

**CENTRE FOR WORKERS' MANAGEMENT**

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# State of Safai Workers under Swachh Bharat Mission

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The Centre for Workers' Management (CWM) is a resource centre for workers founded in 1991 as an initiative of democratic, autonomous trade unions, with the specific mandate to take forward collective bargaining and industrial democracy in all forms of employment relations. This mandate continues to guide CWM's activities and engagement with trade unions and social movements.

The Rosa Luxemburg Foundation is one of the largest political education institutions in Germany today and sees itself as part of the intellectual current of democratic socialism. The foundation evolved from a small political group, "Social Analysis and Political Education Association", founded in 1990 in Berlin into a nationwide political education organisation, a discussion forum for critical thought and political alternatives as well a research facility for progressive research analysis.

## **Preface**

This study was the outcome of a series of meetings with contract safai workers and the union members of the Kachra Vahatuk Shramik Sangh in the city of Mumbai over the last two years. The felt need of the union activists and the workers was to understand the condition of work and wages of contract workers in different cities across the country, the nature of their work contracts and extent of unionisation in these locations and to understand how unionisation has or can ensure better conditions of work and wages.

CWM along with activists of the Kachra Vahatuk Shramik Sangh, a union of safai workers in the city of Mumbai, conducted this study in 8 tier-II Municipal Corporations in Central and Western India – meeting with contract safai workers, both men and women, recording their experiences and sharing the Mumbai experience of unionisation of contract safai workers. This journey was more than an exercise to collect information. It was an exchange between unionised contract safai workers from Mumbai sharing their struggles with the non-unionised contract workers in the other cities. The victory of the Kacha Vahatuk Shramik Sangh in its legal battle with the Brihanmumbai Municipal Corporation on regularisation was seen as an example by the workers in the other areas that unionisation of contract workers is a possibility, a sustained struggle by the unionised workers is also a possibility and a victory is possible against all the existing odds.

We thank Milind Ranade, General Secretary of the Kachra Vahatuk Shramik Sangh, for inspiring us and the team of activists to embark on this journey to understand the state of contract safai workers in different cities and to motivate them to organise for their rights.

Shakti Hiranyagarbha's association with the Kachra Vahatuk Shramik Sangh began with his internship with the union as a student. His association with the union and its struggles helped us understand the issues more clearly. He travelled with the union members to these cities and conducted the interviews with the workers and his long discussions with

Milind enriched our understanding. Mohan Mani, of course, painstakingly wrote the report with support from Shakti.

We hope this study will help unions and activists to recognize the nature of contractualisation in public services which is leading to bad jobs on one hand and low quality services on the other.

Dithhi Bhattacharya

Executive Head



# State of Safai Workers in Swachh Bharat Mission

## Introduction

The living and working conditions of Safai Karmacharis has been the subject matter of investigation for several committees<sup>1</sup> in India. While the focus of these committees was the work of manual scavenging, they also observed and commented on the task performed by sweepers and waste collectors. Given that there was very little change in exploitative working conditions of these workers, the commissions made similar observations and recommendations over the years, viz. a) prohibition on the use of dry latrines; b) a ban on construction of new dry latrines; c) rehabilitation and resettlement of Safai Karmcharis out of the existing caste specific ghettos.

The recommendations of two committees are noteworthy.

First the Committee on Abolition of Customary Rights set up in 1960/1965, headed by Prof. N.R. Malkani that recommended amendments in the Municipal Act. It made scavenging and safai work a mandatory and essential duty of the Municipality. The Committee essentially recognised the fact that the Municipal Committees were the principal employers for safai workers.

Second, the Almitra Patel Committee set up by the Supreme Court in 1996 that led to the Solid Waste Management Rules, 2000. This formed the basis for introducing new employment relations in Municipal Corporations in providing municipal cleaning work. These recommendations and the subsequent Solid Waste Management Rules laid the foundation for increasing the role of the private sector, including the voluntary sector (participation of NGOs), in municipal work.

The Almitra Patel recommendations allowed for dilution of crucial laws such as the Schedule Caste/ Scheduled Tribe

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1 A brief synopsis of the recommendations of the committees is annexed.

(Prevention of Atrocities) Act, 1984 and the Contract Labour (Regulation and Abolition) Act, 1970. These are important legislations to protect the interest of safai workers. The language of the recommendation also called for amendment of the SC/ST Act to empower supervisory staff in order to perform their job fearlessly and to amend the Contract Labour Act to allow private sector participation in the provision of a public good. The fact that dalits, socially still considered 'untouchable' or at least socially inferior, constituted the largest number of safai workers across the country, and that most of them are irregular workers was glazed over. The recommendations also sought to empower supervisory staff, who mostly came from higher castes, and could use the caste hierarchy to exploit the workers, this time for private companies.

The recommendations of the earlier Committees noted the deplorable living and working conditions of safai workers, and recommended amendments to initiate change to improve their condition. But the political will of successive governments is clear from the fact that none of the recommendations were implemented effectively. These Committees themselves faced discrimination and found it difficult to discharge their duties. A general reading of National Safai Karmachari Commission's Annual Reports makes clear as to how powerless these Committees have been. The First Annual Report, submitted in the year 1995, read:

*While the members of this commission have done, and are doing, their best to discharge their responsibilities as effectively as possible, the commission has faced formidable constraints largely due to apathetic, if not antipathic, attitude of officials of the Ministry of Welfare and other concerned Ministries/Departments of the Central Government such as the Department of Personnel and Training, the Department of Expenditure and the Ministry of Urban Affairs and Employment towards the Commission. The Commission has been drawing the attention of the Ministries/Departments to these problems regularly and persistently. However, their response has been largely indifferent, if not hostile.*

Three years later, the Annual Report for the year 1998 read:

*Due to the short tenure given to the commission*

*and lack of power of a Civil Court, the Commission experienced absence of desired cooperation from the State functionaries. The Communications sent by the commission to the State Governments, their functionaries, local bodies and other authorities are also not accorded due to consideration and priority. The commission devised performa appropriate to the State Governments, Municipal Corporations, Municipalities, Collectors requesting to furnish information relevant to their sphere of activities. Communications were sent to Chief Secretaries of the 33 States/Uts but so far only 22 states have replied. Out of 507 Districts, only 14 have responded similarly, 92 Municipal Corporations were advised to furnish information but so far only 21 Municipal Corporations have responded. Out of 3496 Municipalities/Nagar Panchayats, only 210 have replied, 98 Public sector Units have sent replies against 237 Public Sector Units addressed by the Commission.*

There was evidently lack of enthusiasm in implementing the recommendations made by these multiple committees, by the nodal ministries, as well as other responsible agencies. In contrast, the speed with which the Almitra Patel Committee Report was converted to the Solid Waste Management Rules within a year of the recommendation not just revealed the intent of the government to withdraw from its role in governance and allow private companies in the provision of public goods and services, but also revealed the lack of political will to protect those who were most disadvantaged socially and economically.

## The Study

This study looks at the working conditions of the Contract Safai Karmacharis in select second-tier urban centres in 5 states of India. The report attempts to:

- Understand the working conditions of contract Safai Karmacharis in some second-tier urban centres in the states of Gujarat, Maharashtra, Madhya Pradesh, Rajasthan and Uttar Pradesh;
- Explore the trend of wages, social security and enforcement of relevant labour legislations for the contract workers; and
- Explore the caste-class dual exploitation prevalent in sanitation work.

The study is focused on the systematic contractualisation of sanitation work across municipalities and the impact on the working conditions and wages of the workers employed under the new contract system.

## Methodology

Interviews and focus group discussions were held with municipal contract workers in the five states of Gujarat, Maharashtra, Madhya Pradesh, Rajasthan and Uttar Pradesh, in eight municipal corporations of Amravati, Satara, Sangli-Miraj-Kupwad in Maharashtra, Bhopal and Indore in Madhya Pradesh, Kanpur in Uttar Pradesh, Rajkot in Gujarat, and Udaipur in Rajasthan.

The study used a mix of sampling techniques. Purposive sampling was used in Amravati, Sangli and Satara districts of Maharashtra. The sample was chosen with the help of activists of Maharashtra Municipal Kamgaar Union (MMKU), a union of Safai Karmacharis in Maharashtra since 2013.



In Bhopal, Indore, Kanpur, Rajkot and Udaipur districts, snowball sampling was used to reach appropriate respondents. A questionnaire consisting 11 polar questions was designed to explore the nature of work and social provisions availed by the contract workers. The focus was on the wage, working hours and regulatory framework

governing the employment relationship.

Municipal Corporation	Interviewees	
	Female	Male
Amravati	0	3
Bhopal	2	4
Indore	0	5
Kanpur	0	4
Rajkot	3	3
Satara	3	2
Sangli-Kupwad-Miraj	1	5
Udaipur	6	1

Data collection was carried out in July-August, 2015. A total of 42 contract workers, 15 women workers and 27 male workers were interviewed during the course of data collection. Meetings with the respondents were held at their work site, union office and municipality office. Focus group

meetings were held with workers in these sites for broad information on working conditions and wages.

Secondary data was collected through municipal offices of the respective districts and government websites. The data collected included details of the terms of contract awarded by the municipal corporations in the various locations for municipal cleaning work.

## **Wage and Hours of Work**

Contract Safai workers in the 6 districts in the 5 states chosen in the sample are daily rated workers. Their wages are paid at the end of the month, often delayed with no fixed cycle of payment. The contract workers work for all 30/31 days of the month with no weekly day off. Any leave is treated as absence from work and the wage for that day is deducted.

In most municipalities, the contract workers are also required to be present on the dumper trucks till the trucks offload the garbage at the dumping site. This extends their working hours in most centres beyond the statutory 8 hours of work. For instance, the workers in Bhopal work for 9 hours every day, which amounts to a mandatory one hour overtime everyday for which they are not paid any extra wage. There are two shifts of work – the first shift begins at 6:00 am and ends at 3:00 pm and the second shift begins at 5:00 pm and ends at 2:00 am. A similar trend is observed in the Municipal Corporations of Satara and Sangli (both in Maharashtra) where workers put in half an hour of mandatory overtime every day with the workers reporting to duty at 6:30 am and their shift ends at 3:00 pm. The extra hours of work are unpaid for.

The table (Table 1) on the right provides the hours of work done by contract workers in each of the Municipal corporations and their wages.

**Table 1: Wages and Hours of work**

District	Hrs of work	Days of work in a month	No. of days Paid for	Monthly wage in INR	Daily wage	Hourly wage	Statutory MW in INR	Statutory Daily MW	Statutory Hourly MW
1	2	3	4	5	6	7	8	9	10
Kanpur	8	30	30	6,684.00	222.80	27.85	6734.95	259.04	32.38
Bhopal (1)	9	30	25	4,900.00	163.33	18.15	8142.60	313.18	39.15
Bhopal (2)	9	90	89	6,700.00	223.33	24.81	8142.60	313.18	39.15
Satara (Men)	8.5	30	30	5,400.00	180.00	21.18	7944.25	305.55	38.19
Satara (Women)	8.5	30	30	3,000.00	100.00	11.76	7944.25	305.55	38.19
Sangli (Men)	8.5	30	30	5,000.00	166.67	19.61	7944.25	305.55	38.19
Udaipur	8	30	30	3,500.00	116.67	14.58	4914.00	189.00	23.63
Rajkot	4	30	30	2,500.00	83.33	20.83	8580.00	330.00	41.25

**25 day Contract and 89 day Contract:** In Bhopal, workers are paid wages according to 2 different kinds of work contracts: (1) the 25 day contract and (2) the 89 day contract. Though the workers are always paid at the end of a month and each worker works for 30 days every month, their contracts differ and their payments too, based on the contracts. The workers on 25 day contracts work for 30 days but are paid for only 25 days in the month. These workers are hired through contractors and these contracts were first floated in 2003. 5 days of wage are lost by the workers every month.

The question that arises, of course, is why do they accept this deduction when wages are already very low? The choice and the number of jobs available to a dalit (SC) worker continue to be extremely limited and this employment option, since independence, has been one of the largest absorber of dalit workers in regular government employment with job security and dignity. The hope is to move to the 89 day contract and then to be regularised as a permanent safai worker with retiral benefits.

The 89 day contract is, as the name suggests, a contract that spreads over 3 months in which the wage loss is for 1 day in 3 months as against 15 days in the 25 day contract. However, even in the 89 day contract, a worker has to work 30/31 days every month for full wages. The 89 day contract workers are workers who were on the rolls of the municipal corporation as casual workers in 2003 when the first contract was floated. They are, today, contract workers directly employed under the Municipal Corporation, while the 25 day workers are employed by contractors. The one day in their 3 month contract is treated as a break in employment or a layoff and then they are rehired. This is to ensure discontinuity in service in order to ensure no claim can be made for regularisation under the Contract Labour (Regulation and Abolition) Act, 1970 and subsequent Supreme Court orders.

**Gender Discrimination in Wages:** In the case of Satara, the wages of men and women differ.

**Interview with a Woman Contract Safai Karmachari in Satara**

*How much do you get paid?*

*Rs.100 per day*

*Men are paid Rs. 5000 a month. How is it that they get paid more than you? Do they work for longer hours than you do?*

*No, it is nothing like that. We work for the same length of time in a day from 6:30 am to 3:00 pm but the wages are different.*

*Does a male permanent worker get paid more than a female permanent worker?*

*No, they are paid the same wage if they are permanent workers.*

*Then how is it that you are paid less than the male workers?*

*~Silence~*

This is in violation of the constitutional right of every citizen to equality. Article 14 of the Constitution guarantees "equality before law and equal protection of laws within the territory of India"; Article 15 prohibits discrimination on grounds, inter alia, of sex; Article 16 guarantees equality of opportunity in matters of public employment. This also violates the Equal Remuneration Act, 1976.

**Curious case of Rajkot:** The contract workers in Rajkot are provided work for 4 hours daily. There are three systems of contract in Rajkot: (1) Mitra Mandal – Self help groups of men; (2) Sakhi Mandal – Self help groups of women; and (3) Contract workers under Contractors. Their shift begins at 6:30 am and ends at 10:30 am, except for the Sakhi Mandal for whom the shift starts at 6 am.

Sakhi Mandals: According to the contract of the Rajkot Municipal Corporation with the Sakhi Mandals, each unit of a Sakhi Mandal must complete a door to door garbage collection from 300 households/shops. Each unit of a Sakhi Mandal comprises of 8+1 members who should be paid Rs.13 per month from each door they collect the garbage from.

Over and above this payment, the Sakhi Mandal is paid an additional Rs. 2000 by the Municipal Corporation for their services.<sup>2</sup> This means, each unit of a Sakhi mandal is paid a total of Rs. 3900 + 2000 = Rs 5900 per month for their 4 hour service every day of the month. This further means that each member of the Sakhi Mandal earns a maximum of Rs. 655.55 per month, which is nowhere near the minimum wage. In fact, it is less than 2 days of minimum wage for safai work in the city the Rajkot.

This is an example of privatisation of public service in which private households/other establishments are made to pay directly for the public service that essentially should be provided by the local self governments. In the name of providing employment to women, the Sakhi Mandal Scheme is used in the city of Rajkot to organise women from poor families into groups or Mandals and made to adopt savings and internal credits for economic self-sufficiency. This is basically a micro-credit model that sustains itself through self-exploitation. The monthly fund earned by the members of the Sakhi Mandal through the collection of waste in a particular locality, is kept in a bank and the members can borrow from this fund at times of economic exigency at a nominal interest which again becomes an earning for the Mandal. Thus, in fact, the members of the Mandal are not paid a wage on a monthly basis at all. The funds paid to the Mandal are kept for economic exigencies of members in which the member in distress can take a loan at a nominal interest rate and pay it back in an agreed time frame. Thus in reality, the members of the Sakhi Mandal work for free and only if there is an exigency, they have the option of taking a loan for which they even have to pay an interest.

The lack of knowledge of the women in the Mandals of their rights as a worker, their complete disconnect from institutional credit system and their desperation for access to financial resources at times of exigencies are being used to exploit these women workers and deliver a crucial

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2 Tender for Sakhi Mandal work, Rajkot Municipal Corporation dated 23rd March 2012

public service at minimal cost. This forms the basis for the 'Minimum government' model of the BJP government both at the state level and the central level.

The Mitra Mandals also function in a similar manner with the basis of this employment lying in micro-credit.

## Loss of Wage

From Table 1, it is evident that the wages paid to the workers at every location the end of the month (column 5) is less than the statutory monthly minimum wage (column 8).

**Table 2: Loss in Wages**

District	Daily Wage loss Col 9 - Col 6	Hourly Wage Loss Col 10 - Col 7	%Loss in Daily Wage	%Loss in Hourly Wage
1	11	12	13	14
Kanpur	36.24	4.53	13.99	13.99
Bhopal (25 day Contract)	149.84	21.00	47.85	53.64
Bhopal (89 day Contract)	89.84	14.33	28.69	36.61
Satara (Men)	125.55	17.02	41.09	44.55
Satara (Women)	205.55	26.43	67.27	69.20
Sangli (Only Men)	138.88	18.59	45.45	48.66
Udaipur	72.33	9.04	38.27	38.27
Rajkot	246.67	20.42	74.75	49.49

The difference in the wages earned increases when we calculate daily wages paid to the workers. All contract safai

workers in every location works for 30/31 days in a month with wages being deducted for any leave day. The daily minimum wage in each of the cities is given in Column 6 and the statutory daily minimum wage for unskilled category is given in Column 9 and to understand the loss in hourly wage, especially in cities where workers work for more than 8 hours every day, we compare Columns 7 and 10 of table 1. Table 2 above gives the loss in wage if we calculate the daily wage and the hourly wage for each category of workers in each city.

This loss calculated in Table 2 only takes into account loss in wages due to extra hours/days worked in a day/month without overtime compensation at double the hourly wage rate. If we were to calculate loss of overtime wage, the total wage loss would be much higher. Despite this, it is appalling to note that workers in some cities, for instance, women workers in Satara are paid a wage that is less than one third the statutory daily minimum wage.

Over and above this, wages were deducted on any day a worker did not attend work. The other workers had to complete the work of the absent worker. The absentee suffered a wage loss but the other workers were not paid extra for the extra work.

The high wage loss in Rajkot was due to the fact that workers were only given work for 4 hours. This required much higher productivity and increased their work intensity tremendously, which in turn resulted in severe health problems. With no ESI or insurance and no paid leave, workers continued to work even when they were ill, thereby aggravating their health problems.

Most workers were required to work overtime and stood to lose more on their daily and hourly wage than their permanent worker colleagues. For instance, the 25 day contract worker of Bhopal stood to lose much more than the 89 day contract worker.

Further, wages differed for workers within the same

municipal corporation. As mentioned earlier the women workers in Satara Municipal Corporation were paid only half of the wages earned by their male colleagues; therefore their loss compared to the statutory minimum wage was the highest (see column 7, 12).

In Bhopal Municipal Corporation, the Statutory Minimum Wage for unskilled workers in local authority work at the time of the study was Rs. 239.95 per day. But the safai workers were paid as per the “collectorate rate” (a rate fixed by the collector of the city) which was fixed at Rs. 197. The wage was for seven days work each week, that is, without any overtime payment for working on the designated weekly off.

In Kanpur Municipal Corporation, the statutory minimum monthly wage for a Safai worker was Rs. 8741 (Rs. 7500 monthly pay + 885 PF + 365 ESI). But, the contract awarded to the contractor was signed at a rate of Rs. 5969 only per worker, inclusive of all government taxes. There was no additional provision of PF or ESI specified in the contract. We see from Table 1 that the actual payment to workers in the study of Rs. 6864 per month was for 7 days work. This worked out to Rs. 5883 per month for working 6 days a week, or even less than the wage at which the contract was signed.

The interviews in the 6 Municipal Corporations in the 5 states further revealed that the wages were paid irrespective of the age of the workers. The oldest worker interviewed was 45 years old, while the youngest was 24 years. There was no increment for years of service.

The following interview with a supervisor in Bhopal revealed that the condition of the supervisors of contract safai workers is not much different from those he supervises. In fact, in the hope of being regularised, he worked two shifts at the same wage as the workers.

## **Interview with a Supervisor at Bhopal Municipal Corporation**

*What do you do here?*

*I work as a supervisor for the Municipal Corporation. I am the person in-charge here. It is my responsibility to ensure that the market is clean, the drains are clog free, maintain the attendance register for safai workers.*

*What is your salary? And how much are the workers under you paid? We both are paid Rs.5000 per month*

*Your wage and the worker's wage is the same?*

*Yes. We are all paid the same 25 day contract wage. We all work for all 30 days but sign for only 25 days in a month. Actually we do not have a minimum wage system here. It's a collector's wage that we get. The collectorate issues notifications on the basis of which the wages are decided.*

*What are your work timings? I report at 8 AM and leave at 2PM. Then I come again at 8 PM and stay till the night shift workers finish their job.*

*So you work two shifts? Yes.*

*Then you are effectively making Rs.10000? No, the wage is the same. As I have to supervise the workers I am required to report in both the shifts.*

*Why do you do this job? I am working in the hope that one day I will get permanent.*

## Comparative analysis of wages

**Table 3: Comparison of wages of contract workers and permanent workers**

	Daily wage of Contract Safai Workers	Permanent Safai Worker	Unionised Contract Safai workers of Mumbai
Kanpur	222.80	846	350
Bhopal (25 days)	163.33		
Bhopal (89 days)	223.33		
Satara (Men)	180.00		
Women	100.00		
Sangli (Men)	166.67		
Udaipur	116.67		
Rajkot	83.33		

Table 3 provides a comparison of daily wages of safai workers in different areas and in different categories. The permanent safai worker is paid according to the Sixth Pay Commission scale in Pay Band – 1 which is about Rs.22,000 a month with other benefits. The daily wage of a permanent worker is derived by dividing their monthly wage by 26 days of work. In addition, the permanent safai workers are entitled to dearness allowance, uniform maintenance allowance and equipment allowance along with paid, casual and sick leave, the contract workers were not entitled to any of these benefits.

The fourth column gives the daily wage of the contract safai workers working for Brihanmumbai Corporation. The long drawn struggle of Kachra Vahatuk Shramik Sangh for regularisation of contract workers has ensured that the contract workers are paid the centrally notified minimum wages. The state notified minimum wage for safai work in Maharashtra stands at Rs.306 per day while the contract workers in Mumbai are paid Rs.350 per day.

The unionised workers in Mumbai are struggling for regularisation as well as for equal wages for equal work as per the Contract Labour (Regulation & Abolition) Act, 1976.

Table 3 shows the stark difference between the daily wage of a permanent workers and a contract worker in safai work across the cities. While a unionised contract worker in Mumbai is paid Rs.350, a permanent worker is paid Rs.846 per day, which is 2.4 times the wage of the unionised worker. The permanent worker's wage is about 2.4 times the centrally notified minimum wage for safai work. In the case of the contract workers in the other cities, the differential is wider. In fact, the wages of the contract workers in the 6 cities are, in all cases except in Kanpur and in Bhopal for the 89 day contract workers, less than half the wage of the contract workers in the city of Mumbai. Lack of unionisation and the nexus between the corporation and the contractors established an organised system of wage theft.

The Municipal Corporations in the states were therefore in clear violation of the Contract Labour Act (CLRA Act, 1970), which specifies equal wage for equal work. The Supreme Court order in the case of Municipal Corporation of Delhi vs Ganesh Razak & Anr<sup>3</sup> also upheld this principle, stating that "...The doctrine of Equal Pay for Equal Work envisaged in Article 39(d) of the Constitution of India is exalted to the position of fundamental right by reading it along with Article 14 of the Constitution. Thus, the right of equal pay of the daily rated/ casual employees as their regular counterparts doing the same type of work is their constitutional right." Thus the state Municipal Corporations, and consequently the state governments were violating the very laws that they were mandated by legislation to uphold.

In addition to their victory in winning centrally notified minimum wages, the unionised contract workers of Mumbai also ensured that all contract workers are eligible to PF and a paid weekly off. Table 4 below provides details of access to PF, ESI and paid holidays.

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3 Municipal Corporation of Delhi vs Ganesh Razak & Anr. (ILR 1994 Delhi 21)

**Table 4: Access to PF, ESI and Paid Holidays**

	PF	ESI	Paid weekly off	Paid holiday
Amravati	✗	✗	✗	✗
Satara	✗	✗	✗	✗
Sangli	✗	✗	✗	✗
Rajkot	✗	✗	✗	✗
Kanpur	✗	✗	✗	✗
Bhopal	✗	✗	✗	✗
Udaipur	✗	✗	✗	✗
Mumbai Unionised Contract Workers	✓	✗	✓	✗
Permanent Workers	✓	✓	✓	✓

The Kachra Vahatuk Sharmik Sangh, the union of the contract safai workers of Mumbai, has also been able to win paid weekly off and Provident Fund for the contract workers. The struggle to get workers registered in ESI and getting them personal protective equipment is ongoing. Meanwhile, the workers have been enlisted in a group insurance scheme by the union to take care of any contingency expenditure on healthcare.

## Conditions of Work

### **Interview with Garbage collector, Mahatma Phule Nagar, Amravati**

*How long have you been with this job?*

*I am 55 years old. I have been doing this job for the last 20 years now.*

*What is the nature of your work?*

*The garbage alongside the roads and drains has to be lifted and then carried to the garbage bin. I do the collection, lifting and transportation of the garbage.*

*You are getting drenched? Don't you get any raincoats, gloves?*

*I am right here in front of you. I haven't got anything from the corporation ever. You think I would be like this [drenched] if I had things?*

*What is your wage?*

*When I started I would get Rs.40 per day. Today I earn Rs.200. Even this tricycle (the one he was using for collection) is my own. The Rs.200 I earn is inclusive of my wage and the rent Corporation pays for this Van Rickshaw.*

*How are you paid? The contractor makes the payment.*

*I am paid in cash.*

*Do you have an attendance register? ID card?*

*No*

*Do you get any weekly off?*

*No. I work on all 365 days. If I don't show up for work even when I am sick my wage for that day is deducted.*

*Do you have PF/ESI?*

*I had PF. Then I stopped making contributions. It is an unnecessary hassle. The contractors keep changing, every time that happens I am made to run around for paper work. Go get this sign, that sign, collect this document from that office. I got fed up of the running around. I can't leave work and run around for signature. I lose my wage in that process.*

None of the workers interviewed in the 6 cities across 5 states got a weekly off, or day off on a national holiday.

None of the workers was given an ID card by either the Municipal Corporation or the contractor employing them. Most workers were paid in cash and had no access to PF or ESI. Therefore there was no proof of employment. Only in Satara in Maharashtra did all workers get payment through bank transfer.

## Health and Safety

The Factories Act and Contract Labour Act require the employer to provide and maintain at suitable points conveniently situated for all workers employed a sufficient supply of wholesome drinking water. The workers in the sample in all 8 cities said that there was no drinking water made available to them at their work areas.

The lower caste background and the nature of work dealing with filth made it near impossible for the Safai workers to get drinking water from any of the establishments in their locality of work. Deepak, a sweeper from Udaipur said, *“People don't let us near their shops. We can't even ask for water at the Dhaba or the chai shop. Shopkeepers fear that customers would stop coming to their stall if a stinky sweeper is found having tea from their shop.”*

The safai workers dealt with filth throughout their workday. It was a basic necessity for them to have access to washing facilities. The access to a washroom is mandated as per the Contract Labour Act and the Factories Act. However no washing facilities were available to any of the safai workers at their worksites. Neither was there any washing provision available at the regional municipal offices for use by the workers.

Lack of segregation of waste at source and absence of any safety equipment put Safai workers at constant risk

of cuts and bruises. Glass pieces, razors and other sharp objects often found their way in plastic bags and a slight negligence resulted in wounds. Even small wounds could lead to sepsis, and untreated wounds could result in more serious ailments. No access to first aid kits with medicines including bandages, antiseptic creams/liquid, anti burn cream/powder at the worksite was available. The Municipal Corporation contracts specified that such first aid access was mandatory. However the Corporations made no attempt to enforce these regulations. Also, exposure to fumes was a common occurrence resulting in vomiting and even loss of consciousness in the short run.

The Corporation did not provide any of the essential safety equipment to workers. They restricted their accountability to mentioning the requirement of providing safety equipment in the contracts. For example, the terms and conditions of contract of the Amravati Municipal Corporation stated: “The contractor shall provide for the safety of its staff such as rain coat during rain, gum boots and any other required safety equipment.”<sup>4</sup>

#### **Interview with a Contractor, Udaipur Municipal Corporation**

*Udaipur is a tourist place and it is going to be a smart city soon so we cannot afford to have an unclean city. Therefore, these workers cannot be given a full day leave. We do have government provision for them for a weekly off but it is not possible to manage work like that. So, these workers are given two half day leaves on every Sunday and Wednesday. The two half days make for a full day leave.*

*What about uniforms, raincoats masks?*

*The corporation has provided them with everything be it uniforms, masks or equipment to carry out the work. But, the workers do not want to use them. They will keep the uniform at home but not use it on work.*

**\*The workers refuted these claims in front of the contractor\***

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4 Amravati Municipal Corporation Terms & Conditions for e-Tender of sanitation work 2014

The Rajkot Municipal Corporation under the subheading 'Important Note' in the service contract indemnified itself of any future liability towards the safety of the worker. The note read: "Contractor shall comply with all safety rules and regulations and all inter disciplinary measures as followed by the RMC. The RMC shall not be responsible for any accident/injury to the staff of the contractor. It is the contractor's responsibility to take insurance of his employee, medical facility, work compensation etc., as per Workman Compensation act and all other relevant laws. Further the RMC will not provide any insurance, medical facility, workman compensation, etc., to staff of the contractor."<sup>5</sup>

All workers in the sample, including the workers at Amravati and Rajkot said that they were never provided any safety equipment. Many workers told how they either used the recyclable waste that they collected (e.g, discarded shoes, gloves in usable condition which they chanced upon in the waste collected by them); or used their own home devised methods like using plastic bags as caps during rains. The lack of safety equipment exposed them to the threats prevalent in their work environment. Dermatitis and irritation in the eye were found to be common among safai workers interviewed.

### Identity as a Workman

The workers involved in sanitation work across India belong to Scheduled Castes and hail from the lowest strata of the dalit community, like Valmiki, Mahars and Martangs among others. The exploitative practice of age old *Varna* system and absolute lack of dignity for the work performed has kept these workers from exploring their identity as workmen. The caste identity overshadows their identity as a worker and the job is seen as a duty ascribed to the person through his/her caste lineage.<sup>6</sup>

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5 Rajkot Municipal Corporation e-Tender no. RMC/SWM/14/73

6 Interview with Milind Ranade, General Secretary, Maharashtra Municipal Kaamgar Union on 6 August 2015

This duty based idea regarding sanitation work has been reinforced time and again by the society. Leaders like Gandhi romanticised sanitation work and tried to glorify the work of a manual scavenger. In his piece titled *The Ideal Bhangi*, Gandhi wrote:

*Such an ideal Bhangi, while deriving his livelihood from his occupation, would approach it only as a sacred duty. In other words, he would not dream of amassing wealth out of it. He would consider himself responsible for the proper removal and disposal of all the dirt and night-soil within the area which he serves and regard the maintenance of healthy and sanitary condition within the same as the summum bonum of his existence.*<sup>7</sup>

Gandhi might have meant to give dignity to the life of the 'harijan' at a time when caste based oppression was rampant in Indian society. His writings however also served to perpetuate a caste based division of labour. This multi-layered class and caste subjugation results in low self-esteem which is common among safai workers. The situation is further worsened in the case of contract safai workers who face exclusion even at the hands of their fellow permanent workers. The permanent employees at least have secured jobs, are paid better salaries, and enjoy the status and privileges of a government employee.

The lack of class consciousness or even consciousness about the identity of a worker is accentuated by the practices of the state governments. Government today seeks to employ contract workers under schemes that are termed as 'voluntary' under names that deny them their identity as workmen, and hence their protection under labour laws.

The Sixth Pay Commission recommended the elimination of Group D jobs. It called for "... *retraining ... (with) multi-skilling of these employees so that one single employee is able to perform multiple jobs that hitherto were being done by many employees. This will ensure that higher scale of pay does not place any additional pecuniary burden on the*

<sup>7</sup> <http://navayana.org/wp-content/uploads/2009/05/indiastinkingexcerpt.pdf>

*Government. Ansari Report on restructuring of Group D posts in Railways also recommends such a mechanism where many Group D posts are to be upgraded with higher skills so that the number of employees required to do the job gets reduced. ... Commission, in case of civilian employees, has recommended that no further recruitment shall be made in any of the Group D categories and all the existing Group D employees shall be retrained and upgraded to the lowest grade in Group C.* <sup>8</sup>

Thus, this opened up the need for hiring contract workers for performing the tasks of the erstwhile Group D workers. Just as in the manufacturing sector, the number of permanent workers protected by collective bargaining agreements, has been declining over the years. In private sector manufacturing today a large majority, sometimes almost 80-90% of the workforce in a factory, are irregular workers of varying kinds. The wage differential between the permanent workers in these factories and the irregular workers can be as wide as almost five times. These low paid workers ensure production and productivity, which ensures the profitability of an enterprise. Similarly, voluntary workers or honorary workers in government employment keep the wheels of government rolling. The number of regular workers will decline progressively as per the government policy of 'Minimum government Maximum governance'. Just like the Anganwadi workers in the ICDS (Integrated Child Development Services, under the Ministry for Women and Child Development) programme, the Mid-day Meal cooks in the MDM (Mid-day Meal scheme, under the Ministry for Human Resource Development) programme, the safai workers in different municipal areas are called samvida workers, or are made members of Sakhi Mandals or Mitra Mandals, or called swayamsevaks, all amounting to voluntary service and not 'work'.

For instance, the state of Uttar Pradesh hired contract safai karmacharis in the name of *Samvida* workers. The name was

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8 Report of the Sixth Pay Commission, Government of India, March 2008

derived from the practice of *samvida* which means contract in Hindi. In this hiring process the municipal authority invited tenders from individuals to undertake sanitation work. An individual entered into a 'contract for work' with the local body to provide his/her services. He/she therefore, becomes a 'self-employed' entrepreneur offering his services rather than an employee of the local body.

In Rajkot in Gujarat, contracts were awarded to *Sakhi Mandals* and *Mitra Mandals*. *Mandals* are membership based groups supposedly aimed at economic empowerment and welfare of their members. These *mandals* operate on a profit sharing model, with each member being an equal shareholder. Thus, in legal lexicon the safai workers do not draw salaries but share the profits earned by the *mandal*. Thus the Municipal Corporation could bypass both the Minimum Wages Act and Contract Labour (Regulation and Abolition) Act in dealing with the safai karmacharis.

In Mumbai and Hyderabad, safai workers were called *swayamsevak* or volunteers and the contracts for sanitation work awarded to entities designated as Not-for-profit and Non-Governmental Organisations (NGOs). Thus, the workers performing the task become volunteers.

In Indore and Bhopal districts of Madhya Pradesh the contract workers were addressed as *atirikt* (which translates to extra). By addressing workers as surplus the State disseminates the message that the work being performed is not only unimportant but also unnecessary and extra.

The *irregular workers* put in longer hours of work for less wages and lived under a constant fear of losing their jobs. This ensured that these workers did not organise themselves into unions for their rights.

The absence of an ID card for contract Safai Karmacharis, or a salary slip or uniform, or any other form of identifier that identified them as employees of the government or the government contractor also further vitiated their identity as workmen. The problem is compounded by the absence of

trade unions of contract workers. Except Sangli and Mumbai districts of Maharashtra, contract workers were neither a part of the trade unions of the permanent workers, nor did they have a separate trade union to voice their demands.

## Regularisation – the mirage contract workers chase

Many young contract safai karmacharis in the study voiced the hope of becoming permanent workers. However, as the sample details showed, workers who joined at the age of 20-25 years remained on contract even at the age of 45 years.

Figure1 shows a typical employment ladder in municipal safai work. The biggest hurdle is at the bottom of the ladder, in crossing over from the status of a contract worker to a permanent worker.

Figure1: Employment ladder for Safai Worker



Source: Catch News

As a regular worker, for the same job, the safai worker's monthly wage more than doubles to a starting wage of Rs 22,000 a month according to the Sixth Pay Commission wage

fixation. A senior safai worker could get up to Rs 32,000 a month for the same task. Permanent workers also get the added benefits of access to ESI, provident fund and loans against gratuity.<sup>9</sup>

## Municipal Contracts and Rights of the Safai karmachari

The municipal cleaning contract awarded in most instances reflects the illegalities in the system with respect to wages and other employment conditions. The wording of the contract and the contract amount ensure that workers have to be underpaid to make the contract viable. In fact, in many instances the clauses included to make the contract appear to comply with the law actually serve to ensure further violations. The following excerpts from municipal cleaning contracts serve as examples of how violation of the law is inherent in them.

The Amravati Municipal Corporation<sup>10</sup> tender document mentioned a detailed list of charges and wages in its tender as follows:

**Table 5:**

<b>Cost of Employees per ward</b> (No. of Employees per ward = 24)	
Employees per month salary x No. of workers	1,69,044
EPF contribution (13.61%)	23,007
ESIC (4.75%)	8,029
Stationary/ repair/ Misc.	4,000
Hydraulic Auto Maintenance	7,500
Total (A)	2,11,580
Service tax	8,453
Payment towards workers employed during weekly off	26,016
Total Monthly Cost (B)	2,46,049

9 <http://www.catchnews.com/india-news/the-life-of-safai-karamcharis-this-horror-story-is-very-close-to-you-1445626862.html>

10 Amravati Municipal Corporation Terms & Conditions for e-Tender of sanitation work 2014-15

The Corporation even took note of the charges that the contractor would have to pay towards the extra workers who would be engaged during the weekly off of the regular contract workers. It was interesting however that out of 43 wards for which contracts were awarded, in 14 cases they were awarded to bidders who bid less than the specified minimum monthly cost amount. The lowest amount at which a contract was awarded was Rs. 219999, or around 6% less than the base cost specified in the contract. If we look at the figures carefully, the bid quote actually covers the cost of provision of the service as specified without the EPF and the ESI contribution. Here again the contractor would make a profit only by underpaying his workers and employing less workers to do the work. As per the contract specifications in the Table above, the payment per worker including PF and ESI worked out to Rs.8337. This is far in excess of the average actual wages to contract workers in the sample.

The terms and conditions enlisted for contractors providing sanitation services to Amravati Municipal Corporation, Maharashtra under clause 27 read: “...*Contract labours shall only work under the supervision and command of contractor. Such (contract) workers will have no claim of permanent/contract employment with the Municipal Corporation. There will be no employer-employee relationship between the workers and the Municipal Corporation whatsoever.*” This clause is bad under law and cannot be sustained if challenged in court. The principal employer cannot contractually deny the relationship the contract worker has with the employer. The inclusion of such clause only serves the purpose of deterring workers from petitioning the principal employer for violations of their labour rights and contractual entitlements.

The Rajkot Municipal Corporation, Gujrat invited tenders from contractors for door-to-door waste collection using mini tippers. These mini tippers were to have one driver and one sweeper each. The e-Tender<sup>11</sup> under the section

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11 Rajkot Municipal Corporation e-Tender no. RMC/SWM/14/73

Workforce reads, “to avoid mishap during the operation, the Contractor shall ensure that only skilled staff/drivers with sufficient experience in respective trade and physical fitness are deployed on the job and are not put to over exertion as per the prevailing labour laws of the State and/or Central Government.” The e-Tender document also specified that the contractor should “follow all rules and regulations applicable to rendering of such services including service tax (if applicable), PF Act, ESI Act, therefore, all statutory provisions, rules, regulations shall be observed including, provisions of Environmental Quality Act, Government of India.” The “Notes” to the contract also specifies payment of bonus to workers as per the Bonus Act. According to the e-Tender document the cost of operation of 12 mini-tippers (ten for half days and two for full days) in ward no. 22 of the city is Rs. 8100 per day. The following table illustrates how the sum of Rs. 8100 leaves hardly any margin of profit for the contractor if he were to abide by the tender conditions and the law.

Rajkot Municipal Corporation	Minimum Daily Wage in Rs. (Semi-skilled worker)	Minimum Daily Wage in Rs. (Skilled worker)
	294.4	303
EPF (13.61%)	40.06	41.23
ESI (4.75%)	13.98	14.39
Total Daily Wage	348.4	358.62

Cost of operating 1 mini tipper [One sweeper (semi-skilled) + One driver (skilled)] = Rs.707

Total cost of operating 12 mini tippers for the whole day = Rs.8484.

The Municipal Corporation could argue that the requirement is only for half day work for ten mini tippers. However it would not be possible to get workers to come for half day work and seek employment elsewhere for the other half day. However even if we assume half payment for half day work the amount of payment under the heading of wage would come to Rs.5000. This is excluding bonus payment.

This barely leaves a primary surplus of Rs.3000 per day. This has to cover the cost of operations and maintenance of the tipper, including “provision of GPS mechanism at own cost on each vehicle”, “employ all required staff including supervisor, mechanic, helper....”, and “charges including but not restricted to payments to RTA, Labour Authorities, Local and Municipal Authorities, .... dues, taxes, fuel, oil, lubricant....”.

### **Interview with driver in Rajkot Municipal Corporation**

*What do you do? I drive this garbage collection vehicle.*

*For how long have you been in this work? Last 5 years*

*You seem pretty young? What is your age? 21 years*

*When did you get your driving license then? How are you driving since you were 16 years old?*

*I got my driver's license 2 years ago. Before that I was driving without a license.*

*And the contractor let you work without a license? I am a good driver you see.*

It is obvious that the primary surplus is insufficient to cover all running expenses and overheads, and then leave the contractor with a profit. The only possibility would then be to underpay the workers, and employ unskilled workers and less workers than required by the contract.

The service contract of Rajkot<sup>12</sup>, Amravati<sup>13</sup> and Kanpur<sup>14</sup> made it mandatory to present the challan of the payment of EPF and ESI of the previous month before the disbursement of next instalment of contract amount to the contractor.

This would appear to be a clause in the interest of the workers, to ensure their PF and ESI payment. In reality

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<sup>12</sup> Ibid.

<sup>13</sup> Amravati Municipal Corporation Terms & Conditions for e-Tender of sanitation work 2014-15

<sup>14</sup> Kanpur Municipal Corporation, Work order no. 1704/14-15/K dated 31 March 2015

they became the prime reason for delay in the payment of workers' wages. As the contractor was awarded to the lowest bidder without the Corporation making any effort to cross-check if the amount was sufficient to ensure payment of wages and dues to workers in full, and also the Corporation did not fulfil its responsibility as principal employer to ensure compliance by the contractor for all payments and statutory compliances, the contractor typically did not pay any benefits to the workers. In the sample none of the workers got the benefit of PF or ESI. However, in order to be able to comply with the contract requirement of presenting the challan for payment of ESI and PF, the contractors in Rajkot, Amravati and Kanpur typically deducted the sum from the salary of the workers, or forged the challans and receipts to obtain the next instalment. In either case the excessive paper work and red-tape resulted in delayed payment to the contractor. This delay in payment to the contractor resulted in delayed payment of wages to the workers. The contract safai workers in the Corporations explained that delayed and often irregular payments forced them to take consumption loans at high interest rates. Very often the contractors themselves were the moneylenders. Thus the clause to safeguard the right of the worker in the absence of any direct involvement of the Corporation in monitoring compliance of the contractors towards payment of PF and ESI actually resulted in harming the workers.

## **Struggle for Regularisation of Safai Workers in Mumbai: A Case study**

Contractualisation of safai work in the Mumbai Municipality or Brihanmumbai Municipal Corporation (BMC) began in the early 1990s. The contract workers were paid less than the government notified minimum wages, were denied canteen facilities, protective equipment and were forced to do overtime work without any extra pay. This created a divide between the permanent and contract workers. As

the contract workers were paid much less than the permanent workers, the permanent workers thought of themselves as socially superior to the contract workers and would often force the contract workers to finish the work assigned to them. Contract safai workers were denied access to toilets and the assigned rest areas.

The permanent workers in the BMC were unionised but this union distanced itself from the contract workers. In many occasions, the union was also in conflict with the contract workers and their demands.

Therefore, the contract workers came together to form their own union in the year 1996 and subsequently, registered Kachra Vahatuk Shramik Sangh (KVSS) as their trade union under the Trade Union Act, 1926 in the year 1997.

**First strike:** The first demand of the contract workers union was access to safe drinking water for the workers at their workplace.

According to the Factories Act, 1948 and the manual of the BMC it is the responsibility of the principal employer to ensure safe drinking water for the workers at the workplace. BMC paid no heed to the workers' demands and refused to negotiate with KVSS. Left with no choice the workers went on a fast unto death. On the third day of the hunger strike, the BMC accepted the demands of the union and arrangement for drinking water was made at the dumping ground for the contract workers. The union was able to secure the right to safe drinking water in the first few months of its inception. This instilled confidence in the workers and the union membership swelled.

**Regularisation battle:** KVSS filed a writ petition in the High Court of Bombay for the permanency of its members. The claim of the union was that the BMC did not have the required license to outsource these jobs under the Contract Labour (Regulation and Abolition) Act, 1970. Also, the contractors supplying these contract workers did not have the required registration certificate and license under CLRA, 1970. Also,

the union claimed that safai work was 'core' to the duties of the municipal corporation and could not be contracted out.

In 1998, the High Court of Bombay ruled in the favour of KVSS and directed the BMC to hire all the contract workers with the same benefits and pay scale of that of the Class IV employees of the corporation.

BMC challenged the High Court order in the Supreme Court in 1999.

Four years later, while the matter was still *sub judice* and the union expecting a favourable judgement, the BMC made an offer to settle the matter out of the court. Through a tripartite process, including representatives of the BMC and the KVSS in the presence of members from the Maharashtra State Labour Department, 1200 contract workers of the BMC were identified and regularised by the BMC on 14 February 2003.

The Hyderabad Model Manning and Mopping Guidelines were implemented in Mumbai in 2004 which brought in a new wave of contractualisation.

The KVSS once again, in 2007, filed a case at the Bombay Industrial Tribunal for the regularisation of 2700 contract workers. On 13 November 2014, after seven years of legal battle, the Industrial Tribunal ruled in favour of KVSS. Finding the contracts sham and bogus and the intent behind contractualisation *mala fide*, the Industrial Tribunal ordered the BMC to regularise the 2700 workers.

It is a result of this sustained struggle of the contract workers in Mumbai that today their wages are highest among contract workers across municipal corporations; they are paid the centrally notified minimum wages; the workers have PF accounts and enjoy a paid weekly day off.

## II. Swachh Bharat Mission

*“A clean India would be the best tribute India could pay to Mahatma Gandhi on his 150 birth anniversary in 2019 ... Cleanliness is not only the responsibility of the ‘safai kaamgar’, or the government, it is the responsibility of 125 crore Indians”,* said the Indian Prime Minister, Mr. Narendra Modi, as he launched the Swachh Bharat Mission (Clean India Mission) wielding a broom from the Valmiki Basti<sup>15</sup> in New Delhi on 2<sup>nd</sup> October 2014.

Many celebrities, from government officials to Bollywood actors, sportspersons, industrialists, and even spiritual leaders, lined up in urban centres in this nationwide cleanliness campaign. The Ministry of Urban Development sanctioned Rs. 459.93 crores to 10 states (listed below) as the first installment under Swachh Bharat Mission for the year 2014-15.<sup>16</sup>

S. No	State	Sanctioned amount (Rs. in crore)
1.	Maharashtra	135.00
2.	Karnataka	80.01
3.	West Bengal	64.01
4.	Gujarat	40.95
5.	Andhra Pradesh	40.00
6.	Bihar	37.72
7.	Chattisgarh	30.79
8.	Madhya Pradesh	18.81
9.	Manipur	11.21
10.	Odisha	1.43

The sanctions include Rs. 310.10 crores for construction of household and community toilets and Rs.48.00 crores for awareness generation activities and Rs.12.00 crores for capacity building.

<sup>15</sup> A segregated colony of safai karmacharis

<sup>16</sup> PIB Release, Centre sanctions Rs.460 cr to 10 states under Swachh Bharat Mission, 25 Feb 2015

The state-wide targets<sup>17</sup> in respect of household toilets under the Mission are:

Sl. No.	State	Household Toilet Target (In lakhs)
1	Tamil Nadu	13.95
2	Uttar Pradesh	11.83
3	Maharashtra	8.99
4	Karnataka	8.88
5	Andhra Pradesh and Telangana	7.93
6	West Bengal	7.88
7	Madhya Pradesh	7.32
8	Rajasthan	5.62
9	Bihar	5.47
10	Gujarat	4.06
11	Odisha	4.03
12	Chattisgarh	3.51
13	Jharkhand	2.31
14	Haryana	2.16
15	Punjab	1.96
16	Kerala	1.76
17	Assam	1.46
18	NCT of Delhi	1.25

Within a month of launching the campaign, the government spent nearly Rs.40 crore on advertising. Spending on the promotion of Swachh Bharat Abhiyan will increase as the government releases more ads, including television commercials, to promote sanitation and an end to open defecation. At least one new promotional campaign will be released every month until the end of the fiscal year as part of the planned ad blitz for the country's biggest cleanliness drive. The large-scale communication drive, scheduled to end in 2019, will prove to be lucrative certainly for the advertising agencies associated with it.

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<sup>17</sup> ibid

The Prime Minister in his inaugural address also pledged 100 hours every year to sweeping the floor, collecting waste and dusting his windows! Union Minister for Water Resources, Uma Bharti went one step further pledging 300 hours annually to the 'Swachh Bharat' (Clean India) mission. But in this voluntarism hides the fact that this mission is an attempt to increase private sector participation in critical public service. This is perfectly in line with the Almitra Patel Committee recommendations that promote minimum government and participation of the private sector and the voluntary sector in the provision of this critical public service. Thus in the spotlight trained on this high profile campaign, there is a careful attempt to blur the role of those workers who spend long hours every day cleaning our cities facing untouchability and discrimination. Even according to the World Bank, only the poorest of the poor across the world are involved in working with waste, which is considered to be 3-D work (Dirty, Dangerous and Demeaning). Voluntarism will not be able to change this or address the question of extreme caste based discrimination in employment and education. The fact that outsourcing affects dalits disproportionately is now well established. The government, in its Sixth pay Commission recommendation, also first proposed outsourcing in Group D category employment. The elemental constituent of affirmative action to reduce inequality was abandoned to give way to 'merit based' promotion.

Global standards of cleanliness can be met with more regulation and better condition of work and dignity of work for those who clean cities than voluntary action.

## Discussion

The study clearly brings out the exploitative conditions perpetuated by the various Municipal Corporations in the performance of their function of municipal cleaning. The contract system is used to mask every form of illegality, and violation of labour laws. If there is uniformity in the functioning of these Corporations, it is in the impunity with which they relinquish their responsibility as principal employers. The Amravati Municipal Corporation contract Clause 27 which explicitly states that “There will be no employer-employee relationship between the workers and the Municipal Corporation whatsoever” exemplifies the denial of the principal employer relationship that all Municipal Corporations practice. This is a clear violation of the Contract Labour Act. The government meant to regulate labour laws clearly comes out as a transgressor.

The contractor from Udaipur brought out the fundamental issue with municipal work. The requirement of **Swachha Bharat** is that municipal cleaning work has to go on for 365 days, through the year. However the logic of contract labour also means that profit has to be maximised by not allowing for any extra workers. This means that there is no slack in the employment, and any absenteeism has to be met from the existing workforce, which anyway has no slack.

The work intensity that the municipal worker is subjected to is back-breaking. Most workers are not eligible for paid leave. The wage is deducted for each day they do not report to work. Given the very low wages, this is a luxury that most workers can ill afford. They also have to look out for the fact that they can be replaced in their employment if they do not come to work.

There is systematic thieving of wages. The 89 days contract and 25 days contract all ensure that workers put in unpaid work. The contract supervisor in Bhopal puts in two shifts work for a single shift wage every day. Women workers

in Satara are paid half the wage of the men for doing the same work. In Bhopal, the stamp of approval for not paying the statutory Minimum Wage comes directly from the Collectorate office! These are all clear violations of the law. The state is meant to regulate on these violations. The issue is when the state is itself the violator, who will be the regulator.

The difficulty to workers faced with changing contractors is brought out in the interview with the contract garbage collector from Amravati. Each time the contractor is changed the worker has to on his own time get the formalities done to continue with social security benefits. In the context provision of social security becomes a nuisance to the worker. The worker himself then “voluntarily” relinquishes this benefit.

The logic of contract work is dilution of all norms to maximise profit. If the driver with Rajkot Municipal Corporation is underage, he can continue with the Corporation for two years without a driver’s license. This is bad in law. This is a potential danger to other road users in the city. However, as the Corporation has protected itself in specifying in its rules that only skilled workers with requisite qualifications can be employed it feels it has indemnified itself from all responsibilities.

This is then the new face of ***Swachha Bharat Abhiyan***. The roads may become clean, and civil amenities might improve with greater investment into the programme. But the systematic violation of laws by privatised service providers will generate their own dirt which will have to be swept under the carpet of state indifference. This will have its own backlash – in terms of falling standards of service with less workers brought in; in terms of falling safety standards with dilution of skill and experience requirements; in terms of falling accountability for failures when things go wrong.

## **Annexure: Commissions and Committees**

### **Barve Committee**

The first enquiry commission was appointed by the Government of Bombay soon after independence in the year 1949 to study and enquire into the living conditions of the scavengers in the state of Bombay and to provide recommendations to improve their condition of work and to fix their minimum wage. Under the chairpersonship of V.N Barve the Scavenger's Living Conditions Enquiry Committee submitted its report in the year 1952.

### **Kelkar Committee**

The first Backward Classes Commission was appointed under the chairmanship of Kaka Kelkar in 1953. This commission studied the working conditions of Safai Karmacharis and submitted its report in the year 1955. The Committee observed that *“(t)he term “sub-human” can alone appropriately describe their condition. Bhangis clean our latrines and help maintain some measure of health and sanitation. Without Bhangis, the whole population would have to face the ravage of epidemics. And yet, these very Bhangis are forced to live in the filthiest of surroundings, and in some places they are even asked to carry night soil on their heads.... Any society that expects one section of humanity to perform such humiliating and degrading service should be ashamed of itself. Municipalities are the greatest sinners in this respect.... The Bhangis should not be condemned to live in segregated localities. They should be distributed and given quarters among other groups.”*

The observations and the recommendations of the Kelkar Committee were circulated to all State governments by the Ministry of Home Affairs in 1956 emphasising the need to introduce modern mechanical methods of cleaning latrines to eliminate the practice of manual scavenging.

The Government of India, based on the recommendations of this Committee, as a first step, suggested supplying of wheelbarrows/ hand carts to scavenging workers employed by Municipalities to eliminate the practice of carrying night soil as a head load.

### **Central Advisory Board of Harijan Welfare**

Simultaneously, in 1956, the Ministry of Home Affairs, constituted a Central Advisory Board of Harijan Welfare under the Chairmanship of Pt. Govind Ballabh Pant, the minister of Home Affairs. This Board reviewed the working and living conditions of sweepers and scavengers in the country and recommended to the Government to introduce a centrally sponsored scheme for this purpose. The Board constituted the Scavenging Conditions Inquiry Committee under the Chairmanship of Prof. N.R. Malkani to prepare a scheme to put an end to the degrading practice of carrying night soil.

### **Malkani Committee**

The Malkani Committee submitted its report in 1960. The Committee made concrete recommendations for eliminating the practice of carrying night soil as head load as well as for improving other working conditions and living and social conditions of the scavenging workers. Some of the recommendations are as follows:

#### **1. Working Conditions**

- i. For putting an end to the practice of carrying night soil as head load or waste load, wheel barrows should be introduced;
- ii. The use of receptacles in private and public latrines should be made compulsory;
- iii. It should be obligatory to use a standardised scraper, which should be supplied by the local bodies to their

employees and not left to the scavengers themselves;

- iv. Efforts should be made to encourage the use of rubber gloves, particularly at the pail-depots and dumping grounds;
- v. Carrying night soil in baskets, tasla and drum etc as head load should be prohibited by law and made an offence.

## 2. Housing for Sweepers and Scavengers

- i. Construction of quarters of conservancy staff should be near their place of work as far as possible but never around the pail-depots, morgues, public latrines, dumping grounds etc. These quarters should be built in colonies inhabited by others so as to avoid segregation;
- ii. The housing of scavengers should be improved so as to create a new sense of self respect amongst scavengers particularly their children;
- iii. One -room tenements would not be adequate as scavengers have large families. From the point of view of moral hygiene, every tenement must have at least 2 rooms, a kitchen, a bathroom, a latrine and also if possible electricity and water supply is a necessity.
- iv. Crèches, primary schools, medical facilities should be provided in large colonies.

## 3. Wages

- i. Wages should be paid to scavengers according to the Minimum Wages Act. State governments who have not done it so far should appoint committees to recommend wages and payments of other allowances, but which should not fall below the minimum wages.
- ii. Unclean work allowance should not be paid in cash but in the form of extra amenities such as gloves, availability of water, etc
- iii. For full time employees, the hours of work should not be more than 7 hours a day of which only 4-5 hours

be reserved for scavenging work. Part-time workers should not be asked to work both in the morning and in the evening as this deprives them of the opportunity to seek other employment.

- iv. Local bodies should frame leave rules and scavengers should be given the benefit of casual, privileged and earned leave, etc.
- v. State governments should ensure that at least in the local bodies where scavenging service is municipalised, scavengers are allowed a full day off in a week.

The Ministry of Home Affairs circulated the recommendations of the committee for strict adherence. However, in 1957-58, the Government of India realised that this recommendation was not enough for municipalities to implement it. A centrally sponsored scheme for improving the working and living conditions of sweepers and scavengers was introduced in the Third Five Year Plan (1961-66).

As per this scheme, the Central government allocated resources to local bodies to implement this recommendation of elimination of the practice of carrying night soil as head load. This grant was conditional on the complete elimination of the practice and not a partial elimination.

The Scheme had two parts:

- a. improvement in the working conditions of sweepers, scavengers, tanners and flayers; and
- b. improvement in the living conditions of those Scheduled castes who were engaged in unclean occupations or were landless labourers.

The financial assistance was provided by the Government of India to the state governments so that they could provide:

- a. grants-in-aid to municipalities/ local bodies for the purchase of hand-carts, wheel barrows, scrapers, gum boots and other protective equipments; and
- b. subsidy for construction of houses for sweepers,

scavengers, tanners and flayers and house sites to members of Scheduled castes who were engaged in unclean occupations or were landless labourers

The response from the states and local bodies to the scheme was very poor. In many cases the grant remained unutilised and in many cases the equipments provided by the local bodies, such as the wheel barrows etc, were so unwieldy and difficult to use that these were rejected by the scavenging workers, many of them women and children. Thus this scheme was discontinued during the Fifth Five Year Plan (1974-79)

### **Committee on Customary Rights**

The Department of Social Welfare, Government of India, in 1965, appointed another Committee under the chairmanship of Prof. N R Malkani to explore the possibility of abolition of customary rights of scavengers. The Committee found that where scavenging was not municipalised, the latrines were cleaned privately and one particular scavenging worker acquired a hereditary right to clean that latrine by an unwritten agreement. By this agreement the scavenger receives some payment from this household. This was a customary system of bondage of caste and occupation that would pass from one generation to the other, reducing possibility of seeking alternative employment for this community.

The Committee recommended the amendment of the Municipal Act to include house scavenging as an essential and mandatory duty of the Municipal body. Further, the committee advocated that women should not be employed as full time scavengers; they could be employed as sweepers or part-time scavengers.

### **B. P. Pandya Committee**

The National Commission on Labour set up a sub-committee

(1968-69) under the chairmanship of Bhanu Prasad Pandya which submitted its report in 1969 on the working conditions of the Sweepers and Scavengers in India. This commission recommended a comprehensive legislation regulating the working, service and living conditions of sweepers and scavengers and providing for adequate inspection and enforcement machinery.

### **Planning Commission Task Force on Tackling the Problem of Scavengers**

In July 1989, the Planning Commission constituted a task force for suggesting measures to abolish scavenging with particular emphasis on their rehabilitation. The task force submitted its report in 1990. Some of the recommendations of the Task force are as follows:

- i. Time-bound programme to convert all dry latrines to water-pour flush latrines in the country and prevent construction of new dry latrines in existing or future buildings;
- ii. Elimination of scavenging to be achieved during the Eighth Five Year Plan (1992-97) with an annual outlay of Rs. 110 crores by the Government of India;
- iii. Practice of carrying night soil as head load to be banned by law;
- iv. Alternative jobs for scavengers to be found in local bodies, failing which training and skilling to be imparted for seeking alternative employments;
- v. Incentives to be provided for children of scavengers for education and training;

### **National Commission of Safai Karmacharis**

Ministry of Social Justice and Empowerment constituted the National Commission of Safai Karmacharis (NCSK),

a statutory body, through the National Commission for Safai Karamcharis Act, 1993. The NCSK has, inter alia, been empowered to investigate specific grievances as well as matters relating to implementation of programmes and scheme for welfare of Safai Karamcharis. The Commission is required to be consulted on all major policy matters affecting Safai Karamcharis. Primary functions of the NCSK are as follows:

(a) recommend to the Central Government specific programmes of action towards elimination of inequalities in status, facilities and opportunities for Safai Karamcharis under a time-bound action plan;

(b) study and evaluate the implementation of the programmes and schemes relating to the social and economic rehabilitation of Safai Karamcharis and make recommendations to the Central Government and State Governments for better co-ordination and implementation of such programmes and schemes;

(c) investigate specific grievances and take suo moto notice of matters relating to non-implementation of

- i. programmes or schemes in respect of any group of Safai Karamcharis;
- ii. decisions, guidelines or instructions, aimed at mitigating the hardship of Safai Karamcharis;
- iii. measures for the social and economic upliftment of Safai Karamcharis;
- iv. the provisions of any law in its application to Safai Karamcharis,

and take up such matters with the concerned authorities or with the Central or State Governments;

(d) make periodical reports to the Central and State Governments on any matter concerning Safai Karamcharis, taking into account any difficulties or disabilities being encountered by Safai Karamcharis;

The NCSK has submitted six reports to the Ministry of Social Justice and Empowerment. However, no reports have been submitted since 2000.

The major recommendations of the Fourth Report (1998-99 and 199-2000) are as follows:

### **Powers of the Commission**

1. Executive/Judicial powers be conferred on the Commission along the lines in other Commissions;
2. Financial powers of the Ministry be conferred on the Commission

### **Working Conditions and Wages**

3. In order to ensure timely payment of dues, legal provisions of relevant acts be strictly enforced for timely payment of PF and gratuity and defaulting employers be dealt with severely under law;
4. Adequate promotional opportunities be provided to safai karmcharis to ensure at least 3 vertical promotions and also introducing time scale promotion after a specified number of years in a particular scale of pay;
5. Handling of garbage to be totally mechanised and safai workers to be provided protective equipments and devices;
6. All local bodies should provide primary, secondary and tertiary medical facilities to their workers and there should be in-built mechanism for quarterly health check up of such workers and their families and adequate insurance cover, wherever required, for covering secondary and tertiary medical expenses, the premium of which should be paid by the employer;
7. Safai workers should be provided additional allowance equal to 10% of basic pay as risk allowance to compensate for the risk they are constantly exposed to. State

governments should take the initiative to implement this uniformly in all local bodies;

8. Municipal bodies should construct new colonies for their safai workers with adequate facilities for road, underground drainage, electricity, water supply, personal toilets, schools, dispensaries and recreational facilities. Since large number of women are employed as safai workers, each colony should be provided with a crèche;

### **Funds**

9. Adequate allocation of funds for smooth functioning of schemes;

### **Almitra Patel Committee**

Taking cognizance of a PIL(Public Interest Litigation) filed by Almitra Patel in 1996, the Supreme Court of India appointed an eight member committee to recommend best practices of Solid Waste Management for Class 1 cities in India. The Committee submitted its report in the year 1999, which led to the postulation of Municipal Solid Waste (Management & Handling) Rules 2000, by the central Ministry of Environment & Forests in September 2000.

### **Recommendations for Modernisation of Solid Waste Management Practices in Class I Cities**

#### **Disposal and Collection of Waste**

**Ban on throwing of waste on the streets:** No waste shall be thrown on the streets, footpaths, open spaces, open drains or water bodies.

#### **Storage of waste at source:**

- Waste shall be stored at source of generation in 2 separate bins/ bags, one for food/ bio-degradable

wastes and another for recyclable waste. Domestic hazardous waste, as and when produced, shall be kept separately from the above two streams.

- Multi-storied buildings, commercial complexes and group housing shall additionally provide community bins for storage of waste generated by their members.
- Community bins shall also be provided in slums by the local body for the community storage of waste by slum dwellers.

### **Doorstep Collection of Waste**

- Both the streams of waste, organic / biodegradable waste as well as recyclable waste, shall be collected from the doorstep.
- Containerised handcarts or containerised tricycles or small-motorised vehicles shall be used for daily collection of food / biodegradable waste from the doorstep through public participation, using a bell, whistle or horn as a means of announcing the arrival of the collection staff.
- For collection of recyclable waste from the doorstep, NGOs may be encouraged to organize the rag-pickers. This waste can be collected once or twice a week according to the convenience of the households, shops or establishments.

### **Work Norms for Sweeping of Streets:**

Work norms ranging from 250 to 750 running meters of road length have been recommended, depending on the density of the area and local conditions. Giving a demarcated "pin point" area for street sweeping and waste collection is also recommended for optimum utilisation of manpower.

### **Daily sweeping of streets:**

- Sweeping of streets and public places, having habitation or commercial activities on one or both sides, shall be done on all days of the year irrespective of Sundays

and public holidays. Arrangements for rotating weekly rest-days are to be made by the local bodies.

- Hazardous toxic waste material which is occasionally generated shall however be disposed of by the citizens in special bins to be provided in the city at suitable locations by the urban local bodies.

**Provision of Litter bins at Public Places:** Provision of litter bins at railway stations, bus stations, market places, parks, gardens and important commercial streets may be made to prevent littering of streets.

**Abolition of Open Waste Storage Sites and other unhygienic street bins:** Neat mobile closed-body containers to be provided into which waste can be directly transferred from the containerised hand carts or tricycles and all open waste-storage sites as well as cement concrete or masonry bins must be abolished in a phased manner.

**Transportation of Waste to synchronize with Waste Storage Facility - Dispense with Manual Loading of Waste**

- For the transportation of waste, a system which synchronizes with both primary collection and bulk waste storage facilities may be introduced. Manual loading and multiple handling of waste may be dispensed with and instead, hydraulic vehicles for lifting the containers may be used in larger cities and tractor trolleys or a tractor container combination may be used in smaller cities.
- Transportation of waste shall be done on a regular basis before the temporary waste-storage containers start over-flowing. For economy in expenditure, the vehicle fleet should be used in at least two shifts. Workshop facilities may be optimised to keep at least 80% of the vehicle fleet on road. Transfer stations may be set up in cities where the distance to waste-disposal sites is more than 10 km.

## Processing and Disposal of Waste

### **Conversion of Organic Waste / Bio-degradable Waste into Bio-organic Fertiliser**

- Measures for conservation of land and organic waste resources shall be taken and organics shall be returned to the soil. To meet this objective, all food waste and bio-degradable waste shall be composted, recyclable waste shall be passed on to the recycling industry and only rejects shall be landfilled in a scientific manner.
- Decentralised composting with public and NGOs/CBO participation, may be encouraged wherever possible, and centralised composting of the rest of the waste maybe done.

**Caution against using unproven technologies:** Local bodies are cautioned not to adopt expensive technologies of power generation, fuel pelletisation, incineration etc. until they are proven under Indian conditions and the Government of India or expert agencies nominated by the Government of India advises cities that such technology can be adopted.

**Land to be made available on priority for processing and disposal of waste:** Availability of land for setting up processing plants and for disposal of waste is a major problem faced by urban local bodies. Government wasteland must therefore be given on top priority for this purpose free or at nominal cost, and if such land is not available or not found suitable, private land should be acquired or purchased through negotiated settlement. A Committee at the District level should identify suitable land and State Governments should form Empowered Committees to give speedy final clearance and prompt possession of suitable land to the ULB.

### **Institutional Strengthening and Capacity Building**

- Professionalism in administration, decentralisation of administration, delegation of financial and administrative powers, induction of environmental/

public health engineers in the solid waste management services and fixation of work norms and proper supervisory levels are recommended.

- Human resource development through training at various levels needs to be taken up.
- Municipal Commissioners and Chief Executives should not be transferred frequently and should have a tenure of at least 3 years to perform effectively.
- Adequate safeguards for the supervisory staff against abuse of the Schedule Caste / Scheduled Tribe (Prevention of Atrocities) Act 1984 may be provided through suitable amendments in the law to enable the Supervisory staff to perform their duties fearlessly.
- Inter-city meets for sharing of experience are recommended.

### **NGO / Private sector Participation in SWM Services**

- There is a need to improve accountability and the level of services through NGO / Private sector participation in SWM services to improve overall performance without harming the interests of the existing staff.
- Suitable amendments in the Contract Labour (Regulation and Abolition) Act 1970 may be done by the Govt. of India to permit private sector participation in this service.

**Legal Aspects:** Citizens' active participation may be ensured through massive public awareness campaigns. Simultaneously, adequate provisions may be made in local State laws governing the local bodies to ensure public participation and action against defaulters.

**Time Frame:** A time frame is necessary to implement the recommendations which have been prescribed, ranging from 3 months to 3 years as per the details given in the report.

## **Centre for Workers' Management**

B 50, First Floor, Dayanand Colony, Lajpat Nagar - IV  
New Delhi - 110024

**Phone:** +91 11 26481132    **Email:** [workersdelhi@cwm.org.in](mailto:workersdelhi@cwm.org.in)    **Web:** <http://cwm.org.in>