

## ADDRESSING THE SOCIAL SECURITY GAP FOR SANITATION WORKERS IN INDIA

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### INTRODUCTION

The Sanitary workers in India are essential to maintaining public health and hygiene, although they are frequently disregarded. These labourers endure several challenges in spite of their significant contributions, mainly among them being the social security concerns. Despite their continuous efforts to maintain safe and clean environments, sanitation workers generally do not have access to fundamental social safeguards like health insurance, retirement benefits, and job security. Many sanitation workers are engaged in work on a contractual or informal basis, thus they generally do not receive the same benefits as workers in the formal sector. Because of this, they are more prone to health problems and unstable economies, which makes their already unstable living circumstances worse. In addition to undermining human dignity, the lack of effective social security measures feeds the cycles of inequality and poverty.

A person free from hunger, morbidity and ignorance can go a long way towards participating fully and effectively in the political and economic life of the nation – thus the right to life is fundamental.<sup>1</sup> “Sanitation Worker” means a person, engaged in or employed for any sanitation work and includes waste pickers and also those persons who were engaged in cleaning sewers and septic tanks, but excludes domestic workers.<sup>2</sup> Often overlooked while employed in hazardous conditions, sanitation workers are exposed to the deadly effects of inadequate sanitation—diseases, accidents, social disgrace, and even death—while performing their necessary duties. Sanitation work is one of the most important jobs in society; their work is frequently done by hand and can include but is not limited to cleaning and maintaining sewers and manholes, emptying toilet pits and septic tanks, cleaning restrooms and public areas, managing or separating various types of waste, and operating pumping stations and treatment facilities. Many of these employments can be found in the unorganised sector of the economy,

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<sup>1</sup> K P, Kannan and Pillai N., Vijayamohan, “Social Security in India: The Long Lane Treaded and the Longer Road Ahead Towards Universalization”, Centre for Development Studies, MPRA Paper No. 9601, posted 17 Jul 2008, at 8

<sup>2</sup> National Action for Mechanised Sanitation Ecosystem (NAMASTE), <https://socialjustice.gov.in/public/ckeditor/upload/66671696827061.pdf>

where workers are not granted access to basic labour rights or appropriately reimbursed for their work. However, the majority of these sanitation workers go unnoticed and unrecognised.<sup>3</sup> Ensuring that sanitation workers receive adequate social security is essential for fostering a just society where the contributions of every worker are recognized and valued. Although social security measures have been taken by the government, they have failed to include informal sectors under these measures. Statutes such as the Employees' Provident Funds Scheme, 1952; Employees' Deposit Linked Insurance Scheme, 1976; Employees' Pension Scheme, 1995 etc do not provide any informal/ unorganised sectors.

## OBJECTIVE

The main objective of this paper is to examine and provide remedies for the significant disparities in social security benefits that sanitation workers get. This paper aims to achieve the following objectives :

1. **Identify the Current Gaps:** To evaluate the social security systems that are now implemented closely and identify specific inadequacies that affect Indian sanitation workers. This involves evaluating whether the benefits, regulations, and policies that exist now are appropriate.
2. **Evaluate Legal and Policy Frameworks:** To assess the efficacy of the current legal and policy frameworks controlling social security for workers in the unorganised sector, with a particular emphasis on sanitation workers. Examining pertinent laws, and administrative procedures is part of this.
3. **Analyze Impact on Workers:** To examine the socioeconomic effects of insufficient social security on sanitation workers, taking into account their general well-being, financial security, and health.
4. **Propose Legal Reforms:** To put forward practical ideas and legislative changes with the intention of closing the social security deficit. To guarantee complete coverage and protection for sanitation workers, this includes recommending policy changes, modifications to the law, and creative solutions.

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<sup>3</sup> Dr. S Suba \* & Sheethal T S “Issues And Challenges Of Sanitation Workers -An Intersectional Analysis” Webology (ISSN: 1735-188X) Volume 17, Number 3, 2020

Through these objectives, the paper seeks to provide a comprehensive understanding of the issue and offer practical solutions to enhance the social security framework for sanitation workers in India.

### **WHAT IS SOCIAL SECURITY?**

Social security is a general term for a number of government initiatives and programs intended to offer financial support, health care, and other types of aid to people and families dealing with a variety of difficulties in life. The main strength of the Social Security system is that it acts as a facilitator - it helps people to plan their own future through insurance and

assistance.<sup>4</sup> A person who is employed worries about protecting his income in case of emergencies, while someone who is poor and unemployed is more concerned with meeting their basic needs and finding a job. Hence given the dimension of the informal economy and massive and persistent poverty in the developing countries, the concept of social security has to be suited to the actual situation of these countries and hence to include the idea of poverty reduction as a necessary condition for attaining a minimal stage of development.<sup>5</sup> According to the International Labour Organisation (ILO), Social security is the protection that a society provides to individuals and households to ensure access to health care and to guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner.<sup>6</sup>

Thus it is inferred that protection, safety, and amenities provided to employees are considered to come under the definition of social security.

### **EXISTING SCHEMES AND LEGISLATION FOR THE PROTECTION OF SANITATION WORKERS**

Several laws and programs are being implemented in India to safeguard sanitation workers, but there are still gaps and difficulties. Important frameworks include the following:

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<sup>4</sup> Government of India Ministry of Labour and Employment, General Overview, <https://labour.gov.in/general-overview>

<sup>5</sup> K P, Kannan and Pillai N., Vijayamohanam, "Social Security in India: The Long Lane Treaded and the Longer Road Ahead Towards Universalization" Centre for Development Studies, MPRA Paper No. 9601, posted 17 Jul 2008, at 6.

<sup>6</sup> International Labour Organization, Facts on Social Security.

1. **Swachhta Udyami Yojana**<sup>7</sup>- Concessional loans are offered to urban local governments, sanitation workers, and their dependents under the Swachhta Udyami Yojana For the purchase of up to Rs. 50.00 lakh worth of sanitation-related machinery, vehicles, and equipment.
2. **Self Employment Scheme for Rehabilitation of Manual Scavengers**<sup>8</sup> -The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) will offer capital subsidies for sanitation-related projects up to Rs. 5.00 lakh to sanitation workers and their dependents.
3. **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013** -Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks- no person shall engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank.<sup>9</sup>
4. Under the **Recognition of Prior Learning (RPL) programme**, free short-duration upskilling training is provided to sanitation workers. The candidates are trained in mechanised cleaning and safety precautions for safe and healthy cleaning of sewers and septic tanks.<sup>10</sup>
5. **The Unorganised Workers' Social Security Act (2008)**<sup>11</sup> -The purpose of this legislation is to offer social security benefits to employees in the unorganised sector, such as those employed in sanitation. Although its implementation has been uneven, it sets policies for pensions, health insurance, and other benefits. However, despite the presence of appropriate laws, surveys indicate that sanitation workers are not provided with safety wear including masks.<sup>12</sup>

<sup>7</sup> National Safai Karamcharis Finance & Development Corporation, Ministry of Social Justice & Empowerment, <https://nskfdc.nic.in/writereaddata/files/SUYBrochure.pdf> .

<sup>8</sup> National Safai Karamcharis Finance & Development Corporation, Ministry of Social Justice & Empowerment, SRMS, <https://nskfdc.nic.in/en/content/revise-srms/self-employment-scheme-rehabilitation-manual-scavengers-srms>.

<sup>9</sup> Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, S.7.

<sup>10</sup> Shri. Ramdas Athawale, safety of sanitation workers, Press Information Bureau, Government of India, Ministry of Social Justice & Empowerment, 02-February-2022.

<sup>11</sup> The Unorganised Workers' Social Security Act (2008), Government of India, 30th December, 2008.

<sup>12</sup> Shubham Kumar, Priyanka Preet "Sanitation Workers: The Frontline Covid Warriors India Doesn't Talk About" 27 May 2020 <https://www.outlookindia.com/national/opinion-sanitation-workers-the-frontline-covid-warriors-india-doesnt-talk-about-news-353596>.

## SOCIAL SECURITY GAP

The social security gap for sanitation workers in India is a significant issue. The right to social security is of central importance in guaranteeing human dignity for all persons when they are faced with circumstances that deprive them of their capacity to fully realise their human rights.<sup>13</sup>

### Violation of the Right to Life and Liberty

Social security comes under the ambit of Article 21 of the Indian constitution. Article 21 of the Indian Constitution guarantees the right to life and personal liberty, which is inexorably linked to social security provisions. This connection emphasises how crucial social security is to guaranteeing a life of dignity and safeguarding people from societal and financial risks. In order to protect people from financial difficulties, social security systems—which include retirement savings, unemployment compensation, and disability pensions—are essential.

A World Health Organization study on the conditions of sanitation workers reveals that those workers employed in the informal segment in India are vulnerable to extortion and receive poor financial aid.<sup>14</sup> Financial instability can significantly restrict a person's capacity to exercise liberty and freedom, hence such protection is crucial to preserving individual liberties. The right to life covers within its ambit the right to social security and protection of the family. K. Ramaswamy J., in **Calcutta Electricity Supply Corporation (India) Ltd. v. Subhash Chandra Bose**<sup>15</sup>, held that the right to social and economic justice is a fundamental right under Art. 21.

This shows that although social security is a fundamental right enshrined under the constitution of India sanitation workers are unable to avail these basic necessities. Sanitation workers frequently encounter major obstacles in obtaining social security, even though Article 21 of the Indian Constitution recognizes it as a fundamental right. Many are left without basic benefits as a result of the gap, which is caused by the informal nature of their employment, the weak enforcement of current regulations, and the restricted coverage of social security schemes.

<sup>13</sup> “About the right to social security and human rights”, OHCHR and the right to social security.

<sup>14</sup> [https://www.who.int/water\\_sanitation\\_health/publications/health-safety-dignity-of-sanitation-workers.pdf](https://www.who.int/water_sanitation_health/publications/health-safety-dignity-of-sanitation-workers.pdf)

<sup>15</sup> Calcutta Electricity Supply Corporation (India) Ltd. v. Subhash Chandra Bose, AIR (1996) 1234

## **Legislations Exclusive of Rights of Sanitation Workers**

Moving further, it is to be noted that since many sanitation workers have contract or irregular employment, they are not covered under the social security programs provided by the government of India. Workers in the formal sector are largely covered by the Employees' State Insurance Act and the Payment of Gratuity Act; individuals in contract or informal employment are not covered by these laws. Moreover, inefficient implementation is one other major reason for the exploitation of the rights of sanitation workers. Legislation such as the Unorganised Workers' Social Security Act of 2008 is frequently not carried out well. Many sanitation workers either don't know about their perks or face administrative issues while trying to avail them.

## **Ineffective Implementation**

While providing financial support, the National Safai Karamcharis Finance and Development Corporation (NSKFDC) does not sufficiently reach out to sanitation workers or have comprehensive support systems in place to meet their diverse requirements. The municipal and environmental laws cover sanitation and wastewater disposal but make no reference to sanitation workers. The labour law protection afforded to daily wagers is also not afforded to most of the sanitation workers as the majority of them are employed for 2-3 months and are, therefore, skipped from government records.<sup>16</sup> They do not receive any benefits from employee insurance or provident funds, among other social security programs. Unfortunately, despite being assigned tasks akin to scavenging, they have also managed to avoid public scrutiny. Out of the total sample of sanitation workers interviewed, 74.31% said that their ESI share was being cut from their salary and only 25.68% said it wasn't. The actual insurance benefit was either not received or was insufficient.<sup>17</sup> This shows the lack of implementation and supervision of the government officials.

## **Caste Based Discrimination**

Manual scavenging is a caste-based and hereditary occupation for Dalits (untouchables), which is predominantly linked with forced labour or slavery. The caste system, created over 3000 years ago divided society into four classes and beneath these four classes were the

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<sup>16</sup> Supra note 14

<sup>17</sup> <https://shodhganga.inflibnet.ac.in/bitstream/10603/255660/5/iiird%20chapter-converted.pdf>

“untouchables”.<sup>18</sup> The country still struggles in the clutches of the caste system which has denied generations of Dalits their rights and human dignity. One such discrimination is the continuance of the inhuman practice of manual scavenging. The practice of manual scavenging is the worst form of violation of Human Rights.<sup>19</sup> The majority of manual scavengers are members of the ex-untouchable caste, which means that they face extra prejudice and social marginalisation because of their untouchability.

### **Gender-Based Discrimination**

While the community of sanitation workers in India is suppressed and neglected, inter-state disparities show differing degrees of discrimination based on rigid histories of gender discrimination.<sup>20</sup> Gender-based discrimination among sanitation workers is a serious issue. Additional difficulties that women in this field frequently encounter include sexual harassment, restricted access to healthcare, and unfair work practices. Their susceptibility is increased by these differences, which also make it more difficult for them to lead respectable lives.

### **RECOMMENDATIONS**

Recommendations to Address the Social Security Gap for Sanitation Workers in India-

- Adopt regulations to provide employment contracts and social security benefits to sanitation workers in order to bring them into the formal economy.
- Make sure everyone has access to secure areas for working, complete with safety equipment and sufficient restrooms. Give people access to healthcare services and regular health checkups. Put precautions in place to deal with and prevent workplace dangers.
- Set a minimum wage for sanitation workers and make sure they are paid on time and fairly. And research on performance-based bonuses and incentives to honour their efforts.

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<sup>18</sup> Rajeev Kumar Singh, Ziyuddin , Manual Scavenging As Social Exclusion: A Case Study, Economic & Political Weekly, June 27, 2009

<sup>19</sup> INTERNATIONAL JOURNAL OF MULTIDISCIPLINARY EDUCATIONAL RESEARCH Volume 4, Issue 4(1), April 2015, at 182

<sup>20</sup> Santosh Mehrotra, “Well Being and Caste in Uttar Pradesh: Why UP is Not Like Tamil Nadu”, in Economic and Political Weekly vol 41, no. 40, 7 October 2006, pp. 4261-4271.

- Organise awareness programmes to inform sanitation employees of their privileges and rights.
- To increase their employability, give them access to chances for skill development and vocational training.
- Provide specialised social security programs, such as pension plans, maternity benefits, and disability insurance, that are suited to the requirements of sanitation workers.
- To guarantee compliance with social security and labour legislation, strengthen enforcement measures. Provide procedures for employers who violate workers' rights to be held accountable.

## CONCLUSION

India's sanitation workers face a critical challenge that needs immediate attention: the social security gap. These workers often do not have access to basic amenities like housing, healthcare, and education, regardless of constitutional requirements. It is essential to put forth specific policies and activities in order to bridge this gap. Formalising the sanitation staff, enhancing working conditions, paying fair wages, and increasing knowledge of social security benefits are some of the actions that should be taken. India can guarantee a more equal and inclusive society where all individuals have access to the fundamental right to social security by tackling the systemic issues encountered by sanitation workers.