

Scaffolds of Neglect : Evaluating Labor Laws and Judicial Remedies for Injured Inter-State Migrant Building Workers

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Abstract—The building workers are highly in demand in the developing society due to the rapid horizontal and vertical expansion of modern urban infrastructure. It relies heavily on the physical labor of building workers. Despite driving macroeconomic growth, the building workers are migrating to different parts in search of their skillful work. These marginalized inter-state migrant building workers remain disproportionately vulnerable to severe workplace occupational hazards, injuries, and fatalities. At their workplaces they are facing several injuries that are not properly compensated. Thus highly informal, multi-tiered subcontracting networks operations are routinely faced by the injured migrant building workers who face systemic deprivation, including the denial of employment proof, immediate medical abandonment, coerced low-value cash settlements, and the sudden economic destitution of their dependent families.

This paper critically evaluates the efficacy of the existing statutory frameworks specifically the Building and Other Construction Workers (BOCW) Act, 1996, the Inter-State Migrant Workmen Act, 1979, and the nascent Occupational Safety, Health and Working Conditions Code, 2020—against the realities of field-level enforcement. It further analyzes the proactive role of the judiciary, which has consistently read the right to safe working conditions into the fundamental Right to Life under Article 21 of the Constitution. However, a persistent chasm remains between progressive statutory jurisprudence and the institutional implementation. This study argues that the current legal architecture acts as a "scaffold of neglect," failing to protect building workers due to non-portable welfare benefits, systemic non-registration, and weak penal enforcement against principal employers. The paper concludes by proposing structural reforms that includes the mandatory digitization of labor data via the e-Shram portal linked to municipal building sanctions, the institutionalization of universal benefit portability, and the enforcement of strict strict-liability safety audits to secure institutional dignity and legal redress for the builders of modern cities.

Index Terms—Inter-state migrant building workers, Occupational accidents, International standards, National legal safeguards, Judicial Remedies

I. Introduction

The rapid growth of global infrastructure and modern expansion of urban skylines has increased the demand of building workers from all parts of the land. It made the workers migrate for the need of building construction work. The massive movement of migration has made a highly vulnerable workforce of migrant building workers to move from villages, cities to developing States for the building construction work in need of more money for their work. They are driven by rural distress, uncertainties, and the economic survival search made millions of laborers leave their native villages every year to take up jobs in the booming construction sector in big cities. While these workers literally build the foundations of economic progress, they do that under a shadow of extreme vulnerability. The construction industry is notoriously one of the most

hazardous work environments in the world. Characterized by informal hiring networks, layers of sub-contracting, a lack of formal training, and widespread systemic neglect, migrant building workers face disproportionate risks of severe injury and fatal workplace accidents.

This study examines the harrowing realities faced by migrant building workers, detailing the physical injuries and fatalities that plague construction sites, and the socio-economic plights that crush their families when tragedy strikes. Furthermore, the study has analyzed the existing legal protections, evaluates landmark judicial interventions, and offers structural suggestions to transform the construction sector from a zone of exploitation into a space of safety, dignity, and legal accountability.

A building worker falling from a certain height is consistently the leading cause of fatal injuries in construction sectors. Climbing on the ladders of a great height and working on it for a longer period, scaffolds, roofs, or any elevated platform poses a significant risk, especially if proper fall prevention systems are not present in that place. The building and construction sector is a major employer of migrant workforce globally and more particularly in developing nations like India. However, it also has a notorious reputation for being highly hazardous. Due to a combination of informal hiring practices, lack of training, and structural neglect, migrant building workers are disproportionately exposed to risks, injuries, and sudden death.

Firstly, we get the common Injuries and Fatalities on Construction Sites. About this it can be noted from the data of International Labour Organisation that the construction accounts for over 30% of all fatal occupational injuries globally. The leading causes of harm that are found are often referred to in industrial safety as the Fatal Four. This includes a) slipping or falling from fragile scaffolding, unfinished roofs, high-rise building ledges, or unfenced lift shafts. This is the single largest cause of construction fatalities. b) Being hit by falling tools, flying debris, moving heavy machinery i.e., cranes, dump trucks, or concrete mixers or by collapsing walls/trenches. c) Workers getting crushed, caught, or trapped between heavy equipment, collapsing structural materials, or un-shored earth trenches during excavation. d) Coming into contact with live underground or overhead high-voltage power lines, or working with poorly insulated, faulty electric power tools in damp conditions. e) Long-term fatal illnesses like silicosis and asbestosis, caused by inhaling concrete, stone dust, or asbestos fibers without protective respiratory masks. Secondly, it has been found that the Plights Faced by Migrant Building Workers Following Injury or Death. When an accident occurs, a migrant building worker not only just suffers physical trauma but also they and their families enter a cycle of systemic exploitation. Thirdly, the Subcontractors frequently abandon injured workers at public hospitals in order to avoid police records and sometimes they even fail to provide first-aid kits on-site. Fourthly, Most of the migrant building workers are hired informally through middlemen such as the contractors or subcontractors. This is because there are no formal appointment letters and the employers get the opportunity to routinely deny that the injured or deceased person ever worked for them to evade liability. Fifthly, the building workers survive on daily wages. A temporary or permanent disability cuts off their income instantly. Families are forced to take high-interest loans from local moneylenders to cover mounting medical expenses. Sixthly, The Employers or the middlemen are taking advantage of the worker's poverty and geographic displacement and often threaten or coerce them or their family into accepting a meager or sometimes under-the-table cash settlement to avoid a lawsuit. Finally, when the migrant building worker dies, their family back in their native village is left entirely stranded. Without access to state relief or the employer's insurance, the children are frequently forced out of school and pushed into child labor to survive.

II. GLOBAL OCCUPATIONAL ACCIDENTS

The building workers facing this accident problem are very unique all over the world. They are not only impaired, they are injured with their body parts even if they are losing life in the construction works. Here are some global incidents in which the building workers have faced occupational accidents. The Skyline Plaza building at Bailey's Crossroads, Virginia, USA on 2nd March 1973, was under construction and collapsed all of a sudden due to premature removal of supports. In these incidents 14 building workers were killed and 35 workers got injured.¹ In the Thames Barrier Project, London, UK numerous construction-site accidents during the project construction 2 fatalities among 5,000 reported happened in the year of 1980-1982.² The School building that was under construction collapsed and it killed 5 migrant workers, 20 injured; most victims were migrant workers. This accident occurred at Antwerp, Belgium 18 June 2021³. The Migrant workers were crushed by rotating crane at construction site and killed 1 worker at Sengkang, Singapore 22 June 2022⁴. The Tunnel under construction collapsed during heavy rain and killed workers on 24 August 2024 at Nakhon Ratchasima, Thailand⁵. The Crane and concrete segment fell at motorway construction site and killed 6 workers at Samut Sakhon, Thailand on 29 Nov 2024⁶. The Tunnel under construction collapsed during the heavy rain when 3 workers were killed on 24 August 2024 at Nakhon Ratchasima, Thailand. The crane and concrete segment fell at the motorway construction site and 6 of the workers were killed at Samut Sakhon, Thailand on 29 Nov 2024. The Expressway bridge that was under construction collapsed and killed 5 workers and injured 27 Thailand 15 th March, 2025. A 30-storey tower under construction collapsed during an earthquake that killed at least 89 people in Madrid, Spain. Building under renovation collapsed 4 workers killed 3 injured Madrid, Spain 7 October 2025⁷. Scaffolding collapse at under-construction building 2 migrant workers killed and several injured Hyderabad, India, Early 2026⁸.

The Global Statistics on Construction Accidents has been established by the ILO. The Construction is one of the world's most fatal occupations. In countries like China there are 6,005 several construction accidents causing 7,275 deaths between 2010 and 2019. A study of Delhi, India, found that 929 construction accidents happened between 2016 and 2018, causing 1,217 injuries, that also includes 356 deaths. Building collapses and electric shocks were among those accidents that were the leading causes.⁹ Global research shows that the construction workers are facing much higher risk of workplace injury and death than that of the workers in most other industries. Falling from the high height, electrocution from the electric connection, falling tools and objects, and structural collapses are the most common causes in this fatal occupation.¹⁰

¹ "Skyline Towers Project Collapse", *Wikipedia*, 1973, <https://en.wikipedia.org>

² R. Hubbard, J.Neil, "Major and minor accidents at the Thames barrier construction site", *ScienceDirect Journal of Occupational Accidents*, 1985, <https://www.sciencedirect.com>

³ "Antwerp building collapse", *Wikipedia*, 2021, <https://en.wikipedia.org>

⁴ Workers die after being crushed between undercarriage and counterweights of mobile crane, *Reddit*, www.reddit.com

⁵ R.K.B.Hubbard, J.T. Neil, "Major construction -linked accidents in Thailand", November 1985, *ScienceDirect Journal of Occupational Accidents*

⁶ P. Thepgumpanat, "Two dead in Thailand after another crane collapses, crushing cars", 15 January 2026, *Reuters*, <https://www.reuters.com>

⁷ "4 bodies recovered from Rubble After 6 story building collapses during renovation", *Reuters*, <https://www.reuters.com>

⁸ M.Rasala, "Scaffolding collapse shatters lives of migrant workers", *The Times of India*, 7 March 2026, <https://timesofindia.indiatimes.com>

⁹ Qingwei Xu, Analysis of Characteristics of fatal accidents in the construction industry in china based on statistical data, 1 jan 2021, <https://doi.org/10.3390/ijerph18042162> MDPI

¹⁰ Phil Edwards, Sajjan Yadav, J.Bartlett, J. Porter, "They built this city - construction workers injured in Delhi, India : cross-sectional analysis of first information reports of the delhi Police 2016 –2018, 21 july 2022, <https://doi.org/10.1186/s40621-022-00388-4>

III. INTERNATIONAL LEGAL SAFEGUARDS

To protect the life of migrant building workers from occupational accidents there are several safeguards in the International platform. Firstly, there are **International Labour Organization Conventions**. This Convention is concerned about the welfare of the building workers. Secondly, **The Occupational Safety and Health Convention, 1981 (No. 155)** requires other countries to establish policies and measures to ensure safe and healthy working conditions. Thirdly, **the Safety and Health in Construction Convention, 1988 (No. 167)** specifically protects construction workers by requiring safety measures at construction sites, proper training, protective equipment, and accident prevention. Fourthly, **the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)** promotes equality of treatment and protection for migrant workers. Fifthly, **the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)** Recognizes the right of migrant workers to safe and healthy working conditions. Requires equal treatment with nationals regarding workplace safety and compensation for occupational injuries. Sixthly, **United Nations Universal Declaration of Human Rights (1948) Article 23** recognizes the right to just and favourable conditions of work. Article 25 recognizes the right to an adequate standard of living and security in cases of disability or injury. Seventhly, **United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) Article 7** guarantees safe and healthy working conditions. **Article 12** recognizes the right to the highest attainable standard of physical and mental health. Eighthly, **Compensation and Social Security Standards**. Lastly, **The Employment Injury Benefits Convention, 1964 (No. 121)** provides for compensation, medical care, and benefits in cases of workplace accidents and occupational diseases.

These international instruments require governments and employers to provide safe workplaces, safety training, protective equipment, accident prevention measures, medical care, compensation, and equal treatment for migrant building workers who suffer occupational accidents. They form the global legal framework for protecting migrant construction workers from workplace injuries and ensuring remedies when accidents occur.

IV. NATIONAL LEGAL SAFEGUARDS

The Constitution of India provides several safeguards that help to protect inter-state migrant building workers from occupational accidents and unsafe working conditions. This Article guarantees equality before the law and equal protection of the laws to all persons that includes inter-state migrant building workers¹¹. The citizens are also guaranteed the freedom to move freely throughout India and to reside and settle in any part of the country, enabling inter-state migration for employment¹². The Supreme Court has interpreted this article¹³ to include the right to live with dignity, health, safety, and humane working conditions. Employers and the State must take reasonable measures to protect workers from occupational hazards¹⁴. The Indian Constitution has prohibited forced labour and other forms of exploitation and this protects migrant building workers from being compelled to work in dangerous conditions to ensure that the health and strength of workers are not abused and that citizens are not forced by economic necessity to undertake unsuitable work. Along with this provision the State directs to provide public assistance in cases of sickness, disablement, and unemployment within its

¹¹ The Constitution of India, art.14.

¹²The Constitution of India, art.47.

¹³The Constitution of India, arts. 19(1)(d), 19(e).

¹⁴ The Constitution of India, art.21.

economic capacity¹⁵. This Article has provided that the State is required to secure just and humane conditions of building workers and to provide them benefits as workers welfare.¹⁶ The State has also been encouraged to ensure a decent standard of life and social security for workers.¹⁷ The Constitution provided the respective Article that there should be improvement of public health a primary duty of the State, which includes promoting occupational health and safety.¹⁸

In India, the legal framework is explicitly designed to protect the unorganized construction and migrant building workers, though there lies the implementation gap between the presence of proper law and its implementation.

i) **The Building and Other Construction Workers (BOCW) Act, 1996:** This Act regulates safety, health, and welfare measures on-site. It requires states to set up the welfare boards funded by a 1-2% cess collected from construction projects. These funds are legally mandated to pay out compensation for accidents, deaths, pensions, and medical expenses.

ii) **The Inter-State Migrant Workmen Act, 1979:** This Act protects sea lines. It mandates that contractors register all migrant workers, provide decent a displacement allowance for travel.

iii) **The Occupational Safety, Health and Working Conditions Code, 2020:** Amalgamates earlier labor laws into a single, comprehensive code. It establishes legal baselines for free annual health checkups, mandatory safety committees, and electronic registration of inter-state migrants to create a traceable database.

iv) **The Employees' Compensation Act, 1923:** Mandates that employers pay statutory financial compensation to employees or their dependents in the event of death or temporary/permanent disablement resulting from workplace accidents.

V. JUDICIAL PRECEDENTS

The Indian Judiciary has consistently stepped in to protect unorganized workers, defining safe working conditions as an extension of the Right to Life (Article 21):

- **People's Union for Democratic Rights (PUDR) v. Union of India (1982):** Famously known as the *Asiad Workers Case*, the Supreme Court ruled that denying fair wages or neglecting basic safety amenities for construction workers violates their fundamental rights. The Court clarified that construction work is hazardous, and safety regulations must be strictly enforced.
- **Bandhua Mukti Morcha v. Union of India (1984):** The Supreme Court held that the Right to Life includes living with basic human dignity. The state has an absolute obligation to ensure that migrant laborers are not subjected to bonded conditions or unsafe working environments.
- **In Re: Problems and Miseries of Migrant Labourers (2021):** Triggered by the immense vulnerabilities exposed during national lockdowns, the Supreme Court directed all state governments to fast-track the registration of unorganized and migrant building workers under the e-Shram portal. The Court ruled that no worker should be denied social security benefits simply because they lack an active local address or ration card.

¹⁵ The Constitution of India, art.41.

¹⁶ The Constitution of India, art.42.

¹⁷ The Constitution of India, art.43.

¹⁸ The Constitution of India, art.47.

VI. FINDINGS OF THE STUDY

The study reveals that inter-state migrant building workers constitute one of the most vulnerable segments of the labour force in India. Despite their significant contribution to the construction sector and national economic development, they continue to face hazardous working conditions, frequent occupational accidents, and inadequate access to social security benefits. The analysis demonstrates that construction work remains one of the most dangerous occupations globally, with falls from heights, electrocution, structural collapses, machinery-related injuries, and exposure to hazardous substances being the major causes of fatalities and disabilities. The examination of global construction accidents further indicates that workplace accidents continue to occur despite technological advancements and existing safety regulations. The study finds that migrant building workers are disproportionately affected by occupational accidents due to informal recruitment practices, lack of written employment contracts, inadequate safety training, poor enforcement of labour standards, and dependence on multiple layers of contractors and subcontractors. Following workplace injuries, workers frequently face denial of compensation, medical neglect, loss of livelihood, and financial hardship for their families. The research further finds that several international instruments, including ILO Conventions and United Nations human rights instruments, recognize the rights of migrant workers to safe working conditions, occupational health protection, and compensation for employment-related injuries. Similarly, the Constitution of India and labour legislations such as the Building and Other Construction Workers Act, 1996, the Inter-State Migrant Workmen Act, 1979, the Occupational Safety, Health and Working Conditions Code, 2020, and the Employees' Compensation Act, 1923 provide legal safeguards for construction workers.

However, the study identifies a substantial gap between legal protection and practical implementation. Poor registration of workers, weak enforcement mechanisms, lack of awareness, non-portability of welfare benefits, and ineffective monitoring systems significantly reduce the effectiveness of these laws. Judicial interventions have expanded the scope of workers' rights under Article 21 of the Constitution, yet access to timely remedies remains limited for many migrant workers. The study concludes that the existing legal framework, though comprehensive in theory, suffers from serious implementation deficiencies. Strengthening enforcement mechanisms, ensuring universal registration, improving portability of welfare benefits, enhancing workplace safety audits, and providing effective compensation mechanisms are essential for securing the rights, dignity, and occupational safety of inter-state migrant building workers in India.

VII. CONCLUSION

The physical structures of our modern cities are built entirely on the sweat and grit of migrant construction workers. Yet, when tragedy strikes on-site, these individuals are treated as disposable commodities.

The construction industry is one of the most hazardous sectors of employment worldwide, and migrant building workers are often among the most vulnerable groups. The accidents discussed above, including building collapses, crane failures, tunnel collapses, scaffolding failures, and other construction-site disasters, demonstrate the serious occupational risks faced by workers in different countries. These incidents have resulted in the loss of many lives and caused severe injuries, highlighting the importance of workplace safety in the construction sector.

Many of these accidents occurred due to factors such as inadequate safety measures, poor supervision, structural failures, adverse weather conditions, and non-compliance with safety regulations. Migrant workers

are particularly at risk because they often work in difficult conditions, may lack proper safety training, and sometimes face barriers related to language, legal protection, and access to healthcare.

The recurrence of such accidents across the world emphasizes the need for stronger implementation of occupational health and safety standards. Governments, employers, contractors, and international organizations must work together to ensure safe working environments, provide adequate protective equipment, conduct regular safety inspections, and offer proper training to all workers. Effective enforcement of labour laws and international safety standards is essential to prevent future tragedies.

Ultimately, protecting the lives, health, and dignity of migrant building workers is not only a legal obligation but also a fundamental human rights responsibility shared by the global community.

While the legal framework (such as the BOCW Act and the OSH Code) provides protective guarantees on paper, the true test lies in aggressive field-level enforcement. Protecting building workers from preventable deaths and ensuring swift, dignified compensation is a fundamental constitutional obligation. True structural progress cannot be built on unsafe scaffolding and compromised human lives.

VIII. SUGGESTIONS

To bridge the gap between strong laws and weak enforcement, structural changes must be implemented:

- **Mandatory Digital Registration:** Link the registration of every construction project under municipal bodies with the mandatory registration of every single laborer on the e-Shram platform before excavation begins.
- **Universal Portability of Benefits:** Welfare benefits from the BOCW boards must be made 100% portable. A worker registered in Bihar should seamlessly claim accident or medical benefits while working on a skyscraper in Karnataka.
- **Strict Site Audits & Penalty Enforcement:** Empower labor inspectors to shut down construction projects instantly if basic safety gear—like harnesses, safety nets, boots, and helmets—is missing. Impose heavy criminal and financial penalties on principal employers, not just small sub-contractors.
- **On-Site Legal and Health Desks:** Larger construction hubs should mandate visible, accessible aid stations that provide immediate first aid and assist workers in documenting accidents or filing official injury reports.

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