

ISSUES AND CHALLENGES: RIGHTS OF SAFAI KARMACHARIS/SANITATION WORKERS DURING THE PANDEMIC IN INDIA

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Abstract

The issues of safai karamcharis are less discussed in academic sphere compared to Daily wage laborer's and given minimum importance. These workers face multiple problems at the family level, at the working places and in the society; their problems are largely unheard. The nature of work, the places of work and the lack of basic facilities at the work-place affect safai karamcharis physically and psychologically, and health hazards to their families. In the Pandemic, the present study aimed to give visibility to their problems and their coping mechanisms. The article also demonstrates the government's inadequate implementation of social welfare laws and policies developed for the upliftment of safai karamcharis. There is a need to establish a strong policies and welfare programmes for safai karamcharis in order to realize their real conditions and needs for their upliftment.

Keywords- safai karamchari, Pandemic, Health hazard, welfare programme

Introduction

The COVID-19 pandemic is considered as the most crucial global health calamity of the century and the greatest challenge that the humankind faced since the 2nd World War. It has caused global health crisis with deep impact on the way we perceive our world by Social Distancing. We have to adopt sustainable preventive measures for safeguarding the health care of all. By helping individuals in dealing with social and physical distancing. WHO's guidelines suggest that one should practice social distancing and wash hands at regular intervals with soap to help prevent the spread of the virus. However, the ones really prone to catching this virus are not the ones who are under a lockdown rather the ones providing essential services such as sanitation

workers/safai karamcharis. They have to work in just so that the others can live and breathe in a healthier environment which prioritizes hygiene.

Rights of the Safai karmacharis/Sanitation Workers

A study conducted by Dalberg Associates in 2018, estimated 5 million sanitation workers in various urban locations across India. They were categorized into nine broad types of sanitation workers identified along the sanitation value chain, including those engaged in cleaning sewers, cleaning latrines, faecal sludge handling, railway cleaning, work in waste treatment plants, community and public toilet cleaning, school toilet cleaning, sweeping and drain cleaning, and domestic work.

Universal Declaration of Human Rights (UDHR), Convention on Elimination of Racial Discrimination (CERD) and the Convention for Elimination of all Forms of Discrimination Against Women (CEDAW). The relevant provisions of the UDHR, CERD and CEDAW are hereunder:

“Article 1 of UDHR All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in spirit of brotherhood.

Article 2(1) of UDHR Everyone is entitled to all the rights and freedom set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 23(3) of UDHR Everyone who works has a right to just and favorable remuneration enduring for himself and his family an existence worthy of human dignity and supplemented, if necessary, by other means of social protection.”

Article 5(a) of CEDAW States Parties shall take all appropriate measures

a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

Public Interest Litigation under Article 32 of the Constitution of India praying for issuance of a writ of mandamus to the respondent-Union of India, State Governments and Union Territories to strictly enforce the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (in short 'the Act'), inter alia, seeking for enforcement of fundamental rights guaranteed under Articles 14, 17, 21 and 47 of the Constitution of India. Supreme Court in Safai Karamchari Andolan v. Union of India by P.Sathasivam, CJI.

Article 21 of the Constitution of India provides for right to life. It encompasses within itself all such rights necessary for one to live his life with human dignity for example right to health, right to shelter, etc.

Article 41: Right to work, to education and public assistance in certain circumstances;

Article 42: Just and humane conditions of work

Article 46 of the Constitution mandates that the State is under an obligation to work for the upliftment of the weaker sections of the society keeping in mind their educational and economic interests.

Article 47: Duty of the State to raise the level of nutrition and the standard of living and to improve public health. □

'The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013'

Sanitation Workers during Covid -19

According to a report by the International Labor Organization, 1.6 billion workers in the informal economy their livelihoods destroyed due to the pandemic. Safai karmacharis often come into direct contact with human waste, working with no equipment or protection, which exposes them to a wide variety of health hazards and disease. Toxic gases, such as ammonia, carbon monoxide and sulphur dioxide in septic tanks and sewers can cause workers to lose consciousness or die. On 18 September 2019, the Supreme Court stated that nowhere in the world are people sent to gas chambers to die. It questioned the government that why safety gears and oxygen cylinders are not provided to Sanitation workers. During Pandemic Everybody is at home because of coronavirus, but Safai Karmacharis are here fighting it. Even then, there is no extra monetary Reliefs or appreciation. Trashes contaminated with bodily fluids from hospitals,

quarantine centers, and home quarantine for suspected Covid-19 patients. Sanitation workers and waste pickers have to collect discarded face masks, gloves, tissues, cotton swabs, syringes from households could be likely carriers of the virus, are to be cleared. Recently in Dharavi, a sanitation worker tested positive for the virus as a consequence of which his wife and son-in-law were infected too which then led to his wife's death. Masks, gloves and hand soaps are often a luxury to them. They are forced by their employers; in this case primarily municipal corporations and contractors to either work and be paid or be left unemployed.

When a plea was filed in Supreme Court on 9-4-2020 highlighting the plight of migrant workers amidst Covid-19. The petitioner, Harnam Singh in his PIL prayed to the Court to issue necessary directions to the State for sanitation workers to be provided with proper kit like gloves, masks, and boots etc., to wear while on duty. Instead of our health workers who work in closed protected environments, they have to deal with what has been discarded by the society at large as waste. Considering that the virus can survive for days on various surfaces if not sanitized, the possibility of these workers contracting the virus from such places increases dramatically. In *Consumer Education and Research Centre v. Union of India* [2], the Supreme Court laid down that: "Social justice which is a device to ensure life to be meaningful and livable with human dignity requires the State to provide to workmen facilities and opportunities to reach at least minimum standard of health, economic security and civilized living. The health and strength of worker, the court said, was an important facet of right to life. Denial thereof denudes the workmen the finer facets of life violating Article 21."

ILO suggests that the onus should be on employers to ensure that all preventive measures are being taken care of so as to reduce the risk of occupational hazards by providing the employees with better personal protective equipment's and clothing.

Sanitation workers today need Personal Protection Equipment (PPEs), minimum wages, food, insurance, accommodation and transportation like other health workers, mechanization of the work and solidarity. But instead, most are satisfied with just the clanging of empty vessels as if to celebrate our collective failure.

COVID-19 ward of the Goalpara Civil Hospital, Assam where three patients, infected with the novel coronavirus, were admitted. when the entire janitor staff of the hospital flatly refused to "clean any COVID-19 ward" for the fear of contracting the virus, it was Tulu Basfor sanitation

worker who mop the floors, dispose off used cutlery and disinfect the bathrooms of Civil Hospital. He did it for the seek of money and for becoming a permanent employee i

Remedial measures for the Sanitation Workers

According to a Report by the National Commission for Safai Karamcharis; a statutory body set up by an Act of Parliament for the welfare of sanitation workers, between 2015 and 2019, one person died every five days on an average while manually cleaning sewers and septic tanks across India. This data is from a time when the world wasn't dealing with a pandemic at large. Considering how contagious and deadly the virus is, it is only going to add to the number of deaths of our sanitation workers if appropriate measures are not taken. The importance of public hygiene is the tasks of every individuals not only the sanitary workers prime function.

- Sanitary workers are classified as health workers, along with doctors and nurses. This will, first and foremost, protect their dignity.
- All sanitary work should be mechanized through which health hazards are minimized to them and to their families.
- personal protective equipment (PPE), masks (at the very least, double-layered stitched cloth masks), rubber gloves, aprons, protective footwear or boots, sanitizer, and soaps.
- A minimum wage, of at least Rs 20,000, should be implemented. (In a metropolitan centre like Chennai, Rs.20,000 for a household of 4 would be just about stringently adequate to secure some minimum necessities of life.)
- There must be comprehensive health insurance for sanitary workers and their families.
- They will be eligible for all allowances that are covered under the description of 'hazardous work'.
- All sanitary workers will be eligible for pension benefits.
- Children of sanitary workers must get preferential admission to Kendriya Vidyalaya, Jawahar Navodaya Vidyalaya, and Sainik Schools.
- Provide access to food and boarding facilities

In time Sanitation workers go beyond call of duty play a supervisory role. All citizens will participate in keeping public spaces clean, they will separate their garbage, they will compost their bio-degradable waste locally. Sanitary workers will help citizens establish gardens and help

them grow fruits and vegetables with their compost. Schemes such as Smart City and Swachh Bharat can very easily finance these proposals. Recently, Government of India has announced an insurance cover worth Rs 50 lakh per person for sanitation workers, ASHA workers, doctors, nurses and paramedics who are on the frontlines of the corona battle.

Conclusion

we realize that only so much has been done and that they are deprived of their basic human rights. Hopefully society will view sanitation workers with dignity after lockdown. All stakeholders have a role in safeguarding the dignity, health, and lives of sanitation workers. The recovery of the Covid-19 patients in Quarantine are due to the hygiene conditions maintain by the sanitation workers too. Let's be more humane in treating others and conscious about waste management.

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