

Journal of Multi-Disciplinary Legal Research

Legality and Legal Rights of Manual Sewage Workers

Anurag Gupta

Student of BA. LL.B (Hons.)

NMIMS University, Navi Mumbai

ABSTRACT

India is a very diverse society with clear religious traditions and values in the personal life and daily work of most Indians, which has a significant impact on workplace policies and practices. Because the culture is very contextual and emphasizes class and interpersonal relationships, social, cultural and religious demands at different levels influence the formal and informal workplace policies and practices of Indian institutions, but there is empirical evidence for this. Available from the Indian government. There is a variety of literature. It is somewhat limited. Tolerance of religious diversity has been a strength in Indian culture. This essay is a contribution to the conference theme "Values: Institutional Resources", which discusses how Indian jobs value and fulfill religious diversity within their organizations. In this paper, I will focus on the social issue "CASTEISM AT WORKPLACE" keeping a documentary in my mind "MANUAL SCAVENGERS BY SCOOPWHOOP"

RESEARCH OBJECTIVES:

In this research paper, my main focus is to study the concept of social exclusion, social exclusion as a human right issue, caste system in India, casteism at workplace and analysis of a case law.

RESEARCH QUESTIONS:

- What is caste system?
- What is caste system in India?
- What is casteism at workplace?
- What is social exclusion?
- What is social exclusion as a human right issue?

RESEARCH METHODOLOGY:

The researcher relied on the secondary source of data such as books, journals, e-sources, articles, and newspapers and the relevant provision with decided case laws. Primary source of interview can't be conducted which researcher unable to refer due to shortage of time.

DOCUMENTARY REVIEW

A YouTube channel “SCOOPWHOOP” posted a video titled named “The Manual Scavengers of Mumbai Chase Ep.12” which investigates unfair wastewater treatment practices in Mumbai, India's financial capital.

According to the 2001 census, Mumbai has a population of 19.8 million and produces 2 billion litres of wastewater every day. It is estimated that more than 600 sewer workers die each year. This is ten times the number of soldiers killed on fire boats, and sewage spills can be worse every day. But forget that they have earned the honours of a soldier. They don't even get the respect people have.

Brihanmumbai Municipal Corporation has assigned 30,000 sewage treatment workers to treat the 2,000 litres of waste produced in the city. They don't have the proper training or tools to navigate through all this dirt and debris. These men don't get treatment because they stand for hours between human faces, broken glass, and used syringes. Handshakes are officially prohibited, but unlimited.

In the new documentary Chase, a collaboration between Newslandry and ScoopWhoop, Samdhish Bhatia reporter Avalok Langer explores Mumbai's sewers to see why men still have to dig into the financial capital of the world's fastest growing people.

The death toll continues to grow significantly, despite the Supreme Court's action against sending people to minors without proper protective equipment. SC also adopted a law in which families of those killed "at work" receive a total sum of 10 rupees.

Manual cleaning means that someone enters an incubator with a beam without proper equipment. It faces life-threatening conditions and inhales measurable amounts of toxic gases such as methane, hydrogen sulphide, carbon dioxide and carbon monoxide while processing human waste.

There are no humans on earth exposed to such cruelty in life. In fact, the reason why 90% of domesticated scavengers turn to alcohol is said to help numb the senses, causing them to fall into the wastewater.

Homemade caregivers in municipalities earn between Rs 10,000 and 15,000, while private contractors hire them for a fee of 4,000 to Rs 6,000 per month.

Despite the fact that no one can set the price for someone's life and can't justify this terrible practice, wages are so low that the waste manager cannot get out of this life because of financial constraints.

It is estimated that 1.3 million Dalits (mostly women) across the country collect trash by hand. So far, all these acts have crossed the threshold of abomination for obvious reasons these people don't feel like they want to eat. In addition, caste's distinct differentiation and professional status have forced descendants of housekeepers to work in the same profession.

Imagine such a terrible life without a way out. I wonder how lost we are in the ideology of the foundations of mankind.

CASTE SYSTEM: The term caste is not an Indian word. Caste comes from the complex Spanish and Portuguese words meaning "race", "race" or "origin". Many Indians use the term *JATI*. There are 3,000 castes and 25,000 castes in India, all of which are related to certain professions. According to the Oxford English Dictionary, the word means "race, origin, race" and originally comes from a Portuguese compound word meaning "pure or unmixed (bovine or racial)." There is no exact translation into Indian, but the terms *caste* and *JATI* are most closely related.

CASTE SYSTEM IN INDIA: The caste system is deeply rooted in Hindu philosophy and religion. India's caste system is manifested by its inherent social constraints and social stratification. Sankaran et al. In the study of (2017), caste identity and social identity are interdependent and intertwined in India, giving them a sense of self-esteem as most people know about caste. According to Bhagavad Gita (4:13), social division or Varnashrama is based on virtue and behaviour (Gurukarma). In the past, the Brahmins were known for their great intellectual abilities, while the Sudra were known for their stamina and endurance. But now the scenario is not. Because all castes and genes are intermingled by marriage between castes and no one can be called superior or inferior. Ashwin Kumar (2005) in his research showed that caste systems existed in India from premodern to present day, and socioeconomic factors are the key to social stratification. India's caste hierarchy was a system of pyramids with the highest position of Brahmin. Brahmin was a priest and performed mainly his studies. Kshatriyas was a ruler and warrior and was primarily involved in war and other administrative matters. Vaisyas were primarily traders, farmers and artisans. The last of the caste class was Sudra. They were servants and workers. Dalits were considered marketable and untouchable. They did not even belong to the Hindu caste class.

CASTEISM AT WORKPLACE: A report on workplace discrimination published by the International Labour Organization (ILO) revealed that India's Dalits was banned from working because of "class discrimination", which led to a mixed response from union leaders and activists.

According to a report titled Equality in the Workplace: Problem Solving, released on May 10th, "Dalit is denied employment opportunities in the production, processing or sale of food and services in the private and public sectors of India." He also noted that although the law prohibits the practice of "intangible assets", caste is the dominant factor in determining the economic and social status of Dalit men and women in India and Nepal. The report said, "The limited access to education¹, training and resources such as land or credit further hinders equal opportunities for access to activities other than caste and decent jobs." It allows a small number of Dalit people to get formal employment. The report says that such initiatives have not made equal progress in providing equal opportunities for all.

Professor Amitabh Kundu of Delhi said, "With the rapid emergence of a small number of urban centres, the issue of shifting the workforce from traditional agriculture to low

¹ <https://www.downtoearth.org.in/coverage/caste-discrimination-at-work-place-says-ilo-report--6106>

productivity and tertiary activities has not been at the centre of the debate over globalization development." Jawaharlal Nehru University.

The report also generated some criticism. J. John, editor of the journal Labour File, believes that the issue of caste discrimination is not exhaustive enough in the report. "It cannot reflect the growing awareness among the Dalits and the serious challenges they pose to discrimination and inequality,"² John said.

The report also mentions the implementation of the National Rural Employment Security Act of 2005. There is no analysis of its impact on poverty and gender equality. This report only expresses concerns about the choice of certain members to work with and the tensions in the family caused by neglect of women.

Competitiveness in the workplace, like religious prejudice, means that caste discrimination in the hiring process can play an important role in everyday decision making, given marketing and management issues. Gender and/or ethnicity are completely unacceptable. But how does casting affect your job? The honest answer is that no one knows³. Research is a problem because, unlike ethnicity and religion, which are often considered positive relationships, many choose to distance themselves from the whole idea of caste, but everything becomes more important when deciding what really happens.

Examples of workplace caste discrimination: However, the 2010 report mentions cases of unfair treatment, threats and harassment based on workplace harassment. These include:

- Work, social events and network disruptions
- Degrading behaviour such as "women with higher caste don't get water from the same tap water called lower cashews".
- Harassment and harassment by high-ranking officials have also affected campaigns, missions and dismissals. Examples given are:
 - Do not allow members of the lower class to take vacation upon request.
 - One person is promoted to president, but his team does not accept his authority because he is a lower rank than them.
- Hiring an employee-If an employee is hired on a recommendation, it may be because they belong to the same rank.
- Work Distribution-Higher-ranking managers distribute higher-paid jobs to senior employees.

² https://tspace.library.utoronto.ca/bitstream/1807/69309/3/Gambhir_Mira_R_201506_PhD_thesis.pdf

³ <https://foreignpolicy.com/2020/10/09/covid-19-might-not-change-the-world/>

THE CONCEPT OF SOCIAL EXCLUSION: “By definition, social exclusion reflects the revenge and overlap of unfavourable conditions of specific population groups and categories, and social identity is the central axis of exclusion. The added value of the social isolation method is that it emphasizes the relationship characteristics of deprivation. (September 2000). So, social exclusion can be explained in terms of group interactions to maximize value and reduce costs. “People are most vulnerable when they have few personal abilities and material resources, but as long as they enjoy the protection provided by members of an inclusive group who cooperate productively and redistribute products, none of this threatens survival. Jordan, 1994. It continues to write that all interactions take place within the framework of norms, methods and governance, stabilization and regulatory bodies. Members regulate each other's behaviour, unify the norms of social obligations, and provide mutual support and support on a bilateral basis. “Every social unit has rules on rights and obligations that determine when, where and how the final consumables are distributed. These rules are set jointly, but give individuals rights.”⁴

SOCIAL EXCLUSION AS A HUMAN RIGHT ISSUE: “The effectiveness of policies and programs to address social exclusion issues is linked to discussions on human development and human rights issues. Methods of development from the 1950s to the 1980s. They mainly focused on social and economic development as a result of the development process, and civil and political rights were less. During this period, government policy and developer group 5 were less concerned with the quality of the process that delivered the results. On the other hand, a human rights-based approach to development recognizes the desired outcome and creates an appropriate process to achieve and maintain the outcome. “Participation, local ownership, empowerment and sustainability are important components of a quality process (Jonsson, 2003). The rights perspective is based on principles that emphasize the responsibilities of those who are obligated to realize the rights of children. Universality of rights; Separability and interdependence of rights; And consideration of the principles of the best interests of the child and the views of the child. For example, state customs companies and other operations. Parents and teachers must respect these rights. As copyright holders, children have the right to require customs companies to respect and protect their rights and to fulfil their respective obligations. (United Nations Children's Fund, 2002). This global shift in evolution towards human rights is of great significance in addressing social exclusions in education as it encourages a broader, systematic and holistic view of the problem rather than the interpretation of problems such as the failure of the education system.”

ANALYSIS OF A CASE LAW:

“Bhanwar Singh vs State of Rajasthan⁵”

⁴ https://bestprac.eu/fileadmin/mediapool-bestprac/documents/Outputs/Learning_materials/Financial_Matters/1_Main_documents/2019-04-01_BESTPRAC_Financial_Management_of_H2020_projects_-_Guide_to_Best_Practice

⁵ Bhanwar Singh & Anr. Vs State of Rajasthan, 1968 AIR 709

In the case of Bhanwar Singh vs State of Raj. And Anr., a petition was passed against the order on 11th June, 1998 on the case of Narain Ram vs. Bhanwar Singh. Narain Ram filed a FIR that while he was standing at a bus stop and two people Bhanwar Singh and his son Kalu Singh abused the petitioner with words like “dhedh” and “neech”. The petitioner also asked why did that for which the two people beat him. The petitioner was saved by Shri. Hanumana Ram and Ramu Babri. The charge sheet was filed on Section 341, 323, 324 of Cr. P.C. The petitioner was not satisfied and filed a petition that section 3(1)(x) of the SC/ST prevention of atrocities act would also apply. The High Court of Rajasthan held that the Learned Judicial Magistrate should re-consider the question of issuing process against accused person for offence under Section 3(1)(x) of the SC/ST Prevention of Atrocities Act.

CONCLUSION: India's religious, linguistic, geographic, ethnic, cultural and socioeconomic diversity is more complex in width, depth and scale than any other country in the world. This complicates workplace policies and approaches at varying levels of sensitivity, understanding, scope and implementation. Religiously, Hinduism is not a homogeneous religion because it has many different sects, beliefs and methods. Constitutionally, India is a secular state with equal respect for all religions, and there is no doubt that it is based on religion itself. The caste system has its roots in Hinduism, but today purity is a global problem in India. However, conflict over booking policies is common in India and requires greater sensitivity at both the social and workplace level. Tolerance of religious diversity, which has been a strength of Indian culture, seems to be prevalent in expressions of religious diversity in the workplace, but it should be redirected to a social level. This article fills the void in the administrative literature linking the values of Hinduism, spiritual principles, and religious diversity as an institutional resource.

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