

Inclusive growth for whom?

A study of migrant workers' rights and political capacities in
contemporary Delhi

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“What has really India to offer except from cheap labour?”

(NGO representative).

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Abstract

India's many migrant workers have contributed tremendously to the country's rapid economic growth, especially in the big metropolises. Nevertheless, significant challenges are facing the migrants during their work period in the cities. The extensive legal structure for labour protection and welfare is present, but the government has failed to implement labour-regulation standards and rights. On the basis of this contradiction the thesis seeks to elaborate upon this workforce's possibilities to make use of labour laws, welfare schemes and their rights-based citizenship and work. There is an interplay between the migrant workers and their representatives on one hand, and relevant democratic institutions on the other. Four theoretical dimensions concerning the workers' citizenship rights and political capacities are used to elaborate upon the prospects for the migrants within the Indian democracy. The analysis reveals that despite their vulnerable situation and their enormous efforts, they still lack effective citizenship. The main conclusion of this study is that the migrant workers to a small extent can use the existing institutions of democracy to enhance their rights-based citizenship and work. A glimmer of hope is witnessed, but for India to achieve a strong growth that includes the migrants, major steps need to be taken. An increased applicability of migrants' citizenship rights, inclusion within Delhi, adjustment for participation in terms of self-organizing, in addition to proper representation are all factors which have to be prioritized.

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I take full responsibility for any mistakes or omissions in this thesis.

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Table of contents

Abbreviations.....	XI
1.0 Introduction	1
1.1 Empirical puzzle: <i>The contradiction</i>	1
1.1.1 Contextual backdrop: <i>India working</i>	3
1.2 Prospects for the migrants in the Indian democracy	7
1.2.1 Local arguments	8
1.3 Research question, scope, relevance and purpose.....	11
1.4 Approach to the study	13
1.5 Outline of the thesis.....	14
2.0 Theoretical approach and analytical framework.....	15
2.1 Effective citizenship.....	15
2.2 Analytical starting point: The politics of citizenship rights	17
2.2.1 Dimension 1: ‘Citizenship of rights’	18
2.3 A framework of political capacity.....	19
2.3.1 Actors political capacity.....	20
2.3.1.1 Dimension 2: ‘Political inclusion (versus exclusion)’	21
2.3.1.2 Dimension 3: ‘Mobilization and organization’	21
2.3.1.3 Dimension 4: ‘Participation and representation’	23
2.4 Operationalization	25
2.5 Summing up	27
3.0 Methodological considerations.....	28
3.1 A qualitative research design	28
3.1.1 A single case study.....	30
3.1.1.1 Case selection.....	31
3.2 Collection of data	32
3.2.1 Document analysis	34
3.2.2 Interviews and observations during fieldwork	34
3.2.2.1 Informants	36
3.3 Validity and reliability	38
3.3.1 Validity.....	38
3.3.1.1 External validity	39

3.3.1.2 Construct validity	39
3.3.2 Reliability	40
4.0 Analytical discussion	41
4.1 Inclusive growth for whom?	41
4.2 Migrant’s right to the city.....	43
4.2.1 Applicable rights	44
4.2.2 Implementation of labour laws and the Delhi BOCWWB.....	49
4.3 Migrant’s capacities to engage with the state.....	53
4.3.1 Towards a better inclusion of migrant workers?.....	54
4.3.1.1 Exclusion from influential political terrains?.....	55
4.3.1.2 Exclusion from the services provided by the Welfare Board?.....	59
4.3.2 Mobilization and organization strategies	61
4.3.2.1 Assumptions for collective organizing and mobilizing.....	62
4.3.2.2 Mobilization and organization strategies	65
4.3.3 Is there a reason to rethink popular representation?.....	70
4.3.3.1 Channels of participation and representation	71
4.3.3.2 The degree of substantive representation within these channels.....	78
4.4 Main findings: A <i>race to the bottom</i> or <i>Decent Work for all</i>?	83
5.0 Concluding remarks.....	87
Bibliography	89
<i>Appendix 1</i>	103
Figure 1	104
Figure 2	104
Figure 3	105
Figure 4	105
Figure 5	106
Figure 6	44
Figure 7	44
Figure 8	44
Illustration 1	107
Illustration 2	107
Illustration 3	108
Illustration 4	109
Illustration 5	110

Abbreviations

BOCWA: Building and Other Construction Workers (regulation of employment and conditions of service) Act

BOCWFB: Construction Workers Welfare Board

BOCWCA: Building and Other Construction Workers Welfare Cess Act

DSS: Delhi Shramik Sangathan

NGO: Non-Governmental Organization

NREGA: National Rural Employment Guarantee Act

ICMRW: International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families

ILO: International Labour Organization

SLD: Society for Labour and Development

UNESCO: United Nations Educational, Scientific and Cultural Organization

1.0 Introduction

Ever since the introduction of liberal economic reforms in the early 1990s, India has experienced an increase in economic growth. There has especially been a growth in gross domestic product (GDP) in the big metropolises, including Delhi. Decline in gain from agriculture and industrialization in rural regions has resulted in the migration of large amount of people from rural areas in the direction of the cities in hope of better opportunities for employment. Without the contribution from the many migrant workers a growth in GDP could hardly be possible. Nevertheless, many of these workers face huge challenges during their work period in the cities. Although labour laws and welfare schemes are present, they are not adequately implemented, enforced or customized to the migrants' need. It would appear that the Indian government is choosing capital over labour. Based on the explanation of this contradiction this thesis aims to analyze *what opportunities in terms of making use of labour laws, welfare schemes and rights- based on citizenship and work, are available for migrant construction workers in the world's largest democracy.*

1.1 Empirical puzzle: *The contradiction*

Since the 1960s India has witnessed high election turnouts, and is often described as the world's largest democracy. The country is viewed as an exception in terms of its survival with democratic governance¹ for a long period in comparison to other formerly colonial countries such as Pakistan, Indonesia and Ghana (Ruud, 2010, p. 13; Törnquist, 2013, p. 4). How democratic is this form of governance for a group of workers such as migrants?

From 1990s onwards, the economy has witnessed a high growth rate. A growth that could hardly be possible without the contribution from the migrant workforce (Bora, 2014, p. 563). However, it does not seem like the economic reforms have improved the living conditions for the majority of the workers. The republic has the highest number of enslaved people² in the world and rather than politicians being accountable towards its citizens, different social groups are competing to gain access to state resources. The maintenance of inequalities in the country

¹ To strengthen the governing institutions responsiveness, basing democratic governance on international principles and fostering inclusive participation is the way that UNDP is measuring the degree of democratic governance (UNDP, 2012, p. 3).

² In terms of modern slaves which the Global Slavery Index defines as those without individual liberty, by being subjugated to forced labour, trafficking and sexual exploitation (Walia, 2014).

may go as far as to contribute to reducing the further development of democracy (Corbridge, Harriss & Jeffrey, 2013, p. 304; Illustration 1; Walia, 2014).

The realization of human rights in India is limited considering the largest part of its population, and they are one of the countries in Asia that uses the lowest spending on social protection (Asian Development Bank, 2013, p. 18; Høstmælingen, 2012, p. 286). Since 1951 the Planning Commission of India has prepared the country's Five Year plans (Corbridge et al., 2013, p. 12). The Twelfth plan, which runs from 2012 until 2017, states that the objectives should be to achieve *strong inclusive growth*. This is a huge challenge because as often said, the plans are good but the implementation is poor. The Planning Commission itself considers this a contradiction (Planning Commission, 2013). This is reflected in Khilnani's description of the situation in India:

We are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will recognising the principle of one man, one vote, one value. In our social and economic life we shall, by reason of our social and economic structure, continue to deny the principle of one man, one value. How long shall we continue to live this life of contradictions?

(cited in Harriss, 2009, p. 166).

About two out of ten Indians are internal migrants. Internal migrant workers according to the International Labour Organization (ILO) are defined as "persons who move for work in their own country" (ILO, 2007, p. 7)³. Many of them have migrated due to finding employment in the urban areas, and there is observed a significant growth in rural-to-urban migration. The population in cities like Mumbai, Delhi and Kolkata have increased considerably. Most of the migrants in urban centres and cities are working within the informal sector such as construction work, as rickshaw drivers or street hawkers and vendors. Challenges face the migrants with arrival at the new destination. Political exclusion and harassment, limited access to basic needs, low bargaining power in the labour market, meagre wages, long working hours, poor protection from termination of employment, limited or no ability to exercise human rights at work and a

³ Additionally there is different categories of migrant labourers. Two types are important to mention. Those are a) Long-term migration, which involves relocation of an individual or household or b) short-term or seasonal/circular migration, which involves continuous movement between source and destination (UNESCO, 2013, p. 4).

lack of access to social protection and benefits are common experiences among the workers. Such vulnerable employment includes uncertainty and economic insecurity through subcontracting: Those subjected to such challenges are often migrants, whose generally working on a fixed-term, as temporary, seasonal, day-labour, short-term, casual or contract workers. The government's response to these challenges are not especially salient compared to civil society⁴ organizations that have been more prominent (Abbas & Varma 2014; Bhagat, 2011, p. 51; Ferus-Comelo, 2014, p. 39; NCEUC, 2009, p. 145).

The contribution to the Indian economy from migrant workers is highly significant. However, they have few citizen rights and a limited political voice. The lack of implementation of labour laws suggests the politician's absence to make daily life better for this type of worker. Especially since more than 90 percent of the workforce is employed outside the provisions of labour legislation and less than 10 percent of the workforce is formally employed (Deshingkar & Akter, 2009; Harriss, 2013, p. 178). Whom is then likely to benefit from the *strong inclusive growth* (Illustration 2)?

1.1.1 Contextual backdrop: *India working*

The liberalization of economies around the world has made competition for the cheapest labour essentially important and an increase in the use of informal workers has taken place. In India labour is generally informal and by definition not protected by state-law (Agarwala, 2013, p. 189). The informal economy is “all economic activities by workers and economic units that are in law or in practice- not covered or insufficiently covered by formal arrangements” (ILOa). However, it is futile to accurately measure the size of the informal economy by definition because a worker in practice can be employed in both economies (Figure 1). The practice concerning informal behavior within the formal economy is not covered by state regulation (Harriss-White, 2003, p. 5-6). Breman challenges the definition of the *informal sector* and aims to establish the utility of the concept (Breman, 1996, p. 4).⁵ There is a need to differentiate the workforce according to specific sectors, skills and the relational contract between the employee and employer. The entire workforce should be seen as one and as fragmented (Breman, 1976, p. 3-39). Reflected in the large scale of informal employment, the rights of the workers in India

⁴ N.B. should not be interchangeable with Chatterjee's use of the term.

⁵ Breman (1976, p. 3-39) argues that the heterogeneity within the informal sector and the link between the formal and informal sector in addition to the link between employment in rural and urban areas is overlooked in the definition by the ILO.

have been weakened since Independence. The situation deteriorated after the late 1970s. Attacks against unions from employers with the support of government policy were observed. Nevertheless, the outcome regarding the strengthening of unionization looked positive during the union strikes for long-repressed demands. The fight for national-level welfare laws during the 1980s and 1990s ensured the passing of many of these laws. However, the introduction of economic liberalization programs dating back to June-July 1991 have resulted in a deteriorating situation. The process of liberalization has mainly affected the public perceptions and working lives of the urban population in India. The informal workers are today, still fighting to get these laws implemented (Agarwala, 2013, p. 202; Corbridge & Harriss, 2000, p. 152-155; Hensman, 2010, p. 118-120). Nair (2014) even calls it a de-democratization of worker politics because labour regulations were created in favor of economic development rather than the workers. However, the organized labour movement in India was able to prevent radical labour law changes sought by the National Democratic Alliance (NDA) government in 2000-2001. The resistance resulted in a nationwide strike against anti-union policies in 2003. Consequently, the new Congress-led United Progressive Alliance (UPA) ended the pursuing of the laws (Hensman, 2010, p. 118-120).

In 1992/1993, the Indian government introduced two constitutional amendments providing legal status and greater functions to local assemblies. The 73rd constitutional amendment from 1993 gave priority to rural bodies and participation by people in terms of *gram sabhas* (village assemblies). These assemblies consists of all voters in a *gram panchayat* (local elected executive) area. The 74th constitutional amendment from 1992 gave urban bodies (municipalities) new functions and constitutional status. Every five years, under the supervision of state election, a municipal election takes place. The idea behind decentralization is to make the government more responsible and effective in terms of bringing the politicians closer to the people. However, the local bureaucracy has not been able to strengthen the political agency of the poor and is characterized as being highly influenced by patronage politics (Corbridge et al., 2013, p. 168; Heller, 2013, p. 52; Lama-Rewal & Zérah, 2011, p. 3; Rajasekhar, 2002, p. 200-201; Stokke, 2014, p. 257-258).

The incorporation of India into the world economy has been rising since the implementation of reform processes (Hensman, 2010, p. 113). Most work is unregulated by the State. Through the fragmentation and segmentation of the labour markets, labour is controlled. For the purpose of reducing costs, employers are interesting in flexible labour such as migrant workers (Harriss-

White, 2003, p. 21-24). Insecure livelihoods are transferred to the workforce due to the expansion of the informal working sector. This expansion further decreases tax income to the state and so too the resources to regulate the employment. The distance between the workforce and the state does not seem to shrink (Harriss-White, 2003, p. 246-247). Activists from both left and right have for a long time been trying to improve the lives of the informal workers and bring them into the formal working class, without any luck. The relatively progressive labour regulations in the country only protect a minority of the workers. Capital is continuing to be hired from the informal sector. The reforms have shown ideological shifts, away from a state regulation of capital, labour and citizen welfare. Due to this shift, India has faced a tremendous economic growth and at the same time inequalities in income have increased. The state has openly absolved employers from the responsibility towards labour, and increased its attractiveness by simplifying the possibility for employers to hire and fire workers. As a result, the workers poverty level has increased while their security has been reduced (Agarwala, 2013, p. 2-3).

The post-reform phase was coloured by a crisis in agriculture⁶ and increased urbanization. As a result an expansion of new construction projects was witnessed. A workforce characterized by being huge in size, unskilled and low-paid was needed. The enlistment process of migrant workers to the construction sector in India is one of the biggest processes of labour mobilization in history. Agrarian crisis together with the expansion of the construction industry, can explain the increase in in-migration to Delhi and other big metropolises (Suresh, 2010, p. 432-436). The National Sample Survey Organization (NSSO) gave in 2007-2008 the latest released numbers on migration. They estimate that more than two-thirds migrated from rural areas to the cities in search of employment, and that 28, 5 percent of the population are internal migrants. The majority of short-term migrants belongs to Scheduled Castes (SCs), Scheduled Tribes (STs) or Other Backward Castes (OBCs) (UNESCO, 2012a; UNESCO, 2013, p. 4). Most of the migrants coming to Delhi are from the surrounding vulnerable states of Bihar, Uttar Pradesh, Rajasthan and Madhya Pradesh (UNESCO, 2013, p. 36, Illustration 3). Seven times more migrants are moving within India compared to registered movement out of the national borders. The volume of migration is often a challenge for the government to capture in numbers. According to

⁶ Crisis in terms of farmers selling away their land as an insurance against poverty. During the first decade of 2000s were large amount of people migrating from rural areas towards the cities to work at the many newly arrived construction sites (Suresh, 2010, p. 236).

Census⁷ of India 2011, does around one-third of the population lives in urban areas. India's urbanization is expected to grow from 410 million in 2014 to 814 million in 2050, which means that 50 percent will live in urban areas at that time. Delhi has been and is still a major driver for the inter-regional flow of migration and has therefore dominated parts of the urbanization process (Bhagat, 2011, p. 49-52; Bhagat, 2014, p. 3).

The construction market in India is estimated to become the third largest in the world by 2020 according to the Twelfth Five Year Plan. Subcontracting is a common phenomenon in this sector, and characteristics such as fragmentation at the bottom and concentration on the top is common. The contractual system is categorised by small-scale contractors who operate as intermediaries between the worker and the employer. They are often the ones hiring the workers in the rural areas, lead different parts of the building-process and gives out wages. There are two different ways of being hired to the construction industry, which are shown in Figure 2 and Figure 1 (Srivastava & Jha, 2015, p. 22; Suresh, 2010, p. 433; Wetlesen, 2010, p. 167; Agarwala, 2013, p. 15). According to Suresh (2010, p. 446) the processes of globalization is the reason why firms are using subcontracting as a strategy to disclaim the responsibility of managing labour. Who is then responsible for the workers? Hensman (2010, p. 118) argues that globalization, which he defines as "a new stage of capitalism emerging out of imperialism", cannot alone explain the situation. Although neo-liberal policies have deteriorated the welfare of the workers, they have simultaneously been a positive impact for the union and social activist. The National Rural Employment Guarantee Act (NREGA) was introduced before the global financial crisis in 2008, and was an improvement for India in terms of providing some basic security for the rural workers (Hensman, 2010, p. 112-116; Harriss, 2010, p. 5-7). Samaddar (2009) argues that the informalization of labour witnessed in India today, can be explained only through the concept of primitive accumulation. The introduction of the NREGA was intended to reverse the effects of this accumulation (Harriss, 2010, p. 9). Civil society's hegemonic hold on corporate capital is likely to remain if the prompt economic growth is continuing, which again means further primitive accumulation. It seems like most of the victims of this accumulation will continue to be marginalized. There is a growth in the use of democratic politics to influence the state, but to deal with the world of capital is another side of the story (Chatterjee, 2011, p. 33-34).

⁷ Census of India, together with the NSSO are collecting regular socio-economic survey data on the Indian population (NSSO, 2012).

1.2 Prospects for the migrants in the Indian democracy

After highlighting important contextual considerations in the previous section, there is a need to concentrate on migrant workers' opportunities in terms of making use of relevant labour laws, welfare schemes⁸ and rights- based on citizenship and work, in India today (including in Delhi). Heller asserts that the democratic deficit in the context of developing countries is caused by lack of effective citizenship. Effective citizenship concerns the potential political conditions for subordinated groups to participate in collective action (Heller, 2013, p. 46-47), and will be used as a potential explanation for the empirical puzzle in this thesis. Critical democracy scholars such as Beetham argue that democratic substance in terms of the means and aims of democracy are being diminished in favour of institutional design (Stokke, 2014, p. 258-259). Hence, the aim of this system of governance is in this thesis understood as "popular control of public affairs based on political equality" (Beetham, 1999, p. 92; Törnquist, 2004, p. 201). According to O'Donnell and Schmitter (1986, p. 7-8) the principles of citizenship lay the foundation for the democratization process. The process includes rules and regulations such as: Firstly, rights to collective choices that are equal for all. Secondly, the implementation of decisions that obtain equal accountability and accessibility to all members of the society. Additionally, these rules and regulations should be broadened to apply to those people previously excluded from such choices, those institutions not available for citizen participation, and institutions earlier governed by other principles.

Problems associated with achieving popular control of public affairs on behalf of indirect representation through elections are witnessed due to the spread of formal liberal democracy. Problems are narrowly defined public affairs, poorly developed channels of representation and the question revolving around political inclusion of people as citizens (Stokke, 2014, p. 257-259). Törnquist presents an alternative framework called *transformative democratic politics* that seeks to draw the line between political equality and the substance of democracy. The framework is a critique of both the liberal and sequentialist approach, and is related to Carothers (2004, p. 180) assumption that democracy should be conceptualized by focusing upon political activities in the society rather than transitions or procedures. Furthermore, it highlights that

⁸ This thesis concentrates around two Act's, relevant for construction workers in India. Those are the Building and Other Construction Workers (regulation of employment and conditions of service) Act (BOCWA), and the Building and Other Construction Workers Welfare Cess Act (BOCWWCA).

depoliticization in terms of privatization, flawed representation and other forms of reducing the scope of democracy, are the reason why we have witnessed stagnation of democracies in the post-colonial world. The main problem is the definition, which makes it difficult to look at the substance and scope of democracy, and only focuses on the procedures (Törnquist, 2009, p. 1-9; Törnquist, 2013, p. 4). Such definitions need to move away from a minimalistic and formal understanding of democracy and as are based upon Beetham's definition of the aim of the concept. The definition should stress citizenship rights, democratic principles and institutions. The question is whether democratic institutions and rights have real significance for people beyond measuring their formal importance. Furthermore, the framework is inspired by the gradual approach to democratization and is rooted in O'Donnell and Schmitter's understanding of the process (Törnquist, 2013, p. 1-29; Harriss, Stokke & Törnquist, 2004, p. 6). However, the focus in this thesis is not to elaborate around the specific problems facing India in its democratization process. Rather, it is to draw light upon political activities among the migrant workers, and their relationship to the democratic institutions. The framework consist of four dimensions⁹ for assessing transformative democratic politics. Firstly, the institutional means of democracy. Secondly, the most important actors relation to those institutions. Thirdly, the actors' political capacity and finally, the dynamics of democratic politics (Törnquist, 2013, p. 31). In chapter 2.0, I will elaborate more upon how the framework is used to answer the research question. Firstly a presentation of local arguments about the prospects for migrants in the Indian democracy will be outlined.

1.2.1 Local arguments

J. Breman and R. Agarwala are important contributors to the debate concerning migrant- and informal workers political struggle within the Indian society. Breman has done research on migrant workers in south Gujarat. Agarwala has completed research on informal workers in Maharashtra, West-Bengal and Tamil Nadu. Their arguments will be used to shed light upon the Indian discussion about political capacities among migrant- and informal workers. Agarwala is mainly concerned with informal workers and not particularly migrants. However, since she is focusing upon the construction sector which includes many migrants, and because her work is relatively recent, it is useful when analyzing the situation for the migrants in Delhi.

⁹ N.B. Should not be interchangeable with the four dimensions presented in chapter 2.0 that I use to analyse the empirical findings.

Other scholar's opinions will be presented throughout this section and taken further up again during the analytical discussion.

Since the early 1900s the labour literature in India has been dominated of assumptions suggesting that informal workers cannot organize. Not until they affiliate themselves with the formal workers is the prospect for mobilization among them likely to happen (Agarwala, 2013, p. 7). Agarwala contrary to such assumptions argues that the informal workforce does organize. She even describes them as a new working class, which is demanding state responsibility on behalf of their power as voters (Agarwala, 2013, p. 15). More recent literature has highlighted how minorities in divided societies denied citizenship rights, often secure their protection through the power of their votes (Agarwala, 2013, p. 200). Breman sticks to the traditional assumption and argues that the footloose proletariat is faced with a lack of collective organized opposition. Reasons for this include the migrant labourers heterogeneous character, the fragmented nature of the market for unskilled labour and the lack of willingness to contradict the employer in case of losing their job to someone else (Breman, 1996, p. 243-247). Both agree that a continuation of informality occurs because the employer keeps the employees unprotected and unrecognized (Agarwala, 2013, p. 196; Breman, 1996, p. 184). Agarwala (2013, p. 189-196) still believes that the informal workers have succeeded in becoming an important and recognizable vote bank because they offer their cheap and flexible labour in return for votes. However, migrants are still living as outsiders at their destination of work, and should keep a low-profile (Breman, 1996, p. 244-254).

Nair (2014) argues that many authors sees the introduction of the ILOs Decent Work Agenda as a shift towards a post-neoliberal state with increased support towards their citizens. However, he also sees a negative shift towards a state which is introducing restrictions on labour politics in terms of, bills such as the Labour Laws Amendment Bill, 2011. The Bill states, that employers with up to 40 workers are exempt from following a number of basic labour laws. Furthermore, workers are therefore said to lose out on rights as workers. However, an increase in informality can according to Nair, shrink the division between the unorganized and organized workforce and make broader associations possible. Despite this factor, Picherit's (2012) study of migrant workers in the construction sector in the Indian state of Andhra Pradesh, states that the government have failed to implement labour- regulation standards and rights within the city. In rural areas, this has resulted in clientelistic redistribution of development schemes. He argues further that state policies have coloured migrant workers struggles and that the labourers

demand for working and living conditions is diminished in favour of poverty and development problems. Simultaneously employers are forcing the migrant's to keep a low-profile in order to avoid labour standards and regulations and prevent migrants from taking part in civil society movements and trade unions. Migrant labourers are witnessing adverse bargaining power and their struggles focuses more upon concerns related to their villages and not the workplace. Therefore, activities such as strikes are a rare phenomenon among these workers (Lerche, Guérin & Srivastava, 2012, p. 7-8).

Workers in the informal sector lack stability of income, occupation and rights. Furthermore, little attention is given to training and development of skills, and many of the workers are facing a high degree of poverty (Harriss-White, 2003, p. 19-20). Harriss-White (2003, p. 240) argues that only about 3 percent of the workforce is unionized and that the tradition of labour organizations is being assaulted from the corporate capital. Rogaly et al. (2001) has done research on migrant workers in West Bengal, and shows how these workers are rarely unionized. It seems like the state has become less and less prominent regarding regulating, redistributing and subsidizing accumulation (Harriss-White, 2003, p. 242). Solidarity and increased protection of migrants is not jobs for the bureaucracy alone. There is a need to change the mindset of the politicians and to see the benefits from this group of people. Their inclusion in welfare schemes need to be communicated in terms of rights (Rogaly et al., 2001, p. 4556).

The small-scale and fragmented nature of labour markets restrict collective action. Informal workers do not lack consciousness or willingness to resist their exploitation, but the structural constraints are too severe (Harriss-White, 2003, p. 26-27). Poor working conditions in combination with low wage levels is the reality for most of the labourers in India. People are forced to migrate and are often left without any substantive bargaining power (Samaddar, 2009). Additionally, if they try to show opposition, the employers sometimes with state and police backing, use force and violence against the workers (Harriss-White, 2003, p. 26-27). The informal workers do not want to risk losing their jobs. Ferus-Comelo (2014, p. 45) argues that many migrant workers do not even want to ask questions regarding the working conditions because they are afraid of being fired. At the same time, they might not know who their employer is. Therefore, they go to the state to demand their rights as citizens (Ferus-Comelo, 2014, p. 43). To truly understand participation in practice there is a need to realize what it means for those particular people, in that moment and within that specific context (Gaventa, 2006, p. 57-58).

1.3 Research question, scope, relevance and purpose

King, Keohane and Verba (1994, p. 15) presents two main criteria that all social sciences should comply. Firstly, a question that is *important* in the real world should be elaborated. Secondly, it is desirable to contribute to an identifiable scholarly literature by verifying scientific explanations of some part of the world. Based on the empirical puzzle presented above, the choice of research question is as follows:

To what extent can the migrant workers make use of the existing institutions of democracy to expand their rights- based on citizenship and work, and how may this be explained?

This is the general research question. Based upon Agarwala's arguments, the following hypothesis is developed to be tested on the construction migrant workforce in Delhi: *Migrant workers in Delhi do organize and have a large ability to enhance their rights- based on citizenship and work by using the existing institutions of democracy.* On the other hand, based on Breman's arguments the following hypothesis is developed to be tested on the construction migrant workforce in Delhi: *Migrant workers in Delhi find it hard to organize and mobilize themselves to enhance rights- based on citizenship and work through the existing institutions of democracy.* The durability of these two hypotheses will be elaborated upon throughout the analytical discussion. To measure the dependent variable *migrant workers possibilities to make use of the existing institutions of democracy to expand their rights- based on citizenship and work* questions concerning migrant's rights and inclusion in the city, their mobilization and organization strategy and their channels of representation and participation, will be asked. Operationalization of these explanatory variables will be elaborated upon in section 2.4 in terms of four dimensions. To clarify what is meant by existing democratic institutions, I am inspired by Törnquist's (2013, p. 31-43) lists of significant institutions, thus in terms of rules and regulations based on Beetham's work. Operationalization of the dependent variable will be elaborated upon in section 2.4.

The scope of this thesis is confined to focus on migrant workers in the construction sector in Delhi. Since the process of economic liberalization, the city has been an important source for economic growth. Delhi is described as *the city of migrants* and is the state with the highest percentage of in-migrants in the country. In addition, it is one of the few cities dominating the urbanization process and inter-regional flow of migrants in India. Hence, the scope of this study is mainly concentrating around the migrants working in this particular city. The construction sector is selected because it is the main employer of circular and seasonal migrants and the third

largest growing industry group in India outside of agriculture (Baviskar, 2003, p. 96; Bhagat, 2014, p. 17; Majumder, 2015, p. 20; RMMRU, 2014, p. 1; UNESCO, 2012a, p. 88-94). The focus of this thesis will be on the situation for the migrant workers in contemporary times. However, larger underlying explanations for the lack of rights and capacities for the migrants were presented in section 1.1.1. Because of the limited capacity of this thesis, the debate will focus upon contemporary time through findings from the literature and the fieldwork. These findings will be discussed based on previous research in the field.

The relevance of the choice of research topic is justified in the need to highlight India's labour problem. The problem stems from factors such as the country's reluctance to ratify important ILO Conventions on unionization and collective bargaining, and equally low scores as dictatorships such as Saudi Arabia in respect of labour rights protection. The massive informalization of labour results in the non-existing protection of the workers by the labour laws. Hope vanishes in a situation where both industrial relation systems and national labour laws are absent. Overall, this suggests a triumph of capital over labour and draws us back to the contradiction mentioned above (Sampath, 2015; Nair, 2014, p. 36). Popular representation and participation in the urban South is influenced by institutional reforms in the direction of decentralization, neo-liberalization and democratization. Vibrant and diverse space within the different cities makes them laboratories for studying transformative democratic politics and governance (Stokke, 2014, p. 257). Delhi is therefore the single case study this thesis focuses upon. Because of the shrinking opportunities in rural areas of India, many have migrated for employment in the urban economic centers (Khandelwal, Sharma & Varma, 2012, p. 1). The rationale for choosing migrants is already touched upon in terms of the contradiction presented in section 1.1.

The purpose of this thesis is to shed light upon the migrant workers and their situation in India today (including in Delhi). Internal migrant workers are a group of people so far ignored by the government in policy and practice, and which are given inadequate attention in statistical surveys (UNESCO, 2012a, p. 5; UNESCO, 2013). A main reason for this is partly research gaps regarding knowledge concerning their nature, magnitude and simply presence. Much more attention is given to international migration. However, internal migration in India consists of a significantly larger group of people (Khandelwal et al., 2012, p. 1-2; UNESCO, 2012a, p. 88). I hereby argue that the research question fulfils the first criteria of being important in the real world, especially since more research on migrants are needed. Additionally, I will argue that

the second criteria is fulfilled because this thesis is based on earlier scientific explanations of the migrant workers situation in India today, in addition to identifiable scholarly literature. Scholarly literature in terms of general theoretical arguments is partly presented in section 1.2 and further in chapter 2.0 in addition to local arguments presented in section 1.2.1. To shed light upon the opportunities for the migrant workers several different sources in addition to prevailing perspectives in the literature will be used. This includes experiences and work done by civil society organizations and interest-based organizations, statements from researchers and the workers themselves, in addition to labour laws, schemes and updates from the newspapers.

1.4 Approach to the study

The approach of this thesis consists of a combination between firstly, a descriptive analysis identifying and reporting on the empirical situation for the migrant workers in India today (including in Delhi), by using politics of ‘citizenship rights’ as an analytical starting point. This allows me to map out the rights that are available for the migrant workers, and further how this lays the foundation for their possibility to make use of existing democratic institutions. Secondly, by an analytical discussion mainly organized by the theoretical framework mentioned in section 1.2. I will return to a further presentation of that framework in chapter 2.0. The analytical discussion will present possibilities for the migrants to enhance their political capacity through the democratic institutions. This thesis does not seek to give a comprehensive disclosure of the history of migration or the full picture of the migrant’s relationship to the state. This study rather seeks to explain what opportunities there are for migrant workers enhancement of rights- based on citizenship and work, grounded on their political capacities. I hope that this thesis can contribute to highlight challenges and options for the migrant workers that are also present in other cities in the Global South.

1.5 Outline of the thesis

This thesis considers the interplay between the migrant workers and their representatives on one hand, and the democratic institutions in India today on the other. It seeks to explain to what extent migrants can make use of the existing democratic institutions to expand their rights-based on citizenship and work.

Chapter 2.0 presents the theoretical approach and framework. Heller's argument is the starting point for the overarching discussion. Furthermore, the dimension concerning the politics of 'citizenship rights' will be presented, since it is used as an analytical starting point to map out whether the rights in India are applicable to the migrants. Throughout the presentation theoretical concepts are elaborated on. The theoretical framework is thereafter presented, with focus upon the dimension about the actor's political capacity.

Chapter 3.0 consist of the methodological considerations, argumentation for the choices made and the challenges met throughout the road to the finished product.

Chapter 4.0 is the analytical discussion, which is organized systematically with the help of the theoretical concepts and the framework. Throughout the chapter empirical findings from the literature and the fieldtrip will be discussed in light of prevailing perspectives. The main findings of the study are presented at the end of the chapter while the durability of the different theoretical assumptions are discussed. Chapter 5.0 acts as conclusion.

2.0 Theoretical approach and analytical framework

The starting point for the explanation of the contradiction is lack of effective citizenship. This chapter starts with a presentation of Heller's argument. Since the practice of citizenship is identified as a core problem for democracies in the Global South, this is a possible underlying explanation for the outcome on the dependent variable. With this in mind four dimensions will be used to measure whether this is the case for the migrant workers in Delhi. Firstly, Stokke's dimension about 'citizenship of rights'. This dimension will be used as an analytical starting point to discuss the applicability of rights- based on citizenship and work for the migrants. Secondly, parts of Törnquist's framework of political capacity will be presented. The framework consist of three dimensions used to measure migrant workers political capacities to make use of existing institutions of democracy in India today (including in Delhi). The dimensions are as follows; a) 'inclusion (versus exclusion)', b) 'mobilization and organization' and c) 'participation and representation'.

2.1 Effective citizenship

Effective citizenship concerns the potential political conditions for subordinated groups to participate in collective action (Heller, 2013, p. 46-47). Heller asserts that the democratic deficit in the context of developing countries is caused by lack of effective citizenship. The very notion of citizenship can be put into question because inequalities remains high, the problems surrounding associational autonomy are present and access to rights is often delimited by social position or compromised by institutional weaknesses. The right of participation, which is a huge part of effective citizenship, is the core instrument of popular sovereignty. Chandhoke even argues that the right of participation should be given equal status as the right to vote and consequently views it as a root right. The state and the citizens alone cannot run the game in a modern state. There is a need for a third actor, namely the representative. Without representation democracy is unable to flourish in complex and modern societies (Chandhoke, 2009, p. 28-32).

In other words, participation and representation are closely interlinked. Nevertheless, a high degree of effective citizenship should not be mistaken with a consolidated representative democracy like in India (Heller, 2013, p. 47). To measure the degree of lack of effective

citizenship, Heller uses an approach consisting of two axes (Figure 3). Firstly, the horizontal axis concentrates on the problems of differently distributed associational capabilities across social categories. There can be a lack of effective citizenship if some groups are marginalized and excluded from the public sphere. Secondly, the vertical axis concentrates around the problems of engagement between the citizens and the state. This axis is further divided into two dimensions. The first dimension focuses on *how* the actors engage with the state. For instance, typical problems include populism and patronage politics. The second dimension concentrates on *where* the actors engage with the state. Typical problems include weak and unavailable institutions (Heller, 2013, p. 47-48).

Stokke's dimension about 'citizenship of rights' together with Törnquist's dimension of 'political inclusion (versus exclusion)' is used to discuss firstly, associational capacities in terms of rights among the migrant workers and secondly, whether they are excluded from influential public terrains. These two dimensions are a continuation of axis 1 in Heller's approach. Beetham further observes the correlation between human rights and democracy where he argues that the two concepts are interlinked. For people's voices to be effective in public affairs and to adhere popular control over the government, basic freedom need to be guaranteed (Beetham, 1999, p. 93). Migrant workers' rights as citizens are important for this basic freedom and is therefore discussed with help from Stokke's (2013) dimension about the citizenship of rights. 'Citizenship of rights' is linked to political capacity because the actors are in need of certain capacities to be able to demand and further enhance their citizenship rights. The substance of popular control is challenged due to observations where some groups are excluded from political citizenship. In sum, it means that citizens are facing stratified experiences regarding their possibilities of political participation and in positions of their citizenship status. 'Citizenship of rights' can therefore be linked to axis 1 of Heller's approach because it allows us to consider whether the migrants are witnessing an uneven amount of political influence and participation. Because I now have identified the practice of citizenship as the central problem with democracies, it is appropriate to start the analytical discussion by looking at one central dimension of citizenship. This is because political participation is an important foundation and a product of citizenship (Stokke, 2013, p. 4-13). Törnquist's two dimensions concerning respectively 'mobilization and organization' together with 'participation and representation', is used to discuss migrant workers engagement with the state. These dimensions will be utilized to firstly, look at how the migrants interact with state institutions and secondly, where they engage with them. These two dimensions are a

continuation of axis 2 in Heller's approach. In addition to practices of citizenship as a central problematic of democracies in the Global South (Heller, 2013, p. 47-49), it is important to focus upon the problems that are most essential for the potential actors (Törnquist, 2013, p. 71-73). The definition of democracy together with leadership and institutional design are equally important because the decided rules and regulations are influential to the actors (Törnquist, 2013, p. 49). The meaning and the efficiency of the institutions, such as the impartial implementation of political decisions might be diminished due to poor representation (Törnquist, 2013, p. 71-73). The balance between on the one hand, the citizen's ability to exercise democratic control over decisions determined in politics and on the other hand, the politicians' responses to citizens' collective preferences, is the source of the democratic process (Dahl, 1994, p. 3). Thus, it is important to look at the relationship between the state and the actors. Stokke (2013, p. 39) argues that democracy and citizenship are neither the outcome of institutional design by committed political elites nor the product of civil society activism alone. There is an interplay between activism in civil society and mass-based political parties with access to state power and an ability to construct a common agenda of substantive democratization and inclusive citizenship.

2.2 Analytical starting point: The politics of citizenship rights

Citizenship is about "membership in a community that grants a formal status as citizen with rights and duties associated with that status" (Stokke, 2013, p. 3), and it is an important tool for political claim-making (Stokke, 2013, p. 1). One out of four dimensions in Stokke's (2013) approach concerning the politics of citizenship are being used as a starting point to discuss the applicability of rights- based on citizenship and work in India today. The reason why citizenship is used as a starting point for the analysis is that citizenship studies are like "a prism through which to address the political" as Nyers (2008, p. 3) points out. The four dimensions of modern citizenship includes 1) membership, 2) legal status, 3) rights and 4) participation. Membership and legal status concerns cultural (informal) and juridical (formal) inclusion in a community and rights and participation revolves around the accountabilities and rights arising from such inclusion (Stokke, 2013, p. 3).

The dimension pertaining the 'citizenship of rights' is selected and are relevant because it helps me map out the different kind of rights that are available for the migrants. Whether the rights are substantial will be discussed in chapter 4.0. The idea of the citizen as participant and claimant has probably overtaken the idea of the citizen as a bearer of rights. Citizenship is

viewed as a claim rather than a status (Das, 2011, p. 320). However, it is important to focus on both of them because the dimension of rights underlies the degree of the citizen as a participant. In addition to Stokke's approach to map out the 'citizenship of rights' the actor as claim-makers will be discussed in terms of Törnquist's dimension of political capacities selected from the transformative democratic politics approach.

2.2.1 Dimension 1: 'Citizenship of rights'

T.H. Marshall famously distinguishes between different forms of rights. They can be separated into three pillars, namely A) civil rights, B) political rights and C) social rights. I will focus principally on political and social rights. However, civil rights lays the foundation for all the other human rights. It is closely linked together with political rights and is therefore briefly elaborated on. Rights related to work will be presented below. A) Relevant civil rights to include are, the right to individual freedom of choice, thereby freedom of speech and press (Stokke, 2013, p. 7). These rights are important for the migrant's possibility to make use of the democratic institutions in terms of expression of dissatisfaction at the workplace in addition to right to access justice and legal representation. B) Relevant political rights to mention are, participation in political processes and public sphere in terms of expression of opposition. Furthermore, the ability to protest and form political parties and organizations and importantly the right to vote. In addition, it consists of minority protection, oppositional rights, demonstration rights and free access to government information (Stokke, 2013, p. 7; Janoski & Gran, 2002, p. 15-16). These rights are important for the migrant's ability to make use of the democratic institutions because it allows them to be politically represented by casting their vote or form demonstrations or strikes if they for instance oppose political changes made by the government, and to organize and engage in trade union work.

Marshall's subdivision has faced criticism for the lack of inclusion of political actors and popular struggles for citizenship rights (Stokke, 2013, p. 9). Chatterjee (2004, p. 36) argues that the development of rights and citizenship in Africa and Asia cannot be compared with rights and citizenship in the West. Furthermore does he distinguish between formal and real citizenship (Chatterjee, 2004, p. 4). However, Marshall's typology is appropriate to map out the different rights that the migrants have.

In addition to Marshall's three-fold typology of rights, clearly work-related rights are important to mention as the thesis revolves around migrant workers. These rights are natural to mention in alongside social rights. C) Relevant social rights to mention are opportunity rights in the

labour market, welfare rights such as access to health care, right to work injury benefits and unemployment compensation and right to education. These rights are significant for the migrant's possibility to make use of the democratic institutions because of the importance of gaining access to such benefits.

Janoski and Gran link social rights together with participation rights. Participation rights stress that citizens should get access to labour market rights, e.g. labour market information, job placement, security and creation, and discrimination protection. In addition comes the right to collective bargaining (Stokke, 2013, p. 7; Janoski & Gran, 2002, p. 15-16).

The ILO serves as a promoter of economic rights. The International Convention on the Protection of the Rights of All Migrant Workers (ICMRW) from 1990 is connected to the ILOs convention no. 97 on migration for employment, no. 143 on migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers, no. 86 and no 151 on the recommendation concerning migration for employment (OHCHRa, 1990). The ILOs *Decent Work Agenda* was formulated with the purpose of identifying key priorities within the organization. The agenda wants to promote decent work for all by guaranteeing rights at work, extending social protection, promoting jobs and social dialogue (ILOb). Whether these rights are complied by the Indian state and whether they are valid and helpful for the migrant workers will be discussed in chapter 4.0.

2.3 A framework of political capacity

Based on Heller's approach on the interaction between the actors and the state, are the migrants' capacities operationalized through one out of four dimensions in Törnquist's framework, *transformative democratic politics*. As the aim of the thesis is to explain the degree to which the migrants can use the institutions of democracy in India, dimension three concerning their political capacities are being used to measure the outcome on the dependent variable. The dimension concentrates on relevant actors' political capacities. This again can answer the question revolving around whether uneven distribution across social categories, which is axis 1) of Heller's approach, is the case for the migrant's in contemporary India (including in Delhi). Moreover, the dimension is connected to Heller's approach because it allows me to measure the migrant workers participation patterns. It would have been overwhelming to discuss the relationship between all variables presented in the framework. As a result, this dimension is chosen because it directly involves theoretical concepts that allows me to discuss migrant's capacities to use the democratic institutions, and whether these institutions have a real

significance for them. There is observed a vast number of variables which might explain the outcome of the actors political capacities. Consequently, there is a need to select some of them. Out of the five arguments elaborating upon the actors political capacities, three are chosen because they firstly, shed light upon whether the migrants are excluded and marginalized from the state's distribution of associational capacities. Secondly, they shed light upon the migrants engagement with the state in terms of their ability to organize and mobilize themselves and further how they participate and whether they are properly represented (Törnquist, 2013, p. 55-56).

The motivation for choosing this framework of political capacities is because it is absorbed around the study of democratic popular representation. Additionally, it focuses upon political activities in the society rather than transitions or procedures. Representation is similarly related to participation and is therefore linked to Heller's approach. Furthermore can the framework directly help me to answer the research question because it provides a clear picture of the capacities the migrants possess and their relationship to the existing democratic institutions (Figure 4).

2.3.1 Actors political capacity

Different theoretical arguments allows me to discuss to what extent specific actors are able to promote and use democratic institutions. Some of these arguments are presented here and will later on be used to analyze the migrant workers possibilities to make use of the existing democratic institutions in India (including in Delhi). Effective political citizenship and human rights need to be present for an actor to be politically capable to engage with the institutions at stake. In order for people to make use of democratic institutions there is a need for several criteria to be fulfilled. A high number of factors can contribute to the explanation of the actor's capability to use the democracy. Hence, there is a need to focus on the most important ones. Democratization presupposes that the less powerful citizens will at least have the chance to claim attendance and fight political exclusion. Therefore, the first dimension to focus on is 'political inclusion (versus exclusion)'. The ability to mobilize and organize demands for the actor's interests are important because it increases the degree of opportunity to influence decisions taken by the different democratic institutions. Therefore, the second dimension to focus on is 'organization and mobilization'. This paves the way forward for the migrant's to participate in the democracy and hopefully be able to influence the institutions. As Chandhoke

has already argued, participation presupposes a representative. Participation and representation is additionally a significant part of effective citizenship. Therefore, this is the final dimension to focus on ‘participation and representation’ (Törnquist, 2013, p. 55-60).

2.3.1.1 Dimension 2: ‘Political inclusion (versus exclusion)’

This study’s focus will lie within the argumentation around mobilization and organization in addition to participation and representation. However, the discussion concerning political inclusion versus exclusion is worth mention because it relates to theories about unequal citizenship and the subordination of people into politics, which is in focus in the horizontal axis of Heller’s approach. Identity politics is only briefly debated in this thesis due to space and topic. However, I will briefly discuss the migrant workers presence or exclusion in the political terrain, in addition to a debate concerning the existence of equal and inclusive citizenship within the institutions in India (Törnquist, 2013, p. 56-57). In the analytical discussion, I consider potential exclusion of migrant workers in Delhi, together with their right to the city elaborated upon with help from Dimension 1 ‘citizenship of rights’. These two dimensions jointly look at the problem’s related to uneven distribution of associational capacities which Heller focuses upon. Results from the discussion about the two first dimension in my framework, lays the foundation for the outcome on Dimension 3 and Dimension 4.

2.3.1.2 Dimension 3: ‘Mobilization and organization’

The actors should have the possibility to demand action concerning their interests at heart. One important problem here is inclusion of the citizens, subjects and denizens.

Mouzelis conceptualizes the political inclusion of the lower classes. Inclusion of lower classes in the light of modernization can be distinguished into three operations. 1) The integrative mode from below, 2) the incorporative-clientelistic mode from above and 3) the incorporative-populistic mode from above. 1) Consists of relatively horizontal inclusion of people into politics. 2) Consists of participation in personalistic patron-client networks. Horizontal practices of political organization, for example, trade unions or grassroots movements, are being undermined. 3) Consists of vertical clientelistic networks rather than horizontal interest groups. Often via attachment to a charismatic leader (Mouzelis, 1998, p. 63-64). Examples of inclusion via 2) and 3) are clientelism or elitist populism (Törnquist, 2013, p. 59). If the popular movements and state actors fail to institutionalize substantive popular representation it may

result in top down mode of incorporation compared to a bottom-up integration of people from below (Stokke, 2013, p. 38). This can for example be illustrated through clientelistic practices, which can be linked to mobilization aimed at representing the actors through the informal society-channel (Figure 4). Clientelism can be defined as “the granting (by politicians to voters) of public goods based on personal networks and influences rather than on a well-established and clear set of principles and rights” (Benit-Gbaffou, 2011, p. 455). Clientelism is a way for the poor to gain access to local politicians and is not conditional on rights but on loyalties and exchange (Heller, 2012, p. 16). In instances facing massive informality and limited state capacity, clientelism is not necessarily anti-democratic (Benit-Gbaffou, 2011, p. 453). Clientelistic practice can be described by relationship between voters and politicians as personalized. Simultaneously, the negotiation and adaptation of policy or the law is flexible. Outcomes can suggest accountability where the politicians increase their responsiveness. Alternatively, they can be less accountable in the sense of a decrease of questionability and transparency (Benit-Gbaffou, 2011, p. 458).

The Indian scholar P. Chatterjee (2004, p. 37) distinguishes between the population and the citizens. In India, a large group of people are placed in a position to the state, not as citizens but as subjects of governmentality¹⁰. There is a need to focus more upon the dissemination between the state and the political society at one hand, and the population on the other hand (Chatterjee, 2001, p. 176-178; Chatterjee 2004 cited in Stokke, 2013, p. 12). Furthermore, he makes a distinction between engagements between on the one hand, the population and the state which he refers to as *political society*, and on the other hand, the citizens and the state which he refers to as *civil society*. Chatterjee’s distinction is useful for this thesis because it allows me to elaborate around whether the migrant workers are engaged in a) civil society or b) political society and how effective this participation is. The difference is that the methods of participation and mobilization vary between the two. He argues that governmentality has expanded the democratic political participation among the disadvantaged population groups, the poor and the minorities (Chatterjee, 2004, p. 76; Chatterjee, 2001, p. 176-178). Popular sovereignty and allocation of equal rights is the basis for the relationship between the state and civil society. Political society can be understood as lying between the civil society and the state, in terms of connecting the population to governmental agencies offering security and welfare

¹⁰ This involves the classification, description and enumeration of population groups as the objects of policy relating to a plethora of government functions to make the governing of populations easier (Chatterjee, 2004, p. 36).

services (Chatterjee, 2004, p. 37-38; Chatterjee, 2001, p. 173). Characteristics of a) civil society is firstly based upon freedom of entrance and departure, secondly upon equality, thirdly upon autonomy, fourthly upon deliberative procedures of decision-making and finally, recognizable rights and duties for the members (Chatterjee, 2001, p. 172). Characteristics of b) political society in post-colonial democracies is firstly, the violation of the law, which means that this population group often survives by sidestepping the law. Secondly, governmental welfare as a matter of *right*, because of the effects of processes of globalization and the language of democratization. Thirdly, these *rights* as collective rights, which indicated that these rights are required collectively. Finally, these people are as population groups deserving welfare, which depends on the pressure through strategic exercises in political society that the group is capable of placing on state and non-state agencies (Chatterjee, 2001, p. 177).

2.3.1.3 Dimension 4: ‘Participation and representation’

As outlined in Mohan (2007, p. 780) participation is a widely discussed concept. In this thesis political participation is defined as “activity that is intended to or has the consequence of affecting, either directly or indirectly, government action” (Verba, Schlozman & Brady, 1985, p. 9 cited in Harriss, 2005, p. 1042). Involvement indicates in addition something active. Without active participation, it is likely that clientelistic politics will continue to be the channel where the urban poor get access to state resources. Participation can either be a) nominal, e.g. being a member of a group, b) passive, e.g. being informed of a decision after the events and c) consultative, e.g. being asked an opinion without any guarantee that it would have an effect on decisions (Mohan, 2007, p. 780-781; Dupont, Banda, Vaidya & Gowda, 2014, p. 39).

As mentioned initially by Chandhoke, participation requires a representative. Representation is a complex concept. Pitkin argues that “representation presupposes a representative, the represented, something that is being represented, and a political context” (Pitkin cited in Törnquist, 2009, p. 6). Democratic representation can be defined in terms of accountability based on political equality and authorization that assumes transparency and responsiveness. Simultaneously, representation can be either a) symbolic, b) descriptive or c) substantive. A) Refers to a representative standing in for the represented. An example could be a leader that promotes the goods of the workers. B) Refers to the situation where a representative is standing in, by acting objectively similar to the one being represented. An example could be a local leader in a settlement that is representing that settlement. C) Refers to a representative that acts for the represented. An example could be various social movements that constitutes the demos,

and is further claiming to establish authority as representatives (Törnquist, 2009, p. 6; Chandhoke, 2009, p. 26). I will make use of these classifications to be able to measure and analyze whether the migrant workers are represented in accordance with the definition of democratic representation. This is essential to look at because it influences the actors' possibilities to enhance their citizenship rights.

A contextual reconsideration of representation is needed to be able to study popular control of public affairs in actual world democracies (Stokke, 2014, p. 259). Therefore, I make use of the integrated framework presented by Törnquist (2009, p. 11, Figure 4).

Since lack of effective citizenship is a potential explanation for the crucial problems within democracies in the Global South, and because participation and representation is interlinked, it is important to look at whether a poor standards of representation and the dominance of powerful elites is the case for the migrants (Törnquist, 2013, p. 55-60).

There are two trends of addressing the problem of representation which are relevant to look at; namely, a) the chain of popular sovereignty- and b) direct democracy approach. A) Focusing on formally regulated government, politics and public administration where rights bearing citizens interact with public government. Such indirect representation via mediators can either happen through representatives in 1) the civil society, 2) political society and/or 3) informal society. Channel 1) consists of self-management including professional Non-Governmental Organization (NGOs), associational life, for instance citizen's neighbourhood groups or public discourse in terms of media based on civil human rights. Additionally, there is activities through trade unions. Channel 2) consists of representation through political parties, movements and organizations established on behalf of interest beyond citizens' rights. Channel 3) consists of representation through informal leaders based on patronage politics besides relations to democratic institutions. It is worth noting that the three channels often overlap. Problems facing the chain can include fragmented and reduced public resources and the effects of neoliberalism and globalization. Intermediary representative institutions are said to be weakened and there is observed distrust in the authorization of the representatives. B) Focusing on the importance of informal arrangements and alternative ways of participating, such as through popular movements, action in neighborhood groups, associations for self-management and lobby groups. Real demos develops organically from below, and foster social capital through for example self-management (Putnam 1993 cited in Törnquist, 2013, p. 62; Törnquist, 2009, p. 6-14).

Overall, representative politics has in many places, often a negative reputation. Alternative forms of democracy flourish and are mainly detached from the chain. Therefore, it is important to look at the direct democracy approach as well, as it captures for instance informalized or privatized struggles over public affairs (Törnquist, 2009, p. 1-21; Stokke, 2014, p. 261).

In sum, there is a need to combine 1) and 2) and accordingly the framework for studying representation is presented. The basic pillars are a) the demos, b) the public concerns and c) different intermediary ways of exercising popular control of the input (policymaking) and the output (implementation) of democracy. The input and output are further referred to as representative if it firstly, is based on clearly defined demos and public affairs. Secondly, builds on political impartiality and equality. Finally, if the mandate is characterized as being transparent, accountable and authorized (Törnquist, 2013, p. 61-64).

So, how can it be guaranteed that the representatives are actually standing in or acting for those being represented? According to Chandhoke (2009, p. 34), there is a need for both establishing institutional links between political and civil society, in addition to maintaining strong participatory institutions in civil society. Whether there is a need to rethink popular representation when it comes to the representation of the migrants, will be discussed in chapter 4.0.

2.4 Operationalization

Operationalization refers to the ability to measure what we intend to measure (Bernhagen, 2009, p. 27). I will discuss weaknesses and challenges about my operationalization in more detail in section 3.3. Figure 5 consist of an overview of the variables. The dependent variable to be explained (George & Bennett, 2005, p. 79) is *the migrant workers possibilities to make use of the existing institutions of democracy to expand their rights – based on citizenship and work*. Existing institutions of democracy are defined in terms of rules and regulations and are used as indicators, which the explanatory variables intend to measure (Hellevik, 2011, p. 130). More precisely these institutions consist of A) equal and inclusive citizenship, B) full universal human rights (including basic needs), C) democratic political representation through parties and elections, D) right-based citizen participation in public governance and E) citizens democratic self-organizing.

A) The focus is upon who the rights-bearing citizens are in addition to the quality of citizenship apart from the formal right to a passport. Such institutions are significant for the migrants

because the enhancement of their *rights- based on citizenship and work* is the focus in my thesis. Therefore, it is important to take a closer look upon the politics of citizenship that influences the migrants in India (including in Delhi). Dimensions 1 and 2 allows me to do that. B) The focus here concerns the complete fulfilment of universal human rights. Section 2.2.1 made an overview of the relevant human rights, which the migrant should have the opportunity to possess. The importance of the social capacity of the underprivileged is relevant. Since the migrants are facing challenges such as shown above in this study, is it essential to look at these institutions in terms of whether the universal human rights are complied. Dimension 1 and 2 makes me able to do that. C) The focus here is on the ability to cast your vote, and of being properly represented through parties and elections in local as well as central government. These institutions are relevant to look at because of the importance for the migrant's to participate in elections in India today. Dimensions 4 allows me to do that. The different political parties' policies towards the issues concerning the migrants is not in focus in this study because of the limited amount of time. D) The focus here is upon the guarantee of citizens' rights to participate in local as well as central government. Additionally, the implementation of government decisions are in focus here. These institutions are important for the migrants because there is witnessed a lack of proper implementation of for instance Indian labour laws and welfare schemes. Dimension 4 allows me to measure this indicator. E) The last institutions are those focusing upon the assurance of the citizens democratic self-organizing. The focus is on both the right to freedom of association and the citizen's opportunity to mobilize and organize within their own associations and organizations. These institutions are important for the migrants because they are faced with challenges regarding organizing in the workplace and trade unions are struggling with access to the workers. Therefore, perhaps self-organizing is more relevant for the migrants. Dimension 3 allows me to take a closer look at this (Törnquist, 2013, p. 31-43).

The independent, intervening and explanatory variables constitute the theoretical framework of the study (George & Bennett, 2005, p. 79). The explanatory variables are meant to be *explanations for the degree to which the migrants can expand their rights- based on citizenship and work through existing institutions of democracy*. This is done through the migrant's capacities and rights because this allows me to discuss the dependent variable from different angles. The analytical framework is designed to determine the analytical discussion. Additionally, the theoretical approaches and concepts are used to discuss the outcome on the different indicators and to measure the outcome on the dependent variable. The explanatory

variables are operationalized as four dimensions which consists of specific research questions used to structure the analytical discussion and are presented below.

Dimension 1: ‘Citizenship of rights’

What kind of rights, labour laws and welfare schemes are actually applicable for the migrant workers?

Dimension 2: ‘Political inclusion (versus exclusion)’

Are the migrant workers (and their representatives) present or excluded from influential political terrains?

Dimension 3: ‘Mobilization and organization’

Are the migrant workers (and their representatives) able to collectively come together and organize themselves to promote their rights- based on citizenship and work, and what are their strategies?

Dimension 4: ‘Participation and representation’

Where do the migrant workers (and their representatives) try to influence the system of public governance? Is it through the channel of civil-, political or informal society? Moreover, are they properly represented within these channels?

2.5 Summing up

In this chapter I have presented the theoretical approaches and analytical framework which will be used to explain the contradiction and answer the research question. Firstly, Heller’s argument is used as a major explanation for the contradiction. Secondly, Stokke’s dimension of ‘citizenship rights’ is used as an analytical starting point for the analytical discussion. Finally, Törnquist’s dimensions about ‘political capacities’ are used to systematically arrange the analytical discussion. In the following chapter the methodological considerations are presented.

3.0 Methodological considerations

The purpose of this chapter is to present the methodological choices that are made and the challenges met throughout the process of writing the thesis. Providing explanatory or descriptive inferences about the world based on empirical observations is the aim for scientific research (King et al., 1994, p. 7). The goal is “to explain as much as possible with as little as possible” (King et al., 1994, p. 29). This chapter presents the research design, outlines the method for selection of data and finally, discuss the reliability and validity of the thesis.

3.1 A qualitative research design

The contradiction presented in chapter 1.0 is the background for the choice of research question. The thesis seeks to understand the interplay between the state represented by the institutions of democracy on the one hand, and the society represented by the migrant workers on the other. The aim is to arrive at an explanation for the degree of migrant workers options when it comes to making use of the existing institutions of democracy. This is an act of explanatory research where I seek to conduct correlations between different phenomena (Jacobsen, 2010, p. 76-77). The reason for choosing a qualitative research design compared to a quantitative is because it is more appropriate when the researcher is supposed to come up with descriptive details on a topic. Descriptive details are significant because of their importance for the subjects in qualitative studies. Additionally, the details estimate the context that the subjects is located within and is useful for explaining correlations (Bryman, 2004, p. 280-281). External factors in terms of the nature of employment in India, were presented in section 1.1.1.

In qualitative studies the perspectives of those being studied is thoroughly emphasized. Since the main focus is upon the migrant workers and their rights and capacities this research design is appropriated (Bryman, 2004, p. 287). It allows me to conduct a descriptive analysis of the situation for the migrant workers in Delhi, which is an important point of departure to further discuss the migrant’s possibilities to enhance their rights- based on citizenship and work. The method is suitable when clarifying an unresolved topic where little is known about the subjects examined and the issues are vague. This is appropriate for this study due to the knowledge-gap on internal migrants observed by both politicians and scholars. It helps me to reveal a nuanced description of the theme and makes it easier to see the connection between the context and the individual (Jacobsen, 2010, p. 131). Due to a lack of knowledge about migrant workers’

political capacities, in addition to examine the durability in Agarwala and Breman's hypothesis, a mixture between an explorative and a clear research question is chosen. The general research question presented in section 1.3 is characterized of being explorative, while the specified research questions presented in section 2.4 are characterized of being clear (Jacobsen, 2010, p. 73-74). Due to a limited amount of time during the fieldwork, a theory-tested approach was most suitable. Therefore, the analysis is colored by being deductive because different arguments about a topic are being tested. Nevertheless, the study does hold tendencies towards being inductive in terms of that there is limited research being done on political capacities among migrant workers in India. Therefore, the data collected through the fieldwork was essential to be able to understand the outcome of the dependent variable (Jacobsen, 2010, p. 28-29).

According to the Planning Commission of India (2013, p. 363) in-depth state-centric surveys rather than macro level data are necessary to be able to capture the pattern and flow of migration. Hence, there is reasons to choose a qualitative research design based on a single case study of migrant construction workers in Delhi. More on this in section 3.1.1. The research design consist furthermore of an intensive survey, which goes in-depth on the research question and attempts to highlight as many nuances and details as possible with the actual phenomenon. Accordingly, it seeks to get a comprehensive understanding of the relationship between the survey unit and the context it is included in (Jacobsen, 2010, p. 89-90). A weakness often pinpointed with qualitative- compared to quantitative research designs is their lack of possible generalizability (Bryman, 2004, p. 267-268; Jacobsen, 2010, p. 130). However, generalization is not a goal in itself for this study.

To maximize leverage it is important to limit the number of explanatory variables. To make use of a single explanatory variable to clarify several observations on the dependent variable is the goal (King et al., 1994, p. 123). However, many factors can contribute to explain the outcome on the dependent variable in this study, which is the migrant workers' possibility to make use of the existing institutions of democracy. Therefore, mechanisms such as global forces, in terms of international labour standards, worldwide competition for the cheapest labour and the nature of employment in India, were shortly elaborated upon in section 1.1.1. These external aspects are not in focus in this study, but are important to be aware of as underlying factors that could have a say on the outcome of the dependent variable. Due to a limited amount of space for this thesis, they are delimited as external factors. Sometimes, only some of the explanatory variables at hand are interesting to look at. The variables and indicators chosen were presented in section

2.4. Furthermore, the literature on political capacity and power is overwhelming. Therefore, it was an urge to skip some of the explanatory variables (King et al., 1994, p. 140; Törnquist, 2013, p. 55). There is a need to show that there is variation on the dependent variable and different explanations on the outcome of the research question (King et al., 1994, p. 129). This will be further elaborated in chapter 4.0. To be able to approach the research question a general qualitative data strategy is used. It consists partly of an analytical starting point for the discussion which is achieved through Stokke's dimension concerning the 'citizenship of rights'. Additionally, it consist partly of Törnquist's framework transformative democratic politics, which guides me through the process of analyzing data (Bryman, 2004, p. 399). The framework was briefly described in section 1.2 and was further presented in section 2.3.

3.1.1 A single case study

Although there is no common definition of what a case study is, the most useful definition is according to J. Gerring "an intensive study of a single unit or a small number of units (the cases), for the purpose of understanding a larger class of similar units (a population of cases)" (Gerring, 2007, p. 37; Levy, 2008, p. 2). The single case is construction migrant workers in Delhi and the larger class of similar units are construction migrant workers in other metropolises in India and in the Global South. Because in-depth state-centric surveys rather than macro level data is needed, a case study was the most defensible choice of research design so that I can contribute to more knowledge on the topic (Gerring, 2007, p. 60). Blatter and Blume (2008, p. 319) refer to three different approaches to case studies, including congruence analysis. Congruence analysis focuses upon the degree of correspondence between empirical observations and a set of expectations. Following the completion of the in-depth study of the migrants in terms of reading the existing literature about the topic, I decided to develop specific research questions to test out in the field in Delhi. The thesis is therefore a congruence analysis because the durability of expectations in terms of arguments developed in advance were tested out on the single case study through the fieldwork in Delhi. Hypothesis testing is according to Hellevik (2011, p. 466) "a precise statement about reality that is not yet confirmed". Many scholars highlight that theory testing is not the case study's strongest suit (Gerring, 2007, p. 42; Levy, 2008, p. 6), and can therefore be stated as a weakness with my research design. On the other hand, a case study is an advantage when there is an exploratory research design like it partly is in this study due to the knowledge gap on migrant workers political capacities (Gerring, 2007, p. 39). Additionally, scholars have met the single-case study method with resistance.

They believe that comparison across cases are necessary in order for casual explanations and theory building. Since the thesis is only looking at one single case, the migrant workers in Delhi, this is a weakness with my research. The more cases at hand to be able to enhance control over extraneous causal influences, the better (Levy, 2008, p. 8). However, due to a limited amount of time for my fieldwork, I will argue that a single-case study was the most suitable choice. Although true that case studies can be confronted with probabilistic casual mechanisms, omitted variables and measurement errors, these challenges face all research methodologies (George & Bennett, 2005, p. 220). The choice of research design landed naturally on the analytical single-case study because it tolerates in-depth analysis and thick descriptions of both the empirical context and the actor's political capacities (George & Bennett, 2005, p. 21).

It must be indicated that a bias with my research was that I went out in the field with an assumption more related towards Breman's argument compared to Agarwala's. The reason why is because of the literature I read beforehand which made me adopt a pessimistic stance on the outcome for the migrant workers' rights and political capacities in Delhi. When applying a critical case study, which I will elaborate upon below, it is of course difficult to avoid such pre-assumptions. As already mentioned I partly have a deductive approach to the research question. The hypothesis presented in section 1.3 is nomothetic hypothesis, where statements with a more or less wide validity are going to be tested (Hellevik, 2011, p. 55). They are based upon arguments anchored in the theoretical local arguments presented in section 1.2.1. To be able to measure whether the hypotheses should be discarded or not, I had to develop and concretize indicators as an operationalization of the dependent variable, in addition to dimensions of the explanatory variables. These indicators were presented in section 2.4

3.1.1.1 Case selection

My thesis has a non-probabilistic selection of data (Hellevik, 2011, p. 120), which allows me to choose a case that I was interested in studying. Random selection as often used in quantitative research designs, have limitations and can generate biases in small-*n* research. However, one should always at least be able to strive after an assumption of conditional independence or of unit homogeneity (Gerring, 2007, p. 87; King et al., 1994, p. 115-118; Levy, 2008, p. 8). Migrant workers employed in the construction sector in Delhi is the single unit the thesis is seeking to make observations about. The reason why Delhi was chosen as a single case study was partly because of an arrangement between the University of Oslo and Jawaharlal Nehru

University in Delhi, which permitted me to visit the city. Furthermore, as already mentioned in section 1.3, the city is significant in terms of being *the city of migrants* and due to the involvement of a large amount of construction projects with migrants as employees.

Since the aim of the thesis is to explain a single case as an end in itself compared to developing broader theoretical generalizations, this case study can be classified as idiographic (Levy, 2008, p. 4). The case study design that is chosen is the critical case. Critical cases are meant to test the durability in one or several theoretical arguments by making clearly defined questions that are propositions being tested out empirically. The single case is used to determine to what extent the theoretical propositions are correct or alternatively, if other explanations are more suitable to explain the research question. I hope that my single case contributes to theory building by either challenging, extending or confirming the theory. Propositions developed from the theory and intended to explain the contradiction, were presented shortly in section 1.2 and more comprehensively in chapter 2.0. When it comes to the outcome of the findings during the fieldwork in Delhi, a clear set of circumstances were presented throughout section 1.2.1 which ended up in terms of two general hypothesis which were tested out empirically in Delhi (Yin, 1989, p. 47; Yin, 2014, p. 51). Since I am operating with different theoretical arguments capable of explaining the contradiction and the outcomes on the research question, I use the analytical discussion to discuss the durability of the different theoretical assumptions.

In the next section of this chapter, I will present the way forward for the collecting of data. I tried to select observations intentionally. This requires that the researcher know some of the values of the relevant variables in advance (King et al., 1994, p. 139). Because of prevailing perspectives, which are the basis for the hypothesis that is being tested, I was able to anticipate some of the outcomes on the dependent variable before I went to Delhi. It is possible to select a range of values of the explanatory variables or a range of values on the dependent variable or on both (King et al., 1994, p. 142).

3.2 Collection of data

Data is “systematically collected elements of information about the world” (King et al., 1994, p. 23). To increase the strength in the explanations and results, I should consider finding the most observable implications that are consistent with the theory (King et al., 1994, p. 24). The basis of the evidence for this thesis are collected from various sources. Firstly, from documentary information in terms of written reports, formal studies or evaluations and articles

from the mass media. Section 3.2.1 elaborates more on this. Secondly, from interviews in terms of semi-structured interviews. Finally, from participant-observation in terms of visiting the construction site and a labour chowk¹¹ during the fieldwork (Yin, 1989, p. 84-95; Illustration 4 & Illustration 5). I collected interviews through these visits, but I also observed how the workers interacted with each other and the contractor. Section 3.2.2 elaborates more on this. Throughout the process of collecting data I found it challenging to collect relevant data on migrant workers and their political engagement. As Agarwala (2013, p. 5) argues, there is virtually no data available on this vulnerable population in general and on their politics. Therefore, a fieldtrip and method triangulation were a natural choice for this study so that I was able to increase the amount of relevant values on the indicators that measure the dependent variable.

Triangulation of methods is according to King et al. (1994, p. 5), suitable when a topic is being investigated and researched. I have therefore chosen to firstly, use document analysis by collecting secondary literature from well-known researches, which perspectives was presented partly in section 1.1.1 and partly in section 1.2.1. In addition, primary sources are being used, such as official documents from the Indian government in terms of relevant labour laws, the Constitution, a welfare scheme, city- and economic plans, in addition to ILO and UN conventions. Based on findings from the literature, I went on a fieldtrip to Delhi where supplementary primary data in terms of interviews and partly participating-observations were collected. By using several types of data, I am able to use these to control each other, in terms of that they are supportive or contrasting (Jacobsen, 2010, p. 137). It is common to question the objectivity and reliability of the data collected from interviews. To mitigate the weaknesses interviews were used in addition to document analysis to test the hypotheses (Lynch, 2013, p. 37). Each of the inferences that are made throughout the analytical discussion are based upon several observations drawn from the literature and the fieldwork (King et al., 1994, p. 119). Their uncertainty, together with the degree of durability among the different theoretical arguments will be discussed in chapter 4.0 (King et al., 1994, p. 32).

¹¹ A term used to describe areas where unemployed workers arrive each day to seek employment (Srivastava & Sutradhar, forthcoming, 2016).

3.2.1 Document analysis

According to Repstad (2007, p. 103) document analysis consist of giving certain texts the status of being sources or data for the actual survey. The qualitative analysis of relevant documents, both primary and secondary literature, is the main source of data for this study. Document analysis is helpful in situations where the researcher desires to make use of resource scrutiny and arguments developed from previous research. As my study is a critical case study, it was necessary to base my predictions about the single case study in Delhi upon prevailing perspectives about the migrant workers' political capacities. In addition, it is helpful when the researcher wishes to know what people are thinking and actually have done (Jacobsen, 2010, p. 163-166). The thesis makes use of prevailing perspectives on migrant workers political capacities and the informal sector, to be able to develop hypothesis about the outcomes in the field. The data material consist of both primary and secondary literature in terms of books, written reports from UN agencies, formal studies or evaluations from important scholars, articles published in journals, documents from the Indian government including laws and regulations, articles from the mass media and reports or statements from NGOs. It is important to avoid selection biases and to make sure that the observations included in the study at least allow for some variation on the dependent variable (King et al., 1994, p. 128-129). Biases worth mentioning when collecting data, are that some of the civil society organizations and unions that I wanted to focus on only had Hindi speaking articles and web pages. Therefore, I supposedly missed out on some important informants and sources. However, I felt there was a sufficient variety among the data collected and the informant's that I interviewed. Furthermore, the representativeness among the sources and informants might be questionable. Lack of generalizability is, as mentioned initially, a common critique of qualitative studies. However, the informants interviewed in this study were not chosen for the purpose of being representative of a population (Bryman, 2004, p. 284-285). The goal in this thesis is rather analytical generalization, which I come back to in section 3.4.1.

3.2.2 Interviews and observations during fieldwork

Interviews and observations were conducted in Delhi during a five weeks fieldtrip in January and February 2016. I collected data through semi-structured, qualitative interviews and partly observations. The reason why I selected qualitative in-depth interviews are because of their flexibility and unstructured approach, compared to the quantitative interview. They allowed me to capture a greater extent of observations and thoughts about a phenomenon than through for

example surveys. In-depth information from the interviewee and his/her perspectives on the research question were collected. Since my focus is upon the migrant workers and their capacities and rights, I will argue that qualitative interviews are suitable because I was able to collect information that I was not able to read about in the literature. Another reason for choosing qualitative in-depth interviews as a method for collecting data, is because they are pertinent to use when the researcher is looking for the single individual's attitudes, perspectives and opinions about a phenomenon (Andersen, 2006, p. 285; Bryman, 2004, p. 318-244; Jacobsen, 2010, p. 141-143).

Interviews as a supplementary source for data was used because it is recommended to use it together with previous literature to acquire the most genuine understanding of the phenomena being studied. Additionally, it was used as a significant tool to understand political occurrences (Mosley, 2013, p. 2-3). The type of interview that I have chosen was semi-structured. This is because I began the investigation through document analysis, which assisted me in getting a relatively clear focus in terms of the theoretical hypothesis before I went to Delhi. The making of an interview guide with formulated questions, is part of the approach used in semi-structured interviews¹². Nevertheless, I was capable of changing the order of the questions and overall the questions were relatively open and general. When preparing the interview guide I made use of Kvale's list of qualitative criteria for an interviewer. I began the interviews by asking questions concerning the respondent's background in order to contextualize peoples' answers (Bryman, 2004, p. 321-323) and make the respondents comfortable with the interview situation. Since semi-structured interviews allows for variations within each interview, the interview guide changed according to who the informant was. However, because many of the informants seemed uncomfortable by giving out information through a formal interview setting, I was forced to more or less leave the interview guide and make the session more similar to a conversation. In those cases the interview was more akin to an unstructured interview. This is a bias with my data collection because it became challenging to measure the operationalized concepts in the way that I intended to. On the other hand, the choice of interview design was appropriate for a situation like this. Eight interviews were conducted in total, together with several informal conversations.

¹² Throughout the interviews, the interview guide changed and therefore, there is none representative interview guide attached in the appendix. This is a weakness for this thesis' reliability.

To ensure that all the details from the interview were covered, I used an audio recorder. This is a common method in qualitative research. There are both pros and cons by recording the interview. Advantages to mention are that the interviewer can give full attention to the informants throughout the session. Additionally, it is possible to capture exactly what the respondents are saying. However, two of my respondents were skeptical towards the recorder and therefore only notes were written throughout those interviews (Bryman, 2004, p. 329-331). A lack of recorder forced me to be extremely aware throughout the interview process. One of those two interviews lasted for two hours and I was unfortunately losing out on details during the conversation. The transcription of the interviews was done throughout the period I spent in Delhi. Approximately 80 pages of transcription notes were written. They were coded with help from the four explanatory variables and the values of the indicators on the dependent variable. At some point during the fieldtrip, I was forced to be realistic about how many interviews I would be able to transcribe and needed to end the process (Bryman, 2004, p. 331). Another source of evidence was collected through partly informal observations made on a construction site and a labour chowck. These observations made me able to understand the larger context that the migrants work within (Yin, 1989, p. 91-92). During the interviews and observations at the construction site, was interview effects observed in terms of that the contractor was standing beside the workers throughout the whole interview. My interpreter pointed towards this as an important observation because it describes the relationship between the worker and the contractor in a clarifying way.

3.2.2.1 Informants

The strategy for selecting informants and data was based on a non- random, socio-metric selection where the selection of informants or data happens through social relations or networks. The informants interviewed in the field were the ones likely to know the answer to the questions and the ones responding to my invitation to be interviewed. Such non-randomly sampled interviews can arguably be used in method triangulation (Hellevik, 2011, p. 127; Lynch, 2013, p. 39-44). A purposive sampling is recommended in qualitative research and allowed me to get the relevant answers to my research question. A challenge with this type of sampling is that it is hard to decide at what point you can say that the theoretical satiety is reached. This is a weakness in my study. However, because the study is not focusing upon a comparison of informants and because generalization is not a goal in itself, the amount of interviews collected should be sufficient (Bryman, 2004, p. 333-334). Key informants in Oslo, in terms of people

with deep knowledge upon the research topic (Andersen, 2006, p. 279), were contacted ahead of the fieldwork. Through these background conversations with researchers, I was put in contact with relevant respondents in Delhi. Overall, the informants consist of a sample relevant for the research question (Bryman, 2004, p. 333-335). Snowball sampling which is “a method for gradually accumulating respondents in a sample based on recommendations from earlier interviewees” (Lynch, 2013, p. 41) was used to be put in contact with purposive respondents. This is justified by (Harriss, 2009, p. 176) who argues that the universe of associations in Indian cities are complex and therefore snowball sampling can be considered a suitable approach.

Informants both representing the migrant workers themselves, actors from civil society, the international society and researches located in India, were interviewed. Firstly, I interviewed four workers at a construction site and several workers at a labour chowk. For these interviews, I made use of the interstitial contacts where my interpreter whom had good knowledge on the construction industry gave me access to migrant workers at a labour chowk in Delhi (Lynch, 2013, p. 42). Furthermore, he gave me details about the construction industry based on his own research within the sector. When collecting data through interviews with the migrant workers themselves, my interpreter came with me because they spoke in Hindi and I am not Hindi speaking. He worked as a valuable cooperater and pinpointed details from the interview which might have been difficult for me to observe by myself. When I collected data through interviews with labourers at a construction site, the contractor was part of the whole session and interrupted the workers throughout the interview. This was a weakness with these interviews (Fujii, 2013, p. 149-150) because it might have limited the information that the workers gave or at worst made the information less reliable. Another weakness is related to the fact that the interpreter had limited amount of time to adequately translate the entire conversation there and then. The reason was that we were interviewing the workers at their workplace and that they were taken out of work for a period of time to carry out the interviews.

Furthermore, through interviews with three activists from organizations representing the migrant workers, I was able to gain knowledge about the work, which is done for the migrants by the civil society. Additionally, through an interview with a representative from the ILO, I got an overview of the major lines which parts of the international society are working on. Finally, through interviews with two professors I collected information from respondents with special expertise in policy regarding migrant workers and the construction sector. Those interviews were the two last interviews that I collected. I should have collected them at an

earlier stage because they helped me to increase my knowledge on this topic and placed me in contact with even more significant informants. Overall, the variation in respondents are positive. On one hand, interviews with even more informants would have helped me to increase the potential for generalization. On the other hand, as mentioned above, this is not the goal with my thesis.

3.3 Validity and reliability

In this section the weaknesses and strength of my choice of methodical approach will be discussed. The operationalization should allow me to measure the kinds of things that are actually in our interest. Validity includes the extent to which a concept proves helpful when used to pursue interesting research questions. The operationalized concepts should also allow me to classify or code for example actual countries on a classification or scale with minimal error, also known as reliability (Bernhagen, 2009, p. 27). I adopted method triangulation to allow me to increase my confidence in the reliability and validity of the data (Martin, 2013, p. 118).

3.3.1 Validity

The internal and external validity of data might increase if the researcher make use of interview data as well as other types of documentation. The thesis uses document analysis in addition to interview and is thus able to increase the internal and external validity by verification, in terms of that the arguments from the literature can be confirmed or disproved in the field (Lynch, 2013, p. 37). In addition, I decided to interview informants from different institutions to be able to increase validity. Document analysis is preferable when measuring what people are doing in specific situations (Jacobsen, 2010, p. 167). As the thesis seeks to look at how migrants are making use of democratic institutions, this method is suitable. Due to the lack of research on migrants, additionally in Delhi individual interviews were necessary to be able to answer the research question and increase the validity (Jacobsen, 2010, p. 167). According to Hellevik (2011, p. 53) a high degree of reliability is necessary hence not sufficient to be able to achieve a high degree of validity on the data. To what extent the attributes that are being measured are those attributes that the research question is intended to measure, determine data's validity (Hellevik, 2011, p. 183). To be able "to maximize the validity of our measurements" is according to King et al. (1994, p. 25) an advantage regarding improving the quality of data.

Cook and Campell operates with a general system for validity. The system consist of four types of validity, i.e. statistical-, internal-, construct- and external validity. The purpose of obtaining statistical validity is to obtain a statistically significant correlation between the dependent and independent variables. The purpose of internal validity is to obtain a causal correlation between the dependent and the independent variables. None of these purposes are an aim for my study and are therefore not elaborated upon here. On the other hand, external- and construct validity are here in focus because they are relevant also for descriptive analysis like mine (Lund, 2002, p. 104-109).

3.3.1.1 External validity

External validity concerns non-statistical to- and over-generalization. The former is directed towards one specific individual, population, time or situation. The latter is focuses upon how wide and how far a researcher is able to generalize (Lund, 2002, p. 105-106). Threats against the external validity are systematised relations that challenge generalizing predictions (Lund, 2002, p. 121-122). As mentioned earlier generalization is not a goal in itself in this study. However, case studies might be generalizable to theoretical propositions instead of universes or populations. Based on earlier research there is a reason to believe that the situation facing migrant workers in Delhi is applicable to highlight the situation also in other large cities in the Global South. Therefore, the goal in this thesis is rather analytical generalization where the findings can be used as a guide to predict outcomes in similar studies (Yin, 2014, p. 21). Throughout the analytical discussion the durability of the different theoretical explanations will be discussed, since the choice of research case-design is a critical case study.

3.3.1.2 Construct validity

Construct validity refers to the extent to which the operationalized variables in terms of indicators are measuring the theoretical concepts they are meant to measure. Construct validity is determined separately for the dependent and independent variable, i.e. on the cause- and effect side (Lund, 2002, p. 105-106). Indicators that are meant to measure the dependent variable presented in section 2.4 are selected from Törnquist's theoretical framework. Since the choice of indicators are anchored in a theoretical framework, the construct validity is in the first place present. The specific research questions presented within each of the four explanatory variables is additionally developed with help from the theoretical framework and Stokke's

dimension about ‘citizenship of rights’. However, threats against construct validity are components such as irrelevant concepts and unsystematic errors (Lund, 2002, p. 120). Apparently, there are other indicators that are suitable to use when measuring the outcome on the dependent variable. However, the rules and regulations in terms of institutions chosen were the ones most important for the migrant’s possibility to enhance their rights- based on citizenship and work. The choice of research questions on each of the explanatory variables was inspired by the questions proposed within the dimension about actor’s capacities in Törnquist’s framework. Those capacities selected were the ones supposed to be most important for the migrant’s possibility to make use of the different rules and regulations presented.

3.3.2 Reliability

Reliability refers to the degree of accuracy when it comes to the measurement of the operationalized variables (Bryman, 2004, p. 70-72). To be able “to ensure that data-collection methods are reliable” is according to King et al. (1994, p. 25) an advantage regarding improving the quality of data. A challenge to the external reliability is the variety in the implementation of the interviews in terms of that the interview guide was changed throughout the different interviews, and customized to suit the individual respondent. Additionally, through the interviews with the respondents who refused to be recorded, the external reliability was challenged because an exact measurement of the theoretical concepts were limited. This is a threat to the transparency of the research and hence, the possibility to replicate the research (Bryman, 2004, p. 273-285). During the interviews with the workers at the construction site, the contractor was standing beside us throughout the whole interview. This is an interview effect that might have a negative effect on the data’s reliability (Jacobsen, 2010, p. 167). Additionally, some of the civil society organizations and unions that I wanted to focus on had Hindi speaking articles and web pages. As a result, important informants and documents might have been overlooked, which again can have a negative effect on the data’s reliability because my chosen documents and informants might not have been able to tell the whole truth (Jacobsen, 2010, p. 167). Since this thesis is measuring the dependent variables with help from a theoretical framework and approach, it might be possible to use it in other contexts. However, because the majority of my informants required anonymity, replication might be difficult. On the other hand, information about their position is available in Appendix 1. At the same time, generalization is not a goal in itself for this study.

4.0 Analytical discussion

India signed up to the International Labour Organization (ILO's) *Decent Work Agenda* in 2010. The country is portrayed as having the world's most extensive legal structure for labour protection and welfare with 144 present labour laws. How is that possible when it is simultaneously observed that among 90 percent are working in the informal labour sector who are by definition not protected by these laws and regulations (Lerche et al., 2012, p. 21-22; Sampath, 2015)? The above-mentioned statement leads us back to the contradiction. Heller's argument about lack of effective citizenship is the starting point for this analysis. Following his argument Dimension 1 concerning 'citizenship of rights' and Dimension 2 concerning 'inclusion (versus exclusion) are presented in section 4.2 and 4.3.1, and are linked to axis 1 concerning the distribution of associational capabilities. Migrant workers' applicable rights and their degree of inclusion in Delhi are important for their possibility to make use of the democratic institutions. Dimension 3 concerning 'mobilization and organization' and Dimension 4 concerning 'participation and representation' presented in section 4.3.2 and 4.3.3 are linked to axis 2 of Heller's approach, concerning migrants' engagement with the state. How and where the migrants engage with the state is important to look at to be able to answer the research question regarding the enhancement of their rights – based on citizenship and work. Throughout the analytical discussion empirical findings from the literature and the fieldwork will be discussed in light of prevailing perspectives, mainly led by Agarwala and Breman.

4.1 Inclusive growth for whom?

This study began by asking the question of whom the Planning Commission's Twelfth- Five Year plan statement about *inclusive growth* is meant for. The discussion is based on Heller's argument about lack of effective citizenship as a core problem for democracies in the Global South. Heller's argument in this thesis is portrayed as a possible explanation for the empirical puzzle and hence the reason why migrant workers appear to struggle with obtaining political influence. The four dimensions which are supposed to measure *the migrant workers possibilities to make use of the existing institutions of democracy to enhance their rights- based on citizenship and work*, are not directly part of Heller's approach but serves as a continuation. Nevertheless, Heller's argument is useful in this chapter as a tool to elaborate upon whether the migrants are able to *enhance their rights- based on citizenship and work*, which will be discussed at the end of this chapter.

As mentioned initially, a maintenance of inequalities in India may go as far as to contribute to reducing the further development of democracy (Corbridge et al., 2013, p. 304; Walia, 2014). The nature of internal migration and the environment in the labour market in India has to be taken into account while the question of migrant's rights are being discussed (Interview 8, February 24, 2016), and section 1.1.1 are therefore valuable. There is observed both positive and negative outcomes of globalization. It does create jobs, but the degree of inclusiveness within these jobs is questionable (Interview 1, February 1, 2016). Globalization and the liberalization reforms have influenced the employment system in the direction of more subcontracting, disclaiming and a continuation of informality. Legislation is at hand, but does not have any particular value for the migrant's because the rules and regulations lack proper implementation. Nair (2014) argues that broader associations are possible because the organized and unorganized sector unites. Hence, informality is not a hindrance towards collective organization. Agarwala (2013, p. 196) and Breman (1996, p. 184) argue that a continuation of informality is taking place because the employer keeps the employees unprotected and unrecognized. Therefore, the question of responsibility is appropriate to raise. Picherit (2012, p. 144) argues that the Planning Commission has lauded the construction sector for its inclusion of the migrant workforce, since they lack employment due to a decline in gain from agriculture and industrialization in rural regions. Despite the praise, official labour regulation standards are not sufficiently implemented within this sector. The continuation of informality as part of democratic India seems both necessary and impossible. Necessary in terms of maintaining a contemporary practice of accumulation. Impossible in terms of that a formal democracy that should work for labourer's possibility to be citizens with the opportunity to exercise their rights- based on citizenship and work. By now, we are witnessing a contradiction which affects the relationship between citizenship and democracy (Samaddar, 2009, p. 42). To truly understand participation in practice there is a need to realize what it means for those particular people, in that moment and within that specific context (Gaventa, 2006, p. 57-58). Heller (2012, p. 15) refers to Arjun Appadurai's (2002) argument which asserts that the Indian cities are formally democratic but fundamentally unable to deliver public goods to their citizens. Whether Delhi is characterized as a city that is able to handle the rapid growth together with effective inclusion of migrants remains to be discussed in this chapter.

4.2 Migrant's right to the city

After having highlighted some of the main explanations and underlying reasons for the contradiction, this section answers the question about the degree of expansion of migrant workers' rights- based on citizenship and work, by discussing the actually applicable rights provided for the migrant workers in India and in the case of Delhi. This lays the foundation for the rest of the discussion about their political capacities because migrant workers' rights are important for the basic freedom, which makes their voice effective in public affairs. The question concerning *applicable rights, labour laws and welfare schemes* which are an operationalization of Dimension 1, will be used to systematically measure two of the indicators on the dependent variable. Those are equal and inclusive citizenship together with full universal human rights (including basic needs). It is necessary to mention which labour laws, welfare schemes in addition to ILO and UN conventions that are intended to be functional for the migrant workers. The 'citizenship of rights' dimension reflects the input side of democracy according to the theoretical framework (Figure 4). Input refers to policymaking, in terms of labour laws, welfare schemes and government plans. Whether these inputs are representative in terms of being adequately implemented and equal for all, remains to be discussed. To what extent do the migrants in Delhi have a *right to the city*? The term is construed as the right to access the benefits that the city has to offer (Bhagat, 2011, p. 49). The discussion within Dimension 1 is structured as follows. Firstly, by a debate concerning rights- based on citizenship and work in accordance with international law. Secondly, by a debate about Indian labour laws and welfare schemes in terms of the Delhi Building and Other Construction Workers Welfare Board (BOCWWB), and their degree of validity and significance for the migrants.

4.2.1 Applicable rights

To be able to answer the first part of the question about what kind of rights that are actually applicable to the migrant workers, it is essential to look at the migrant’s civil, political, social- and work related rights. Important international human rights connected to civil- and political rights are outlined below in Figure 6.

International Convention on Civil and Political Rights (ICCPR)	
Article 8	The right to prohibition of slavery and forced labour
Article 12	The right to freedom of movement
Article 19	The right to freedom of expression
Article 21	The right of peaceful assembly
Article 22	The right to freedom of association with others
Article 25	The right to vote and to take part in public affairs either directly or through representatives

Figure 6

Article, 19, 21 and 22 are associated with the ILOs Convention no. 87 on the freedom of association and protection of the right to organize and Convention no. 98 on the right to organize and collective bargaining convention. Important economic rights to mention are outlined below in Figure 7.

International Convention on Economic, Social and Cultural rights (ICESCR)	
Article 6	The right to work
International Convention on the Protection of the Rights of All Migrant Workers (ICMRW)	

Figure 7¹³

International rules and regulations are important for the migrants because they can strengthen their possibility to express discontent at the workplace, vote in elections, organize in unions, and get access to welfare rights or form demonstrations and strikes. These rights may further result in an increase in migrants’ possibility to use the democratic institutions to enhance their rights - based on citizenship and work. Furthermore, global productive competition makes it important for India to follow international standards, especially for work related rights. On the contrary, to provide a cheap workforce may appear to be equally important for the government

¹³ Sources Figure 6 & 7: Høstmælingen, 2012, p. 159-304; OHCHRb, 1966; OHCHRc, 1966.

as it is to follow international standards, precisely to be able to remain competitive in the market.

India acceded the ICCPR in 1979 (NHRC). Consequently, the right to freedom of- movement, expression, association with others and furthermore, the right of peaceful assembly and to vote should all be available for the migrants. However, as mentioned earlier they experience challenges in terms of being new in the city. Often the problems begin before they even enter the selected destination. The recruitment process in addition to a continuation of flexibility in the market can even lead to debt bondage (Breman, 1996 cited in Zeitlyn, Deshingkar & Holtom, 2014, p. 13; Srivastava, 2012, p. 76). As a result, article 8 can be indicated as weakened.

Furthermore many migrants experience exclusion from social security programmes at their destination, which suggests a shortage of freedom of movement and choice of residence (Bhagat, 2014, p. 25-26). The reason for this is because migrants lack the possibility to make use of their citizenship rights at the new place where they have settled. Therefore, the value of article 12 can be identified as limited and accordingly migrant's civil right to freedom of movement. The legal system is a challenge for the migrants, and a lack of legal recognition of their work and absence of legal redress is observed (Bhagat, 2014, p. 26; Hensman, 2010, p. 116; Interview 8, February 24, 2016; Majumder, 2015, p. 24-25). Consequently, their civil rights in terms of access to legal representation can be proclaimed as weakened.

Problems associated with voting are also observed. This is because there are restrictions in casting it outside a person's place of origin unless they do not register as a voter at their destination (Abbas & Varma, 2014), something which is required by the system. The process is characterized as being time-consuming and in addition to assumes that the workers know where to go to register. The majority of the workers are not able to take days off from work to do that (Interview 8, February 24, 2016). Additionally, many migrants find it challenging to travel back home to cast their vote (Interview 3, February 3, 2016; Interview 5, February 10, 2016; Interview 8, February 24, 2016). Agarwala's argument stating that the informal workers secure their protection through their power as voters, is therefore challenged. However, more permanently based workers living in Delhi are likely to use their vote as a mechanism to obtain benefits from the local *Pradhan*¹⁴. These workers are in possession of a voter ID card in Delhi

¹⁴ Pradhan refers to an elected or self-declared community leader (Heller, Mukhopadhyay, Banda & Sheikh, 2015, p. 3).

and are in a slightly better position compared to seasonal- and temporary migrants (Interview 5, February 10, 2016; Interview 8, February 24, 2016). These arguments are elaborated upon in section 4.3.2 and 4.3.3. Therefore, the value of article 25 is limited and accordingly their political right to vote. Furthermore, research about the informal migrant workforce shows they rarely dare to raise their voice in opposition towards their employer. The main reason for this is that they are afraid of losing their job (Breman, 1996; Ferus-Comelo, 2014; Harriss-White, 2003; Lerche et al., 2012). Results from research among construction workers in Delhi show that few of them are aware of the benefits and the opportunity to claim rights under laws. Additionally, few of them dare to raise their voice in disappointment because they are afraid of losing their job (Srivastava & Sutradhar, forthcoming, 2016; Interview 1, February 1, 2016; Interview 4, February 8, 2016; Interview 6, February 22, 2016). This suggest restrictions on their political rights. The reason why is because they lack ability to express opposition at the workplace. Article 19, 21 and 22 is linked to the ILOs Convention no. 87 on the freedom of association and protection of the right to organize, and Convention no. 98 on the right to organize and collective bargaining convention, which India has not yet ratified (NHRC). At the same time India is an ILO member and is therefore urged to follow these fundamental principles (Interview 1, February 1, 2016). India has not signed up to the ICMRW (NHRC; UNTC, 2016). ICMRW is connected to the ILOs Convention no. 97 on migration for employment, no. 143 on migration in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers, no. 86 and no 151 on the recommendation concerning migration for employment. The fact that India has chosen to refrain from the signing of this UN Convention suggest its absence of priority concerning migrants. However, the country has developed its own regulation act towards inter-state migrants, which will be discussed in section 4.2.2.

Altogether India has ratified 45 ILO conventions and 1 Protocol (ILOc). However, the important ILO Convention no. 87 and no. 98 are as mentioned initially not yet ratified by India. As an ILO member India should adhere to fundamental principles and rights at work by implementing them in their national legal system. Although they have not ratified those two ILO conventions, the government still does not hold the right to oppress workers from organizing and unionizing. Therefore, the workers should organize and they can (Interview 1, February 1, 2016). Agarwala shows precisely how the informal construction workers in her study are organizing (Agarwala, 2013). A positive outcome documented in a study conducted by Srivastava and Sutradhar (forthcoming, 2016) among migrant construction workers in Delhi,

shows that their bargaining power has increased through the contact with the village leaders, compared to non-migrant households. Thus, it can be argued that their social right to collective bargaining is to a certain degree present. However, the issue of implementation of the two ILO conventions is another story. The labour legislations driven by the ILO is more applicable towards the organized sector, and therefore hardly covers the informal unorganized sector. There is observed a lack of resources in terms of labour inspectors and limited ability to reach out to the informal labour spaces (Interview 1, February 1, 2016). Section 4.3.2 will elaborate on the issue concerning mobilization and organizing of the migrants'. Poor working conditions in combination with low-wage levels is the description of the everyday life for most of the unorganized labourers in India. Additionally, people are forced to migrate because this is the only option available for employment. The experience of construction migrant workers in Delhi confirms this statement. Throughout this process most of the workers are left without any substantive bargaining power (Samaddar, 2009, p. 34-35; Interview 3, February 3, 2016; Interview 5, February 10, 2016; Interview 7, February 23, 2016). Breman highlights this point by stating that the migrant workers are left with the lack of degree of such power. His argument seems to be suitable for the migrants in Delhi which are experiencing discouragement from the contractor and the companies, when they are trying to unionize. The reason for this is because they are afraid of an increase in the awareness among the workers (Srivastava & Sutradhar, forthcoming, 2016).

According to an ILO report (2007, p. 21-24) such laws are fundamental principles and rights which should be present for the migrant workers, such as trade union rights, freedom from forced labour, child labour and discrimination. The ILO, together with the Ministry of Labour and Employment and state governments have aligned to promote decent work (UNESCO, 2013, p. 20). As mentioned earlier the agenda works with the promotion of decent work for all by guaranteeing rights at work, extending social protection, promoting jobs and social dialogue. India has a Decent Work country programme operating from 2013 until 2017. The Indian government together with the ILO are working on the protection of rights of migrant workers through the strengthening of mechanisms to ensure awareness building and the promotion of rights among migrant workers alongside increased cooperation between source and destination (ILOd, p. 11; Interview 1, February 1, 2016). The Twelfth Five-Year plan recognizes the migrants in the construction industry as vulnerable. The plan highlights the need for an increase in the inclusion of these workers so that they also can benefit from growth (ILOd, p. 11;

Planning Commission, 2013). Additionally the program indicates that to address employment as a central policy objective is significant due to a rapid growth in the economy during the years of 2012-2013 (ILOd, p. 5). However, due to restrictions on labour politics such as the Labour Laws Amendment Bill of 2011, workers are said to lose out on their rights as workers (Nair, 2014, p. 37-38).

Overall, it appears that the application of full universal human rights and equal and inclusive citizenship are largely diminished for the migrants in Delhi. Therefore Chatterjee's argument about that citizenship being formal but not real, can be confirmed for the migrants. Very often, migrants (inclusive of those in Delhi), are not aware of their rights and are therefore not claiming them. They view migration as a promotion of their own life situation and are incapable of realizing that they are citizens, which are bearers of rights. That is a significant concern (Bora, 2014, p. 577; Interview 2, February 2, 2016; Interview 6, February 22, 2016; Interview 7, February 23, 2016). Civil society organizations such as Aajeevika Bureau and the prominent Delhi-based NGO called Society for Labour and Development (SLD) are working at a grassroots level with awareness building among the migrants. Many obstacles seem to prevent the migrants from identifying common issues, organizing themselves and asserting their rights against both the employer and the state (Conversation 3, December, 2015; Interview 2, February 2, 2016). The work that the ILO and others are doing concerning awareness building around unionization will hopefully help the migrants realize that they are citizens with rights (Interview 1, February 1, 2016; Conversation 3, December, 2015).

4.2.2 Implementation of labour laws and the Delhi BOCWWB

To be able to answer the last part of the question about what kind of labour laws and welfare schemes that actually are applicable for the migrants, it is essential to focus not just on the existing laws that are present, but moreover the implementation of these laws and their valuable meaning for the migrants.

The Indian Constitution which entered into force in 1950, is supposed to secure fundamental rights. Equal opportunities regarding public employment and guaranteeing of non-discrimination by the state is the intention behind Article 15 and 16. This can relate to social rights such as opportunity rights in the labour market and Janoski and Gran's labour market rights in terms of discrimination protection. However, migrants experience discrimination and exclusion at destination, and the gap in employment opportunities between Indians is increasing (UNESCO, 2012a, p. 88-94; Bhagat, 2011, p. 49). Migrants in Delhi feel intimidated by low-level local officials while trying to register as voters. It is almost impossible for them to get on the enrolment lists in Delhi (Interview 6, February 22, 2016). Article 19 concerns rights to freedom to- peaceful assembly, form associations or unions, freedom of speech and expression in addition to the freedom to settle and move freely within the territory of India. This article is similar to the articles included in the ICCPR, and the issues will be further discussed in section 4.3.2. Article 41 to 43 involves the provision of humane working conditions, the right to work and the right to living wages for workers, and contain mainly social rights. These rights are secured as directives. However, the majority of the labour laws are restricted to only cover specific parts of the workforce and there are few laws in India covering all the workers (The Constitution of India 1951; Samaddar, 2009, p. 39). This suggest Chatterjee's (2004, p. 38) arguments that these laws and the constitution is formally supposed to include everyone as rights-bearing citizens and as part of the civil society. On the contrary, migrants are seldom in a position of gaining from these benefits and seems to fade in the category of being governed within the political society. Furthermore, migrant workers does not appear to be part of the demos (Törnquist, 2013, p.35-36). Labour laws intended to be applicable to migrant construction workers are numerous. Following the UNESCO and the Refugee and Migratory Movements Research Unit (RMMRU) these laws are listed in Figure 8 (UNESCO, 2013, p. 75; RMMRU, 2014).

<p>The Minimum Wage Act (MWA), 1948¹⁵</p> <p>The Contract Labour (Regulation and Abolition) Act (CLRAA), 1970¹⁶</p> <p>The Inter-state Migrant Workmen's Act (ISMWA), 1979¹⁷</p> <p>Trade Union Act, 1926¹⁸</p> <p>The Building and Other Construction Workers Act (BOCWA), 1996¹⁹</p> <p>The Building and Other Construction Workers Welfare Cess Act (BOCWWCA), 1996²⁰</p> <p>Unorganized Workers Social Security Act (UWSS), 2008²¹</p>

Figure 8²²

The construction industry is characterized by low wages, and the salaries in Delhi are even poorer because of the cheap labour migrating from the surrounding, often characterized as backward states, which push the wages down (Interview 7, February 23, 2016; UNESCO, 2013, p. 36). This is a weakness with the MWA. CLRAA stipulates that the contract is between the worker and the contractor and leaves the employer outside the arena of direct responsibility. Labour inspectors are supposed to determine disputes when they arrive (Suresh, 2010, p. 442). Accordingly, India has institutions dedicated to enforcing these regulatory provisions. However, based on research done in the construction sector in India in general and in Delhi, the Act probably does not influence the nature of the labour market significantly (Suresh, 2010, p. 443). The Act's functionality might be questioned because there bribery at the construction sites in Delhi during inspection is observed which again has resulted in a decrease in the number of such controls (Interview 4, February 8, 2016). ISMWA deals with contractor-led movements of inter-state migrant labourers. The purpose of the act is to address the unjust working conditions of migrant workers and it lists the responsibilities of employers and contractors and the rights of workers. Apparently, the Act is not adequately enforced and can be viewed as irrelevant. The SLD goes as far as define it as an ineffective law. Many migrant workers do not have a contract and fall outside the purview of ISMWA (Abbas & Varma, 2014; Bhagat, 2014,

¹⁵ The Act provides for setting of minimum wages in scheduled occupations.

¹⁶ The Act provides for conditions under which contract work is permissible, registration of contractors and employers, and regulation of working conditions.

¹⁷ The Act provides for regulation of conditions of recruitment, transportation and work, and provision of basic facilities by the contractors for inter-state migrant workers.

¹⁸ The Act provides for freedom of association and registration of trade unions.

¹⁹ The Act provides for provision of basic facilities by builders, and minimum conditions of work in construction sites.

²⁰ The Act provides for payment of Cess by builders into a welfare fund, registration of construction workers, and welfare of benefits to registered construction workers.

²¹ The Act provides for the social security and welfare of unorganized workers and for other matters connected therewith or incidental thereto.

²² Sources Figure 8: RMMRU, 2014; Ministry of Law and Justice, 2008, p. 1.

p. 26; SLD, 2014). Migrants can additionally be faced with bonded or forced labour because of the violation of the written contract in the unorganized sector which often involves no operational meaning. Due to the high amount of illiterate seasonal migrants in India, many of these workers fail to even understand the written contract (Majumder, 2015, p. 23; Nanda, 2014; UNESCO, 2012b). Migrant's participation rights in terms of access to labour market rights, e.g. labour market information and job placement, is challenged (Janoski & Gran, 2002).

The UWSS Act has been described as truncated. One reason for this is that it allows a maintenance of the gap between the formal and informal sector. The result is that the informal sector continues to be left with fewer rights than the formal sector (Hensman, 2010, p. 121). Agarwala (2013, p. 196) and Breman (1996, p. 184) both agree that a continuation of informality is taking place because the employer keeps the employees unprotected and unrecognized. The NREGA²³ is worth mentioning. Although not directly aimed at migrant's, it was proved useful for India in terms of providing some basic security for the rural workers and an intension of improving their social rights such as opportunities in the labour market (Harriss, 2010, p. 7; Hensman, 2010, p. 112-116). This relates to ICESCR article 6 and the right to work in addition to article 41 of the constitution. On one hand, the program can be seen as a public investment in source areas designed to counter an uneven economic development in the country (Rogaly et al., 2001, p. 4556). On the other hand, the program only consists of giving one hundred days of unskilled employment for a single rural household throughout a year (Srivastava & Jha, 2015, p. 12). The NREGA was a remarkable initiative, which has resulted in positive outcomes such as a reduction in migration, increased wages and has contributed to increased economic and democratic rights, such as the right to work. However, during the last financial year²⁴, economic support for the programme was reduced (Interview 1, February 1, 2016; Hensman, 2010, p. 113).

Finally, the passing of BOCWA and BOCWWCA in 1996 were a great victory for the worker organizations with the National Campaign Committee on Central Legislation for Construction Labour (NCC-CL) in front, which had mobilized and struggled for these laws for many years. They had been able to put pressure on the government in terms of setting up these Welfare Boards (Agarwala, 2013). Delhi was the first state to notify the rules under the BOCWA and to

²³ The Act will enhance "the livelihood security of the households in rural areas of the country by providing at least 100 days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work" (Ministry of Law and Justice, 2005, Sect. 1, objective/purpose, vision).

²⁴ Last financial year in India was 2014-2015 (The World Factbook, 2016).

set up a Board and the fund (Srivastava & Sutradhar, forthcoming, 2016). The Board may provide the registered workers with urgent assistance if an accident occurs, pension payment, sanction loans, handing out insurance, financial support for children education and payment of maternity (BOCWA, 1996, Sect. 22 (1)). The Board's services are supposed to strengthen the workers participation rights in terms of giving them access to labour market rights such as security and discrimination protection. The biggest problem of the Board is its static nature. As a result, it is essentially characterized as being location-based and not suitable for a heterogeneous workforce such as the migrants. This argument confirms Breman's (1996) argument. The workers are a moveable group and hence, not able to benefit from the services they are supposed to get. The Board only benefits those workers who are slightly more permanent, and that alienates most of the workforce including the migrant workers (Interview 8, February 24, 2016).

Summarized, it seems like the government plans are well intentioned, but unfortunately the implementation is poor. Since the Indian laws are place-bound and thus not made on the purpose of suiting a mobile workforce such as the migrants, their civil rights in terms of access to legal representation can be stated as weakened. The legislative system is a challenge for them, and there is a lack of legal recognition of their work and absence of legal redress (Bhagat, 2014, p. 26; Hensman, 2010, p. 116; Interview 8, February 24, 2016; Majumder, 2015, p. 24-25). In terms of these empirical observations, the statement regarding Indian cities being formally democratic but fundamentally unable to deliver public goods to its citizens (Appadurai 2002 cited in Heller, 2012, p. 15), is well suited to the situation of the migrants in Delhi. Additionally, Picherit's (2012) argument on government's lack of policy towards labour regulation standards and rights within the city can be confirmed. Therefore, a full utilization of the city and hence the *right to the city* is diminished for the migrants in Delhi. A migrant's potential to make use of institutions of full universal human rights is to a certain degree low. Overall, this suggest a lack of effective citizenship for the migrants in Delhi because their access to rights largely is delimited by their social position. Debates, policies and laws on the concept have colored the notions of citizenship in India. Citizenship has meant different things for different categories of Indians. It is intended to be inclusive and universal for all. However, profoundly contested histories lie behind citizenship in India. N. J. Gopal argues that the Indian government has readily given out citizenship to wealthy expatriates of Indian origins while simultaneously, reluctantly given it to poor migrants living in the country for a significant period of time. Legal recognition is the minimal necessity, while political and civil rights allows citizenship to be

fully meaningful. The legacy of the caste system and the importance of status still matters in contemporary India and in Delhi. Most of the migrants belongs to SCs, STs or OBCs. Because of social inequality there is still a long way to go regarding inclusive citizenship (Chopra, 2013; Conversation 1, January 28-30, 2016). The meaning and efficiency of the institutions of inclusive citizenship and full universal human rights are to a certain degree witnessing impartial implementation of political decisions which might be diminished due to poor representation (Törnquist, 2013, p. 71-73). The very notion of citizenship can therefore be put into question because the access to rights is for the migrants' largely limited by their social position (Heller, 2013, p. 46-47). It seems like the migrants are formally granted the status as citizens with certain rights. However, since many of them are not able to benefit from these rights they are probably placed in a position to the state as subjects of governmentality (Chatterjee, 2004). Therefore are their political capacities as claim makers, rather than their citizenship status, a point which is discussed in section 4.3 (Das, 2011).

4.3 Migrant's capacities to engage with the state

The outcomes on Dimension 1 leaves us with the notion that at first glance that the possibilities for the migrants to make use of the existing institutions of democracy are limited. The upcoming section seeks to elaborate upon migrants capacities to engage with the state. Dimension 2 is a continuation of the discussion within Dimension 1 concerning the potential uneven distribution of associational capacities among social categories. This dimension focuses upon to what extent the migrants are excluded and marginalized within the city of Delhi. Furthermore Dimension 3 will elaborate upon migrant workers mobilization and organization strategy and to what extent they are capable of being influential within relevant political terrains. Finally, Dimension 4 concerns which channels the migrants and their representatives are participating within, and further their way of participating politically. Dimension 3 and Dimension 4 are a continuation of Heller's' axis 2.

To clarify who the migrant's representatives are, this thesis focuses on the different actors who speaks and acts on behalf of the workers, be it the contractor, local Pradhan, union- or organization leader, political leader or the migrants themselves.

4.3.1 Towards a better inclusion of migrant workers?

The potentially unequal distribution of associational capabilities seems to be influenced by the applicable rights that the actors possess. The migrants' possibility to participate and obtain certain rights depends largely on the degree of inclusion in the community. Therefore Dimension 2 concerning 'inclusion (versus exclusion)' is important to look at. Concurrently, if they are excluded from significant political terrains and are left outside city planning and the benefits from welfare schemes, then what is left of the values of the formal rights- based on citizenship and work?

Throughout the article in the *Hindu* by the famous journalist P. Sainath (2004) the issue about inclusion of internal migrant workers was first put on the agenda (Khandelwal et al., 2012, p. 12). Following Sainath's article, several authors have highlighted the challenges faced by the migrant's. However, juridical and social protection of these workers is still deficient (Aajeevika Bureau, 2014). There is a difference in becoming a member of the urban citizenship between those who are temporary, seasonal migrants with low education and skills, compared those who are more permanent migrants with higher skills and education (Bhagat, 2014, p. 26). An examples of this is the differences in beneficiary from the Welfare Board mentioned in section 4.2.2. Additionally, many migrants are characterized as being excluded in the city because they have limited connection with the rest of the city where they work (Conversation 1, January 28-30, 2016), and are often living as outsiders at the point of destination (Breman, 1996; UNESCO, 2012b). Whether this is the case for the migrants in Delhi, remains to be discussed. If it proves to be the case, the very notion of citizenship as inclusive and equal for all can be put into question. Furthermore the outcome on the indicators of inclusive citizenship in addition to full universal human rights (and basic needs) may be challenged. In general the contemporary Indian city is witnessing an reduction of poverty together with the rise of elite led urban politics (Bhan, 2014, p. 549). Delhi is characterized as being separated by layers of social exclusion although the city is the wealthiest in India (Heller et al., 2015). To what extent is *better inclusion* witnessed among the migrants in Delhi? The question concerning *the migrant workers present or exclusion from influential political terrains* is an operationalization of Dimension 2. The discussion within this dimension is structured as follows. Firstly, by a debate concerning the potential exclusion of migrants from influential political terrains. Finally, by a debate concerning the extent to which the migrants are excluded from the benefits provided by the Delhi BOCWWB.

4.3.1.1 Exclusion from influential political terrains?

To answer the question regarding the potential exclusion of migrants and their representatives from influential political terrains, it is essential to focus upon the degree of inclusion within these terrains. Crucial political terrains to focus upon are trade unions- and labour organization's possibility to get access to the migrants at the workplace, their ability to make a difference within media and to influence politicians in addition to their probability to take part in wider defined politics (Törnquist 2013:57). Many of these points overlaps with the discussion within Dimension 3, and will therefore only be mentioned briefly here.

Delhi has initially being described as *a city of migrants*. However, the continuation of keeping this group of people with the status as migrants, results in a continuation where the poor are prevented from being recognized as full residents of Delhi. Therefore, their civic rights and social opportunities are constrained (Baviskar 2003:96). Consequently, the question of whether the migrants are experiencing equal and inclusive citizenship including basic need might be considered. Are they rights-bearing citizens of Delhi? Challenges such as lack of access to local democracy and documentary proof are some of the challenges migrants are facing (UNESCO, 2012b).

Many workers are locked inside the construction sites in Delhi. As a result, unions and organizations are experiencing challenges regarding gaining access to the workers. Security guards are often refuse entry to activists (Interview 1, February 1, 2016; Interview 4, February 8, 2016; Interview 8, February 24, 2016; Srivastava & Sutradhar, forthcoming, 2016). However, the unions have in certain instances managed to go collectively together to demand changes through for instance national general strikes (Interview 4, February 8, 2016). This is exemplified within Dimension 1 when they succeeded in the establishment of BOCWA and BOCWWCA in 1996. Limited to a certain degree the migrant's have been able to be influential within media, such as by media coverage of the protest against planned labour law reforms on the 2nd September 2015 which Delhi Shramik Sangathan (DSS) attended together with the big unions (Interview 4, February 8, 2016; Aljazeera 2015). DSS is a federation of unorganized sector workers unions. Delhi Nirman Mazdoor Sangathan (DNMS) is a union organization working with construction workers (Delhi DSS). However, the local media shows an absence in reporting on the condition for the construction workers (Srivastava & Sutradhar, forthcoming, 2016). Agarwala's (2013) argument concerning the positive capacities the informal workers holds to demand their rights from the state can therefore be stated as suitable

for at least some of the workers. This will be elaborated more upon in section 4.3.2 and 4.3.3. Additionally, they are as mentioned given inadequate attention in statistical surveys (Conversation 1, January 28-30, 2016; UNESCO, 2012a, p. 5; UNESCO, 2013). In Delhi it is common for migrants to have lived in settlements for substantial period of time, yet the Census still operates with the original inhabitant numbers in the slums (Interview 6, February 22, 2016). This suggest the absence of inclusion of migrants into politics, and it seems like the politicians hold little interest in counting the migrants. A result is that they miss out on government services, and the starting point for migrants and their representatives to influence politicians and the wider defined politics seems poor. However, a glimmer of hope is witnessed because the Ministry of Labour and Employment are assessing a national coordination system in terms of a central scheme tracking the movement of migrant workers. This might result in updated data, which again can lead to social security benefits for the workers (Sharma, 2015).

Despite article 19 in the Indian Constitution, migrants are still experiencing political exclusion and strong hostility in the cities. Limited access to basic needs such as identity documentation and social rights make them victims of exclusion from social security programmes providing food, free elementary schooling, healthcare and housing. The reason for this is because they are in need of a proof of residence and an identity card to get access to these programmes (Abbas & Varma, 2014; Bhagat, 2014, p. 25-26; Srivastava & Jha 2015, p. 75). Identity documentation is as a key to inclusion in India.

There are also witnessed challenges for the migrants in Delhi in terms of getting access to such proper identification documentation (Interview 2, February 2, 2016; Interview 8, February 24, 2016). There are three forms of identity cards that are accepted as proof of residence in India. Firstly, a voter ID card which allows any resident or non-resident Indian citizen above 18 years of age to vote. Secondly, the Aadhaar card which is a multipurpose national identity card with a unique identification number (UID). Finally, the ration card which gives the people access to essential commodities from the Public Distribution System, such as food grains. The specific type of ration card depends on the person's income. A newer category of the card is the Antoyodaya Ann Yojana (AAY) card, for providing for the very poor (Sheikh, Banda, Jha & Mandelkern, 2014, p. 7-8). Ration card are important for migrants because it gives them access to several entitlements over various government schemes for welfare (Das, 2011, p. 328). Glimmers of hope are seen through the Aadhaar card, which is useful for the migrant workers because it can be used both as a residential proof and as an identity card. Migrant workers is in

addition to be included in Aadhaar, being allowed to open bank accounts without a proof of address (Bhagat, 2014, p. 27). The opening of bank accounts help the migrants send back remittances to their families, which almost all households in India do to be able to advance their living standard (Bhagat, 2011, p. 52). Organizations such as the Aajeevika Bureau is working for the better political inclusion of migrants by handing out identity cards so that migrants can get access to ration- and voting cards (Aajeevika Bureau, 2014). If more migrants in Delhi are holders of voter ID cards, informal workers can succeed in becoming an important vote bank (Agarwala, 2013, p. 196) and hence, are included in the political terrain. However, in Delhi they are faced with huge challenges regarding registering as voters (Interview 6, February 22, 2016). If a system where the migrants can send back their ballots during elections takes place, then it is likely that they will become an even more important vote bank. This will be elaborated more upon in section 4.3.3.

In each of Delhis' slums, you will find a local Pradhan. Every political party has their own Pradhans, which operates as a link between the people on one hand, and the political parties and the different departments on the other. If the residents in a settlement are in need of certain types of documentation, they can approach the Pradhan. In search for a ration card, he can connect you to the Food Department, for a voter ID card he can connect you to the Election Department and so on (Interview 4, February 8, 2016). As a result, it is possible for the migrants to at least be influential in the political terrain in terms of being a potential vote bank for the politicians. Furthermore, Agarwala's (2013) argument will be strengthened because the migrants can demand rights through their local leaders. Constraints on state resources in terms of how much the city can provide for, is an explanation for the migrants reason to use informal channels of representation and provision of services (Interview 1, February 1, 2016). This will be elaborated upon in section 4.3.3. On the other hand, for those migrants which are hidden behind walls in the construction sites, the power of being a vote bank is diminished. Accordingly, the migrants are excluded and marginalized from decision-making processes in the city (UNESCO, 2012b). With this in mind, the migrants are placed in a position to the state as subjects of governmentality instead of being rights-bearing citizens of Delhi (Chatterjee, 2004 cited in Stokke, 2013, p. 12).

Several government plans and programmes are created with the attempt of making Delhi more inclusive. Examples are the City Makers' Programme, which aims to provide the many homeless people in Delhi with shelters (UNESCO, 2013, p. 36). Furthermore, the Delhi

Development Authority (DDA) is drafting the Delhi Master Plan and developing parts of the city to provide housing, commercial and recreational space and infrastructure for Delhi's residents (Sheikh & Mandelkern, 2014). Additionally the government introduced the Bhagidari Scheme in 1998. A scheme intended to develop the city of Delhi based on a governance philosophy fostering partnership between the people, in terms of local Residents' Welfare Associations (RWAs) and the government. Despite the priority of citizen participation in urban governance, it has resulted in the middle class acquiring even more space within the city (Desai & Sanyal, 2012, p. 5). Chatterjee highlighted that the middle-classes are sometimes exploiting the marginalised in the cities (Chatterjee, 2004 cited in Stokke, 2013, p. 12). This is witnessed in Delhi in terms of evictions of slums due to their proximity to middle class neighbourhoods. Simultaneously the middle class is in need of construction workers to be able to build up their neighbourhoods (Interview 4, February 8, 2016). This can be stated as a contradiction. Corbridge et al. (2013, p. 167) even calls it a judicialization of politics.

Nonetheless, it seems like most of these urban city plans forget the migrants and are in that sense exclusive. As a result, it becomes challenging for the migrants and their representatives to influence politicians, when the problems they are facing are hidden and not prioritized in city plans. The need for an increase of consumer goods that has been witnessed in recent time among the working poor should not be mistaken for being a sign of inclusive growth (Lerche et al., 2012, p. 6; Interview 1, February 1, 2016). These plans are benefiting middle class residents instead of the informal working class living in jhuggi jhopris (the slums)²⁵, and are therefore criticised for being exclusionary (Corbridge et al., 2013, p. 174-175; Delhi Government). Consequently, the migrants seems to be part of Chatterjee's political society in terms of being characterized as subjects of governmentality rather than proper citizens with the ability to exercise their rights as citizens. There is no equal exercise of the rights of citizenship within governmentality (Chatterjee, 2004, p. 60). Most of the migrants are housed in informal settlements, generally known as slums, and these slums are characterized as a manifestation of rural to urban migration (Bhagat, 2014, p. 23). Many migrants in Delhi are hidden behind walls compared to Mumbai, where rich and poor lives side by side (Interview 1, February 1, 2016). A rather suitable name for Delhi could therefore be *the hidden city of migrants*. Breman's (1996, p. 244-254) argument about migrants living as outsiders at destination is thus suitable for many

²⁵ There is eight different categories of settlements in Delhi. Seven out of them are "unplanned" settlements. An increase in unplanned settlements is the reality in Delhi because of in-migration and lack of reasonable prices for housing for different categories of residents (CPR, 2015).

workers in Delhi. UNESCO is working to make the cities more inclusive, and through plans put forward by the government the city is at least supposed to be inclusive. However, the implementation and execution of the plans are a challenge (Interview 1, February 1, 2016). Migrants come to Delhi in search of a better life, but the quality of services provided by the state vary significantly across the different settlement types (Heller et al., 2015).

In sum, it seems like the migrants and their representatives are largely excluded from certain political terrains. Firstly, union- and labour organizations are struggling with gaining access to the workers in their workplaces. Secondly, the majority of the migrant's are experiencing difficulties in gaining access to identity documentation, which is a key to inclusion in India. As a result many migrants are excluded from a number of benefits provided by the government, such as voter ID card, and lack ability to influence the politicians because they are not registered at the enrolment list in Delhi. Therefore, they lack the ability to be an important vote bank for the politicians. However, to some extent the migrants have been able to be influential in political terrains through media coverage, adoption of BOCWA and BOCWWCA in addition to the potential national coordination system. Overall, it still appears that migrant labourers demand for working and living conditions is diminished in favour of government plans concerning poverty and development (Picherit, 2012). As mentioned within Dimension 1, laws are place-bound and the requirement of registration every time one settle in a new place, makes it almost impossible for the migrants to obtain such documentation (Interview 8, February 24, 2016). A change in the politicians' mindset towards an inclusive and positive attitude for migrants is needed (Rogaly et al., 2001).

4.3.1.2 Exclusion from the services provided by the Welfare Board?

To be able to answer the question about the extent to which the migrants are excluded from the benefits provided by the Board, it is essential to focus upon whether the services meant to be provided to the registered members, actually makes any difference.

An important factor to mention is the nature of employment within the construction sector. Labourers are excluded from long-term projects in the metropolises because of the informal regulation of labour migration (Picherit, 2012, p. 148). A common phenomenon in the construction sector is that the contractor rotates the workers from one construction site to another (Interview 8, February 24, 2016). Often, the company or employer does not want the workers to be registered in the BOCWWB because there are certain obligations following such

a registration. The result is huge under-documentation. The statistics that the companies are using are mismatching with the reality of numbers of workers at the ground. Thus, the migrant workers are not officially recognized in the city where they work (Interview 2, February 2, 2016). The Act states that:

Every building worker who is between the age of eighteen and sixty and who has been engaged in any building or other construction work for not less than ninety days during the last 12 months is eligible for registration as a beneficiary of the Building and Other Construction Workers 'Welfare Fund'

(BOCWA, Sect. 12, comments).

Consequently, as mentioned do the employer tends to avoid the registration of workers in the BOCWWB. As a result, they can be stated as excluded. In Delhi there are a huge number of construction workers, but very few of them are actually registered within the Board. Delhi, which had collected the highest amount of Cess, only distributed below 10 percent on benefits for the workers (Interview 4, February 8, 2016; Srivastava & Sutradhar, forthcoming, 2016; Soundararajan, 2013). As a result, I argue that the workers are experiencing a lack of social- and work related rights which can be potentially characterized as unequal citizenship at the expense of the migrants. Additionally, delivery of the Boards' welfare services is even worse (Interview 4, February 8, 2016). This might be an argument suggesting the lack of delivery of basic needs to the workers. Although the workers actually are registered, there are observed challenges in terms of tracking them since they often move from site to site. The Board lacks a mechanism to keep track of the workers, even if the worker is operating within the same state. The isolated and segmented nature of the workforce is a huge problem, which makes the Act hard to implement. At the same time laws are made without taking into account that the majority of the workforce are migrants. As a result they are only delivering services to groups of people that are recognized as citizens within a specific government area. Services supposed to benefit the migrants have to be transferable. At present, they are place-bound and therefore not suitable for the migrants (Interview 8, February 24, 2016; Bhagat, 2014, p. 26; Srivastava & Sutradhar, forthcoming, 2016; Srivastava, 2011, p. 173). This point concerning a lack of full universal human rights and basic needs for the many migrants confirms Breman's (1996, p. 244-254) argument about migrants are still living as outsiders at their destination of work.

However, glimmers of hope are observed. The state government of Delhi has started to register workers to the Delhi BOCWWB by visiting the labour chowks around the city. The rationale behind this activity is to include these workers to a greater extent so that they can benefit from welfare schemes (Pandit, 2015). Such government initiatives can be characterized as inclusive. Additionally, the government of India has proposed amendments to the BOCWA in terms of making the registration process easier (Srivastava & Jha, 2015, p. 84; Soundararajan, 2013). However, labour activists have described the Welfare Boards' for informal sector workers as *a truncated social security scheme* (Hensman, 2010, p. 121).

Overall, this suggest that we are witnessed a lack of effective citizenship since the construction migrant workers in Delhi are facing challenges regarding being included in the city and in public sphere. For how long are the migrants supposed to live as *aliens* to keep a low profile at destination (Breman, 1996, p. 244)? Migrants are largely excluded in Delhi because they have a limited connection with the rest of the city, and are not officially recognized in statistics and by the politicians (Conversation 1, January 28-30, 2016; Interview 2, February 2, 2016). This is partly due to the politician's unwillingness to properly implement the labour laws and welfare schemes supposed to be applicable for the migrants. Therefore, the very notion of citizenship can be put into question. The values of the formal rights- based on citizenship and work seems to be diminished and partly nonexistence. A continuation of hiding migrants both in statistical surveys and from the public, is hopefully not the approach that the politicians in Delhi are choosing for the future.

4.3.2 Mobilization and organization strategies

As shown in Dimensions 1 and Dimension 2, a lack of horizontal inclusion of people into politics is witnessed due to a low degree of inclusion of migrants in public sphere and the constrained applicability of their citizenship rights, labour laws and services provided by the Delhi BOCWWB. Consequently, this is likely to influence the workers possibilities to engage with the state. However, the question remains: where and how does the migrant workers actually interact with the state? This question remains to be answered within Dimension 3 and Dimension 4 and brings us back to axis 2 of Heller's approach. Is a top down mode of incorporation compared to a bottom-up integration of migrants into politics witnessed in contemporary India, and in Delhi? If so, it is interesting to look at how this influence the outcomes on the assurance of their democratic self-organizing, which is one of the indicators

of the dependent variable that is measured within Dimension 3 concerning ‘mobilization and organization’. As mentioned initially within section 1.2.1 these arguments put forward by Breman and Agarwala differs in terms of the degree of organization among workers. Agarwala argues that the informal workers organize by being an important vote bank. Breman’s study of migrant workers suggests that the workers lack collective organized opposition and bargaining power and strive to mobilize themselves. The question concerning *migrants mobilization and organization strategies and their possibility to go collectively together to promote their rights-based on citizenship and work*, is an operationalization of Dimension 3. The debate within this dimension is structured as follows. Firstly, by a discussion regarding the capability of the migrants to organize and mobilize themselves collectively. Secondly, by a discussion concerning the mobilization and organization strategies used by the migrants and their representatives.

4.3.2.1 Assumptions for collective organizing and mobilizing

To be able to answer the first part of the question about the extent to which the migrants and their representatives are capable of organizing and mobilizing collectively, it is essential to bear in mind the findings from Dimension 1 and Dimension 2 and further discuss which conditions are at stake for the migrants. Political mobilization is about getting access to the state and being able to hold a share of its power, rather than making the state more responsible. Mehta argues that this is likely to happen in an unequal society like India. He claims further that right-claims are common to be required from groups in order to get access to power (P. Mehta cited in Corbridge et al., 2013, p. 166). Agarwala (2013, p. 198) argues that the informal construction workers in her study are coming together as a new *working class* where in return for their flexible and cheap labour, are demanding welfare benefits from the state. Until now, the prospects of a similar class movement among the migrant workers in Delhi looks bleak. Breman’s argument concerning the lack of organization among the migrant’s due to their heterogeneous nature seems to be more suitable in the case of Delhi. Although in absence of India’s ratification of the two ILO conventions on collective bargaining and unionization, the government still does not have the right to oppress workers from organizing and unionizing. Therefore, the workers should organize and they hold the ability to do so (Interview 1, February 1, 2016). Despite the introduction of the Trade Union Act and several other labour laws, the absence of collective mobilization and organization among the construction workers in Delhi is significant. The reasons for lack of mobilization are several. Firstly, the nature of migration

as their starting point. Secondly, their lack of knowledge and awareness about unionization. Thirdly, their fear of losing their job. Finally, labour organizations' constrained access to workers.

The fact that the migrants are a moveable group of people is perhaps their biggest challenge regarding the prospect of being an organized workforce (Interview 2, February 2, 2016; UNESCO, 2013, p. 22). Forced migration is common and often leads to a lack of substantive bargaining power. This argument confirms Breman's theory about migrant worker's lack of collective organized opposition partly because of their heterogeneous nature that makes it challenging to identify common issues (Samaddar, 2009, p. 34-35; Breman, 1996, p. 243-247). Due to the nature of employment in India there is a tendency towards lack of mobilization and organization amongst the labourers. A major reason is that workers are afraid of losing their job (Ferus-Comelo, 2014, p. 45; Harriss-White, 2003, p. 43). Samaddar (2009, p. 3) even defines it in terms of the "absence of workplace democracy". Additionally, since the labour laws around contract workers such as CLRAA are less strict compared to laws around more permanent workers, the employer is able to fire the workers if they even see the slightest sign of organizing (Interview 6, February 22, 2016). Nevertheless, there is organization among the informal working class in the cities of India (Corbridge et al., 2013, p. 175). Agarwala's study has shown this in the states of Maharashtra, West Bengal and Tamil Nadu.

The right to organize is in theory present for the informal workers and hence also for migrants. Unfortunately, the large-scale union federations in India²⁶ have not yet been willing or able to mobilize the construction workers. It seems like the majority of the workers lack knowledge about the laws and schemes intended to benefit them, in addition to the advantages of unionization (Srivastava & Jha, 2015, p. 85-87). Furthermore, they lack consciousness about their rights as individual citizens and there is an absence in recognition of modern secular civic norms by the government or known by the workers themselves (Interview 7, February 23, 2016). As a result, many construction migrant workers are unwilling to join a union which further confirms Breman's argument about lack of collective organized opposition among the footloose labourers. Harriss-White (2003, p. 26-27) argues that informal workers do not lack consciousness or willingness to resist their exploitation, but the structural constraints are too severe. On the other hand, positive outcomes such as increased political activity and awareness

²⁶ In India, there are twelve central trade union organizations which are recognized by the Labour Ministry (Srivastava & Sutradhar, forthcoming, 2016).

is witnessed among migrant households because of the process of migration. Simultaneously, most of these positive evidences comes from enriched, political activity in the villages where the workers come from, not in Delhi (Srivastava & Sutradhar, forthcoming, 2016). As earlier mentioned, they see this process as a promotion of their own life situation and are not capable of realizing that they are citizens who are bearers of rights (Bora, 2014, p. 577; Interview 2, February 2, 2016; Interview 6, February 22, 2016). Consequently, the migrants seems to be excluded from Chatterjees' civil society in terms of being characterized as subjects of governmentality. The future for the majority of the population, including migrants, depends then on the degree of inclusion into the political society (Chatterjee, 2011, p. 33-34).

Many migrants in Delhi are as mentioned initially, experience discouragement from the contractor and the companies if they attempt trying to unionize. Sometimes the employer uses backing from the state and the police to prevent organization and participation in trade unions and civil society movements. The reason why is because the firms are afraid of an increase in awareness among the workers in addition to being bound by existing labour standards and regulations (Harriss-White, 2003, p. 26-27; Picherit, 2012, Srivastava & Sutradhar, forthcoming, 2016). Additionally, the absence of legal recognition of the work done by migrants, can also lead to rejection if they try to organize (Hensman, 2010, p. 116). Consequently, the workers are not willing to risk losing their job by showing opposition. Many migrant workers do not even want to ask questions regarding the working conditions because they are afraid of being fired (Ferus-Comelo, 2014, p. 45, Harriss-White, 2003, p. 43). Organizing is easier said than done, and the fear of moving down the work hierarchy put the migrants in an adverse bargaining position (Lerche et al., 2012, p. 7-8). In sum, this suggest a lack of rights to freedom to- peaceful assembly, form associations or unions, freedom of speech and expression and Article 19 of the Constitution are not complied.

Since the nature of work in the construction sector, especially for short-term migrants travelling in groups and working at isolated construction sites, is closed from the outside world, it is challenging for both unions and the ILO to get access to the workers. Access to the workers is for the unions an important element of the ability to obtain high degree of self-organizing among the workers. The ILO highlights that a major challenge is to reach out to the informal labour spaces (Interview 1, February 1, 2016). Inaccessibility is also observed on the construction sites in Delhi, and security guards refuse activists entry to the sites in addition to rotating the workers from site to site so that it makes it harder to keep track of them (Interview 4, February 8, 2016; Interview 8, February 24, 2016; Srivastava & Sutradhar, forthcoming,

2016). Accordingly, organizations are willing to gather the workers, but it is very hard to mobilize them. There are witnessed challenges when it comes building a mass of workers and build up a strong organization. Unfortunately those organizations which do have a sizeable amount of members are unlikely to come from the grassroots. However, some organizations have actually developed links with the Labour Department and captured space in the Delhi BOCWWB (Interview 8, February 24, 2016).

In brief, potential opportunities for collective organization and mobilization of the migrant construction workers in Delhi are low. Labour- unions and organizations find it hard to get into the work sites, and the workers do not raise their voice in disappointment because they are afraid of losing their job (Breman, 1996; Ferus-Comelo, 2014: Interview 1, February 1, 2016; Interview 4, February 8, 2016; Interview 6, February 22, 2016). So, what kind of strategies are the migrants' representatives in addition to the politicians using to mobilize and organize them?

4.3.2.2 Mobilization and organization strategies

To be able to answer the last part of the question about the mobilization and organization strategies used by the migrants and their representatives, it is essential to look at whether it is incorporation of the workers is driven from above or integrative from below. Based on the findings from the last section, the prospects in terms of a high degree of collective mobilization and organization among the migrants are limited. This debate overlaps partly with the one within Dimension 4 because it touches upon strategies used by labour- unions and organizations in terms of interacting with the state, in addition to politicians' strategies to mobilize the migrants. Therefore, it begins here and continue underneath section 4.3.3. The strategies which will be elaborated upon, are as follows. Firstly, the labour organizations mobilization of migrants through awareness building. Secondly, the migrants use of the power as voters and the politicians use of migrants as a vote bank. Finally, unions' strategy of strikes, protests and demonstrations.

In light of a decline in unionization throughout the world, formal trade unions have started to develop strategies to obtain new members from the informal worker movements (Agarwala, 2013, p. 203). The ILO agrees with Agarwala and highlight how the unionization of informal workers is increasing in India today (Interview 1, February 1, 2016). Contrary to Agarwala, scholars such as Breman (1996) and Rogaly et al. (2001) show how these workers are rarely unionized. Harriss-White (2003, p. 240) even argues that only 3 percent of the workforce are

unionized and that the tradition of labour organizations is being assaulted from the corporate capital. So, what kind of strategies are used to mobilize and organize the migrant workforce in Delhi?

The recruitment process through the contract system in addition to the nature of migration makes it very difficult to mobilize and organize these workers. They are still at the bottom of the pyramid and that makes it hard for them to be able to access organizations and hold a collective voice (Interview 8, February 24, 2016). Migrants are desperate for employment and spend most of the time at the workplace. Hence, the easiest place for them to organize is at the work site. However, as mentioned initially, this is also the most difficult place for them to mobilize and come together (Interview 8, February 24, 2016).

Lack of awareness is as shown initially a problem among unorganized workers (Samaddar, 2009, p. 39), including many migrants. Collective bargaining and knowledge is the most important mechanism through which the workers can increase their ability to complain (Interview 1, February 1, 2016). Therefore, the ILO in addition to civil society organizations are working with awareness building among migrants at both source and destination. This is to prepare them for the work in the cities. They inform them about unionization and the benefits from joining unions and other organizations. The SLD and the Aajeevika Bureau are working at grassroots level with awareness building among the migrants in terms of setting up walk-in research centers where the migrants can organize (Interview 2, February 2, 2016; Conversation 3, December, 2015). The plan is to lead them slowly towards formality as a workforce (Interview 1, February 1, 2016). However, Agarwala argues that workers are struggling for rights within the informal- status, not against informality (Harriss, 2013, p. 178). Unions are mobilizing the construction workers by the strategy of awareness building about the benefits of joining a union (Interview 4, February 8, 2016). Earlier the unions did succeed in mobilizing the workers within their settlement. Nowadays, there is a network of relationships and the mobilization has become more political. It does takes time for the migrants to understand the political dynamics in the city. On the one hand, they can become a voter in Delhi, but to become a political active person takes time. Therefore, awareness building is that important (Interview 4, February 8, 2016). The ILO is working on capacity building within the unions, especially for the union leaders to become potential leaders. The larger unions should include and support the smaller unions. There is a need for a gradual integration of smaller unions into larger bodies

and slowly towards federations (Interview 1, February 1, 2016), which reflects Mouzelis' (1998, p. 63-64) argument that the integrative inclusion of people from below is needed.

Some union organizations, including the DSS, are trying to unionize the construction workers in Delhi by including them horizontally into politics (Mouzelis, 1998, p. 63-64; Interview 4, February 8, 2016; Srivastava & Sutradhar, forthcoming, 2016). They organize workers within their settlements and at the labour chowk, and are working with awareness on benefits and rules from the BOCWA and the BOCWWB, together with labour rights, social security and labour legislations (Delhi DSS; Interview 4, February 8, 2016). This is because they experience difficulties unionizing the workers at the workplace. Such mobilization is linked to Mouzelis' incorporative-clientelistic mode of inclusion. Whether these unions are representing the migrant workers at grassroots level is questionable (Interview 8, February 24, 2016).

As mentioned initially, workers living in Delhi on a more permanent basis are more likely to use their vote as a mechanism to obtain benefits from the local *Pradhan*, and Agarwala's argument stating that the informal workers secure their protection through their power as voters is thus confirmed. However, the more seasonal and circular migrant's experience difficulties casting their vote during elections. Therefore, all the mainstream parties use the opportunity to approach the migrants during election time. In each of Delhi's slums there is a local *Pradhan*. Every party has their own *Pradhan*, which operates as a link between the people and the political party and the different departments (Interview 4, February 8, 2016). Politicians' might offer to pay for the transportation and the loss of wages for the days the workers take time off (Interview 2, February 2, 2016). As a result, clientelistic practices from the politician's side during elections, the contractors while hiring migrants for jobs, and by local *Pradhan*'s at the labour chowk's or at the settlements where the workers live are observed. Additionally, this practice represents what Mouzelis defines as the incorporative-clientelistic mode from above. The reason for this practice is because politicians are mobilizing workers by using them as vote banks. There are both pros and cons regarding this practice. A positive outcome is that mobilization requires a huge number of people to influence government decisions (Interview 2, February 2, 2016). However, such practice can contribute to an undermining of the horizontal practices of political organization, such as trade unions or grassroots movements (Mouzelis, 1998, p. 63-64).

A hallmark of the informal economy in India is a lack of unionization and labour rights (Wetlesen, 2010, p. 157). A reason for this could be that the unions are more interested in unionizing a stable workforce because they are easier to handle and more reliable as members. Both the SLD and the ILO pinpointed that this is a potential reason why there is limited unionization among the migrants, because they are viewed as an unstable workforce (Interview 1, February 1, 2016; Interview 2, February 2, 2016). They do have a right to unionize according to the constitution, but because many of the workers fear being fired if they mobilize, they rarely do it. Agarwala and the ILO on the other hand argue that they do organize, and that there is an increase in unionization in India. According to the DSS unionization within Delhi is also increasing (Interview 4, February 8, 2016). On the other hand, it does not appear as if this unionization process includes the migrants in the city (Interview 2, February 2, 2016; Interview 6, February 22, 2016; Interview 7, February 23, 2016; Interview 8, February 24, 2016). This suggests Harriss-White and Breman's argument about the difficulties of organizing.

Informal workers demand their rights from the state rather than directly from the employer. The reason why is because they rarely know who their employer is and because of the fear of losing their job (Agarwala, 2013; Harriss-White, 2003, p. 43; Samaddar, 2009, p. 39). However, for many migrants in Delhi the contractor continues to be the only person they raise their voice towards (Srivastava & Sutradhar, forthcoming, 2016) because they are often locked inside construction sites. This is due to the personalistic relationship which often occurs between the workers and the contractor (Interview 3, February 3, 2016). This suggests that these migrants are part of Chatterjee's (2001, p. 177) political society because they participate through the contractor and the employer which often sidestep the law. This can be seen as a positive thing because political society can be understood as lying in between the civil society and the state, in terms of connecting the population to governmental agencies offering security and welfare services. Clientelism can in this case be seen as a way for the migrants to gain access to local politicians and is hence not necessarily anti-democratic (Benit-Gbaffou, 2011, p. 453).

According to Lerche et al (2012, p. 7-8) strikes are a rare phenomenon within the informal sector, and demand making outside the shop floor is more common. Usually, if the workers try to run a strike or a demonstration, the government represented by the police often shuts down the event in a harassing and violent manner (Interview 2, February 2, 2016). However, successful strikes are witnessed. According to the labour union organization in Delhi called DSS, all the worker organizations are fighting. Since the historic march to parliament on

February 23rd, 2011, several national strikes and protests have occurred. In February 2013 hundred million workers from many sectors, including migrant workers, participated in a nation-wide strike demanding that the government change their policy through a ten-point charter. On the 2nd of September 2015, all the big trade unions arranged a strike. On the 10th of March 2016 the central trade unions gathered to oppose the government because they appeared unresponsive to demands put forward by the unions (Nair, 2014, p. 33-34; Industri All global union, 2016; Interview 4, February 8, 2016). Even though strikes are arranged, many of the unions participating in these strikes, seldom represent the migrant workers at grassroots level (Interview 8, February 24, 2016). However, they are able to make changes by strategies such as demanding welfare services from the state through tripartite consultations within the Delhi BOCWWB (Interview 4, February 8, 2016). This confirms Agarwala, Harriss-White and Ferus-Comelo's arguments that the migrants' representatives usually go to the state to demand their rights. Nair (2014, p. 33-34) argues that this can be viewed as a new strategy of demand from the migrants by independent unions, which is a positive outcome of such labour unrest. On the other side, another example which shows the contradiction migrants are experiencing is exemplified by a recent article in the *Hindu* where H. S. Sidhu, a trade union general secretary, points to a larger pattern:

On the one hand, workers anywhere who try to organise a union are immediately terminated — with the state looking the other way. And on the other, there is this constant chorus of voices singing the declining relevance of unions. Can you see what is happening?

(Sampath, 2015).

As a result, even though the increased mobilization of migrants is witnessed, it depends how successful such strategies are.

In a rough labour market such as in India, where several obstacles in terms of demanding rights and benefits at the shop floor are observed, the majority of the migrants and their representatives approach the state rather than taking the risk of losing their job. Unions try to organize migrant workers from below by the integrative mode. However, because they are often tied into personalistic relations to their contractor, locked inside construction sites and experiences a lack of awareness concerning unionization, the workers are only to a small extent mobilized or organized. As a result, the outcomes regarding migrants democratic self-organizing are likely to happen through a top down mode of incorporation, which suggests a lack of institutionalized

substantive popular representation (Stokke, 2013, p. 38). In sum, it seems like a top down mode of incorporation compared to a bottom-up integration of the migrants into politics occurs in Delhi. This suggest a failure to institutionalize substantive popular representation both from the politicians and from the movements (Stokke, 2013, p. 38). Consequently, the migrants and their representatives are to a low degree able to come together and organize themselves to promote their citizenship and labour rights. It seems like the strategy of awareness building is the one that is most likely to have an effect on the workers in addition to being feasible to implement. Overall, this suggest the direction of a lack of effective citizenship for the migrants in Delhi because their ability of mobility into autonomous associations seems to be weak. Additionally, patronage politics is the most common strategy for politicians to approach the workers and can according to Heller (2013, p. 46-48), be stated as a challenge for obtaining effective citizenship. “At the end of the day, it is only the workers themselves who should know what is best for them and how to get it” (Interview 6, February 22, 2016). For this reason, efforts towards an increase in awareness building should continue to happen.

4.3.3 Is there a reason to rethink popular representation?

The possibility of migrant workers and their representatives to mobilize and organize themselves appears rather challenging after the findings revealed in Dimension 3. As previously mentioned within section 4.3.2.2 the upcoming debate partly overlaps with some sections of the previous discussion about strategies used by labour- unions and organizations in terms of interacting with the state. These strategies are interlinked with participation patterns among migrants and their representatives, which are discussed in this section. Additionally, politicians’ strategies used to mobilize the migrants are interlinked with the degree of democratic representation experienced by the workers. This is related to axis 2 of Heller’s approach. As already discussed in Dimension 3, the debate concerning where and how the migrant workers actually interact with the state continues underneath this dimension concerning ‘participation and representation’. The question concerning *through which channels the migrant workers (and their representatives) try to influence the system of public governance, and whether they are properly represented within these channels*, is an operationalization of Dimension 4, and will be used to systematically measure two of the indicators on the dependent variable. These includes democratic political representation in addition to right-based participation. The question concerning whether labour laws and welfare schemes are adequately implemented was elaborated on within Dimension 1 and Dimension 2 and is continuing here in terms of

measuring whether the migrants are experiencing substantive representation through the different channels of representation. This discussion is related to the degree of representativeness of the input (policymaking) - , and the output (implementation) in contemporary India and Delhi. The debate within this dimension is structured as follows. Firstly, by a discussion regarding which channels the migrants are participating and being represented within. Secondly, by a discussion concerning the extent to which the migrants are experiencing substantive representation through these channels. Whether there is a need to rethink popular representation of the migrants in India and in Delhi, remains to be discussed.

4.3.3.1 Channels of participation and representation

To be able to answer the first part of the question concerning which channels the migrants and their representatives are participating in, it is significant to focus on which one of the channels that are most crucial for the migrants. It is worth noting that the three channels often overlap (Törnquist, 2009, p. 14). Since participation is a key part of effective citizenship, and because participation and representation are closely interlinked, this section will partly address the problems with representation. Section 4.3.3.2 continues with this debate. Since labour migration is largely controlled through a chain of intermediaries (Srivastava & Sutradhar, forthcoming, 2016), direct participation is constrained for the migrants except from in their political life in their home villages. As this thesis revolves around their participation and representation in Delhi, the chain of popular representation will be the trend that addresses problems with representation. The direct democracy approach is mentioned briefly (Törnquist, 2013).

Participation and representation within civil society consists of activities such as self-management including the presence of professional NGOs, associational life for instance citizen's neighbourhood groups or public discourse in terms of media based on civil human rights. In addition to activities in trade unions (Törnquist, 2009, p. 14). As mentioned in the introduction civil society organizations have provided a more prominent response to issues facing the migrants, compared to the government. In contemporary India, there are several NGOs, research institutes and migration networks working for the welfare of the migrants. Some of them are Aajeevika Bureau, Centre for Policy Research, Institute of Economic Growth, Jawaharlal Nehru University, Nirmana in addition to SHRAM (Strengthen and Harmonize Research and Action on Migration) (UNESCO, 2013, p. 75-80). However, in Delhi there are

only a few construction migrant workers that are actually able to get access to civil society organizations (Interview 8, February 24, 2016; Srivastava & Sutradhar, forthcoming, 2016). This reflects the findings from Dimension 3 concerning the challenges of migrant mobilization and organization. The main reason for lack of representation by NGOs the worker's absence of contact with the rest of the city of Delhi (Srivastava & Sutradhar, forthcoming, 2016). The SLD is one NGO that represents the migrant workers within the metropolis. They are as mentioned, working at grassroots level with awareness raising on labour rights. SLD attempts to represent the migrants through what Pitkin conceptualizes as substantive representation (SLD, 2015, p. 10). However, the participation rate among migrants is low due to the challenges of organizing them. Participation requires active participation, but migrants in Delhi's more aptly be described as passive (Mohan, 2007; Dupont et al., 2014). The SLD believes that effective grassroots democracy and the integration of migrants into the society at point of destination is necessary in terms of creating increased responsibility among the politicians in Delhi, in addition to a feeling of inclusion among the migrants (SLD, 2015, p. 25).

NGOs are portrayed as important development actors in India today (Rajasekhar, 2002, p. 184). However, in Delhi the civil society organizations only reach out to a small section of the construction workers (Interview 3, February 3, 2016; Interview 5, February 10, 2016; Interview 8, February 24, 2016) and are not able to establish what Pitkin defines as authority as representatives'. Additionally, associational life in citizen's neighbourhood groups seems to be dominated by the middle-class, such as the RWAs referred to within Dimension 2. This suggest that the migrants are passive participants (Mohan; Dupont et al) because they are not properly included in city planning such as the Bhagidari Scheme. Harriss (2005, p. 1042; 2009, p. 169-172) confirms this argument based on his study among slum dwellers in Delhi, who continue to participate through political parties as opposed to NGOs and associations in civil society. NGOs may provide the workers with practical help such as identity documentation, but they are not able to develop the workers into a working class and mobilize them against the state. Such a movement, in terms of an integrative horizontal inclusion of the migrants into politics needs to happen (Mouzelis, 1998, p. 63-64). An inclusion centred from below, within the workers themselves. Such prospects are rather diminished because the majority of the workers lack an awareness of their rights as individual citizens (Interview 7, February 23, 2016). Consequently, the degree of direct participation is reduced for the migrant workers (Törnquist, 2009). Another reason is that there are observed that employers use backing from the state and the police to prevent organization and participation in trade unions and civil society movements.

Nevertheless, as mentioned within Dimension 3, more permanently based migrants in Delhi are more likely to be organized compared to the seasonal migrants. Additionally, the ILO together with Agarwala (2013) are positive towards unionization in India and suggests that it is increasing (Interview 1, February 1, 2016). In terms of participating in the public discourse, the local media has shown an absence in reporting on the condition for the construction workers (Srivastava & Sutradhar, forthcoming, 2016), as already shown within Dimension 2.

Since only small amounts of the migrants are able to participate and be represented within the institutions of civil society, this confirms Chatterjee's (2001, p. 172) argument about the majority of the people are excluded from the legal-bureaucratic apparatus. Therefore, it could be understandable if electoral participation are more attractive for the workers.

Participation and representation within the political society consist of activities within movements and organizations established on behalf of interests beyond citizens' rights, in addition to representation via political parties (Törnquist, 2009, p. 14). According to the ILO the formation of unions are more important compared to the formation of loose civil society networks. New unions are established and the importance of having a strong collective voice is realized. The increase in unionization is a result of the new unions reaching out to the informal workers. The extent to which they are representative is another question (Interview 1, February 1, 2016). It is argued that many of them do not consist of grassroots representatives, and that the unions play a conformist role rather than a productive role (Interview 8, February 24, 2016; Interview 6, February 22, 2016), which reflect Pitkin's symbolic representation. The Delhi-based labour union organization DSS are as mentioned working at grassroots level with the promotion of the rights of the construction workers, and are therefore characterized as symbolically representative. However, challenges are faced regarding organization of the construction workers in Delhi (Interview 4, February 8, 2016). This is in line with Picherit's (2012) study that shows how employers prevent migrants from taking part in civil society movements and trade unions. Therefore, to cast their vote could be a better alternative, which confirm Agarwala's argument about the informal workers using the state to demand their rights rather than their employer.

The twelve major trade unions in India are characterized as being political in terms of having relations to specific political parties. Most of these unions only have members that are permanent workers compared to contractual workers (Interview 6, February 22, 2016). Harriss' (2005, p. 1044) study among slum dwellers in Delhi similarly argues that permanent workers

are more active problem solvers compared to casual workers. This can affect the degree of possibility for migrants' right-based participation. Furthermore, because participation according to Chandhoke requires a representative, the ability for the migrants to participate within the Indian democracy is challenged because they lack substantial representatives.

According to Chatterjee (2004, p. 76) India is the only major democracy where electoral participation has actually increased in recent years. Owing to governmentality the poor, minorities and disadvantaged population groups have been able to expand their electoral participation. Additionally, Harriss (2005) and Joshi, Pradhan and Sidhwani (2016) argue that the ability to participate in elections are important for the urban poor. Wilkinson (2014, p. 275) claims that the poor are the ones benefiting the most from patronage politics and therefore are most likely to vote. Among migrants in Delhi a lack of awareness of their democratic rights is more prevalent compared to a lack of knowledge about voting (Interview 6, February 22, 2016; Conversation 3, December, 2015). Harriss (2009, p. 164-165) has carried research among slum dwellers in Delhi and argues that the political parties are often mobilizing slum dwellers through local Pradhans. Additionally, these slum dwellers mainly participate through political parties, compared to associations and NGOs in civil society (Harriss, 2005). However, in the long run it seems like the workers within the construction sector approach their contractor and employer instead of the government (Srivastava & Sutradhar, forthcoming, 2016). Additionally, many migrants are approaching their local Pradhans either at the labour chowk or within their settlement. The Pradhan are often linked to political parties (Interview 3, February 3, 2016; Interview 4, February 8, 2016). The contractor can also work as a patron providing the workers with services. Since the migrants are seldom registered on the enrolment list in Delhi are they hold little value as a vote bank to the political parties (Interview 6, February 22, 2016; Interview 7, February 23, 2016). Agarwala (2013, p. 199) argues that the degree to which the informal workers are able to demand welfare benefits from the state depends on whether the political parties within that particular state are reliant upon them as a vote bank to be able to win the election. However, since a decrease in electoral participation among the middle class is witnessed and because the use of the Court and private public service facilities are increasing; it could be expected that the poor, including the migrant workers, could become a more important vote bank in the near future (Corbridge et al., 2013, p. 167).

Bhagat (2014, p. 26) argues that there is a difference in becoming a member of the urban citizenship between those who are temporary, seasonal migrants with low education and skills, compared those who are more permanent migrants with higher skills and education. This is reflected in terms of their voting behaviour. The more permanent a migrant is, the more likely they will be registered as voters in Delhi and participate during the city's elections. The more seasonal migrants rarely hold the opportunity to travel back home to cast their vote (Interview 3, February 3, 2016; Interview 5, February 10, 2016; Interview 8, February 24, 2016). Most of them do not vote, because they are unwilling to forfeit a day's salary. Additionally they feel intimidated by low-level local officials when attempting to register as voters (Interview 6, February 22, 2016). This reflects the situation for many of the migrants workers and has been described by Founder and Trustee Dr. J. Chhokar as follows: "being a registered voter, by definition implies stability, whereas migration or being a migrant is synonymous with mobility. There is a dichotomy between stability for voting and mobility for livelihood and the choice between voting and livelihood is obvious" (UNESCO, 2013, p. 17). A prominent research programme located in Delhi called Lokniti, are together with the Election Commission trying to develop a system where the many migrants living outside their home villages, can send their ballots during elections²⁷. A postal ballot system should be available for the migrants on an equal basis as for government employees. Despite the government's willingness to implement such a system, logistical challenges hinder the process (Conversation 2, February 12, 2016; Lokniti, 2016; Chakrabarty, 2014). Time will show whether such a system is possible to implement in the near future.

It is observed that the links between the civil and political society are diminished (Chandhoke, 2009, p. 34). The institutions within the civil society represent the middle-classes' interests rather than those of participatory migrants. Therefore, a continuation of clientelistic politics due to lack of representation through the channel of civil- and political society is witnessed. Additionally, constraints on state resources in terms of how much the city can accommodate is a reason to use informal channels of representation and provision of services (Interview 1, February 1, 2016). Participation and representation within the informal society consist of contacts with informal leaders or groups based on patronage politics and good contacts, in addition to relations to democratic institutions (Törnquist, 2009, p. 14). As Mohan (2007, p.

²⁷ Those who are able to benefit from postal ballots are service personnel, people under preventive detention, migrants from Jammu and Kashmir in addition to Bru and Reang tribal migrants from Mizoram and Tripura, and other government officials (Ministry of Law and Justice, Part III, *Postal ballot*, 1961).

780-781) and Dupont et al. (2014, p. 39) argue, an active citizen that is participating is necessary to put an end to clientelistic practices. The reason behind the lack of representation and participation is partly because of a low number of union organizations within the construction sector (Srivastava & Sutradhar, forthcoming, 2016). This reflects Appadurai's (2002 cited in Heller, 2012, p. 15) argument about Indian cities having weak forms of self-representation, constrained capacities to self-governance in addition to few openings for direct participation. His study in Mumbai shows that the reason for this is clientelistic ties between the migrants and the state representatives. There is rarely any direct political participation among the migrant workers and the majority participate through a chain of intermediaries (Srivastava & Sutradhar, forthcoming, 2016). In Delhi, political parties are exploiting the contractor or the Pradhan, who in turn give out gifts to the workers. Hence, the workers are used as vote banks (Interview 6, February 22, 2016). Agarwala's argument about the informal workers being an important vote bank is therefore confirmed. The AAP party that rule in Delhi do care about the *common man*. On the other hand, since most of the migrants are registered on the enrolment list in their home state, the AAP rather care focuses on voters that are actually able to cast their vote in Delhi (Interview 6, February 22, 2016). Moreover, as argued by Benit-Gbaffou (2011, p. 453) clientelism is not necessarily anti-democratic, especially not in instances facing significant informality and limited state capacity. Therefore, it is understandable that migrants trust in the contractors and Pradhans both at the labour chowk regarding employment and work related issues, and in the settlements regarding neighbour disputes and the provision of services. This point in the opposite direction of Agarwala, Harriss-White and Ferus-Comelo, who all argue that the workers demand their rights from the state. On the other hand, most of the migrants do have access to the elected representatives at a lower level in their home state, where the migrants are often more visible compared to in the city. Unfortunately, few of them are able to take days off to travel back home during elections (Interview 6, February 22, 2016; Picherit, 2012).

The majority of the migrant workers, including the construction workers in Delhi, are related to a *jamadar* (contractor) from the very onset of their work-experience. A personalistic connection based on trust is the most common description of this relationship. Often the contractor belongs to the same village as the worker. The contractors work as intermediaries between the worker and the employer, and plays a significant role as mediators of employment and working conditions. Such mediation can be characterized as symbolic representation according to Pitkin as the contractors are standing in for the migrants. These intermediaries are becoming instrumental in organizing a harsh labour regime for employees (Lerche et al., 2012,

p. 4-9; Srivastava & Sutradhar, forthcoming, 2016). There are observed positive and negative outcomes of such a recruitment process. Picherit (2012) describes this process as clientelistic, which again can relate to Mouzelis inclusion of lower classes through incorporative-clientelistic mode from above. Such practice are characterized in terms of participation in personalistic patron-client networks (Mouzelis, 1998). Picherit (2012, p. 155) claims that the power of a rural, local leader's clientelistic redistributed profits are strongly stained by development schemes introduced in the 1990s. Many of the poor migrants get wages in advance and are assured employment in the city. However, many contractors exploit the migrants and pay wages whenever it suits them best (Srivastava & Sutradhar, forthcoming, 2016). Nevertheless, because many migrants are participating through mediators, they are at least to some degree represented and able to participate. Albeit through clientelistic relations, but as argued by Benit-Gbaffou (2011, p. 453), clientelism is not necessarily anti-democratic and the poor are often the ones benefiting the most from such practices.

Overall, it seems that the migrants are mainly participating within the channel of political- and informal society, because they struggle to be included in the civil society. Migrants have limited access to democratic political representation in Delhi and are therefore likely to approach their contractor or local Pradhan if they face a problem. The reasons are several: They experience a low ability to cast their vote in the city, in addition to an absence of representation through parties in Delhi since the majority of the workers are not a potential vote bank. Furthermore, their participation can be characterized as passive and a lack of active participation is witnessed due to a continuation of clientelistic politics in India today. The degree of representation for the migrant construction workers seems to fit into Pitkin's conceptualization as symbolic. Therefore, Lerche et al's (2012, p. 7-8) argument that migrants focuses on political struggles at source compared to destination, seems to be confirmed for the migrants in Delhi. Their degree of right- based participation can be stated as diminished because they lack the right to participate in local governance in Delhi, which additionally shows an absence of being democratic. The upcoming section will discuss the degree of implementation of government decision in addition to the degree of proper representation.

4.3.3.2 The degree of substantive representation within these channels

To be able to answer the last part of the question concerning whether the migrants and their representatives are experiencing substantive representation within the different channels, the degree of implementation of relevant labour laws and welfare schemes will be discussed. This discussion is linked to the indicator of right-based citizen participation. Initially, democratic representation was described as accountable and based on political equality in addition to authorization that assumes transparency and responsiveness. Are the migrants in Delhi experiencing such representation?

Fragmented and reduced public resources are partly witnessed due to the effects of neoliberalism and globalization. These processes have been influential on the chain because neo-liberal policies have deteriorated the welfare of the workers and their rights, and made employers less responsible due to the practice of subcontracting. Additionally, this is reflected because of a lack of resources in terms of inspectors visiting the construction sites. Moreover the global competition because of globalization, has increased the demand for flexible labour. To obtain substantive representation through the chain is challenging. Intermediary representative institutions are stated as weakened and there is observed a distrust in the authority of the representatives (Törnquist, 2009). On the other hand, electoral participation is important for the migrants, at least for the migrant that have succeeded in registering as voters in Delhi or been able to travel back to their villages during elections.

Participation is for Heller (Heller, 2009, p. 125 cited in Dupont et al., 2014, p. 39) understood as a means of *deepening democracy* because it can contribute to minimize the gap between formal legal rights and the citizens capability to actually make use of these rights. Decentralization is a way of organizing participation. The 73rd and the 74th amendments were intended to bring public services closer to the people and make the government more responsive. Due to a failure of deliver services, it seems like we are witnessing a reproduction of patronage democracy. India is formally a democracy in terms of having reasonably fair elections. However, being a politician makes it more tempting to use benefits through patronage by using resources of the state to ensure continued support, instead of delivering public goods (Corbridge et al., 2013, p. 161-176). This scenario might explain why politicians approach the local Pradhan to make use of the workers as a vote bank in order to ensure party support. Some of the workers confirmed that local politicians were arranging the trip back to their home village so that they could cast their vote in the Panchayat election without losing out on their pay

(Berenschot, 2014, p. 196-216; Interview 3, February 3, 2016; Interview 5, February 10, 2016). Heller (2013, p. 47-48) argues that patronage politics can be stated as a problem regarding obtaining effective citizenship. However, as shown within Dimension 3 and section 4.3.3.1 clientelistic practice can actually increase a migrant's possibility to interact with local politicians at their point of destination. In other words, it is likely that the politicians will increase their responsiveness and accountability (Benit-Gbaffou, 2011, p. 458). Patron-client relations become stronger if there are scarce material resources or services available, because patrons can provide access to these resources and services against reciprocally (Wetlesen, 2010, p. 168).

Political processes in India are colored by political fixers operating within informal network in terms of getting access to voters. Additionally, voters are in need of such mediators to gain access to state resources. Compared to other societies India largely depends on such political fixers because the state bureaucracy fundamentally are intervened politically (Berenschot, 2014, p. 196-216). There is witnessed a state which becomes less and less prominent regarding delivering labour-regulating standards, rights in the city and redistribution and subsidizing accumulation (Picherit; Harriss-White). Therefore, it may seem unlikely that labour welfare has been at the centre of labour legislation in the country since the 1950s (Agarwala, 2013, p. 46). Despite the numerous amount of labour laws supposed to be applicable for the migrants, these laws are rarely implemented. Reasons to mention are: an absence of willingness to care about the migrants, lack of resources in the Labour Department in addition to a recruitment process happening through mediators, which makes it hard to fulfil the law's requirement of a fixed responsibility by the principal employer. Additionally, laws are complex in terms of restrictions made on labour politics and this makes the process of implementation even harder. Expert commissions and tripartite bodies, such as the National Commission on Enterprises in the Unorganised Sector, have recommended a simplification of the laws (Srivastava & Sutradhar, forthcoming, 2016; Nair, 2014).

As mentioned initially, only a minority of the workers are truly represented by the organizations within the civil and political society. Those organizations supposed to represent the workers properly, are only speaking for the workers without actually representing them. The workers are not members of these organizations, but the organizations are representing the workers in different forums and are representing them in the BOCWWB. This type of representation can be classified as symbolic in terms of Pitkin's conceptualization (Interview 8, February 24,

2016). The DSS has been able to have a representative within the Delhi BOCWWB which represent the construction workers. However, the Welfare Boards in India are rarely of a representative character. The organizations sitting in the Delhi BOCWWB, that are supposed to represent the workers, are seldom grassroots organizations (Interview 8, February 24, 2016). The DSS have at least argued that they are representing the workers (Interview 4, February 8, 2016). Nevertheless, since the DSS and other labour- organizations are experiencing problems with organizing the workers, their representativeness is debatable. The Board is a tripartite consultation body consisting of representatives from the government, employers and employees. Despite potential lack of substantive representation, are the consultations within the Boards are at least able to put some pressure on the government (Government of NCT of Delhi, 2014; Interview 8, February 24, 2016). On the other hand, they sit on a lot of collected Cess', which are supposed to be used on the welfare of the workers, although are not. One reason could be that the government in Delhi are not getting votes from the majority of the migrants within the city. Another reason could be that they are not aware of how to distribute the money and use it in the name of the workers, in addition to weaknesses with bureaucracy (Interview 6, February 22, 2016; Interview 4, February 8, 2016).

It seems like a lack of democratic political representation. The previous government in Delhi, led by the Congress party, did not know how to use the money. The present government led by the Aam Aadmi Party (AAP) is using the money very politically, which is exemplified through the interviews with labour chowk migrants in Delhi who intended to vote for the AAP (Interview 4, February 8, 2016; Interview 5, February 10, 2016). As mentioned earlier has the state government of Delhi started to register workers to the Delhi BOCWWB by visiting the city's many labour chowks. The aim is to include these workers to a greater extent so that they can benefit from welfare schemes amongst other initiatives (Pandit, 2015). To some extent such initiatives be characterized as substantive representation, even though the politicians are doing it with political intentions. Agarwala's argument about the informal workers being a vote bank can partly describe the situation in Delhi. On the other hand, whether the migrants are aware that they are using their power as voters to demand services is another question. The positive outcome of the AAP government in Delhi is that they are accepting most of the demand that the unions are proposing (Interview 4, February 8, 2016). However, there are weaknesses with the design and function of the system. There is a need for a system which is more transparent and accountable, where all the workers are allowed access to the welfare schemes, not just those that are capable of registering themselves at the point of destination. Additionally,

there is a need for a structure on how to implement these rules and a clarification of who is supposed to implement them. The unions are trying to make the Board independent from the Labour Department because the department is overloaded with work. Simultaneously, the government is attempting to increase its control over the Board. The unions have to collaborate with the BJP-government to be able to raise their demands. They try to do it as logically as possible by referring to the BOCWA and section 22 asserting the function of the Board. The fund is a state-fund, which means that the state Board has the right to develop systems, plans, rules, policy and utilize the fund. However, the state government has the right to direct the BOCWWB and has been insistent on doing so (Interview 4, February 8, 2016).

Lack of labour inspections at the construction sites are a weakness with the implementation of the labour laws. These inspectors are supposed to deal with disputes at the sites according to the CLRAA (Suresh, 2010, p. 442). However, lack of proper implementation cannot alone explain the whole truth about the situation. The nature of employment can be identified as equally important because informality makes it challenging to transform the worker into a body autonomous, juridical-claiming citizens. In Delhi bribery on the construction sites where inspectors from the Labour Department has agreed to accept money in return of staying away from specific locations is commonplace (Interview 4, February 8, 2016; Samaddar, 2009, p. 42). There are not just challenges faced regarding the mobilization of the workers. Even the Labour Department itself seems to be working against the labourers. Earlier, the biggest challenge for the unions were to deliver documents with registered workers to the department. Today, they are experiencing that the department rather plays on the side of the employer in terms of handing the names of the registered worker to the employer which again results in eviction of poor workers (Sampath, 2015). One big challenge for the states is the administrative capacity to access grants from 200 plus schemes. India is over-bureaucratized and simultaneously lacks resources in some of the most prominent departments (Corbridge et al., 2013, p. 166). Challenges that national labour ministries and labour inspectorates are facing, includes difficulties in tracking labour conditions for migrant workers, personnel shortage and budget cuts (Locke, 2013, p. 172). The ILO is looking for innovative methods of labour-administration and inspection. There is a need to look at how trade unions can play a bigger role when it comes to labour inspections (Interview 1, February 1, 2016).

Since the Modi government came into force in May 2014, there was a change in labour politics where earlier constitutional labour policy has had to yield to practices where labour has become a critical arena. Last year the Modi government introduced the Labour Code on Industrial Relations Bill, which is meant to increase the flexibility of labour, free labour from regulation and bring on greater advantages for industrial companies. It has not yet become a law, but if it does, the future for the workers seems gloomy and it is likely that we will see strong disagreements between the trade unions and the government (Suresh, 2016, p. 1-2). Perhaps this is the way forward to make the labourers organize themselves. However, the trade unions argue that these reforms will increase the possibility for large companies to fire workers, diminish the effects of union action and reduce the amount of organized sector workers (Kapoor, 2015). For how long is capital supposed to be chosen over labour? With such policies it seems like “the government want workers, but they don’t want workers to change the policy” (Interview 4, February 8, 2016).

Overall, problems with the chain in terms of lack of right-based participation among the migrants in addition to an absence of substantive representation within Delhi are observed. The implementation of laws lack impartiality and the policymaking can be questioned. Therefore, it seems like we have to rethink popular representation. Effective citizenship is unattainable for the migrants in Delhi since their engagement with the state is partly coloured by patronage politics in addition to unavailable and weak institutions. Furthermore, the migrants’ ability to reshape democratic institutions and build collective power seems constrained (Heller, 2013, p. 46-47). Alternative ways of participating are limited for migrants in Delhi. This trend might change if a continuation of civil societies’ work with awareness building continues. The politicians should recognize and appreciate the migrant workers since “every worker helps build the nation and deserves what the nation gives back” (Ministry of Labour and Employment).

4.4 Main findings: *A race to the bottom or Decent Work for all?*

Unfortunately, it appears that Delhi is characterized as a city largely unable to deliver welfare services to the many migrant workers living in the city, despite the rapid economic growth experienced within the city and India in general. The nature of employment in terms of informality, recruitment processes in the construction industry and the mobile nature of the migrant workforce, are all underlying factors which are affecting the workers' possibility to *enhance their rights- based on citizenship and work*. However, migrants' rights and political capacities are in focus in this thesis and the findings from this discussion will help to determine the degree of such enhancement.

Dimension 1 concerning the 'citizenship of rights' has elaborated upon migrants' rights to access the benefits in terms of *applicable rights, labour laws and welfare schemes* that the city of Delhi has to offer. It turns out that the migrants' basic freedom is limited because they lack fundamental citizenship rights, such as civil, political and social rights. The legislative system is a challenge for the migrants, and their work is not legally recognized. Static labour laws and security programmes that lack portability, diminishes the migrants possibility to make use of the institutions of inclusive and equal citizenship and full universal human rights. They face additional challenges when trying to register in the Delhi BOCWWB and therefore fall outside of welfare benefits provided by the Board. Additionally, the migrants lack awareness about their citizenship rights and the likelihood of claiming them is constrained. The very notion of citizenship as inclusive and equal for all can therefore be put into question since the access to rights for the migrants is largely delimited by their social position (Heller, 2013). In sum, migrant construction workers in Delhi have a low degree of right to the city.

Dimension 2 concerning 'political inclusion (versus exclusion)' has elaborated upon the degree of inclusion of migrant's in the city of Delhi in terms of their presence *within influential political terrains*. It turns out that many migrants are characterized as being excluded because they have limited connection with the rest of the city. Many workers experiences being locked inside construction sites, which results in the absence of union- and labour organizations gaining access to the workers in their workplaces and hence their possibility to unionize is limited. The majority of the migrants are facing difficulties in gaining access to identity documentation, which is a key to inclusion in India. As a result, they are excluded from social security programmes, services provided by the Delhi BOCWWB, and the ability to cast their vote during elections in Delhi. The situation is not improved by the politicians' lack of inclusion

of migrants in the governance of affairs. These results influence the migrants' possibilities to make use of the institutions of inclusive and equal citizenship and full universal human rights. The very notion of citizenship as inclusive and equal for all can therefore be put into question because the migrants are excluded and marginalized in the city and in the public sphere (Heller, 2013). In sum, migrant construction workers in Delhi are largely being treated as aliens within the city.

Dimension 3 concerning 'mobilization and organization' has elaborated upon the migrant workers' capacities to mobilize and organize themselves in terms of their *assumptions and strategies* to do so. It turns out that the heterogeneous nature of the migrant workers, perhaps is their biggest challenge regarding the prospect of being an organized workforce. Their lack of awareness about the benefits by joining unions and organizations in addition to their fear of losing their job if they contradict their employer, confirms the hypothesis based on Breman's arguments. A low penetration of trade unions because of challenges regarding access to workers at the workplaces deteriorate the situation. The ILO, unions and organizations' work related to awareness building is the most influential strategy to mobilize and organize the workers and is most feasible to implement. These results influence the migrants' possibility to make use of the institutions of citizens democratic self-organizing, and it appears that the migrants' degree of being mobilized in autonomous associations is weak (Heller, 2013). In sum, a top down incorporation of migrant construction workers into politics is witnessed in Delhi.

Dimension 4 concerning 'participation and representation' has elaborated upon the migrants' ways of participating politically, and their degree of being properly represented in terms of *which channels they use to obtain such representation*. It turns out that the migrants mainly are participating within the channel of political- and informal society, and are struggling with being included in the civil society. There is witnessed a lack of civil society organizations impact on the decision makers and ability to represent the migrants. Migrants experience a low ability to cast their vote in the city, in addition to an absence of representation through parties in Delhi. As a result, the majority of the workers are not a potential vote bank as the informal workers in Agarwala's study are. Their engagement with the state is partly coloured by patronage politics in addition to unavailable and weak institutions. Furthermore, the migrants' ability to reshape democratic institutions and build collective power seems constrained (Heller, 2013). Poor implementation of labour laws makes it more appealing for the migrant's to gain access to welfare service through clientelistic ties which however, not necessarily are anti-democratic.

Furthermore, these results influence the migrant's possibility to make use of the institutions of right-based participation and democratic political representation. In sum, migrant construction workers have limited access to substantive representation in Delhi and are likely to approach their contractor or local Pradhan if they face a problem.

These inferences can to some extent be stated as uncertain since there are differences between seasonal and more permanently based workers. This point is mentioned throughout the debate and is important to highlight. The more permanently living migrants in Delhi have better prospects for casting their vote during elections in the city and are more likely to organize and benefit from welfare services provided by the Delhi BOCWWB. Seasonal migrants are more likely to lack bargaining power, an ability to vote during elections in the city and the absence of unionization is common. The hypothesis based on Agarwala's arguments are more durable for the more permanently based workers, while Breman's arguments are more durable for the seasonal migrants. As mentioned initially, Agarwala's study is based on informal organized workers while Breman's research concentrates on migrant workers. Therefore, it might not be surprising that the hypothesis based on his assumptions is the one that is most descriptive for the contradiction experienced among migrant construction workers in contemporary Delhi.

Whether turmoil will suddenly hit depends much upon the employers and the present government's willingness to let the unions operate freely (Sampath, 2015). The ILO's Decent Work Agenda intends to guarantee rights at work, extending social protection, promote jobs and social dialogue. However, as this debate has shown, the challenges faced by the migrants are many and it seems like the situation is heading towards a race to the bottom. A race where the government are pulled between firstly, the ILO and unions which highlight that labour laws need to be strengthened and secondly, the global market which highlights that the laws are too severe (Deshingkar & Akter, 2009, p. 78). Positive outcomes such as the government's willingness to work for a system where the migrants are more able to cast their vote, in addition to migrants' increased standard of living in their home villages, are at least steps in the right direction. However, their possibility to enhance their rights- based on citizenship and work seems less likely to happen in the near future unless we see a change. This change includes increased ability for migrants to mobilize themselves politically through promotions of universal welfare programmes on the ground, in addition to initiatives which work for equal employment opportunities (Lerche et al., 2012). By now, the country's economic growth is at least not inclusive towards the migrants. For India to be able to sustain its economic growth,

the labour force needs to be upgraded (Corbridge et al., 2013, p. 44). The following suggestions are therefore recommended.

Solidarity and increased protection of migrants are not jobs for the bureaucracy alone. There is a need to change the mindset of the politicians and for them to realize the benefits that derive from this group of people. Their inclusion in welfare schemes needs to be communicated in terms of rights (Rogaly et al., 2001). The debate on legislation for the welfare of migrant workers need to be revisited (SLD, 2014). They should be mainstreamed into the national development policy and regional and urban planning, such as in the Master Plan and the Twelfth Five Year Plan, and be ensured the ability to participate democratically (UNESCO, 2013, p. 65). A mixture of traditional union demands and campaigns about social security and associations are the way forward (Samaddar, 2009, p. 39-40). Additionally, labour laws and security programmes should become transferable and less static. To make the implementation process of the Welfare Boards more inclusive the Board should make it possible for the migrants themselves to register, without the confirmation of an employer or contractor. The Labour Department of the particular destination state can verify the registration (NACSOM, 2010). As a solution to make it possible to regulate employment, it could be compulsory for the employer to register their workers within the BOCWA (Harriss, 2010, p. 7-8). Innovative methods of labour administration and labour inspection are needed to increase the number of inspectors and simplify access to the workers (Interview 1, February 1, 2016).

These findings can hopefully contribute to fulfil parts of the research gaps on internal migrant workers in India. Additionally, if similar research shall be done on migrant workers in other large cities in the Global South, this study might contribute to highlight and predict some of the outcomes.

5.0 Concluding remarks

This research project was generated by the contradiction concerning the government's lack of giving reciprocally to the migrants despite the workers' great contribution to India's economic growth. In light of the contradiction, this thesis has analysed migrant construction workers possibilities to use the existing institutions of democracy in India (including in Delhi), to expand their rights- based on citizenship and work.

Based on the findings in section 4.4., a lack of effective citizenship can be confirmed as a problem facing the migrant construction workers in Delhi as their engagement with the state is partly coloured by patronage politics in addition to unavailable and weak institutions. Furthermore, the migrants' ability to reshape democratic institutions, gaining access to rights and to build collective power seems limited due to their social position (Heller, 2013). Heller's argument serves as an explanation for the contradiction and affects moreover the migrant's rights and political capacities.

I began the study by asking *what opportunities in terms of making use of labour laws, welfare schemes and rights- based on citizenship and work, are available for migrant workers in the world's largest democracy*. Despite India's extensive legal structure for labour protection and welfare, the majority of the workers including the migrants, are left outside the protection of these rules and regulations. Migrant workers *right to the city* in terms of access to the benefits that Delhi has to offer seem constrained. Citizenship is intended to be inclusive and universal for all and legal recognition should be the minimum requirement. However, the legal system is a challenge for the migrants and a lack of legal recognition of their work is observed. Based on the empirical findings (from Dimension 1 and 2), their opportunities to use relevant labour laws, benefit from services provided by the Delhi BOCWWB and access fundamental rights, are limited. In light of the nature of employment coloured by informality and subcontracting, I asked the question regarding *whos responsible for the workers*. Based on the empirical findings (from Dimension 2 and 3), the employer keeps the employees unprotected and unrecognized in addition to locking workers inside construction sites without any contact with the rest of the city. Not even the civil society organizations are able to get access to the workers and hold responsible for them. So, *how democratic is this form of governance for a group of workers such as migrants?*

Based on the empirical findings (from Dimension 4), problems with the chain in terms of lack of right-based participation among the migrants in addition to an absence of substantive representation within Delhi are observed. Migrants' experience a low ability to cast their vote in the city, in addition to an absence of representation through parties in Delhi. Therefore, there is a reason to rethink popular representation. Whether a continuation of participation and representation through patronage politics or on the contrary, an increase in direct participation is colouring the interplay between the state and the migrants in the future, remains to be seen.

The migrant workers *can to a small extent use the existing institutions of democracy to enhance their rights- based on citizenship and work*, and this serves as the overall conclusion of this thesis. This is explained through the empirical findings from chapter 4.0. The indicators designed to measure the dependent variable: *the migrant workers possibilities to make use of the existing institutions of democracy to expand their rights – based on citizenship and work*, have shown the following results. The meaning and efficiency of the institutions of a) equal and inclusive citizenship and b) full universal human rights (including basic needs) has shown that the very notion of citizenship can be put into question because the access to rights is for the migrants largely limited by their social position, in addition to an unawareness of their rights. The meaning and efficiency of the institutions of c) democratic political representation through parties and elections and d) right-based citizen participation in public governance has shown that migrants have limited access to democratic political representation in Delhi because they experience a low ability to cast their vote in the city. Therefore, they are not an interesting vote bank for the politicians, and are likely to approach their contractor or local Pradhan if they face a problem. The meaning and efficiency of the institutions of e) democratic self-organizing has shown that challenges regarding mobilizing and organizing migrant workers are observed. The most influential strategy used by unions and organizations is awareness building.

Although the future prospects for the migrant workers seems bleak (with the exception of more permanently based workers), positive outcomes such as civil society organizations work with awareness building among the migrants, and union's efforts to organize the construction workers and use democratic politics to influence the state, are witnessed. However, for India to achieve *strong inclusive growth* and to end this contradiction, their informal labour force including the migrants need to be upgraded. Democracy in India seems to be stable but constrained at least for the migrant construction workers in contemporary Delhi.

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	Informant	Profession
Interview 1	ILO representative	Manager for the project: <i>“Reducing Vulnerability to Bondage in India through Promotion of Decent Work”</i> + National Project Coordinator for the project: <i>“Work in Freedom”</i>
Interview 2	Civil society representative	Employee in a civil society organization called Society for Labour and Development (SLD)
Interview 3	Construction migrant workers	Several construction workers on a construction site in Delhi
Interview 4	Federation of unorganized sector workers unions representative	Secretary General for Delhi Shramik Sangathan (DSS) and member of the Delhi BOCWWB
Interview 5	Construction migrant workers	Several construction workers at a labour chowk in Delhi
Interview 6	Civil society representative	Representative for an organization called Safe in India
Interview 7	Professor (anonymous)	Associate Professor at the Centre for Political School of Social Science, Jawaharlal Nehru University (JNU)
Interview 8	Professor Ravi Srivastava	Professor at the Centre for the Study of Regional Development School of Social Science, JNU

Informant overview

Conversation 1	Informants met through a Conference in Delhi called “Redefining Labour Roles in a Globalizing India”.
Conversation 2	Lokniti representative and leader of the Centre for the study of developing societies (CSDS)
Conversation 3	NGO representative from Aajeevika Bureau

Informal conversations

Appendix 1

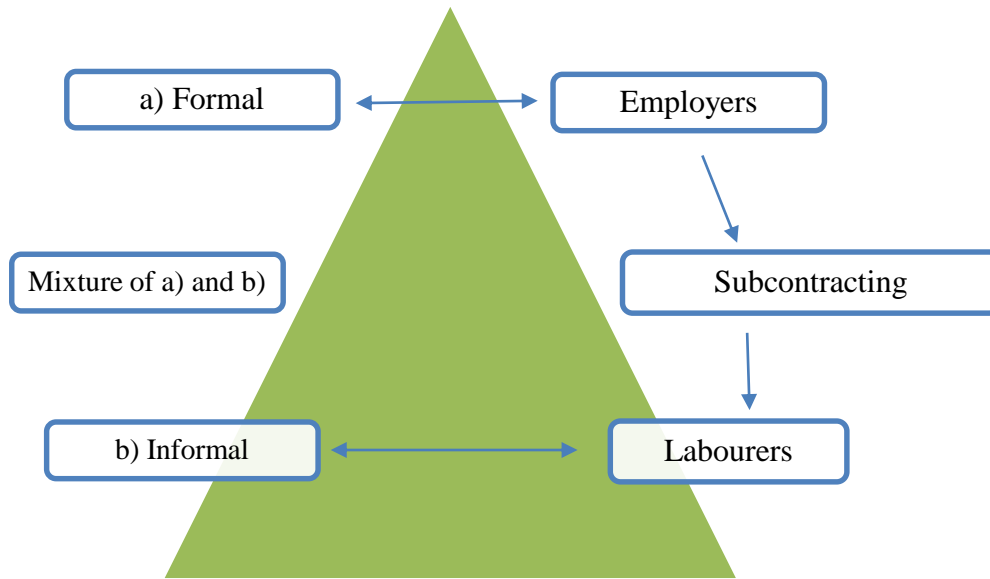


Figure 1

Source: Conference in Delhi, “Redefining Labour Roles in a Globalizing India”.

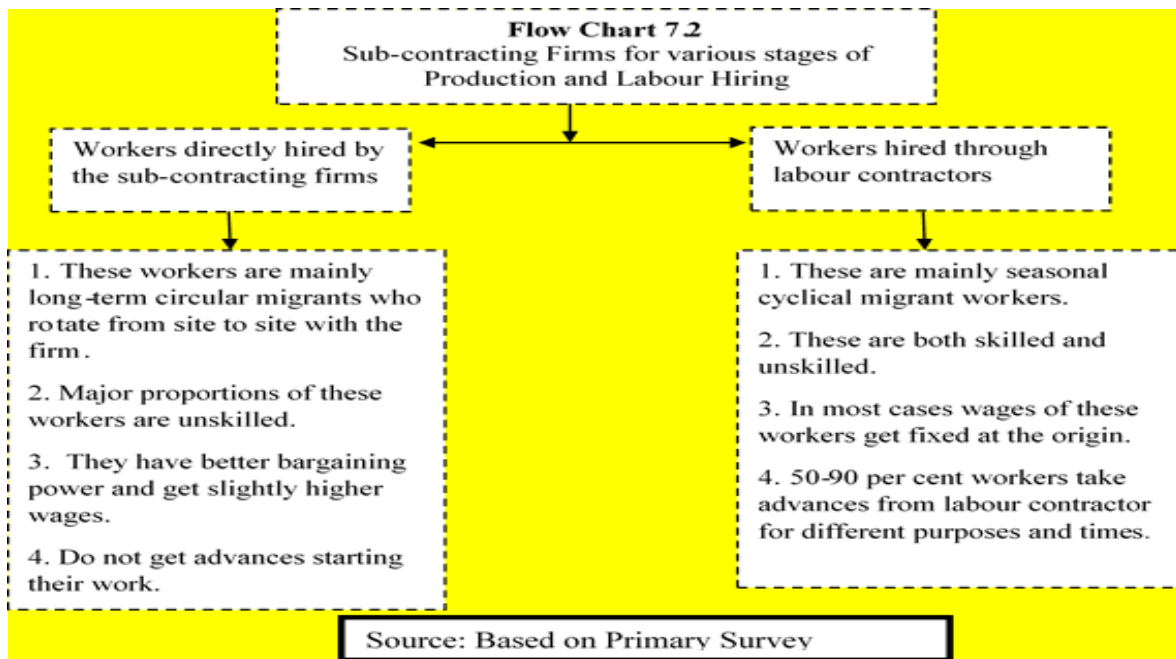


Figure 2

The construction employment system. Source: Srivastava & Jha, 2015, p. 21.

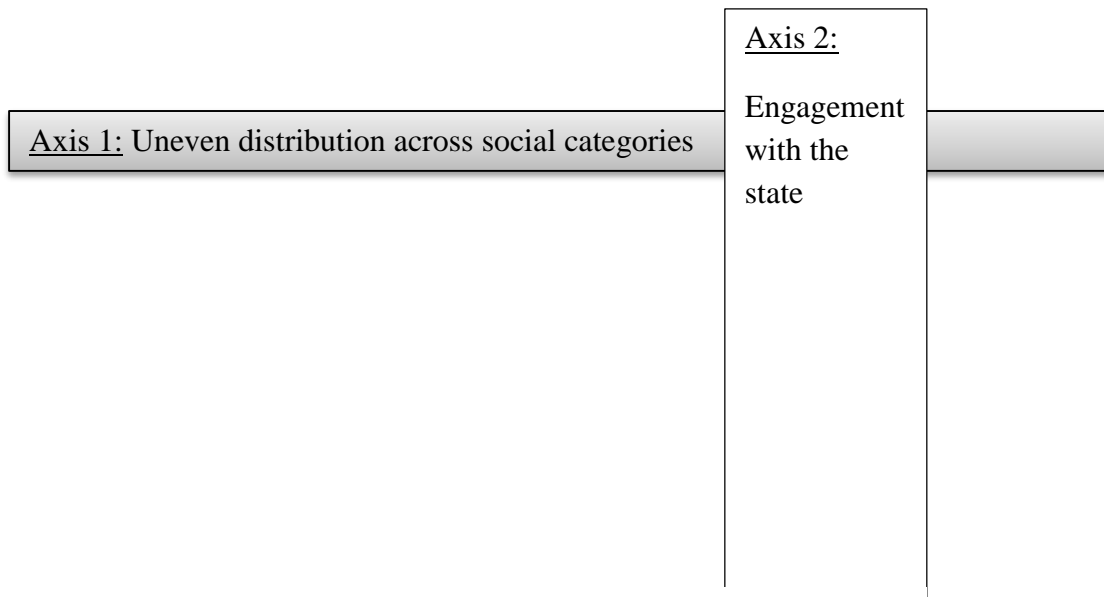


Figure 3

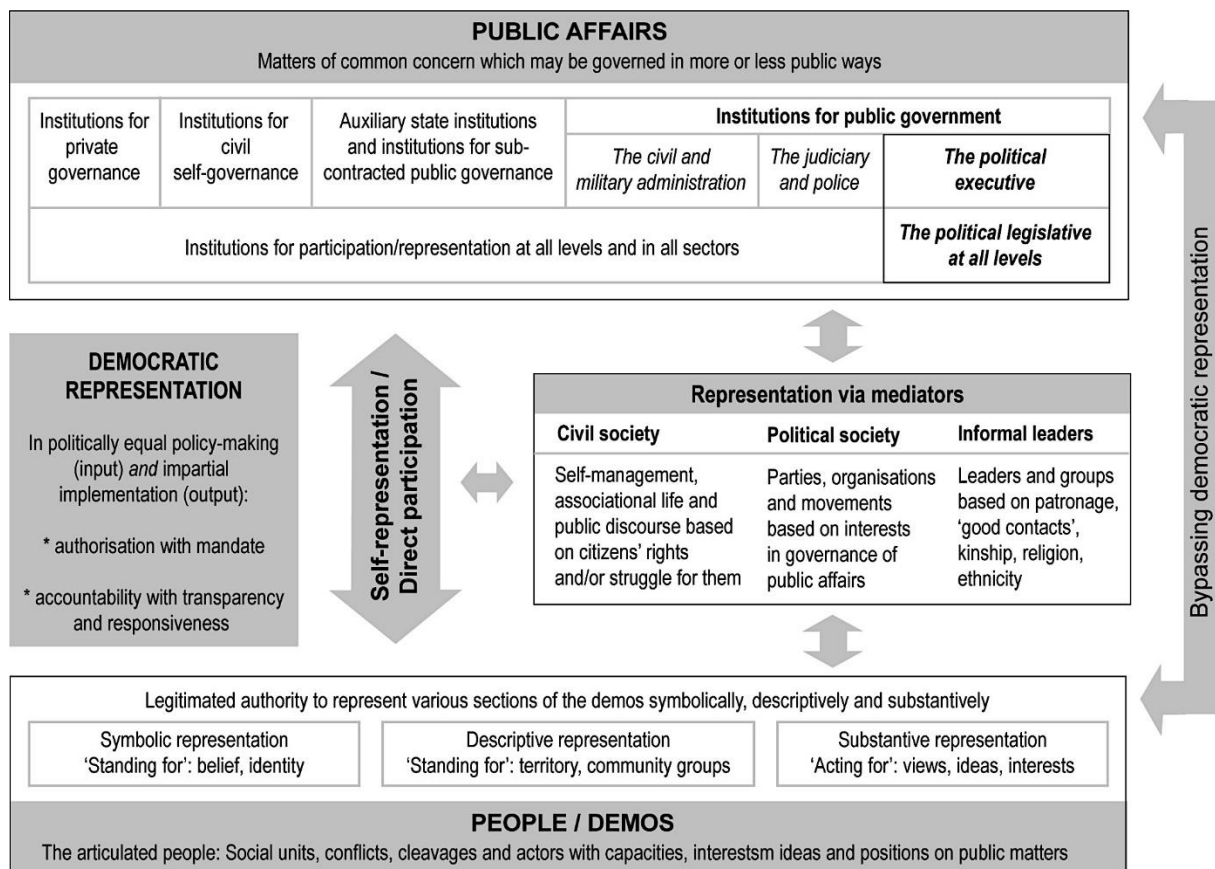


Figure 4

An integrated framework for the study of democratic popular representation. Source: Törnquist, 2013, p. 64.

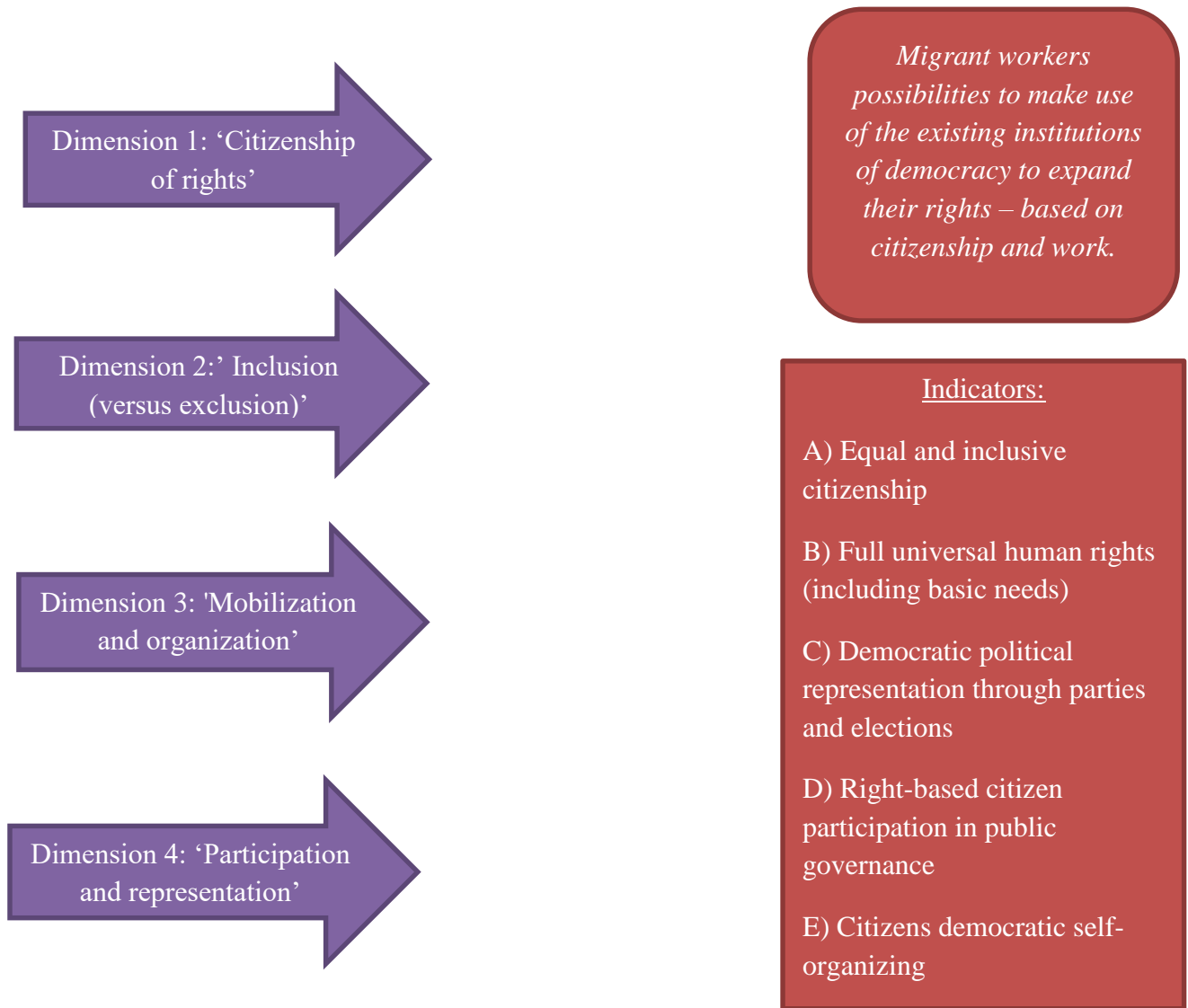


Figure 5

Variable overview

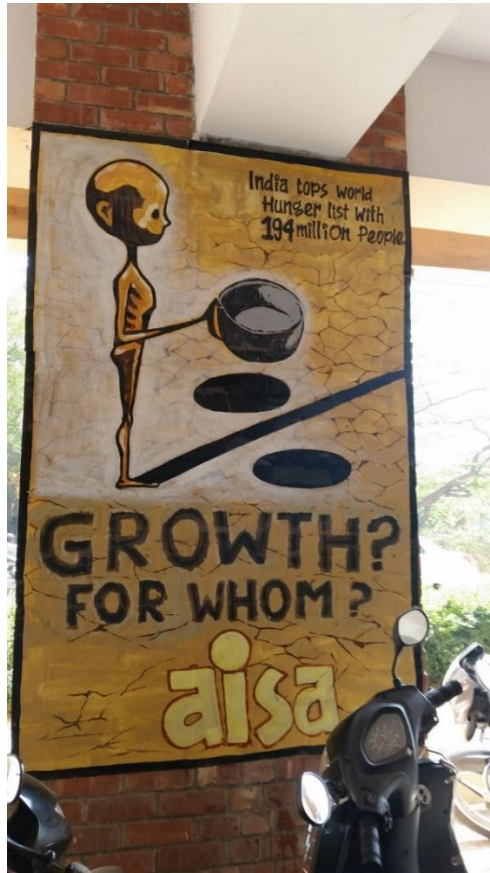


Illustration 1



Illustration 2

Sources: Pictures taken during fieldwork in Delhi.

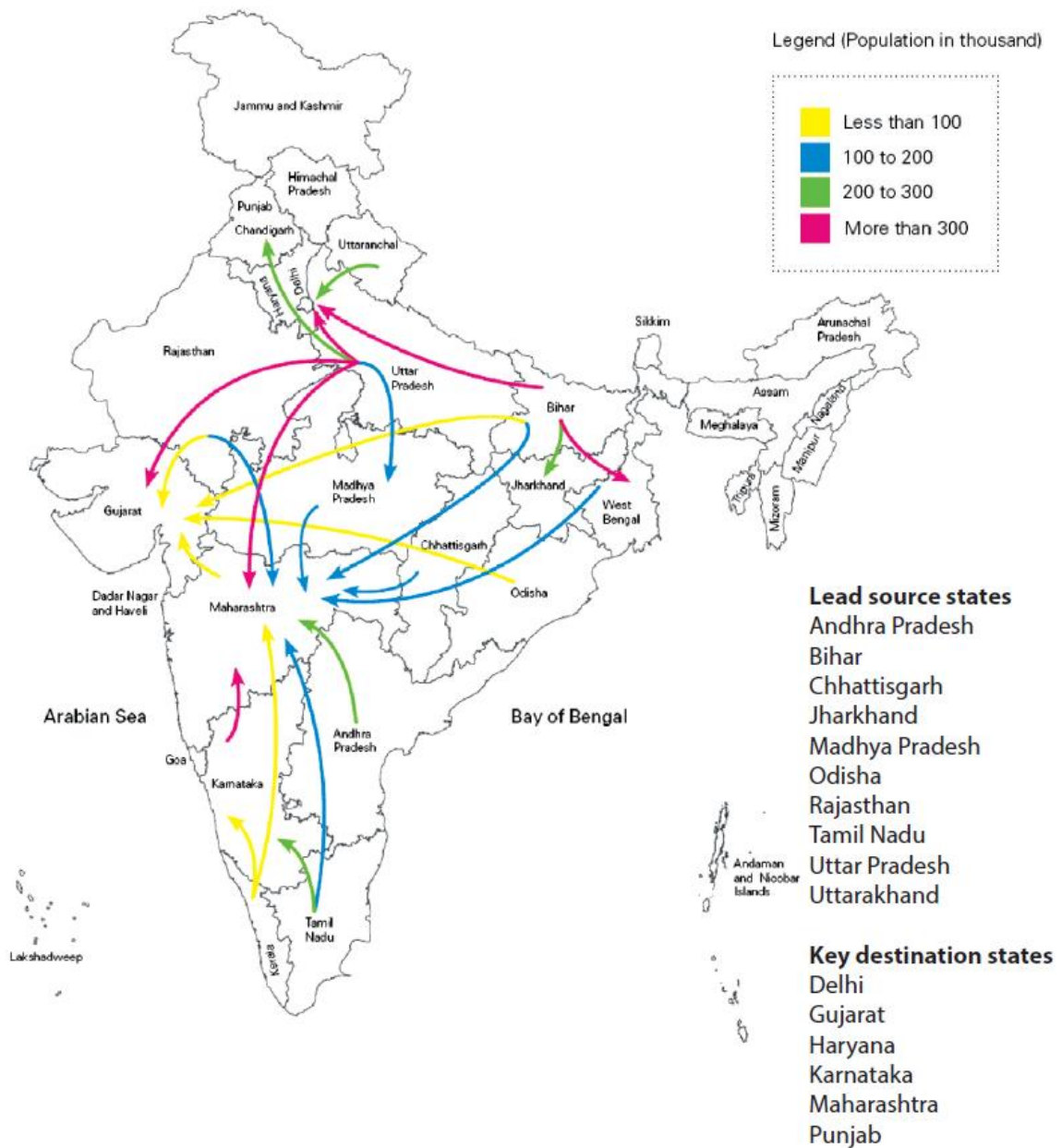


Illustration 3

Major Net Migration Flow in India (duration 0-9 years), 2001. Source: UNESCO, 2013, p. 2.



Illustration 4

Migrant workers at a construction site (from fieldwork in Delhi).



Illustration 5

Migrant workers at a labour chowk (from fieldwork in Delhi).