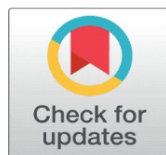
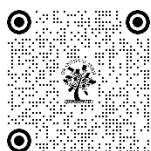


LABOUR RIGHTS AND SOCIAL SECURITY FOR SANITATION WORKERS AN ECONOMIC AND LEGAL STUDY

R. Dhivya¹✉, Dr. B. Someswara Rao²✉

¹Ph.D Scholar, VEL TECH School of Law, Vel Tech Rangarajan Dr. Sagunthala R&D Institute of Science and Technology, Avadi, Chennai, India

²Ph. D Supervisor, Professor & Head of the Department, VEL TECH School of Law, Vel Tech Rangarajan Dr. Sagunthala R&D Institute of Science and Technology, Avadi, Chennai, India



Corresponding Author

R. Dhivya, vtd1075@veltech.edu.in

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ABSTRACT

Sanitation workers are the persons engaged in any aspect of the sanitation system. They play a crucial role in maintaining public health and hygiene yet they face low wages, inadequate safety measures etc. India witnessed increased demand for the sanitation services in the past decade which has contributed towards access to toilets and sanitation facilities throughout the country. They form the backbone for Urban and Rural sanitation services yet they are a marginalized section of the workforce. Despite the existence of various legal frameworks aimed at protecting their rights, including the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, the Contract Labour (Regulation and Abolition) Act, 1970, and the Unorganized Workers' Social Security Act, 2008, the implementation of these laws remains inadequate. This study delves into the legal and economic aspects of labour rights and social security for sanitary workers, examining statutory provisions, judicial pronouncements, and Policy frameworks in India.

Keywords: Sanitation, Health Hazardous, Sanitary Workers, Manual Scavengers, Sanitation Services

1. INTRODUCTION

“One day our society will come to respect the sanitation worker if it is to survive, for the person who picks up our garbage, in the final analysis, is as significant as the physician, for if he doesn't do his job, diseases are rampant.”
- Martin Luther King Jr.,

Sanitation workers engage in essential sanitation services to provide a clean, healthy and hygiene environment to the public¹. Their sanitation services include cleaning of human excreta, Septic tanks, unblock the manholes and sewage

¹ Sukhadeo Thorat, Challenges and Policies to Address the Persisting Problems of Sanitation Workers in South Asia Background note to the workshop on decent work for sanitation workers in South Asia, International Labour Office, 11-13 October 2021

etc and highly risk their health and life by carrying out the work without proper safety measures and equipment². The right of sanitation workers has been recognised through legal frameworks but failed to regulate the safety and protection of sanitation workers³. Sanitation workers who collect the dirt and waste to maintain the environment clean are considered to be polluted themselves as well as social stigma is connected to sanitation work⁴. Since the sanitation workers are facing financial struggle, health risks due to their work and caste - based discrimination others factors added to their risks and difficulties. Different types of sanitation services are prevailing in different parts of the localities in India⁵. They link between sanitation needs and current sanitation infrastructure.

1.1. OBJECTIVES OF THE STUDY

- 1) To analyze the legal framework safeguarding labour rights of sanitation workers in India.
- 2) To examine the extent of social security coverage for sanitation workers.
- 3) To assess the economic conditions and wage structure of sanitation workers.
- 4) To identify implementation gaps in welfare provisions and policies.

2. REVIEW OF LITERATURE

Ambedkar (1936) In his work, *Annihilation of Caste*, he established the foundational concept of the intersection between caste and occupation in Indian society. Sanitation labour, particularly manual scavenging, is deeply rooted in caste hierarchy, disproportionately impacting Dalit populations. (Gokul, 2019)⁶.

Desai and Mahadevia (2011)⁷ emphasised that while constitutional protections and affirmative action initiatives, sanitation workers continue to be deprived of substantive rights owing to entrenched caste-based exclusion and informal employment frameworks. Their research emphasised that legislation alone is inadequate without societal change.

Kundu and Sharma (2012)⁸ Observed that urban sanitation workers are predominantly engaged under contractual arrangements, resulting in unstable working circumstances and the deprivation of fundamental entitlements like minimum wages, provident funds, health insurance, and maternity benefits. Their research extensively analysed the frequent circumvention of the Contract Labour (Regulation and Abolition) Act, 1970 within municipal administration.

Shyam Sundar (2014)⁹ His research of India's labour legal framework indicates that sanitation workers exemplify the broader informal labour dilemma, characterised by the existence of regulations that are poorly implemented. The research advocated for enhanced unionisation and collective bargaining for informal workers.

Studies by the International Labour Organization (ILO, 2017)¹⁰ and National Institute of Urban Affairs (NIUA, 2016) recognised the economic devaluation of sanitation labour. Although sanitation workers enhance urban productivity and public health, they receive inadequate compensation and are marginalised in economic planning initiatives. The World

² ibid

³ P. Sakthivel, M. Nirmalkumar, Akshayaa Benjamin, Rights of Sanitation Workers in India, *The Right to Sanitation in India: Critical Perspectives* Philippe Cullet (ed.), Sujith Koonan (ed.), Lovleen Bhullar (ed.), Chapter XII, Pages 346–379

⁴ WaterAid South Asia, *Access to Social Protection by Sanitation Workers in South Asia*, Page No.4

⁵ Urban Management centre and WaterAid India, *Health, Safety and Social Security Challenges on Sanitation Workers in India During the Covid-19 Pandemic*, Pages 1 -6.

⁶ Gokul, R. (2019). *Caste and Sanitation Work in India*. New Delhi: Oxford University Press.

⁷ Desai, R., & Mahadevia, D. (2011). *Labour Exclusion and Sanitation Work: A Study of Caste and Informality*. *Economic & Political Weekly*, 46(29), 23-30.

⁸ Kundu, A., & Sharma, P. (2012). **Precarious Employment and Contract Labour in Urban Sanitation*. *Journal of Urban Studies*, 49(4), 451-468.

⁹ Sundar, S. (2014). *Labour Law Implementation in India: Challenges and Reforms*. *Indian Journal of Labour Economics*, 57(2), 315-330.

¹⁰ International Labour Organization. (2017). *Sanitation Work and Economic Valuation: A Global Perspective*. Geneva: ILO.

Bank's cost-benefit analysis (2015) indicated that enhancing working conditions and social security for sanitation workers can markedly alleviate healthcare burdens and augment overall output.

The Government of India's Task Force on Manual Scavenging (2019), The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 is inadequately enforced due to insufficient mechanisation, limited budgetary provisions, and a lack of real-time data.

Further, the Social Security Code, 2020 has been critiqued by scholars like Srivastava (2021)¹¹ for lacking transparency on inclusion strategies for informal workers, particularly sanitation personnel, within unregulated sectors.

Landmark judgments such as *Safai Karamchari Andolan v. Union of India* (2014)¹² The State's constitutional duty to eradicate manual scavenging and rehabilitate impacted workers has been reaffirmed. The court emphasised the dignity of labour and demanded rigorous implementation of safety regulations. However, studies by Human Rights Watch (2019)¹³ pointed out that judicial rulings frequently go disregarded at the municipal level.

Although considerable literature addresses the socio-economic situations of sanitation workers, there is a notable deficiency in comprehensive economic and legal analyses of labour rights and social security pertinent to this sector. Moreover, empirical research evaluating the application and effects of legislative frameworks at the grassroots level is scarce. There is insufficient emphasis on gender aspects in sanitation efforts, especially with the susceptibility of female workers.

3. METHODOLOGY

This study relies exclusively on secondary data to analyse the economic and legal aspects of social security policies and the legal rights pertaining to labour for sanitation workers in India. It also analyses the current institutional frameworks, legal instruments, and economic strategies that regulate the living and working conditions of sanitation workers in India.

3.1. SOURCES OF DATA

The Constitutional Provisions, Period Labour force survey, The National Sample Survey Office's survey, Census, Reports of Labour bureau, Reports of the Ministry of Labour and Employment, and Ministry of Housing and Urban Affairs, Reports of National Commission for Safai Karamcharis, Reports of The International Labour Organization (ILO), in collaboration with the World Bank, World Health Organization (WHO), and WaterAid etc were used as secondary sources to derive the conclusion for this research.

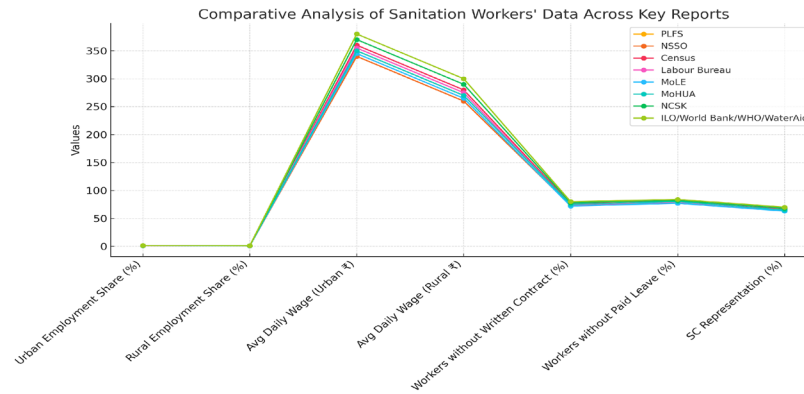
4. RESULTS AND FINDINGS

The below line chart presents a comparative analysis of sanitation workers' employment share, wages, and working conditions across major sources including PLFS, NSSO, Census, Labour Bureau, Ministry of Labour and Employment (MoLE), Ministry of Housing and Urban Affairs (MoHUA), National Commission for Safai Karamcharis (NCSK), and international organizations such as ILO, World Bank, WHO, and WaterAid.

¹¹ Srivastava, R. (2021). The Social Security Code, 2020 and Informal Workers: An Analysis. *Indian Journal of Public Policy*, 12(1), 55-72.

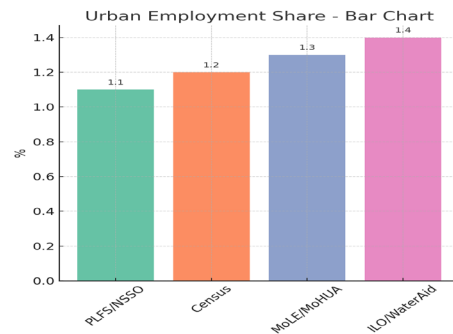
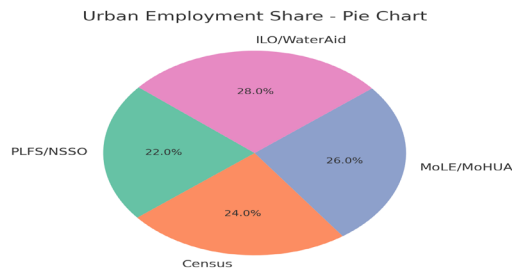
¹² Supreme Court of India. (2014), *Safai Karamchari Andolan v. Union of India*, SCC 5, 302.

¹³ Human Rights Watch. (2019). **Cleaning Human Waste: Manual Scavenging and Sanitation Workers in India**. New York: HRW.



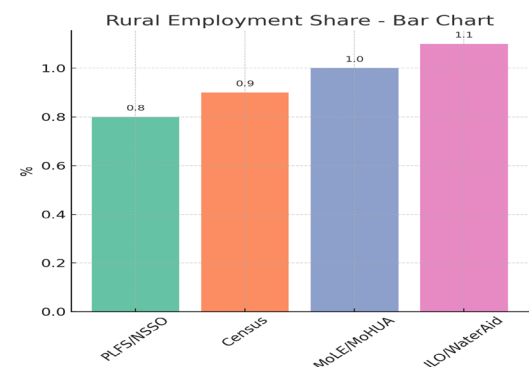
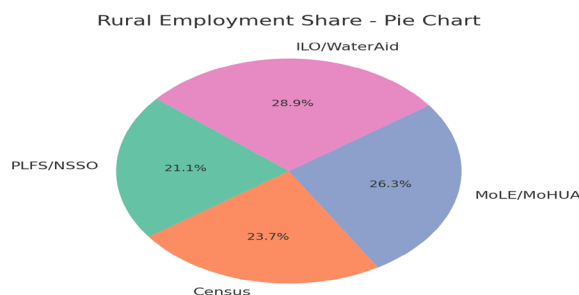
This line chart illustrates the integration of many secondary data sources. Each organisation employs distinct procedures and periods for data collection, perhaps leading to minor discrepancies in metrics. Nonetheless, the trend lines exhibit recurrent patterns—particularly low income levels, elevated informal employment, and disproportionate presence of caste classification among sanitation workers. International organisations such as the ILO and WaterAid frequently offer comprehensive contextual analyses and elevated estimates that account for unrecognised informal or unorganised labour.

Urban Employment Share



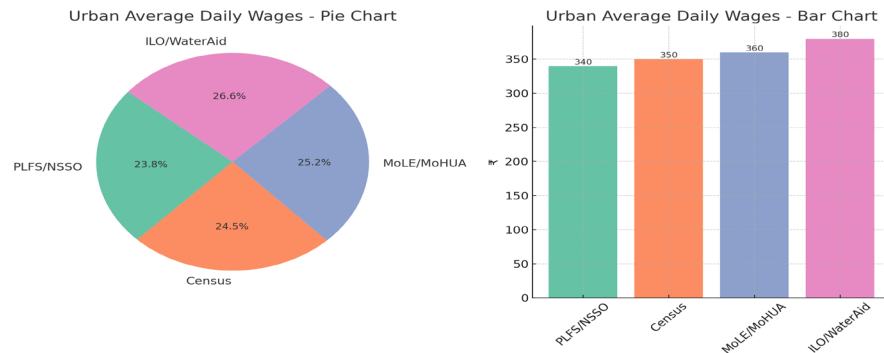
The urban employment proportion of sanitation workers varies among sources, with foreign organisations suggesting a greater percentage due to broader inclusion of informal and unorganised workers. variation occurs when national reports typically focus on Regularly employed individuals, whereas International estimates aim to encompass those involved in Non-standard forms of employment. The incorporation of these informal workers underscores the actual magnitude of urban sanitation labour and its critical function in sustaining public health infrastructure. Nonetheless, despite elevated employment statistics, sanitation workers in metropolitan locales persistently encounter insecure working conditions, characterised by restricted access to social protection and job stability.

Rural Employment Share



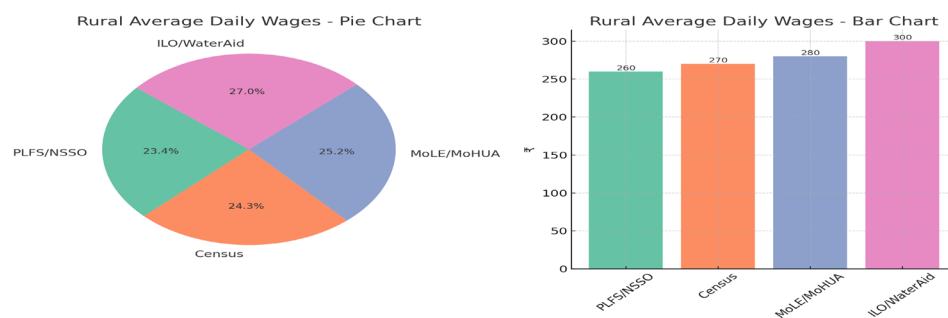
The rural employment proportion of sanitation workers is comparatively smaller, likely because of underreporting in national surveys. In contrast to metropolitan regions, where sanitation services are typically organised by municipal officials, rural sanitation efforts are predominantly informal, frequently conducted by marginalised populations with minimal acknowledgement or assistance. International data endeavours to more effectively quantify informal rural workers; nonetheless, obstacles remain in accurately assessing their contributions due to seasonal employment trends and the absence of standardised recordkeeping. The gap between urban and rural employment statistics highlights the necessity for improved data collection techniques and inclusive labour policies to provide equitable representation and rights for rural sanitation workers.

Urban Average Daily Wages



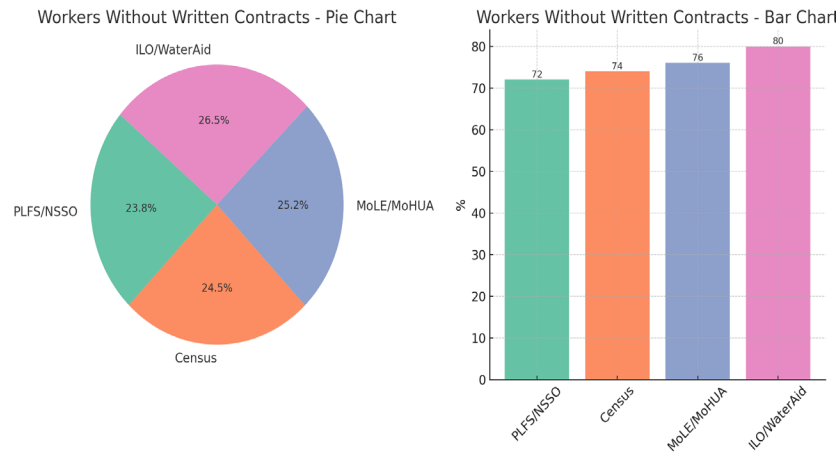
Urban average daily wages indicate a disparity between national and international reports. Global estimates indicate a marginally elevated valuation of sanitation labour, frequently including benefits or allowances that may be absent in national statistics. Nonetheless, despite these modifications, sanitation employment continues to rank among the lowest compensated industries, showing a systemic devaluation of important public service personnel. Wage discrepancies are apparent based on gender, employment type, and geographic region, with contract workers and female sanitation workers frequently earning considerably less than their full-time or male equivalents. Addressing this salary disparity necessitates regulatory initiatives, such as minimum wage safeguards, equitable compensation policies, and enhanced labour unions to promote improved remuneration frameworks.

Rural Average Daily Wages



Rural wages continue to be inferior to urban ones, indicating an economic devaluation of rural sanitation labour across all sources. The absence of formal employment contracts, insufficient negotiating power, and reliance on local authorities or community-driven sanitation programs result in diminished pay for rural sanitation workers. Moreover, seasonal employment in rural sanitation diminishes earning stability, as workers may lack continuous work year-round. Enhancing labour rights in rural regions, offering training for skill diversity, and augmenting expenditures in sanitation facilities can mitigate wage discrepancies and foster sustainable employment prospects for rural workers.

Workers Without Written Contracts



A substantial proportion of sanitation workers lack official employment contracts, signifying considerable job instability and labour informalization. A significant number of workers are employed on a daily-wage basis or via third-party contractors, rendering them susceptible to abuse, unjust wage deductions, and abrupt termination without legal remedies. The lack of social security benefits, healthcare, and pension protections intensifies their economic insecurity. Formalising sanitation labour, establishing written contracts, and enacting occupational health and safety rules are essential for enhancing working conditions. Governments and labour organisations must collaborate to implement equitable employment practices and acknowledge sanitation workers as essential contributors to public health and urban management systems.

5. ECONOMIC AND LEGAL ANALYSIS

Sanitation workers are essential to public health, however they encounter financial difficulties and social discrimination. Notwithstanding established legal frameworks, implementation deficiencies endure, resulting in insufficient salaries, hazardous working environments, and absence of social security benefits. Sanitation workers in India perform perilous duties, including the cleaning of sewers, septic tanks, and the management of solid waste. Their contributions are essential for public hygiene yet are devalued, subjecting them to social shame, inadequate remuneration, and occupational risks. Notwithstanding legal protections, implementation deficiencies endure, resulting in several sanitation workers facing precarious working situations.

Economic Analysis

Table 1: Wage Structure of Sanitation Workers in Different Indian States

State	Urban Wages (₹/Day)	Rural Wages (₹/Day)	Minimum Wage Compliance
Delhi	₹550	₹350	Partial
Maharashtra	₹500	₹320	Partial
Tamil Nadu	₹470	₹300	Non-compliant
Uttar Pradesh	₹400	₹250	Non-compliant
West Bengal	₹420	₹270	Non-compliant
Kerala	₹600	₹400	Compliant

The table above illustrates wage discrepancies among Indian states. A significant number of sanitation workers, particularly in rural regions, receive compensation below the minimum wage. In metropolitan areas, adherence to minimum wage regulations is inconsistent, indicating economic devaluation.

Table 2: Access to Social Security Benefits

Benefit Type	Urban (%)	Rural (%)	Remarks
Health Insurance	40%	15%	Low coverage in rural areas
Provident Fund	30%	10%	Mostly contractual workers excluded
Maternity Benefits	25%	5%	Women workers face greater exclusion
Pension Schemes	35%	12%	Lack of awareness and enrollment issues

Social security benefits are predominantly unattainable for sanitation workers, especially in rural regions. Contractual employment and insufficient documentation hinder several workers from accessing rights.

Legal Analysis

Table 3: Key Labour Laws Protecting Sanitation Workers

Law	Provision	Implementation Challenges
Prohibition of Employment as Manual Scavengers Act, 2013	Bans manual scavenging, mandates rehabilitation.	Enforcement is weak, manual scavenging persists.
Contract Labour (Regulation and Abolition) Act, 1970	Regulates contract employment.	Municipalities bypass rules via outsourcing.
Unorganized Workers' Social Security Act, 2008	Provides welfare schemes for informal workers.	Exclusion due to lack of awareness, identification issues.
Social Security Code, 2020	Unifies social security laws.	Ambiguity in inclusion of sanitation workers.
Safai Karamchari Andolan v. Union of India (2014)	SC ruling directing strict implementation of bans.	Municipal non-compliance, poor monitoring.

Notwithstanding existing legal safeguards, obstacles in execution obstruct effective enforcement. Numerous municipalities persist in utilising contract labour under risky circumstances, and manual scavenging endures despite legal prohibitions.

6. CONCLUSION

Sanitation workers are essential for upholding public health and hygiene, however they constitute one of the most marginalised and exploited labour groups in India. Notwithstanding the presence of legislative frameworks including the Prohibition of Employment as Manual Scavengers Act, 2013, and the Unorganised Workers' Social Security Act, 2008, their execution remains inadequate. The economic analysis underscores inadequate earnings, employment instability, and insufficient social security, especially in rural regions where informal employment prevails. The legal analysis

indicates inadequate enforcement, insufficient oversight, and the ongoing existence of perilous manual scavenging methods. Judicial interventions, such as *Safai Karamchari Andolan v. Union of India* (2014), have underlined the State's constitutional obligation to safeguard sanitation workers; yet, municipal-level carelessness continues to endure. The economic devaluation of sanitation labour has led to systemic exclusion from financial security instruments, including health insurance, provident funds, and pensions. To guarantee dignified and secure working conditions, enhanced enforcement mechanisms, improved wage structures, mechanisation of sanitation labour, and broadened social security coverage are critically necessary. Government entities, policymakers, and civil society must cooperate to close implementation gaps and safeguard the fundamental rights of sanitation workers. In the absence of substantial action and reform, the cycle of economic deprivation and social discrimination experienced by this workforce will persist.