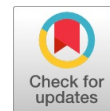


Analysis of Right to Rest & Leisure among Migrant Construction Worker

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Abstract: Throughout his lengthy career, the author has worked with migrant construction workers and has seen firsthand the many issues they encounter, including ongoing Right to Rest and Leisure. Consequently, he was compelled to meticulously investigate their plight after retiring and doing his doctoral studies on the hardships & human rights violations of migrant construction workers. It is believed that a systematic sociological analysis of the situation regarding the Right to Rest and Leisure is necessary to bring it to the consideration of policymakers. The problems faced by migrant construction workers are a concern of social relevance that requires the attention of all concerned for the well-being of workers and the development of society. This article reviews the outcomes of earlier field studies and examines relevant national and international laws and acts through a literature review. He further analysed the Right to Rest and Leisure in earlier studies, drawing on his long personal experience and the outcome of observational research conducted by him in Labour Chowk, Greater Noida, India. Migrated construction workers experience numerous health problems due to improper rest and Leisure, constituting a significant life stressor. These are positively correlated with illnesses, according to several studies. Previous research indicates that human rights abuses, especially those related to the Right to Rest and Leisure, continue despite measures outlined in the Indian Constitution, international treaties, and the country's efforts. At the end of the article, the Author also identified specific suggestions based on the analysis for the wellness advocacy of Migrant Construction Workers.

Keywords: Right to Rest and Leisure, Migrant Construction Workers, Human Rights

I. INTRODUCTION

Human Rights and the Right to Rest and Leisure: Human Rights are inherent rights associated with existence; these are inalienable rights intrinsic to humanity. The fundamental right is the essential right to life, followed by rights to liberty, education, health, food, & labour, which collectively enhance the value of life. These rights are universal because (i) they belong to everyone and (ii) they constitute the foundation of international human rights legislation. Therefore, everyone possesses an equal entitlement to inalienable human rights. (iv) Human rights are

Inseparably linked.

To one another. This implies that one group of rights is dependent on the other for its full realisation. Everyone has equal rights & dignity from birth. Assuring this equality in the absence of discrimination [1].

Due to the enormous number of people who died in both World Wars, the League of Nations, as well as the United Nations Organisation, were established, marking the beginning of modern human rights movements globally. The 1948 UDHR (Universal Declaration of Human Rights) was then formed to promote, prevent, and protect violations of human rights [2]. These Universal Human Rights are recognized and upheld through almost all national constitutions. Article 24 of the UDHR declares, 'everyone has the right to rest, leisure, including reasonable limitation of working hours and periodic holidays with pay'. The Indian Constitution of 1950 [3], as a signatory to the UDHR, embodies the values of human rights.

The Indian Constitution and the UDHR have provisions to safeguard fundamental rights, such as the right to rest and Leisure, alongside advantageous working conditions, for marginalised sections of society, including migrant construction workers. According to Article 42 of the Constitution, the State is required to offer maternity leave as well as just and humane working conditions. The State will make every effort to ensure that all workers, whether in the agricultural, industrial, or other sectors, have access to a living wage, working conditions that provide a decent standard of living, and the freedom to enjoy their free time and take advantage of social and cultural opportunities through appropriate legislation, economic organizations, or other means. In Article 43 of the Constitution, this is stated.

The Honourable Supreme Court had broadened the ambit of Article 21's 'right to life and personal liberty' by establishing the right to sound sleep as a fundamental right. A Journal of Proteome Research study found that sleep deprivation leads to a reduction in the levels of protective proteins in the brain, which can result in neuronal death. Insufficient sleep adversely influences mood, significantly damages the health of the brain, and enhances the threat of digestive disorders, along with neuropsychiatric difficulties. The fundamental nature of the right to sleep is elucidated in

Reach is extensive; no one shall be deprived of life or personal liberty except via established laws. One article in the Constitution, specifically Article 21, has undergone multiple interpretations since its inception. Article 21 comprises three elements: personal liberty, life, and procedures established by law. In the landmark case Sayeed Maqsood Ali vs. State of Madhya Pradesh and Ors. (2001), the Honourable High Court determined that "every citizen is entitled under Article 21 of the Constitution to live in a decent

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environment and has the right to sleep peacefully at night". In another landmark case, *Re-Ramlila Maidan Incident Dt ... vs. Home Secretary and Ors.* (2012), Justice Chauhan stated, "sleep is a basic necessity of life, not a luxury." Disruption of sleep throughout irregular times leads to mental disorientation, impairs the health cycle via energy imbalance along with indigestion, as well as adversely impacts health of the cardiovascular system, consequently in harmful metabolic consequences [4].

A. Conceptual Aspects of Rest and Leisure

Even if the term 'rest and leisure' could just be a 'turn of phrase,' it might be meant to allude to two different kinds of leisure activities. Consequently, leisure might refer to the more purposeful activities that are distinct from recovering from work. At the same time, rest may denote a period needed to recuperate mentally as well as physically from work, which includes sleep and relaxation. A minimal duration of rest is essential for the worker's well-being, although leisure time may be indefinite [5].

Historical background of the Right to Rest and Leisure. Around 1974, French leisure sociologist Joffre Dumazedier stated: During the Renaissance, individuals attained the freedom to select their god or ideal without facing the risk of execution by burning. With the advent of a democratic society in the 18th century, individuals gained civil rights, including protection from the arbitrary exercise of political authority (*habeas corpus*). The trade union movement had been a contest against the arbitrary rule of proprietors as well as management. The right to organise is eventually granted to the employee. Over the last four centuries, all these rights have been gained. This conquest has reached an irrevocable stage. In the emerging society, leisure is recognized as a novel social right for individuals, specifically the entitlement to own an expanding portion of free time for personal use [6].

B. Theoretical Thought

Leisure represents a lifestyle that mirrors our fundamental needs and our highest aspirations as human beings. Engaging in more meaningful leisure activities and accepting the right to recreation can shift our focus away from work and material wealth, making them less significant in our lives. According to some experts, leisure and recreation are universal cultural elements present in the behaviours of individuals across all societies. Leisure and recreation are activities that involve voluntary participation in various pursuits.

During the Industrial Revolution, society underwent a structural differentiation, leading to the emergence of distinct institutions to address needs such as education and social welfare that multifunctional groups once fulfilled. Leisure

Has become one of the many activities influenced by this process of structural differentiation. To understand leisure as a social phenomenon, it is essential to examine it within the framework of societal organisation. The social structure shapes the nature and forms of leisure activities. In any given society at a particular moment, the social structure can determine the types of leisure that are permitted or encouraged, as well as delineate who is eligible to participate in them. This is often influenced by social status and gender roles. Moreover, leisure plays a significant role in creating new social structures and norms. History provides numerous examples that demonstrate how leisure influences and

reshapes social structures and the norms that arise from them [6].

George F. Zarotis and Walter Tokarski (2020) in their study, titled "Theoretical and Sociological Aspects of Leisure Time," mentioned that Everything in human life is changing all the time in our culture. One of the most significant shifts in modern living is the relative balance between work and leisure time. The causes are obvious: a shift in conventional societal ideals, growing income, and alienation at work have all made leisure time more critical. However, people remain unable to understand the nature and characteristics of time, despite the numerous social and technological advancements throughout the years. The previous three decades have seen a significant shift in society. Political, environmental, and economic considerations are increasingly impacting the professional, personal, and recreational domains. Historically, industrialization alone shaped leisure time as a social phenomenon that it is today. In the past, employment served as a vehicle for personal growth and provided a sense of purpose for people; however, this tendency has since moved to the domain of leisure.

It became feasible to engage in leisure activities, even on workdays, including Saturdays, at both early and late times of the week, due to decreased and more flexible workweeks. Even at older ages, a person's leisure time increases when their working years are shorter, for example, through early retirement. Although we sometimes assert that we now reside in a leisure-oriented community, this is questionable. In any case, leisure is highly valued in our society. Contrary to what some futurists from the 1950s and 1960s, as well as some present-day experts, stated, citizens' subjective evaluations of leisure time and their investment in it have grown dramatically [8].

C. Migration & Migrant Construction Workers

According to the Occupational Safety, Health, and Working Conditions code (OSH Code 2020) [9], formerly the Inter State Migration Act 1979, a migrant worker is defined as an individual that has been employed in a facility as well as who: (i) was directly employed by employer or else indirectly through a contractor from one state for work in a similar facility situated in a different state or (ii) has moved independently from one State to an institution in another State (referred to as the destination State), where they have obtained work under a contract or other arrangement and paid according to the Central Governments periodic announcements. As stated by the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families [10].

The Term "migrant worker" designates an individual who is about to engage, is currently involved, or has previously worked for compensation in a state in which they are not a citizen. Factors in the origin state that compel individuals to migrate to another state are referred to as Push factors, whilst characteristics in the destination state that entice individuals to relocate there are termed pull factors. There is a notable increase in migration from rural to urban regions of India, as indicated by past trends of urbanisation. These labourers



migrate from rural to urban areas for a variety of push and pull factors, which are brought on by regional differences between Indian states. Low daily wages, a lack of work prospects, water shortages, family issues, and the migration of spouses are the primary driving forces behind migration in these communities. The pull factors in urban areas include elevated income, numerous job opportunities, access to essential facilities such as water, and a good quality of life [11]. According to the 2017 report by the Ministry of Housing and Urban Poverty Alleviation's working committee on migration, there were 454 million migrants in India. There were almost 50 million migrant construction workers out of a total population of 454 million [12].

Press release (PIB (Aug 2022)) states that the Ministry of Labour & Employment's Labour Bureau started conducting a nationwide survey of migrant workers as of 01.04.2021. The survey is in progress [13]. The Government of India launched the e-Shram portal on August 26, 2021, to establish a national database for unorganised labourers, encompassing those in agriculture, construction, as well as various other sectors and services, with the primary aim of providing social security along with additional benefits [14]. The workforce comprises platform workers, gig workers, street sellers, as well as migrants, along with domestic helpers. As of June 6, 2025, there were 308.78 million users registered on the service, including 27.97 million construction employees. For migrant labourers in the construction industry, no specific date is available.

D. Need for the Study

The author spent a considerable amount of his career working with migrant construction workers and witnessed firsthand the numerous issues they encountered, including lengthy workdays and a lack of leisure and rest. Apart from the direct impact mentioned above, They also faced Dissatisfactory living conditions (no proper drinking water, No proper sanitary, etc.) dissatisfactory working conditions at the workplace or job (Excessive hours of work, no adequate safety, no leisure time, Non availability of proper food), financial trouble & anxiety trouble, Fear moving out of their current residence, as well as uncertainty regarding their children's futures and educational opportunities, the occurrence of job loss and subsequent employment opportunities, Nutrition for workers, financial issues, Problems of women, migrated workers, Exploitation of workers & Unacceptability of local people (Social acceptance). A frequently disregarded aspect of migrant experience is leisure. The outcome of various earlier studies also supported his expertise. Consequently, he was compelled to meticulously investigate their plight after retiring and completing his doctoral studies on the hardships and human rights violations faced by migrant construction workers. This article primarily focuses on the Right to Rest and Leisure among migrant construction workers.

II. METHODOLOGY

This article reviews the outcomes of earlier field studies and examines relevant national and international laws and acts through a literature review. He further analysed the Right to Rest and Leisure in earlier studies, drawing on his long personal experience and the outcome of observational

research conducted by him in Labour Chowk, Greater Noida, India.

A. Results

Outcome of Earlier Field studies on issues faced by migrated construction workers in India concerning Right to Rest and Leisure

The research investigation highlights the significant worry that numerous migrant workers have expressed regarding their excessive working hours and the deficiency of leisure time and recreational opportunities. Standardised work schedules and regular breaks are often absent, resulting in migrant workers being compelled to endure extended periods without respite, which adversely affects their health [15].

The primary attraction for this sector is progress over time. No Migrant Construction worker has ever received compensation for a day of relaxation. Over time, the worker's health is harmed, and significant physical and emotional issues arise from not getting sufficient rest on the seventh day of the week [16].

The problem of poor sleep quality among migrant workers has been studied in several studies. In 2014, it was found that poor sleep quality was positively and significantly correlated with the length of time it took to fall asleep and the number of night awakenings, and was negatively associated with the hours slept. It was also reported that sleep quality can be influenced by long hours of work [17].

Study participants also stated that free time to go out for entertainment, relaxing and spending time with friends and families was essential to remain free from mental illness and disease. Long working hours with no time to relax made their lives monotonous and stressful all the time [18].

The lack of sleep is, in turn, related to the distance between workplaces and living spaces, inadequate transportation, and the scarcity of adequate bathroom facilities, as well as the shared nature of living spaces where many workers often sleep in the same room. The notion of feeling fatigued due to a lack of sleep can lead to workplace injuries. The sense of worry and anxiety related to income, debt, and work uncertainties, often voiced by participants, highlights the challenges to the health, safety, and well-being of workers [19].

One study explains the functions of migrants' leisure for individuals. For individuals, leisure signifies Physical health, psychological well-being, and Restoration from employment. Emotions, Identity, reputation, establishing contacts and networks within mainstream culture, among various minority groups, and within one's group. Inclusion, Cognitive/experiential function. Risks arising from unlawful recreational activities [20].

Engaging in outdoor leisure activities can be for various reasons, such as for social, cultural, or sports-related purposes. In the Western world, there is a significant fascination with outdoor activities. Over the past few decades, there has been a noticeable increase in the popularity of outdoor leisure pursuits. This trend reflects a considerable shift in lifestyles and a heightened awareness of the natural environment. Learning about and understanding one's natural surroundings is an essential aspect of engaging in



outdoor activities. The relationship between work and leisure is interconnected, with work being goal-oriented and driven by external demands, while leisure activities are personally chosen, offering individuals a sense of freedom.

Work and leisure are not entirely separate; in fact, they can be closely connected. In the context of work, activities are typically driven by specific goals and demands from external sources. On the other hand, in the case of leisure, individuals have the autonomy to choose their activities. In leisure, individuals can manipulate and control their own experiences, allowing for a sense of freedom not typically found in work.

Leisure activities are absent as they do not have time for leisure. Before going to work, they prepare the food, and after returning from work, they prepare the food again at night. They reported that after doing this much work, they get tired and immediately go to sleep [6].

B. Observational Research conducted at Greater Noida, UP, India on Migrant Construction Workers

The author has conducted observational (Covert and naturalist) research at Labour Chowk, Greater Noida, UP, India, as a preliminary study of the problems faced by migrant workers. Based on observations noticed during the visits (60 days) to Labour Chowk in Greater Noida, the following are brought out in general and for Right to Rest and Leisure in specific. Labour Chowks are informal Labour hubs or hotspots in different cities. Semi-skilled labourers, such as carpenters, construction workers, painters, and helpers, face concerns regarding proper food, the event of job loss along with subsequent employment, worry about evacuating their living place, and uncertainty over their children's future education—nutrition for workers, financial issues, Problems of women migrant workers, Exploitation of workers, etc.

III. DISCUSSION

Land ownership, educational opportunities, and social standing all have a role in determining the degree of inequality in a country like India. A child's prospects of succeeding in life are greatly hampered, and not by her own doing, if she was raised in a rural Adivasi household lacking access to land and restricted educational opportunities. [20]

It was noted that between 1961 and 2020, the share of the country's wealth held by the wealthiest 1% of the population expanded considerably, from a comparatively steady 12% to a staggering 42.5%. The share of wealth owned by the population's lowest 50 per cent fell from 12.3 per cent to 10.9 per cent between 1961 and 1981, then fell quickly until it reached a dismal 2.8 per cent in 2020. He continues by stating that inequality is a problem in India and that it is exacerbated by both a lack of upward mobility and unequal opportunities. Therefore, the advantages of growth are dispersed unevenly. There are several other indices of inequality, and India's performance in each of them is alarming [22].

The above-cited reasons are among the reasons for the emergence of highly vulnerable groups, such as migrant construction workers.

Research indicates that migrant workers in the construction industry often face significant challenges in achieving adequate rest and leisure time. These challenges

can be attributed to the demanding nature of their work, the contractual nature of their employment, and they often face issues such as limited access to healthcare, few educational opportunities, piecemeal wages, and unsafe or unsanitary living and working conditions. The harsh realities can make it extremely difficult for workers to find time for personal activities, recreation, and rest. Migrant Construction workers undergo stressful life events (Stressors) in their lives, including inadequate rest, leisure, and sleep, affecting mental and physical health, as experienced by the Author in his long career [6].

The author believes that research on the Right to Rest and Leisure has not received enough attention from researchers.

Human rights are pertinent to various traditional issues faced by leisure practitioners and scholars, for example, the availability of leisure time, which is today perceived as a challenge to work-life balance in developed economies and as a means of worker exploitation in underdeveloped nations. The degree to which leisure activities are autonomously selected or influenced by market dynamics. The extent to which leisure-related disadvantages, attributable to gender, race, class, or ability status, may be regarded as a violation of human rights. The relevance of globalisation to the production and consumption of leisure items (such as electronics, apparel, and sports equipment) and services (including entertainment). The concept of the right to leisure and its possible significance in the pursuit of status and legitimacy by leisure policymakers and suppliers [5].

IV. CONCLUSION

The right to Rest and Leisure, being necessary for life, is a fundamental freedom safeguarded to all Indians.

Citizens by Article 21 of the Indian Constitution. Migrated construction workers experience numerous health problems due to a lack of proper rest and Leisure, constituting a significant life stressor. These are positively correlated with illnesses, according to several studies. Previous research indicates that human rights abuses, especially those related to the Right to Rest and Leisure, continue despite measures outlined in the Indian Constitution, international treaties, and the country's efforts. It is the responsibility of every relevant party, especially officials, engineers, supervisors who regularly have direct contact with workers, and enforcement officers tasked with implementation, to safeguard the health and rights of migrant construction workers and prevent violations of these rights. Attitudinal change among all parties involved in construction activities, following the implementation of relevant laws and regulations, is essential. The expenditure required for providing infrastructure for rest and Leisure should be incorporated into the bid documents. It is also beneficial to arrange for spiritual activities, such as yoga and meditation, in the morning and evening, to begin with, at the construction sites. It is also helpful to arrange for spiritual activities such as yoga and meditation in the labour colonies. Attitudinal change among all those involved in construction activities with a spiritual perspective is essential.

The opportunity to study leisure and human rights problems is substantial. The disregard for the notion of human rights in leisure studies is highlighted, along with its



significance to several fundamental themes in the discipline, including the work-leisure dichotomy, the individual versus society debate, the concept of gender, globalisation, freedom, and public policy. Additionally, it is argued that recognising the universality of human rights related to leisure could help leisure studies evolve into a more globally integrated field of study. Leisure practitioners have often overlooked human rights within the discipline of leisure studies [5].

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After aggregating input from all authors, I must verify the accuracy of the following information as the article's author.

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AUTHOR'S PROFILE



C. Janarthan is an Engineer, retired from Power Utility (NTPC Limited) at the age of 60. Throughout his career, he worked very closely with Migrant construction workers and was aware of their problems. He wanted to do something for their wellness advocacy and policy modification. This article is one step forward in that direction, finding a solution. He holds a Master's degree in Human Rights and is currently pursuing his PhD in Sociology at Sharda University, Greater Noida, Uttar Pradesh. He has almost completed the data collection for his PhD work (Life Events and Human Rights violations of Migrant Construction Workers in NCR Delhi- A sociological approach).



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