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ADDRESSING OCCUPATIONAL HEALTH AND SAFETY CHALLENGES FOR SANITATION WORKERS IN INDIA: ANALYSIS OF THE LEGAL FRAMEWORK AND THE ROLE OF THE SAFAI KARMACHARI ANDOLAN.

AUTHORED BY - CHANDAN KUMAR¹

Introduction

Sanitation work is one of the most critical yet undervalued professions in India. Sanitation workers, also known as safai karmacharis, perform the critical task of cleaning sewers, streets, and public toilets. Despite the importance of their work, they face numerous challenges, including a lack of proper safety equipment and inadequate legal protection. As a result, sanitation workers are highly vulnerable to injuries, illnesses, and even death.

This article aims to analyse the legal framework governing sanitation work in India and assess the role of the Safai Karmachari Andolan (SKA), a social movement dedicated to the rights and welfare of sanitation workers, in addressing the occupational health and safety challenges faced by sanitation workers in India.

Occupational Health and Safety Challenges for Sanitation Workers

Sanitation workers in India face numerous occupational health and safety challenges². These challenges are primarily due to the nature of their work, which involves handling human waste, garbage, and other hazardous materials without adequate protective gear or safety measures. As a result, sanitation workers are at risk of contracting various diseases and illnesses, including hepatitis, tuberculosis, and other infectious diseases. They are also at risk of physical injuries and accidents, such as falls, cuts, and burns. Despite the significant health risks associated with sanitation work, the

¹ Central University of South Bihar, CUSB1913125042, BALLB (2019-24).

²Fazle Sharior, Mahbub-Ul Alam, et.al. "Occupational health and safety status of waste and sanitation workers: A qualitative exploration during the COVID-19 pandemic across Bangladesh" journal of *POLS WATER* 2(2023).

legal and policy frameworks that govern sanitation work in India have been inadequate in ensuring adequate occupational health and safety protections for sanitation workers. Many sanitation workers are employed in the informal sector and lack formal employment contracts, making it difficult for them to access legal protections and benefits.

Bhasha Singh also tells us about her meeting with Meena in Delhi in his book *UNSEEN- The Truth About India's Manual Scavengers*, a manual scavenger whose entire family was in the same practice. Highlighting the hazardous effects of manual scavenging on women health, Singh details Meena's account of helplessness.

While working as a manual scavenger, Meena was pregnant, and the practice affected her physically and mentally, making her daughter handicapped. Meena told Singh that the doctor had intimated to her that manual scavenging could infect her uterus. However, Meena's family had no other source of earning, and she had no idea how much it could affect her child.³

Legal Framework

The legal framework governing sanitation work in India is primarily guided by the Constitution of India and various labour laws. The Constitution of India provides for the right to work with dignity and ensures the health and safety of workers. The labour laws that regulate the rights of sanitation workers include the Contract Labour (Regulation and Abolition) Act, of 1970, the Minimum Wages Act, of 1948, and the Workmen's Compensation Act, 1923.

The Contract Labour (Regulation and Abolition) Act 1970, regulates the employment of contract labour in establishments, including sanitation work. It requires employers to ensure that the contract labourers receive adequate wages, is provided with necessary safety equipment, and have access to medical facilities. Similarly, the Minimum Wages Act, of 1948, ensures that the minimum wages are paid to all workers, including sanitation workers. The Workmen's Compensation Act, of 1923, provides for compensation in case of occupational injuries or diseases.

Despite these legal protections, sanitation workers in India continue to face numerous occupational

³ Bhasha Singh, *UNSEEN- The Truth About India's Manual Scavengers* (Penguin Books Limited, 2014).

health and safety challenges. One of the major reasons for this is the lack of enforcement of these laws. The government agencies responsible for enforcing these laws often turn a blind eye to the violations committed by employers, leaving the workers with no legal recourse.

Role of the Safai Karmachari Andolan

In response to the inadequate legal protections for sanitation workers, the Safai Karmachari Andolan (SKA) is a movement started by Bezwada Wilson in 1993 with the aim of eradicating manual scavenging in India and promoting the rights of sanitation workers. The SKA has been at the forefront of advocating for the rights of sanitation workers and has played a crucial role in addressing the occupational health and safety challenges faced by these workers.

One of the key roles of the SKA has been to raise awareness about the hazardous nature of sanitation work and the need for better working conditions and safety measures for sanitation workers. The organization has conducted extensive research on the health impacts of sanitation work and has used this evidence to advocate for policy change and greater government action to protect the rights of sanitation workers.

The organization has also been involved in supporting the families of sanitation workers who have lost their lives or been injured on the job. This has included providing legal assistance to workers and their families to claim compensation and advocating for better social security and welfare schemes for sanitation workers.

It has been actively working to eradicate manual scavenging, ensure the safety and welfare of sanitation workers, and provide them with dignity.

The SKA has been instrumental in advocating for the rights of sanitation workers and bringing their issues to the forefront of public discourse. It has played a crucial role in creating awareness about the occupational health and safety challenges faced by sanitation workers in India. The SKA has also been instrumental in advocating for the abolition of manual scavenging and the rehabilitation of manual scavengers.⁴

The SKA has been successful in bringing about some significant changes in the legal framework governing sanitation work in India. In 2013, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act was passed, which prohibits the employment of manual scavengers and provides for their rehabilitation. The SKA played a crucial role in advocating for the passage of this act.

Manual scavenging: a violation of human rights

In India, the prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, is an enactment in opposition to manual scavenging, which prohibits all types of cleaning of excreta manually and dry latrines, also cleaning of sewers, septic tanks, and gutters without proper types of equipment or protective gear. As sanitation is a state issue, there is state-specific enforcement of the law. Though the practice of manual scavenging is much more than an issue of the state, it is also a violation of human rights.

Manual scavenging isn't just a violation of the Constitution but also a violation of human rights. Since the Constitution of India complies with the International Code of Human Rights⁵ it eradicates untouchability (Article 17) and discrimination on the bases of caste (Article 15) besides it, human dignity is an unquestionable and inviolable right as it is a basic right to life, i.e., a fundamental right, under the Indian Constitution. The Indian courts and the Constitution, therefore, found human dignity the most essential, inalienable, fundamental, and basic of all rights. Human dignity is a right universally accepted by the Universal Declaration of Human Rights (UDHR) under Articles 1, 22 and 23, as well as guaranteed by the National Commission on Human Rights, thus human dignity requires fair treatment and respect for people.

Present scenario

Many incidents are not reported, and many times the person who personally employed them at work if any happening happens then s/he himself try to manage it by Montry power as well as political power also, due to these many matters remain unreported. Lack of data and failure to enforce provisions of the Prevention of Employment of Manual Scavengers and Their Rehabilitation Act are

⁵ Megha Bindal, Manual Scavenging Activity Will Now Be A Personal Liability Of The Municipality, 2021.

major reasons.

Between 1993 and 2019, families of only around 50% of the workers who died cleaning sewers received compensation of Rs 10 lakh each. In several cases, the compensation amount is less than Rs 10 lakh, a right-to-information query filed by The Wire has revealed.⁶ Responding to a question in Rajya Sabha, Social Justice and Empowerment Minister Ramdas Athawale on 2 Feb 2022 said 308 deaths between 2018-2022.

Conclusion

In conclusion, sanitation workers in India face numerous occupational health and safety challenges due to the lack of adequate legal protections and the non-enforcement of existing laws which fail to stop manual scavenging, and also fail to provide compensation to the deceased family. As per the governmental Data in death of sanitary workers in the last five years is 308. and in an RTI it was revealed that between 1993 to 2019 only around 50% of families get compensation. The Safai Karmachari Andolan has been instrumental in advocating for the rights of sanitation workers and bringing their issues to the forefront of public discourse. The SKA has played a crucial role in creating awareness about the occupational health and safety challenges faced by sanitation workers in India.

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1. India exclusion report IXR 2016, The Long March to Eliminate Manual Scavenging.
2. Bhasha Singh, UNSEEN- The Truth About India's Manual Scavengers (Penguin Books Limited, 2014).

⁶ Dheeraj Mishra and Jahnvi Sen "Sewer Deaths: Only About 50% of Victims' Families Received Rs 10 Lakh Compensation" *THE WIRE* 19 Nov 2019.