
LABOUR LAW CHALLENGES IN THE CONSTRUCTION INDUSTRY: SAFETY, WELFARE, AND WAGES

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ABSTRACT

The construction industry in India employs around 50 million people, making it one of the country's largest employers. But most of these individuals labor in the informal economy, where they face long-term issues including poor working conditions, job insecurity, and a lack of access to aid programs. Despite extensive legislation such as the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, the Minimum Wages Act, 1948, and the Contract Labour (Regulation and Abolition) Act, 1970, there is still a significant gap between the letter of the law and its practical implementation. The industry is still beset by wage violations, hazardous working conditions, and the underutilization of welfare funds intended for employee benefits. The paper critically analyses the difficulties construction workers encounter with regard to welfare benefits, fair pay, and workplace safety. The statutory framework's shortcomings are examined, including low state welfare board registration rates, a dearth of enforcement tools, and the misappropriation of cess money. Although civil society organizations' and the courts' efforts have raised awareness, they are not enough to implement systemic change. The importance of unionization and strict safety regulations is highlighted as the study contrasts India's construction labor practices with international norms, particularly those observed in nations like Canada. This research concludes by suggesting policy changes such as mandatory safety training, digitizing worker registration, tightening inspection procedures, and making effective use of welfare cess through Direct Benefit Transfer (DBT) systems. Providing construction workers with respectable working conditions is not just a legal need; it is also a humanitarian and constitutional necessity. The lives of millions of people in the industry can be greatly improved by bolstering the enforcement of current rules and encouraging an accountable culture.

Keywords: Construction labour, safety, wages, welfare, BOCW Act, labour reforms, unorganized workers

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INTRODUCTION

With over 50 million workers and a 9% GDP contribution, the construction industry is the second-largest employer in India after agriculture⁴, making it essential to the nation's economic and infrastructure development. It continues to be one of India's most dangerous and uncontrolled labor areas in spite of its economic importance. Poor working conditions, such as long hours, insufficient safety precautions, no written contracts, and unfair wage practices, are commonplace for employees in this sector. Most construction workers are employed in the unorganized sector, which is devoid of official employment contracts and social security benefits. These workers depend on contractors or subcontractors, who usually avoid regulatory duties, and are generally seasonal and migratory.⁵ There is minimal to no legal recourse for workplace violations and little negotiating power since the labor is informal, transient, and unregistered.

There is a patchwork of state enforcement of laws meant to protect construction workers, including the Employees' Compensation Act of 1923, the Minimum Wages Act of 1948, and the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act of 1996 (BOCW Act). The issue is made worse by administrative flaws, a shoddy labor inspection system, insufficient worker registration data, and corruption.⁶

The present research aims to investigate the main legal issues that Indian construction workers face, with a special emphasis on three important areas: welfare entitlements, wage security, and occupational safety. It also examines why current legislation hasn't resulted in noticeable improvements to workers' lives and suggests changes to promote accountability and compliance in the industry.

OBJECTIVES OF THE RESEARCH

The major objective of this study is to analyze the discrepancies between the construction industry's actual practices and the legislative requirements pertaining to labor rights in India.

⁴ “Government of India, Ministry of Labour and Employment, *Annual Report 2022–23*, available at: <https://labour.gov.in> (last visited July 20, 2025)

⁵ International Labour Organization, *India Labour Market Update* (2020), available at: <https://www.ilo.org/newdelhi/> (last visited July 20, 2025).

⁶ Comptroller and Auditor General of India, *Report No. 28 of 2019 - Performance Audit on Implementation of Welfare Schemes for Construction Workers by the States/UTs*, available at: <https://cag.gov.in> (last visited July 20, 2025).”

The paper specifically focuses on the following objectives:

1. To **analyze the existing legal framework** applicable to construction labour in India, including the BOCW Act, Minimum Wages Act, and related legislation.
2. To **identify and examine key challenges** in the implementation of these laws, particularly in the areas of workplace safety, wage payment, and social security.
3. To explore the **role of the judiciary, civil society, and NGOs** in promoting and protecting the rights of construction workers.
4. To undertake a **comparative study** with developed nations such as Canada to draw actionable lessons.
5. To provide **policy and legal recommendations** for improving enforcement mechanisms and ensuring dignified working conditions for construction workers.

These objectives are intended to contribute toward academic discourse, policymaking, and stakeholder engagement on improving the working conditions of one of India's most vulnerable labour segments.

Research Methodology

This research adopts a **doctrinal legal methodology**, primarily relying on the study, interpretation, and critical analysis of statutory provisions, judicial pronouncements, government reports, and scholarly commentary relevant to construction labour in India. Primary sources include legislations such as the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, the Minimum Wages Act, 1948, and judicial decisions like *National Campaign Committee for Central Legislation on Construction Labour v. Union of India*.⁷ Secondary sources such as academic books, peer-reviewed journals, and reports from NGOs like SEWA and LabourNet supplement the legal analysis⁸. A **comparative legal approach** is employed to examine the regulatory framework of countries like Canada, particularly in relation to unionization, occupational safety, and wage

⁷ *National Campaign Committee for Central Legislation on Construction Labour v. Union of India*, (2018) 5 SCC 347.

⁸ SEWA Bharat, *Women in Informal Construction Work: Challenges and Interventions*, 2021, available at: <https://sewabharat.org>

protections, to draw contextual lessons for India.⁹ The methodology is analytical in nature, focusing on identifying the gaps between law and practice, and assessing the effectiveness of enforcement mechanisms. This doctrinal framework is strengthened by empirical insights from audit reports (such as those by the Comptroller and Auditor General) and legislative committee reviews, thereby allowing for a holistic understanding of the legal challenges faced by construction workers in India.¹⁰

THE LEGISLATIVE FRAMEWORK

A multi-tiered legislative structure that protects workers' safety, welfare, and financial stability oversees the Indian construction industry. Though there are a number of laws in place, they are not always applied consistently. The legal system is primarily based on statutes that regulate employment, set minimum wages, and safeguard workers from exploitation and dangerous working conditions. The primary statutes pertaining to construction workers in India are reviewed in this section.

“The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996”

The special needs of construction workers were addressed by the passage of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (BOCW Act) since these workers often work in hazardous environments with inadequate welfare protections. Companies that have ten or more employees involved in construction are deemed to be subject to the Act.¹¹

Key Features of the BOCW Act:

- **Registration of Workers:** In order to get benefits, all construction workers are required by law to register with their local state welfare board. However, many people are hesitant to register due to poor literacy rates, a lack of knowledge, and bureaucratic red

⁹ “Government of Ontario, *Occupational Health and Safety Act*, RSO 1990; Canada Labour Code, RSC 1985.

¹⁰ Comptroller and Auditor General of India, *Performance Audit Report on BOCW Welfare Cess*, Report No. 28 of 2019

¹¹ Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, No. 27 of 1996, s. 1(4).

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- **Welfare Boards:** A Building and Other Construction Workers' Welfare Board must be established in every state in order to carry out welfare programs. Housing subsidies, student loans, apprenticeship programs, and retirement benefits are all examples of such programs.¹³
- **Cess Collection and Utilization:** In order to pay for worker welfare programs, the Act requires a cess of 1% to 2% of the cost of building projects. Nevertheless, substantial implementation deficiencies were revealed in a 2019 audit by the Comptroller and Auditor General (CAG), which revealed that welfare only received a small portion of the ₹52,000 crore collected countrywide.¹⁴
- **Health and Safety Provisions:** The Act's regulations include provisions for safe construction sites, clean drinking water, medical facilities, protective gear, and restrooms.¹⁵ However, the absence of an effective inspection system means that non-compliance is still widespread.

In the 2018 case of *National Campaign Committee for Central Legislation on Construction Labour v. Union of India*, the Supreme Court strongly denounced the underutilization of cess funds and ordered all states to guarantee the BOCW Act's efficient implementation.¹⁶

The Minimum Wages Act, 1948

The purpose of the Minimum Wages Act of 1948 was to ensure that all employees were guaranteed a minimum wage that would allow them to meet their basic living expenditures. It gives the federal and state governments the authority to set and periodically update the minimum wage rates for a number of worker categories, including those in the construction industry.¹⁷

¹² International Labour Organization, *Decent Work in the Construction Sector*, India Country Report (2019), available at: <https://www.ilo.org>

¹³ "Ministry of Labour and Employment, Government of India, *BOCW Central Rules, 1998*.

¹⁴ Comptroller and Auditor General of India (CAG), *Report No. 28 of 2019 - Performance Audit on Implementation of Welfare Schemes for Construction Workers*, available at: <https://cag.gov.in>

¹⁵ BOCW Central Rules, 1998, Rules 35–50.

¹⁶ *National Campaign Committee for Central Legislation on Construction Labour v. Union of India*, (2018) 5 SCC 347.

¹⁷ Minimum Wages Act, No. 11 of 1948, s 3"

Challenges with Implementation:

- **Variations by State:** State-by-state variations in minimum wage rates cause misunderstandings and frequently give companies the opportunity to take advantage of legal loopholes.¹⁸
- **Delayed Revision:** The legislative requirement of frequent updates is broken in a number of states where wage rate revisions are not carried out promptly.
- **Subcontracting Practices:** In many cases, principal employers shift responsibility to subcontractors, making it difficult to monitor wage compliance. Workers are often unaware of their wage entitlements or do not receive written pay slips, further complicating enforcement.¹⁹

Despite penalties for non-compliance, enforcement remains weak due to the limited number of labour inspectors and a general reluctance to prosecute employers.

Other Relevant Laws

The Contract Labour (Regulation and Abolition) Act, 1970

The purpose of this Act, which regulates contract labor, is to guarantee that these workers receive fair compensation, health benefits, and safe working conditions. It requires that businesses using contract labor register and that contractors obtain licenses.

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But in the construction industry, contractors frequently work without the proper licenses, and the main employer neglects to check for compliance. Even if they work on a single site for

¹⁸ R. Bhattacharya, "State Variations in Minimum Wages and Impact on Labour Migration," *Labour & Development*, Vol. 25, No. 1, 2018

¹⁹ N. Sharma, "Wage Theft and Informality in the Construction Sector," *Indian Journal of Labour Economics*, Vol. 63, 2020

²⁰ Contract Labour (Regulation and Abolition) Act, No. 37 of 1970, s 6–12.

years, contract workers are rarely hired as permanent employees.²¹

“The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979”

To control the terms of employment for laborers hired across state lines, the Inter-State Migrant Workmen Act was passed. It requires that migrant workers get residential housing, trip allowances, and displacement allowances.²²

During the COVID-19 epidemic, which caused widespread reverse migration as a result of abrupt job loss, housing insecurity, and wage nonpayment, the importance of this Act was once again highlighted. The Act is ineffectual because, in reality, very few contractors follow the registration and reporting requirements.²³

The Employees’ Compensation Act, 1923

According to this Act, businesses must pay workers' compensation when they are hurt, disabled, or die while on the job. Given the prevalence of occupational dangers in the construction industry, it is especially pertinent.²⁴

However, injured workers or their families frequently lack access to justice because of the Act's reliance on employer reporting and the difficult procedure of establishing employment and causation. Many people don't know their rights or are afraid of reprisals if they make a claim.²⁵

Recent Labour Code Reforms

“In 2020, the Government of India enacted four labour codes, consolidating 29 existing labour laws. These include:

- **The Code on Wages, 2019**

²¹ Sankaran, K., “Regulating Contract Labour in India: A Theoretical and Empirical Critique,” *Economic and Political Weekly*, Vol. 46, No. 16, 2011.

²² Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, No. 30 of 1979, § 14.

²³ TISS Labour Migration Report (2021), “Invisible Labour: Inter-State Migration and Legal Protection in India,” Tata Institute of Social Sciences, Mumbai.

²⁴ Employees’ Compensation Act, No. 8 of 1923, s 3.

²⁵ P. Roy, “Barriers to Accessing Compensation for Injured Workers in the Informal Sector,” *Socio-Legal Review*, Vol. 12, 2016.

- **The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code)**
- **The Code on Social Security, 2020**
- **The Industrial Relations Code, 2020”**

To provide a uniform standard for health and safety in the workplace across industries, the OSH Code supersedes the BOCW Act. However, critics argue that the **subsuming of BOCW under the OSH Code dilutes sector-specific protections** that were once mandatory under the former law.²⁶

Moreover, implementation of the Codes has been delayed as many states have yet to frame the required rules. Concerns remain about centralized governance mechanisms weakening state-level responsiveness and the dilution of worker rights in the name of "ease of doing business"²⁷

India's legislative landscape offers comprehensive protections for construction workers in theory, but implementation on the ground is riddled with challenges. Fragmented enforcement, inadequate awareness among workers, and employer evasion significantly undermine the effectiveness of these laws. Without strengthening labour inspection systems, simplifying registration processes, and ensuring accountability in the utilization of welfare funds, the promise of these legislative frameworks will remain largely unfulfilled.

CHALLENGES IN IMPLEMENTATION

Even though there is a thorough legal framework that regulates the building sector, one of the biggest obstacles is still its implementation. Construction workers' rights have been attempted to be protected by a number of state and federal laws, but practical experience shows that there are structural flaws in accessibility, enforcement, and oversight. This section addresses the three main areas—safety hazards, wage-related concerns, and welfare/social security entitlements—where implementation obstacles are most evident.

Hazards to Safety

According to data compiled by the Indian government, building is the second most dangerous

²⁶ “OSH Code, No. 37 of 2020, § 135(1)(i) (repealing the BOCW Act).

²⁷ Centre for Policy Research (2021), *Critical Analysis of India's New Labour Codes*, available at: <https://cprindia.org>

occupation in the country, just after mining.²⁸ In the absence of adequate safety protocols, employees often engage in risky tasks include operating heavy equipment, working at heights, and handling hazardous products. Most construction sites, especially those in the unorganized sector, rarely follow the regulations set out by the Occupational Safety, Health and Working Conditions Code (OSH Code) and the BOCW Act, which require workers to wear protective gear such as helmets, harnesses, shoes, and get regular health exams.²⁹

Workers' ignorance of workplace safety regulations, such as the need for personal protective equipment (PPE), is a significant problem. A large number of workers lack basic education or literacy skills and are not taught how to use safety equipment or administer first aid. Safety exercises are rarely held, and risk management is essentially non-existent without adequate monitoring.³⁰

Furthermore, it is unclear who is in charge of enforcing safety standards due to the fragmented nature of employment, where workers are sometimes hired through several tiers of contractors and subcontractors. Because of the informal nature of employment, these preventable workplace accidents and fatalities are frequently underreported as a result of this dilution of accountability.³¹

According to a 2021 International Labour Organization report, one person dies on a building site in India every ten minutes, although the true number is probably significantly higher⁵ because of underreporting and a lack of legal claims. The lack of a strong inspection regime exacerbates these systemic shortcomings. Labor inspectors are scarce, poorly qualified, and frequently subject to corruption or bureaucratic restrictions.³²

Issues Concerning Wages

Another crucial area of concern is wage-related difficulties. Even though minimum wages are guaranteed by laws like the Minimum Wages Act of 1948 and the Code on Wages of 2019, enforcement of these rules is lax. Wage fraud, late payments, and arbitrary deductions are

²⁸ Ministry of Labour and Employment, *Annual Report 2022–23*, available at: <https://labour.gov.in>

²⁹ International Labour Organization (ILO), *Occupational Safety and Health in the Construction Sector in India* (2020), available at: <https://ilo.org>

³⁰ D. Sengupta, "India's Construction Workers Still Unsafe," *The Economic Times*, July 5, 2021

³¹ N. Sharma, "Contract Labour and Safety Violations in India," *Labour Law Journal*, Vol. 61, No. 2, 2020

³² ILO-India, *Decent Work Agenda for Construction Workers* (2021), <https://www.ilo.org>

commonplace for construction workers, particularly daily wage earners and migrants, and they frequently lack legal recourse.³³

The industry's unofficial structure makes oversight challenging. Since most workers don't have written contracts, it can be difficult for them to prove their employment status in the event of a dispute. At the conclusion of a project, contractors frequently flee without paying wages, and the principal employer avoids responsibility by denying direct employment relationships.

Subcontracting makes the issue much worse. A multi-tiered employment chain that obfuscates accountability is created when principal employers hire big companies that then subcontract to smaller organizations. Because of this, minimum wage regulations are regularly broken, particularly for unskilled and semi-skilled workers. For instance, field research conducted in Delhi-NCR in 2018 discovered that more than 60% of construction workers received pay that was less than the minimum wage set by the state.³⁴

Another level of difficulty is added by the seasonality of construction projects. Because they are frequently ignorant of local wage standards or their legal options, migrant workers who relocate across states in pursuit of employment are especially at risk. They are further deterred from reporting violations by language hurdles, fear of reprisals, and the short-term nature of their stay.

Furthermore, a lot of workers receive cash payments without any paperwork, which puts them outside the jurisdiction of regular grievance procedures and financial institutions. Although the recent push for digital wage payments and Direct Benefit Transfer (DBT) under labor codes has promise, it necessitates digital literacy and bank account access, both of which are deficient in rural migrant populations.³⁵

Social Security and Welfare

The State Building and Other Construction Workers' Welfare Boards, established by the BOCW Act, primarily oversee the distribution of social security benefits and welfare programs to those employed in the construction industry. These boards are required to offer services including

³³ R. Bhattacharya, "Wage Violations in the Informal Construction Sector," *Labour & Development*, Vol. 25, No. 1, 2020.

³⁴ A. Ghosh & V. Joshi, "Field Survey of Construction Sites in NCR," *Indian Journal of Labour Economics*, Vol. 61, 2018.

³⁵ Centre for Policy Research, *Digital Labour and Wage Disbursement Challenges*, (2022), <https://cprindia.org>

housing help, maternity benefits, child scholarships, pension plans, and medical aid. They are financed by a levy that is imposed at a rate of 1% to 2% of the building cost.³⁶

Even with this clear framework, worker registration rates are still pitifully low, especially for migratory laborers and daily wage earners. Many people don't know that welfare boards exist or don't have the required paperwork (such as identification, proof of age, or proof of residency) to finish the registration process. When registration does take place, it is frequently beset by bureaucratic inefficiencies and delays.

There were obvious inefficiencies in the use of welfare monies, according to the 2019 Comptroller and Auditor General Report. Less than 40% of the more than ₹52,000 crore in cess collected nationwide had been used, indicating serious shortcomings in planning, execution, and governance¹⁰. Despite holding enormous amounts of unutilized funds, a few of states did not even distribute fundamental benefits like death payments and educational scholarships.³⁷ Furthermore, there is virtually no interstate coordination among welfare boards and no centralized database of construction workers. Interstate migrant workers are especially harmed by this since they are no longer eligible for benefits after leaving their home state. Even registered workers find it difficult to get benefits when they are on-site away from home due to the lack of portability of welfare entitlements, notwithstanding the Ministry of Labor's recommendations.³⁸

Civil society organizations have flagged issues such as the **misuse of cess funds, inflated construction costs, ghost registrations, and corruption** in contractor certification, further compounding the challenges. In response, the Supreme Court has issued multiple directives urging states to improve registration, streamline disbursement mechanisms, and ensure accountability through regular audits.³⁹

On paper, India's construction labor laws are fairly comprehensive, but there are systemic inefficiencies in their application. The issues, which range from hazardous working conditions and widespread wage violations to wasted welfare money, are caused by both socioeconomic

³⁶ Building and Other Construction Workers Act, 1996, s 18–22

³⁷ “Comptroller and Auditor General (CAG) of India, *Performance Audit Report No. 28 of 2019*, available at: <https://cag.gov.in>

³⁸ Tata Institute of Social Sciences, *Migration and Social Security Access in India*, (2021), Mumbai

³⁹ *National Campaign Committee for Central Legislation on Construction Labour v. Union of India*, (2018) 5 SCC 347.

disparities and poor governance. Millions of workers continue to be denied their fundamental rights and entitlements because of the state's incapacity to establish institutional responsibility, guarantee transparency, and enforce compliance procedures.

ROLE OF JUDICIARY

The courts has played a crucial role in safeguarding the rights of construction workers due to the absence of administrative initiative. In the landmark 2018 decision of *National Campaign Committee for Central Legislation on Construction Labour v. Union of India*, the Supreme Court criticized the state's inaction and the welfare cess's gross underutilization. It was pointed out by the Court that workers had only received a fraction of the over ₹29,000 crore that had been collected as welfare cess under the BOCW Act.⁴⁰ It mandated that the federal and state governments make sure that all qualified construction workers are registered and that welfare monies are used appropriately.

In addition, civic society has been instrumental in closing the gap between practice and policy. Groups like LabourNet and the Self-Employed Women's Association (SEWA) have promoted workplace health and safety awareness, provided legal assistance, and made worker registration easier. Additionally, these organizations have pushed for welfare benefits to be portable, particularly for migratory workers.⁴¹

The Centre for Indian Trade Unions (CITU) and Majdoor Adhikar Manch are two such grassroots groups that have continuously pushed governments to strengthen labor laws, improve working conditions, and punish negligent contractors. Their efforts have shown how important civil society is to the democratization of labor rights, especially in the unorganized sector.⁴²

COMPARATIVE PERSPECTIVE

India's construction labor framework seems underdeveloped in both design and execution when compared to developed nations like Canada. Construction workers in Canada are heavily unionized, and unions are essential in negotiating decent pay, benefits, and working conditions.

⁴⁰ *National Campaign Committee for Central Legislation on Construction Labour v. Union of India*, (2018) 5 SCC 347.”

⁴¹ SEWA Bharat, *Empowering Women in Informal Construction Work*, 2021, available at: <https://sewabharat.org>

⁴² LabourNet Foundation, “Building Resilience Among Construction Workers,” Annual Report 2022, <https://labournet.in>

Strict legal requirements that require employer accountability and enforceable safety procedures, such as the Canada Labour Code and Provincial Occupational Health and Safety Regulations, govern occupational safety.⁴³

Furthermore, the right to collective bargaining is frequently exercised and protected by the constitution. Strong unions like UNIFOR and LiUNA frequently represent workers and negotiate for safe working conditions, insurance, and salaries. In contrast to India, most provinces require contractors and safety experts to hold a license, and independent inspections are common.⁴⁴

India can **draw valuable lessons** from such systems. A key takeaway is the importance of **institutionalized worker representation** and **state support for compliance infrastructure**. Unlike Canada, where safety inspections are proactive, India relies heavily on complaint-based enforcement, which often fails in the informal sector due to fear of retaliation and lack of legal awareness.⁴⁵

SUGGESTIONS

Given the aforementioned study, the following legislative and policy suggestions are put up to enhance the working conditions of Indian construction workers:

- Using the National Portal for Digital Registration: Construction workers should be registered through a consolidated national platform connected to Aadhaar, which would allow social payments to be transferred between states.⁴⁶
- Enhancing Labor Inspections: To carry out routine and unexpected inspections, labor bureaus need to be properly manned and trained. Noncompliant contractors should be subject to a severe penalty system that includes criminal prosecution for repeated infractions and blacklisting.⁴⁷
- Direct Benefit Transfers (DBT): In order to reduce leaks and administrative hold-ups, welfare payments obtained through the BOCW cess should be sent straight to registered

⁴³ Canada Labour Code, RSC 1985, c L-2, Part II; and Ontario Occupational Health and Safety Act, RSO 1990.

⁴⁴ Government of Canada, *Workplace Safety and Health Guide*, 2023, <https://canada.ca>

⁴⁵ “International Labour Organization, *Enforcement of Labour Laws in the Informal Sector: A Comparative Study*, 2022.

⁴⁶ Ministry of Labour and Employment, *Draft National Labour Portal Proposal*, 2023, <https://labour.gov.in>

⁴⁷ Standing Committee on Labour, *Report on Occupational Safety and Health Code*, Lok Sabha, 2021.

workers' bank accounts. To guarantee optimal utilization, administrative expenses should be capped.⁴⁸

- Required Safety Certification and Training: Employees should be required to complete occupational safety and health induction training. Site access should need certification in fundamental safety procedures.⁴⁹
- Expanded Function of NGOs and Unions: Formal responsibilities for tracking compliance, filing complaints, and taking part in policymaking should be assigned to trade unions and civil society actors. They are perfect partners for outreach and enforcement because of their presence on the ground.⁵⁰

CONCLUSION

Despite having a strong legal framework for construction workers thanks to laws like the OSH Code, the BOCW Act, and the Minimum Wages Act, bureaucratic inertia, disjointed enforcement, and the informal nature of labor, India's execution of these rules is still lacking. Millions of construction workers continue to have a labor experience characterized by unsafe workplaces, unfair wage practices, and inaccessible assistance programs.

Some of the gaps left by the state have been filled by civil society initiatives and judicial interventions, but structural reforms are necessary for long-term change. It is crucial to use a multi-stakeholder strategy that incorporates digital technologies, improved inspection procedures, strengthened unions, and community involvement. India can only achieve its constitutional promise of labor dignity and ensure that people who built the country are not left behind by working together.

⁴⁸ Comptroller and Auditor General of India, *Performance Audit Report on BOCW Welfare Cess*, Report No. 28 of 2019.

⁴⁹ Directorate General Factory Advice Service and Labour Institutes (DGFASLI), *Construction Safety Training Manual*, 2020."

⁵⁰ A. Desai, "Role of Trade Unions in Informal Labour Regulation," *Indian Journal of Labour Economics*, Vol. 62, No. 3, 2021.

REFERENCES

Books

1. S.C. Srivastava, *Industrial Relations and Labour Laws* (Vikas Publishing House, New Delhi, 2019).
2. Kamala Sankaran and Uma Rani (eds.), *Labour Law and Development: Perspectives on Informal Labour* (Oxford University Press, New Delhi, 2017).
3. H.L. Kumar, *Labour and Industrial Law* (Universal Law Publishing, New Delhi, 2021).
4. S.N. Mishra, *Labour and Industrial Laws* (Central Law Publications, Allahabad, 2019).
5. K.D. Srivastava, *Commentary on the Factories Act, 1948* (Eastern Book Company, Lucknow, 2018).

Articles

6. A. Ramaswamy, “Comparative Labour Law: Canada and India” (2021) 5(2) *Journal of Comparative Law Studies* 93–108.
7. A. Desai, “Role of Trade Unions in Informal Labour Regulation” (2021) 62(3) *Indian Journal of Labour Economics* 305–320.
8. B. Saini, “Rights of Construction Workers: Challenges in Enforcement” (2020) 45(4) *Labour Law Reporter* 12–21.
9. P. Mehrotra, “Unorganised Sector and the Legal Vacuum: A Critical Study of Construction Workers in India” (2019) 61(1) *Journal of the Indian Law Institute* 98–114.

Judgments

10. *National Campaign Committee for Central Legislation on Construction Labour v. Union of India*, (2018) 5 SCC 347.
11. *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802.

12. *People's Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473.

Government Reports & Legal Documents

13. Ministry of Labour and Employment, *Occupational Safety, Health and Working Conditions Code, 2020*, Government of India.
14. Standing Committee on Labour, *Report on Code on Occupational Safety and Health and Working Conditions*, 2021, Lok Sabha Secretariat, New Delhi.
15. Comptroller and Auditor General of India (CAG), *Performance Audit Report on Implementation of BOCW Welfare Cess*, Report No. 28 of 2019.

NGO and International Reports

16. SEWA Bharat, *Women in Informal Construction Work: Challenges and Interventions*, 2021, available at <https://sewabharat.org> (last accessed 20 July 2025).
17. LabourNet Foundation, *Annual Report 2022: Building Resilience Among Construction Workers*, available at <https://labournet.in> (last accessed 20 July 2025).
18. International Labour Organization, *Enforcement of Labour Laws in the Informal Sector: A Global Review*, 2022, available at <https://ilo.org> (last accessed 20 July 2025).

Foreign Laws and Materials

19. Government of Canada, *Canada Labour Code*, RSC 1985, c. L-2.
20. Government of Ontario, *Occupational Health and Safety Act*, RSO 1990.
21. Government of British Columbia, *Workers Compensation Act*, RSBC 2019.