood and for reasons of low income and objective of carry home some money they perforce live as homeless paying the social cost it entails. To cite just an example, in the city of Jaipur a survey conducted by the IDS found, based on headcount that there are 15,624 homeless, a number almost double that of Census 2011 (8000+).

Out of counted homeless, 45 percent stay alone and rest with families. Within families, thirty percent live with complete family. Out of total, roughly 48 percent are men, 19.4 percent women and 32.5 percent children. The maximum (44%) were found living in open government spaces and other 30 percent sleep on footpaths. The other two important places include roadside open spaces (8.8%) and under or over the bridges (7.3%). Ninety percent homeless were spotted at these four types of common places. At all these places families stay.

As per researchers this number is gross underestimation for several reasons. One, the entire areas could not be covered for want of resources. Second, it was done during peak marriage season when scores of workers were out for work. Third, there was police interference

The seeds of the scheme were sown when Supreme Court gave a series of orders from Jan 2010 to Feb 2012 under CW 196 of 2002. See Table 2.



<b>Table: 1: Different categories of homeless and possible responses for dignified living</b>				
<b>S. No</b>	<b>Category</b>	<b>Description</b>	<b>The possible shelter response</b>	<b>Legal remedy</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1	Vulnerable out of labour force and/or sick	Old, infirm, single women, disabled, children in need of care, sick, etc	Special shelters-like recovery shelters for sick	
2	Labour hired through contractors and others living on work sites like construction sites, dhabas, open vacant spaces	These are the migrants employed through contractor or directly living at or nearby work sites in groups	The employer should be held responsible for proper habitation for them as per NULM norms	Accommodation to be provided as per labour law provisions.
3	Independent individual/ small group short term migrant labour living in open	Casual wage workers doing mainly menial work of different kinds	Workers hostels/ Men and Women Shelters near work places	
4	Self-employed living on means of livelihood	Rikshaw pullers, cart, thela workers	Shelters with spaces for safe parking of their means of livelihood	
5	Communities living with families	On pavements	Family shelters with provisions for work and goods	
6	Living in temporary structures for long period of time	These are the long-time settlers at a particular place doing varied jobs and living with families in small or large groups at different places like rag-pickers	These people need affordable rented or owned houses near their work places- Family shelters are the only appropriate response to begin with	
7	Drug addicts/ alcoholics/ beggars	They include young boys and men	Counselling services are must for them; de-addiction centres	
Source: Rajasthan High Court Commissioners Report May 2015				

during survey work. It was reported at many places that police drove away the homeless from their usual places. Fourth, survey completely excluded categories of those homeless living at worksites. The reported number of such excluded persons in the report itself is 10,000 at construction sites alone.

About two-thirds of total homeless work as casual wage labourers. The second most important category comprising of about nine percent of total homeless is of scrap dealers (kabdis) and rag-pickers. A good number, about five percent of total, live on begging. Others earn their livelihood as self-employed. Mostly they work either as vendors like sellers of fruits, veg-



etables, toys, fancy items, medicines, bangles etc. or as small artisans like broom makers, earthen pots etc. Tea and juice sellers are the other category of self-employed. Some are also involved in transport work like auto rickshaw, rickshaw & trolley pullers.

The survey results helped in developing profile- based responses regarding housing of homeless (See Table 1). For our immediate purposes see responses at serial number 2 and 6. It is obvious that the majority of the homeless are workers who need shelters. The SUH therefore must ensure that these homeless are provided housing as per specifications provided within the scheme.

### **The SUH needs some changes and effective implementation**

The SUH scheme is in operation since 2013 but still not working optimally for several reasons. In our immediate context we need some changes in the Scheme.

First, Section 1.3 defines homeless as, “.....persons who do not have a house, either self-owned or rented, but instead live and sleep on pavements, at parks, railway stations, bus stations and places of worship, outside shops and factories, at construction sites, under bridges, in hume pipes and other places under the open sky or places unfit for human habitation”. This definition leaves out large number of workers who live within worksites like factories, shops, godowns, dhabas and restaurants, workshops, etc. This thus makes set of workers who recently

died in a fire in Delhi invisible. Delhi has done surveys of homeless but they have not been included. Actually, none of the surveys cover such persons. Inclusion of such persons is most important because living within workplace intensifies exploitation depriving workers.

Second, section 5.2 states, “Shelters are not the destiny for the homeless; working men/women’s hostel, rental housings, affordable/social housings may also be promoted by the states/ULBs for mainstreaming homeless”. We are of the view that part relating to working men/women hostel should be made part of the scheme. In the state of Rajasthan, I being Rajasthan High Court Commissioner and also as member Supreme Court Committee member have taken decisions to designate some of the shelters as workers’ hostel. The minutes of the meeting are available. And in Jaipur one of the shelters is being refurbished accordingly. A similar attempt is being made in Delhi by the IGSSS. The point to be noted here is that the SUH scheme is dynamic in the sense that there have been several amendments in the scheme so much so that section 5.2 too was added later vide erstwhile M/o HUPA F.No.K.-14012/15/2016-UPA/FTS-16320 dated 22<sup>nd</sup> Aug-2016.



<b>Table 2 Court orders</b>		
<b>S.No.</b>	<b>Date of Order</b>	<b>Important Court Orders</b>
<b>A: Supreme Court Orders (CWP 196/2001)</b>		
1	20 Jan 2010	For every one lakh urban population, facilities for shelter and allied amenities must be provided for at least one hundred (100) persons in cities of India
2	20 Jan 2010	All shelters for homeless people should be functional all through the year and not as a seasonal facility only during the winters'
3	20 Jan 2010	There should be basic amenities provided in the shelters, which are to include mattress, bed roll, blanket, portable drinking water, functional latrines, first aid, primary health facilities, de-addiction and recreation facilities etc
4	5 <sup>th</sup> May, 2010	30% of the shelters should be special shelters (women, old and infirm, recovery shelters)
5	5 <sup>th</sup> May, 2010	Undertake a detailed survey on the homeless and respond to their entitlements accordingly
6	5 <sup>th</sup> May, 2010	Formulate comprehensive policies protecting the rights of the homeless
7	19 <sup>th</sup> April, 2011	All states have to put in place the permanent shelters by October 31st 2011 with all the arrangements on basic amenities in full swing
8	20 <sup>th</sup> Sept., 2011	Inform the public about the availability of the night shelters through print media and electronic media, so that the poor and needy people may avail the benefit of the night shelters
9	27 <sup>th</sup> February 2012	We are of the opinion that proper Rules and Regulations for monitoring night shelters must be enacted by each State and UT which would have some statutory force.
<b>Rajasthan High Court Orders (CWP 8663/2013)</b>		
1	18 <sup>th</sup> December 2014	All permanent/temporary shelters to be refurbished within two weeks All permanent/temporary shelters to be provided with all basic facilities by 12.1.2015 Survey to be conducted by the Government, taking note of definition of homeless in Karnataka guidelines, in ten out of 33 cities –Ajmer, Bharatpur, Bikaner, Jaipur, Jodhpur, Kota, Udaipur, Bhilwara, Sikar and Alwar
2	15 <sup>th</sup> January 2015	Govt primary school buildings to be opened for homeless persons between 7.30 PM to 7.30 AM School will make arrangements for stay and cleaning for this purpose Govt to come out with more practical suggestions with regard to mapping and plan to open up a permanent shelter for each one lac population in the urban areas
3	22 January 2015	Low occupancy should not be used as an excuse as it occurs due to lack of awareness, inappropriate location, and driving away of families and mentally ill persons. Low occupancy should be taken into account only for relocation of such shelters NULM guidelines must be strictly followed Government should consider making budgetary allocations for establishment and management of shelters, in addition to NULM scheme and funds Consider making shelters for families also with sufficient drinking water and toilets
		Source: Report of the Rajasthan High Court Commissioners submitted to the Rajasthan High Court in May 2015



Third, SUH scheme is in terms of broad guidelines. There are many areas that are left to interpretation. For instance, there is no clarity about terms and conditions of allotment of shelters for operation and management to third parties. Every local body makes their own terms and conditions. The arbitrariness is problematic. So, there is a need for SOP- standard operating principles.

Finally, the SUH is a programme which does not have legal binding. Supreme Court had passed to orders which are yet to be implemented- (i) formulate comprehensive policies (see point 6 in Annexure 1) and (ii) frame rules and regulations that have statutory force (point no. 9 *ibid*). Rajasthan Government is the only state which has notified a policy but has not done anything as yet to implement the same.

If the SUH scheme is amended as per four suggestions above, it will pave the way for securing housing rights for circular migrants to some extent.

**4.2.1: Rajasthan Policy on Urban Homeless notified on January 5, 2018**

The policy provisions provide for legal entitlements and proactive policy measures in tune with objective of ‘zero-tolerance’ to homelessness. It has a vision statement that ensures every citizen of the state a proper house without discrimination to lead a dignified life by 2021 and provide equal opportunity and environment to all homeless for development, participation and security. The policy explicitly laid down principles in their constitutional rights of the homeless, accepts contribution of homeless in the economy of cities and accepts that lack of proper shelters means dignity-deprived existence and show intent of ensuring participation of homeless in decision-making process. Some of the important provisions are. Section 2 provides a comprehensive definition of homeless which broadly includes all those who do not have their own house and who do not have capacity to take a house on rent and include those who are living at work-places, open places, sleeps on means of livelihood like

rickshaw or carts. Section 3 provides for time to time surveys and based on that classification-based accommodation and rests responsibility on nominated officers. Section 5 specifies director local bodies as nodal officer for the state and establishment of a special cell within the directorate for homeless. For proper monitoring and assessment, a state level committee will be set up. The roles and responsibilities of the nodal agencies have been articulated, Sub section 3 states that law, rules and protocols will be prepared to ensure entitlements and benefits to homeless and for providing housing at affordable rates department of housing, housing boards.

Section 6 provides detailed objectives of the policy which, inter alia, include mainstreaming of housing of service providers and workers in township, industrial and other development policies; giving priority to homeless in housing schemes and financial support and subsidy based on paying capacity; livelihood promotion to mainstream the homeless; providing equitable access to lands.

Section 8 ensures appropriate strategies including special programmes and project for sustainable rehabilitation of the homeless through housing, education, vocational training, gainful employment including self-employment. Section 9 ensures adequate funding and creation of special exclusive head for homeless in the state budget and mainstreaming of financial requirements in the budget of relevant departments.

Section 11 commits to make the administrative structure sensitive to the needs of the homeless.

**4.3: PUNJAB STATE POLICY ON RENTAL HOUSING**

Following is the notification issued by the Government of Punjab, Department of Housing and Urban Development:



**GOVERNMENT OF PUNJAB**  
**DEPARTMENT OF HOUSING & URBAN DEVELOPMENT**  
**(HOUSING-1 BRANCH)**  
**Notification**

Dated ~~9/2~~ 2018

No.08/01/2018-4HG1/1162245/1) Whereas over the years the education sector has seen a sustained growth due to government initiatives on education for all and enabling the widespread participation of private sector in education infrastructure because of which a large number of colleges and universities have been established in the state of Punjab and


Whereas due to economic globalization corporate sector has also made a tremendous progress due to which a large number of national and multinational companies have set up their units and call centers etc. in the state and

Whereas due to economic development of the state during the post independence era, a number of industrial units has been set up in the state. Similarly, the state has experienced the construction of other real estate projects during the last few decades and

Whereas due to the breaking of the joint family system and the emergence of nuclear family system in the society, the living of senior people has become a problem from security, safety and social angle and

Whereas the government has clear norms/rules and policies for the control and development of educational, industrial, business and other buildings but the requirement of accommodation for students or for the professionals working in corporate offices/call centers or other public/ private establishments or the accommodation for industrial/construction labour or senior citizens has not been addressed adequately so far and

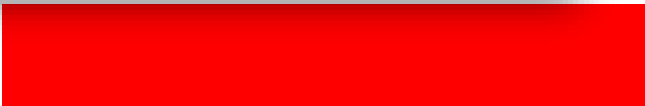
Whereas due to lack of in house accommodation in educational, business and industrial establishments etc., about 80% students or working professionals or labour class have to seek accommodation outside educational campuses or work/ industrial establishments respectively and

 Whereas, due to lack of clear policy on housing for students, working professionals, senior citizens and labour class a number of 'Paying Guest' facilities and old age homes have mushroomed in residential areas in an unorganized manner which do not provide a comprehensive solution to the large scale demand for proper housing for students, professionals and senior citizens. Due to shortage of proper in house accommodation for migrant labour, a number of slums have come up in and around working places without basic civic infrastructure. Therefore, in order to make available proper housing accommodation to students, working professionals, senior citizens and migrant labour in the state, the Governor of Punjab is pleased to formulate a policy on rental housing as given below:-

1. **Applicability:-** This policy shall be called 'Rental Housing Accommodation Policy' and it shall be applicable in the entire state of Punjab.
2. **Enforcement:-** It shall come into force from the date of its notification by the government.
3. The rental housing accommodation projects shall be permissible in existing residential areas/urban estates etc. and in residential and mixed land use zones of the Master Plans except Master Plan SAS Nagar and New Chandigarh where such projects shall be allowed in plots which are part of approved layout plan of a bigger project. In case of rental housing for workers/labour, the project shall also be permissible in industrial zone of the respective master plan except Master Plan SAS Nagar and New Chandigarh.
4. **Physical Norms:-**

S. No	Parameter		Permissible Limits	
I.	Minimum Site Area		800 sq.m	
II.	Minimum Approach Road		within Master plan- 18m (60'-0") Outside Master plan-12m (40'-0")	
III.	Maximum	Ground Coverage	60%	
IV.	Maximum Floor Area Ratio		Plot area upto 1600 sq.m.	1:2.5
			Plot area above 1600 sq.m.	1:3.0
V.	Maximum Height of Building		No Restriction subject to clearance from Airport Authority and fulfilment of norms such as setbacks around building, ground coverage, F.A.R., structural safety and fire safety norms.	
VI.	Setbacks around buildings	(i) If the height of the building below 15 m	Front & Rear setback	1/4th of the height of the building or 2 m whichever is more
			Side setback	1/5th of the height of the building or 1.5 m whichever is more
			Provided that if covered area on any floor is 500 sqm or above in that case the minimum setbacks around the building shall be 6 m.	

*Handwritten signature*



	(ii) If the height of the building is 15 m or above	The minimum setback shall be 6m or 1/3 <sup>rd</sup> of the height of the building whichever is more.
VII.	Parking	1.0 ECS per five persons.
VIII.	Permissible density	500 persons per acre

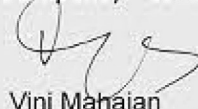
**Notes:**

- a) Rental housing building shall be a detached building.
- b) It may provide common kitchen with dining hall, common room for indoor games, First Aid room, Laundry and security guard room.
- c) In Rental housing upto 2% of the FAR availed, may be used for canteen/coffee shop, library, ATM, Grocery shop, Pharmacy, office, Mobile shop, Fruit/Vegetable shop, Barber shop or any other similar activities for self use of the occupants and shall be permissible within the building block.
- d) Basement shall be permissible as per extant building rules.
5. Fees applicable:
  - (i) CLU, EDC and permission fee etc. shall be levied @ 50% of as applicable in case of residential plotted development outside municipal limits.
  - (ii) Building Fee: @ Rs. 2.5/- Sq. ft. of covered area and boundary wall @ 2.5/ running ft.
6. The rental housing accommodation projects shall be exempted from the provisions of Punjab Apartment and Property Regulation Act 1995, if the plots exceed 1000 sq.mtr.
7. The owner/developer of the rental housing accommodation project can only rent out the accommodation and will have no right to sell/lease the accommodation to different buyers. However, there will be no restriction on the sale of the project as a whole.
 

If the promoter violates this condition he/she will be charged a lumpsum penalty @ 10 times the charges as applicable to a Group Housing Project in the respective zone. In case the promoter fails to pay the penalty, the penalty charges will be recovered as arrears of land revenue by the concerned authority.
8. Every owner/promoter of such project shall comply with the guidelines/instructions issued by the Department of Police or any other Govt Department for rental accommodation.
9. The fire fighting arrangements shall be provided to the satisfaction of the concerned Fire Deptt.
10. Since the Govt. has allowed concession of 50% on C.L.U, E.D.C charges etc. to the developers of these projects, therefore it will be

the responsibility of the developer to provide services such as water supply, sewerage etc. at his/her own cost, if it is not provided already in the area by the local authority.

11. The building structure shall conform to the norms stipulated in NBC-2016 or other relevant BIS-Codes.
12. The building shall also conform to the Punjab Energy Conservation Building Code-2016.
13. The provisions for Rain Water Harvesting Installation of Solar Photovoltaic Panels, Solar Assisted Water Heating System shall be made to the satisfaction of Punjab Energy Development Agency.
14. The promoters of such buildings shall make public health arrangements in the building such as water supply, sewerage and drainage as per provisions of extant building rules.
15. The owner/developer of the project shall not rent out the accommodation or allow the accommodation to be occupied without getting the completion and occupancy certificate from the competent authority.



Vini Mahajan

Additional Chief Secretary

Department of Housing and Urban Development

Dated: 16.01.2018  
Chandigarh

Endst No. 08/01/2018-4HG1/1162245/2 Dated 9/2/2018

A copy with a spare copy is forwarded to the Controller, Printing & Stationary, Punjab, S.A.S Nagar with a request to publish this notification in the Punjab Govt. Gazette (Extra Ordinary) and 100 copies thereof may be supplied to this Department for official use.



Special Secretary

Endst No. 08/01/2018-4HG1/1162245/3-13 Dated 9/2/2018

A copy is forwarded to the following for information and necessary action:-

1. Principal Secretary to Government of Punjab, Department of Local Government
2. Director, Town and Country Planning, Punjab, SAS Nagar
3. Chief Administrator, PUDA, SAS Nagar.
4. Additional Chief Administrator, GMADA, SAS Nagar.
5. Additional Chief Administrator, PDA, Patiala
6. Additional Chief Administrator, BDA, Bathinda.
7. Additional Chief Administrator, GLADA, Ludhiana.
8. Additional Chief Administrator, JDA, Jalandhar.
9. Additional Chief Administrator, ADA, Amritsar.
10. G.M(IT) PUDA SAS Nagar
11. Chief Town Planner, Punjab SAS Nagar.



Special Secretary



## 4.4: RENTED HOUSES FOR MIGRANT LABOUR IN METROS SOON

Nidhi Sharma

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Market Watch

# Rented houses for migrant labourers in metros soon

BY NIDHI SHARMA, ET BUREAU | JUN 18, 2019, 06:52 AM IST

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NEW DELHI: After delivering on its promise of 'Housing for All', the Modi government 2.0 is poised to unveil a bigger housing scheme—houses on rent for migrant labourers in crowded metros. In a bid to address the issue of urban squalor, the ministry of housing and urban affairs has prepared an elaborate plan to offer single-room tenements to families with an annual income of Rs 3 lakh or less. The ministry would link its Pradhan Mantri Awas Yojana (PMAY) with a new rental housing plan. In the works for over six months, the scheme would address two issues—the problem of growing slum settlements and the aspirations of lower income groups to live in a 'pucca' tenement with basic facilities including tap water and attached toilets.

The scheme would involve building high-rise buildings with single-room tenements and offering them on rent to people living in poor conditions in slums. With this scheme, the government is extending housing benefits to lower-income socio-economic groups who do not have the finances to construct their own houses and often shuttle between cities for work. The scheme would be a joint effort of the ministry of housing and urban affairs and the ministry of labour. According to sources, the labour cess funds may be also used as the initial working capital for starting these projects. "The scheme would be driven by our ministry and housing boards would be roped in to construct economical houses," a senior official in the ministry of housing and urban affairs told ET. "There is another model which also allows private sector firms to construct these houses and use a percentage of area given to them for commercial purpose. But rental policy in Housing for All would primarily be working through housing boards."

The government would run this scheme through a voucher system. The urban local bodies would first register families with Rs 3 lakh income or less and distribute rent vouchers to them. The tenant would give these vouchers to the landowner, which in this case would be a housing board. In case of a private developer, the rent vouchers would be redeemable at any citizen service bureau.



Representative Image

**Big Change:**  
The end of Five-Year Plans: All you need to know

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#### **4.5: NOTE ON HOUSING FOR CIRCULAR MIGRANT LABOUR**

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Field studies and the experience of civil society demonstrate that short-term, seasonal and circular migration is a predominant part of the migration narrative in India, perhaps to the tune of 40-100 million people (Deshingkar & Akter, 2009; Srivastava, 2011). However, official data sources like the Census and the NSS do not do a very convincing job of documenting short-term migration, making it very challenging to articulate policy imperatives for this vulnerable section of the population. Migrant workers are an important part of the country's workforce; recent government reports have recommended their inclusion in government schemes and policies that target improvement of services,

The lived experience of renters and the nature of landlordism and tenant-landlord relationships in informal rental housing has been an under-studied area. However, it is broadly believed that migrant renters live in precarious circumstances and are exploited by landlords, who extract high rents and service charges and offer no tenure security. The precariousness of housing, therefore, becomes an additional burden.

infrastructure, housing, labour welfare and social protection (MoHUA, 2017).

In the context of urban housing, circular migrants are doubly vulnerable. First, they are poor and work in poorly paid informal sector jobs; therefore, like the larger category of the urban poor, they bear the brunt of the shortage in formal low-income housing supply and live in under-services and crowded conditions in slums. Second, the temporality of their residence in the city means that they require certain forms of rental housing. The focus of housing policy in India has been ownership, and rentals are only now emerging as a tentative conversation in the policy discourse.

The majority of rental housing supply is also available in informal settlements, usually enforced through oral contracts.

The lived experience of renters and the nature of landlordism and tenant-landlord relationships in informal rental housing has been an under-studied area. However, it is broadly believed that migrant renters live in precarious circumstances and are exploited by landlords, who extract high rents and service charges and offer no tenure security. The precariousness of housing, therefore, becomes an additional burden on those already negotiating physically arduous and precarious employment for low wages in the urban informal economy.

Seen another way, the informal rentals market can be a foothold for migrants seeking to earn a living in the city and explore the possibilities of a future in urban India. Earlier research on informal rentals in Mexico, South Africa and India has already shown that in such locations, the economic difference between landlords and tenants is often marginal (Gilbert, Mabin, McCarthy, & Watson, 1997; Kumar, 2001; Watson & McCarthy, 1998). However in my own research, conducted in urban villages in the NCR, I recognize the political dominance of the landlords as the erstwhile landowning classes of the region even as I argue that the construction and management of rental units is a 'coping strategy' to ensure household incomes after the sale of productive agricultural lands





and related loss of income (Mukta Naik, 2019).

I position landlords as entrepreneurs who develop and manage a rentals market, exploiting a gap in supply that should have been foreseen by city planners. Because of this affordable and flexible rental supply, cities are able to remain attractive to migrant workers from far and wide. However, the informal nature of the supply also means that tenants are subjected to poor living conditions, unsafe construction, summary evictions, and various modes of moral policing and surveillance by landlords (M. Naik, 2015; Mukta Naik, 2019).

What kind of interventions can be made to retain the supply of affordable informal rentals in Indian cities, and indeed ensure that minimum standards of quality and safety are adhered to? This is an open question and there might not be any easy answers. This is why the Draft National Urban Rental Housing Policy has left informal rentals entirely out of its ambit, choosing to focus on releasing a Model Tenancy Act that will improve regulation and aid the creation of a robust formal rental housing market by rebalancing the interests of landlords and tenants and introducing a mechanism for

fast track settlement of disputes.

A starting point might be to recognize the informal supply and take up on a pilot basis, an exercise to mediate conversations between landlords and tenants, as individuals and as represented by local leaders, collectives and unions. Since rental incomes are important for landlords and housing a key issue for not only migrant tenants but for urban economies as a whole, there would likely be opportunities to evolve workable models that aim for a well-functioning and mutually beneficial rental housing market. In addition to state-run or state-subsidized housing or hostels for the most vulnerable migrants, a concerted effort to boost the affordable rental housing sector can potentially offer migrants secure footholds in the city at varying price points, and in areas of the city co-located with workplaces.

## 4.6: Housing of Migrant Naka construction Workers in Ahmedabad

### Housing of Migrant *Naka* Construction Workers in Ahmedabad

(Source: Desai and Sanghvi, 2018<sup>1</sup>)

Seasonal and circular migrants are marginalized in current urban policy, planning and governance. These migrants work in diverse occupations like construction, factories, hotels/restaurants/road-side stalls, domestic work, vending, etc. There is a need to understand their housing spaces, across different occupational groups, as well as the current policy, planning and governance vis-à-vis their housing in the city. In 2018, a study was conducted with a specific focus on the housing of **migrant construction workers who go to labour *nakas/addas***. They migrate between village and city on their own, and go to the labour *naka* to search for daily-wage work, generally working at different construction sites over the course of a single month. They arrange for their own housing in the city, generally in informal housing, living in the city from a few months to several months to almost 11 months of the year. Work obtained from the *naka* is irregular, with workers getting anywhere between 5-25 days of work in a month depending on season, skill, experience, contacts with contractors who come to the *naka* to hire labour, and negotiating ability. The 2018 study included a questionnaire survey on housing across 14 *nakas* covering 224 seasonal/circular migrant workers; focus group discussions with 37 *naka* workers from across 8 migrant settlements; and fieldvisits to 20 housing locations of migrant *naka* workers.

#### Key Findings on the Housing Conditions of Migrant *Naka* Construction Workers

##### **Overall Scenario of Shelter Quality and Basic Services**

- 32% of the survey respondents lived in kutcha shelters; 32% lived in semi-pucca shelters; 19% lived without any shelter, in the open tying up their belongings in a bundle every morning before going to work) and 17% lived in pucca shelters (almost all rentals).
- Significantly, a larger proportion of family migrants lived in kutcha shelters (43%) compared to single male migrants (12%) and a greater proportion of single male migrants were found to be living in semi-pucca shelters (45%) compared to family migrants (25%). An almost equal proportion of single males (14%) and family migrants (18%) lived in pucca shelters.
- 50% of the respondents filled water from shared water sources in their settlement; 38% filled water from outside the settlement; and 12% had an individual tap. There was major difference between family migrants and single male migrants with regard to water source.
- 38% of the respondents used shared toilets; 34% practiced open defecation and 16% used pay-and-use toilets. Only 11% of the respondents had an individual toilet and only 1% of the respondents used public toilets. Access to toilets among family migrants as opposed to single male migrants is noteworthy: 42% of the family migrants were practicing open defecation as compared to 18% of the single males; while 30% of single males were using pay-and-use toilets versus only 9% of family migrants.
- 55% of the respondents had access to electricity, almost all of who were living in rentals.

**Housing Typologies and Conditions:** Four main types of housing typologies were found:

##### 1. Squatter settlements on public and private lands:

- 18% of the survey respondents (40 respondents) lived in this housing typology.
- 85% of these respondents had made kutcha shelters. 15% were living without any shelter in the open, mainly on narrow strips of railway land.
- 81% of these respondents had no access to water inside their settlement, and filled water from surrounding buildings.

<sup>1</sup> Renu Desai and Sachi Sanghvi (2018), "Migrant Construction Naka Workers in Ahmedabad: A Study of Housing Conditions, Migrants' Perspectives, and Future Directions," CUE Working Paper 41, Centre for Urban Equity, CEPT University, Ahmedabad.

- 81% of these respondents practiced open defecation regularly and 7% used pay-and-use toilets or a combination of pay-and-use toilets and open defecation.
- Bathing conditions of these survey respondents were not captured, however, FGD participants living in squatter settlements bathed in makeshift bathing enclosures made near their huts, generally out of cloth / plastic sheets. Often these are open-to-sky and offer little privacy to women, as a result of which they bathe in the dark.
- 90% of these respondents did not have access to electricity in their shelters.

## 2. Bastis in public spaces

- 14% of the survey respondents (30 respondents) lived in bastis in public spaces. These bastis are under flyovers, on roadsides and footpaths, and on shop verandahs.
- 90% of these respondents lived without any shelter in the open; 10% had built kutcha shelters.
- All these respondents obtained water from surrounding buildings like residential societies, shops, temples, a nearby government facility like a police chowky, etc.
- 73% of these survey respondents used pay-and-use toilets. The remaining practiced open defecation with some intermittently using pay-and-use toilets.
- None of the respondents living in this housing typology had access to electricity.

## 3. Rental rooms / units

- 48% of the survey respondents (108 respondents) lived in rentals. This included rooms in rental chalis (clusters of rooms informally developed by landlords), rooms given for rent in a landlord's house in a formal or semi-formal housing society, rental rooms on farmlands on the city periphery, flats in public housing given on rent, and in rare cases rented flats in private housing.
- 63% of these respondents lived in semi-pucca shelters, 30% in pucca shelters and 7% in kutcha shelters. Fieldvisits revealed varying quality within the semi-pucca shelters.
- 74% of these respondents obtained water through shared water sources in the settlement. 23% had an individual tap inside their rooms. Only 3% reported fetching water from surrounding buildings.
- 64% of these respondents used shared toilet facilities and 20% had individual toilets. 9% were practicing open defecation and 7% were using pay-and-use or public toilets, revealing that some landlords have not provided toilets or have provided such inadequate toilets that it forces tenants into open defecation or using toilets outside the settlement.
- 95% of the respondents living on rent had access to electricity in their shelters. In about half of these cases, electricity cost was included in the rent.
- 41% of the rentals were in the range of Rs.1000-2000 per month, and 47% were in the range of Rs.2000-3000 per month. 10% were more than Rs.3000 per month.
- 42% of the migrants living in rentals were single male migrants while 58% were migrant families. Thus, although affordability of rental rooms came up as an issue in the FGDs with those living in squatter settlements and bastis in public spaces, the survey found many families living in rental rooms. A detailed study would be required to understand what makes the rooms affordable to them, however, the survey data suggests that majority of the families in rental rooms either had at least one skilled member in the household or had more than two earning members, which would make the rent affordable for them.
- 89% of the single male migrant respondents living in rental rooms / units were sharing a room with other male migrants. Sharing among 2-6 males made the rent affordable for them. 50% of the sharers were paying rent upto Rs.500 per month; 40% were paying rent between Rs.500 and Rs.1000; and about 8% were paying more than Rs.1000 per month.

## 4. Rental spots on lands and building rooftops

- 12% of the survey respondents (26 respondents) lived in this housing typology, which refers to (i) arrangements in which a landowner or land-occupier takes rent for allowing one to live in the open or build a kutcha shelter on a plot of land; and (ii) arrangements in which migrants stay on the

rooftop of a commercial building or warehouse for rent, generally in the open and sometimes by building a kutchha shelter. In some of these instances rent is charged per family and in others it is charged per adult.

- 73% of these respondents had built kutchha shelters; 7% were living in the open without shelter.
- 54% of these respondents got water from shared sources within the settlement while the remaining 46% obtained water from surrounding buildings.
- 73% of these respondents practiced open defecation; 15% used shared toilets; and 12% used pay-and-use toilets or resorted to a combination of this and open defecation.
- 89% of the respondents living in rental spots did not have access to electricity.
- 58% of these respondents were paying upto Rs.500 per month as rent; 23% were paying Rs.501-1000; and 15% were paying Rs.1001-1500. Recall that almost all the rental rooms are upwards of Rs.1000/month in rent, with 57% being more than Rs.2000/month in rent.

These different typologies of settlements inhabited by the migrant *naka/adda* workers are generally unrecognized by the state, resulting in denial of basic services and in some cases also evictions and harassment. Even where the settlements are recognized, the migrants are living as tenants, usually through informal rental arrangements where landlordism and tenancy is not recognized by the state. The informal rental housing is therefore a totally unregulated sector, and in many cases results in inadequate basic services and ad-hoc rent increases by landlords. It is possible that in certain settlements, the landlords also do not have secure tenure and are therefore unwilling to invest much in the rental housing they build. Migrant *naka/adda* workers and their families therefore face vulnerabilities due to the way the state views their housing spaces and approaches these spaces in policy and governance. Alongside this, formal housing / shelter being created for the urban poor under recent policies and programmes is not accessible to many migrant workers due to various reasons. These gaps in policy, planning and governance result in large number of migrant *naka/adda* workers living in inadequate housing. These gaps are particularly striking in the context of the Government of India's "Housing for All by 2022" slogan.

#### **Relationship of Migrant Workers' Housing Location to the Labour Naka/Adda**

For the urban poor, the viability of housing is intricately linked to distance and mobility vis-à-vis development opportunities which includes the labour *naka/adda* for those who go there in search of work. The distance, mode of transport and transport cost incurred is therefore of great significance, and should guide future housing interventions.

- To get to the *naka/adda*, 38% of the respondents travelled ten minutes or less; 32% travelled for 11-20 minutes; 22% travelled for 21-30 minutes. Only 8% took more than 30 minutes to reach the *naka/adda*.
- Walking was found to be the preferred mode of travel from home to the *naka/adda* for 71% of the respondents. 19% used shared autos.
- To reach the *naka/adda* from their home, 71% did not incur any transport costs since they walked while 21% spent Rs.5-10 per person. Only 8% spent more than Rs.10 per person.

#### **Future Directions**

Housing improvements for the migrant *naka/adda* workers in Ahmedabad requires a multi-pronged approach:

1. Upgrading of the squatter settlements where such migrants are currently living, especially where these settlements are tenable.
2. Linking migrant workers to the government's ownership housing schemes, particularly in instances where these workers are in the city for a substantial number of months across all three seasons of the



year (summer, monsoon and winter) and in instances where these migrants are living in untenable bastis. Numerous aspects need attention in this context:

- Aspect of eligibility since these migrants do not have documents with their residential address in the city.
- Aspect of affordability – the beneficiary contribution amounts and timelines, and access to housing finance and the role that the government plays in this context needs attention. Whereas under programmes like BSUP the government required a relatively small upfront contribution before giving possession of the house and then required the beneficiaries to pay monthly instalments for a period of several years, now housing programmes in Ahmedabad – under PMAY and Gujarat government policy – require beneficiaries to pay the full contribution for the EWS house before getting possession. This is to be made possible through housing loans and while the interest rates are subsidized under PMAY, the onus of getting the loan is on the beneficiary. For migrant *naka/adda* workers – given lack of documented proof of income, irregular work and variation in getting work in different seasons, not to speak of the fact that many may be in the city for less than 9-10 months of the year – it is not clear whether micro-finance institutions will lend to them. There are also questions around what would happen if a beneficiary defaults on these loans taken from the private housing finance sector, and the role of the government in this regard.
- Aspect of housing maintenance would have to be addressed as government housing projects often become vertical slums. Currently, the Ahmedabad Municipal Corporation considers the responsibility of maintenance to be of the residents (through resident associations), but residents do not have the wherewithal to undertake certain kinds of necessary repairs.
- Aspect of housing location would have to be addressed so that livelihoods are least impacted.

### 3. Developing Rental housing / Migrant hostels:

- National Urban Rental Housing Policy should be finalized and translated into a programme with guidelines, budgetary outlay and specific modalities for providing, managing and financing rental housing, including for circular / seasonal migrants, both families and single men and women. Gujarat Housing Board can also take initiative and develop a rental housing programme.
- Rentals developed looking into the range of rents that different migrants may be able to afford.
- Institutional structure to manage this rental housing would need attention: These institutions – which could be non-profit or limited profit rental management companies created by State Housing Boards / ULBs – must have technical, social, financial and tenure management capacities (IIHS 2015). In case of PPPs, there should be instruments for the regulation of the private-sector actors.
- Questions of land allocation for rental housing would need attention, including sensitivity to questions of rental housing location so that this housing is viable for the migrants.
- Rent-to-Ownership options also need to be explored.

### 4. Regulation of the informal rental housing sector which is currently entirely unregulated

### 5. Homeless shelters for migrant families

- Adequate number of shelters and appropriate design so that also accommodate migrant families, who make up a large proportion of the homeless in Ahmedabad, is required. The Shelter for Urban Homeless (SUH) scheme guidelines provide the possibility for developing such shelters, however, there has not been an emphasis on this in Ahmedabad and other cities of Gujarat.

### 5. Role of the Gujarat Construction Workers' Welfare Board:

- Programmes by the Board to provide decent housing to the migrant *naka/adda* workers are required. This will also require collaboration with the ULBs and State government for land allocation – workers' housing can be developed which can be rental and accessible to both *naka/adda* workers, and even developers/contractors who can pay the rent to accommodate their "on-site workers," especially where they face constraints in obtaining land to build a labour colony. Institutional structures to manage this workers' housing would have to be addressed.

## 4.7: PROVISIONS FOR HOUSING FOR WORKERS IN LABOUR LAWS

Ashok Khandelwal

### (1) THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996

**Section 34. Accommodation:-**(1) The employer shall provide, free of charges and within the work site or as near to it as may be possible, temporary living accommodation to all building workers employed by him for such period as the building or other construction work is in progress. (2) The temporary accommodation provided under sub-section (1) shall have separate cooking place, bathing, washing and lavatory facilities. (3) As soon as may be, after the building or other construction work is over, the employer shall, at his own cost, cause removal or demolition of the temporary structures erected by him for the purpose of providing living accommodation, cooking place or other facilities to the building workers as required under sub-section (1) and restore the ground in good level and clean condition. (4) In case an employer is given any land by a Municipal Board or any other local authority for the purposes of providing temporary accommodation for the building workers under this section, he shall, as soon as may be after the construction work is over, return the possession of such land in the same condition in which he received the same.

### (2) THE PLANTATIONS LABOUR ACT, 1951

**Section 15. Housing facilities.**—It shall be the duty of every employer to provide and maintain necessary housing accommodation—

(a) for every worker (including his family) residing in the plantation;

(b) for every worker (including his family) residing outside the plantation, who has put in six months of continuous service in such plantation and who has expressed a desire in writing to reside in the plantation: Provided that the requirement of continuous service of six months under this clause shall not apply to a worker who is a member of the family of a deceased worker who, immediately before his death, was residing in the plantation.

### (3) THE INTER-STATE MIGRANT WORKMEN (REGULATION OF

### EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979

**Section 16. Other facilities:** It shall be the duty of every contractor employing inter-State migrant workmen in connection with the work of an establishment to which this Act applies, -

- a) to ensure regular payment of wages to such workmen;
- b) to ensure equal pay for equal work irrespective of sex;
- c) to ensure suitable conditions of work to such workmen having regard to the fact that they are required to work in a State different from their own State;
- d) **to provide and maintain suitable residential accommodation to such workmen during the period of their employment;**
- e) to provide the prescribed medical facilities to the workmen, free of charge;
- f) to provide such protective clothing to the workmen as may be prescribed; and
- g) in case of fatal accident or serious bodily injury to any such workman, to report to the specified authorities of both the States and also the next of kin of the workman.

### (4): THE CODE ON WAGES (CENTRAL) RULES 2019

**Section 3: Manner of calculating the minimum rate of wages.** – (1) For the purposes of sub-section (5) of section 6, the minimum rate of wages shall be fixed on the day basis keeping in view the following criteria\* , namely:- (i) the standard working class family which includes a spouse and two children apart from the earning worker; an equivalent of three adult consumption units; (ii) a net intake of 2700 calories per day per consumption unit; (iii) 66 meters cloth per year per standard working class family; **(iv) housing rent expenditure to constitute 10 per cent. of food and clothing expenditure;** (v) fuel, electricity and other miscellaneous items of expenditure to constitute 20 percent of minimum wage; and





(vi) expenditure for children education, medical requirement, recreation and expenditure on contingencies to constitute 25 percent of minimum wages

**NOTES:** 1: THESE ARE DRAFT RULES YET NOT NOTIFIED. 2: THE EXISTING RULES DO NOT PROVIDE THIS PROCEDURE FOR CALCULATION OF MINIMUM WAGES. 3: THE GOVERNMENT OF INDIA COMMITTEE ON DETERMINATION OF MINIMUM WAGES IN ITS REPORT SUBMITTED IN 2019 RECOMMENED A HOUSERENT OF RUPEES 1,430 PER MONTH FOR CITIES AT OCTOBER 2018 PRICES.

#### **4. 8: THE APNA GHAR PROJECTS BY BHAVANAM FOUNDATION KERALA – and the questions it raises for migrant workers’ housing in Indian cities**

*Renu Desai, Independent Researcher, Ahmedabad*

Kerala has witnessed an influx of inter-state migrant workers over the last few decades, particularly from the northern and eastern states. Many of these workers have been living in unhygienic accommodation without adequate water and sanitation facilities. In 2014, Kerala State Government floated a public-sector non-profit company, the Bhavanam Foundation Kerala (BFK), under the Department of Labour and Skills, to address the housing issue among labour through direct state provision. BFK’s stated objective is “to provide, promote, develop and establish residential accommodation, education, healthcare, other associated infrastructure and services to laborers, workers and low-waged employees in Kerala.” (BFK website: <https://bfk.kerala.gov.in/about-us/> (accessed December 28, 2019))

BFK has undertaken four initiatives so far: (i) Bhavanam projects under which subsidized ownership housing is being provided to plantation workers within or near plantations; (ii) Janani projects under which subsidized ownership housing is being

provided to landless unorganized sector and low-paid workers in towns / cities; (iii) Apna Ghar projects to provide safe and hygienic hostel accommodation to inter-state migrant workers on affordable rental basis; and (iv) Studio apartment projects for working women on rental basis.

## The Apna Ghar projects

### Location and Land for the projects:

The Apna Ghar projects are being developed in industrial clusters with a concentration of migrant workers. The first Apna Ghar has been built at the KINFRA Integrated Industrial and Textile Park (IITP), Kanjikode, Palakkad, on land leased by BFK from KINFRA IITP for 30 years. It was inaugurated in February 2019. Two more Apna Ghars are currently under construction, one at the KSIDC Industrial Growth Center (IGC), Kinalur, Kozhikode and another at the KINFRA Hi-Tech Park (HTP), Kalamassery, Ernakulam, on lands leased from KSIDC IGC and KINFRA HTP, respectively. Although the land in the industrial parks is not supposed to be used for residential use, an exemption was made for labour accommodation so that BFK could construct the Apna Ghars. Currently, BFK plans to build an Apna Ghar in each district of Kerala, in or near industrial parks/ clusters, and while land has been leased for the first three Apna Ghars, BFK is looking into purchasing some land – especially in Tier II cities or on the city periphery where land costs would not be prohibitive – for some of the future Apna Ghars.

### The Apna Ghar at Kanjikode, Palakkad

*Context:* 5000-6000 inter-state migrant workers are employed in Kanjikode in the KINFRA IITP and surrounding area in industries such as metal works, ice-cream manufacturing, manufacturing packing material, mattress-making, aluminium works, lamination, etc. Majority of them are from Orissa, West Bengal, Assam, Chhattisgarh, Jharkand, Bihar, Uttar Pradesh and Madhya Pradesh

*Capacity:* 620 workers

### *Facilities:*

- I. Four-storied building comprising of 64 rooms: 62 rooms are used to accommodate workers, 1 room used by the hostel warden and 1 room used as an office
- II. 62 rooms: Each room accommodates 10 workers, and has 5 bunk-beds and 10 lockable storage units
- III. 32 community kitchens and 8 dining halls: These are provided in the form of 8 kitchen-dining blocks, with each block consisting of
- IV. 4 kitchens, each provided with one gas stove with two burners and an LPG connection. Each kitchen is to be shared between 2 rooms / 20 persons (one burner per room / 10 persons).
- V. 1 dining hall provided with a TV, filtered drinking water and wash basins. Each dining hall is shared between the 4 kitchens (i.e. 8 rooms / 80 persons).
- VI. 96 toilets (toilet ratio 1:6.5), urinals, washbasins, bathing spaces, clothes washing & drying areas
- VII. Communal seating areas, a lawn and a volleyball court

### **Financial model and Mode of renting:**

Capital cost borne by BFK through funds from the Kerala State government. 8.5 crores?

Rent per bed is Rs.1000/month; this also includes the cost of all the services and amenities such as water, electricity, LPG cooking facilities, etc (initially the rent was Rs.800/month)

Recurring costs are to be covered through the rents. The Rs. 6.2 lakh collected per month from rents is fully spent on recurring costs such as staff salaries (a 24-hour warden, office assistant, 4 day-time housekeeping staff, 6 security guards on shifts) (Rs. 3 lakh/month), electricity (Rs. 1.5 lakh/m), water sourced from KINFRA IITP (Rs. 60,000/m), LPG (Rs. 70,000/m), regular maintenance of the on-site sewage treatment plant, and other regular repairs and maintenance.





Currently, beds in the Apna Ghar are rented out to industrial companies for their workers (in November 2019, 24 companies had booked rooms in the hostel). Thus, all the workers currently living in the Apna Ghar are sponsored by their employers. (tenure of booking, deposit).

### Some views from the workers living at the Apna Ghar

(This includes discussions with two groups of workers (15-16 workers) living at the Apna Ghar, and employed across 4-5 companies)

The workers expressed satisfaction at the facilities provided at the Apna Ghar and their maintenance. Some pointed out that in their previous accommodation, provided at the company premises or in rental housing built by private landlords, they did not have access to potable water for drinking.

Others pointed to having earlier lived in congested rooms compared to the spacious rooms with natural light and ventilation in the

Apna Ghar. Some workers felt that the environment at the Apna Ghar was peaceful because there was good security and fights among workers were not tolerated. Still others mentioned that there is a bazaar nearby which they like to visit, whereas the company premises that they lived in earlier was in the midst of many factories and was far from any such bazaar. Some of them appreciated the lawn space and volleyball court, and the TV in the dining hall for which they did not have to spend any money (in their earlier accommodation, while their employer paid their electricity bill, if they wanted a TV, they had to buy it themselves). Some pointed out that many companies provide food at the worksite, but many workers prefer to cook themselves and while some companies give a food allowance in such cases, the workers had to arrange for a cooking stove and fuel themselves in their earlier accommodation, which no longer have to do.

### Questions that the current Apna

## Ghar approach raises for migrant workers housing in Indian cities:

While the Apna Ghar in Palakkad is a well-built and maintained facility, and clearly has had some important positive impacts for the workers who are currently living there, the current Apna Ghar approach raises several questions that need to be carefully considered in charting a way forward for improving migrant workers' housing, including creating hostels / rental housing for migrant workers.

Mode of renting and the question of "full occupancy" in the hostel: The beds are rented out to companies for their workers. The companies are renting all the beds in a room so that their workers do not have to share the room with workers employed by another company. This means that although all the 620 beds in the Apna Ghar are rented out and this is considered "full occupancy," not all of them are actually occupied all the time. Sometimes an entire room is unoccupied but the company is paying the rent and therefore the room is considered to be "occupied." It is important to recognize that ensuring access to maximum number of workers in such hostels / rental housing is not the same as ensuring that all the beds/rooms are booked by employers assuring continuous rent revenue. It will be important to prioritize the former.

Exclusions due to mode of renting, and location and design of Apna Ghars: The mode of renting beds / rooms to companies means that casual daily wage workers are currently excluded from the Apna Ghar. Even if the first three Apna Ghars (Palakkad, Kozhikode, Ernakulam) are opened up to workers who can "walk-in" to rent a bed rather than be sponsored by an employer, it is not clear how many will walk in because the majority of workers in the locations where the Apna Ghars are built are employed in companies on a somewhat regular basis and are not casual daily-wage workers. To reach casual daily wage workers, migrant hostels would have to be built at other locations, close to their informal labour addas and workplaces. Accommodating daily-wage workers will also likely require design modifications, especially for the community

kitchens since more number of workers would cook in each kitchen (currently, the small kitchens work well because the cooking for all the workers living in a single room / employed by a single company is done by only 1-2 workers). While the predominant migrant workforce in Kerala comprises of single males, there are migrant families also – however, they are excluded since the Apna Ghars are designed as dormitory-style hostels. The larger and significant question in any given context (Kerala and other States) is which migrant groups should such migrant hostels be built for as opposed to better regulation of employer-provided housing and better regulation of the private rental housing market? The appropriate planning, design, financial and governance approach for such hostels / rental housing need consideration in this context.

The Apna Ghar approach is currently subsidizing the companies – what might be the alternative? In Kerala, the companies are either building accommodation on the company premises or renting rooms in the vicinity for their workers. However, the conditions in such accommodation is not as good as in the Apna Ghar. If decent accommodation, such as provided in the Apna Ghar, had to be built by companies or rented from landlords in the private market, the companies would have to incur higher expenses than the rents charged in the Apna Ghar. Should the state be subsidizing companies in this way? What might be the other alternatives – Should the state no longer allow the companies to rent rooms in the migrant hostels? Should the state instead regulate employer-provided housing so that its standard improves? Should the state continue to allow companies to rent rooms in the migrant hostels, but charge higher rents that could be used to cross-subsidize rental rooms for casual, daily-wage workers who would have to pay the rent themselves in the absence of a regular employer?

Scaling up: The first three Apna Ghars (Palakkad, Kozhikode, Ernakulam)





have a total capacity of 2500 workers. This is a very small proportion of the estimated 2.5 million inter-state migrant workers in Kerala. Scaling up direct provision by the State to reach even 5% of these migrant workers (1.25 lakh) would be a huge challenge. In this context, how does one view the Apna Ghar projects – A huge challenge to be taken on through direct State provision? As “setting a good example” through few projects in terms of the quality of housing that employers should build for their workers or rent from the private rental market? As an approach that needs to be appropriately modified to predominantly target the most vulnerable groups like casual daily-wage workers who do not have a regular employer? As an approach that needs to evolve to include PPPs so that it can be scaled by (but who are the private / non-profit actors who may be interested in entering this sector of hostels / rental housing for migrant workers)? This set of questions are of relevance not only for Kerala but also for any State that might adopt a hostel / rental housing approach for migrant workers.

Linking housing with other services and amenities: It will be important to think about how hostels/rental housing for migrant workers can become spaces that link the workers to other services and amenities, such as healthcare, subsidized ration, etc.

### Studio apartment projects for migrant working women

The Studio apartment projects are being developed in industrial clusters which have a concentration of single women migrant workers. The first Studio apartment project is being built at the KINFRA International Apparel Park (IAP), Menamkulam, Trivandrum District, on land leased from KINFRA IAP. Many women from North-East India work in and around the KINFRA IAP, and are expected to benefit from this project. Women who have children below the age of 10 years would also be permitted to live with their children in the studio apartments, and the project is proposed to include a creche for these children.

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## **Prayas Centre for Labour Research and Action**

Prayas Centre for Labour Research and Action (PCLRA) promotes workers' rights in the vast informal sector economy of India. It undertakes research to document the work conditions in the informal sector followed by policy advocacy with the state so that the workers receive their due entitlements. The centre has done pioneering work in documenting the seasonal migration streams that feed labour to labour intensive industries like agriculture, brick kilns, building and construction. Its work has facilitated development of an alternative paradigm of organizing workers that factors in the constant movement of workers, the critical role of middlemen, the nature of production process, and the socio- economic profile of workers.

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The Rosa Luxemburg Stiftung (RLS) is German- based foundation working in South Asia and other parts of the world on the subjects of critical social analysis and civic education. It promotes a sovereign, socialist, secular, and democratic social order, and aims to present members of society and decision- makers with alternative approaches to such an order. Research organizations, groups working for social emancipation, and social activists are supported in their initiatives to develop models that have the potential to deliver social and economic justice.

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