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# **HUMAN RIGHTS AND OCCUPATIONAL SAFETY OF SANITATION WORKERS IN GUJARAT: A SOCIO-LEGAL STUDY OF HAZARDOUS SEWER AND SEPTIC-TANK CLEANING**

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## **ABSTRACT**

Sanitation workers perform an indispensable role in maintaining public health, environmental hygiene and urban infrastructure, yet those engaged in sewer and septic-tank cleaning continues to face serious threats to their life, dignity, health and occupational safety. Hazardous cleaning of sewers, manholes and septic tanks, particularly where workers are required to enter confined spaces without adequate mechanization, protective equipment, safety training, atmospheric testing and emergency rescue arrangements, remains an important human-rights concern in India. Despite the constitutional guarantees of equality, life and dignity and the enactment of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, hazardous sanitation practices continue to occur in different parts of the country, including Gujarat. This research examines the human-rights and occupational-safety conditions of sanitation workers engaged in hazardous sewer and septic-tank cleaning in Gujarat from a socio-legal perspective. The study analyses the constitutional and statutory framework governing their protection and evaluates the implementation of judicial directions, occupational-safety requirements and government initiatives, particularly the National Action for Mechanized Sanitation Ecosystem (NAMASTE). It also examines the responsibilities of municipal authorities, private establishments, contractors and other agencies involved in sanitation operations. The study identifies significant gaps between legal safeguards and their practical implementation, including inadequate mechanization, contractualisation of sanitation work, insufficient safety training, weak institutional monitoring, delayed compensation and limited rehabilitation opportunities. It argues that sanitation-worker deaths should not be treated merely as isolated occupational accidents but as indicators of broader failures in the protection of human dignity and occupational rights.

The research concludes that effective enforcement, comprehensive mechanization, institutional accountability, occupational-health protection, timely compensation and sustainable rehabilitation are essential for ensuring a safe, dignified and rights-based sanitation system in Gujarat.

**Keywords:** Sanitation Workers, Human Rights, Occupational Safety, Hazardous Sewer Cleaning, Gujarat.

## **1. Introduction:**

Sanitation is an essential part of a healthy and dignified society. The proper collection, transportation, treatment and disposal of waste and sewage are necessary for protecting public health, maintaining environmental hygiene and ensuring safe living conditions. Behind these basic public services are thousands of sanitation workers who perform difficult and often physically demanding tasks every day. They clean drains, sewers, manholes and septic tanks, remove waste and maintain sanitation infrastructure in cities, towns and villages. Their work is indispensable to society but the people performing it have historically received inadequate social recognition and protection. In many situations, sanitation workers continue to work under conditions that expose them to serious occupational, health and human-rights risks. This creates a significant contradiction in modern society: individuals who protect the health and cleanliness of the community may themselves be compelled to work in environments that threaten their own health, safety and life.

The problem becomes particularly serious when sanitation workers are required to manually enter sewers, manholes or septic tanks. Such confined spaces may contain toxic gases, insufficient oxygen, harmful microorganisms and other dangerous substances. Workers may also face risks of drowning, suffocation, physical injury, infection or loss of consciousness. The danger becomes considerably greater where workers are not provided with appropriate protective equipment, gas-detection devices, ventilation systems, communication facilities, trained supervisors and emergency rescue arrangements. In some circumstances a worker entering a hazardous confined space may collapse within a very short period, while attempts by fellow workers to rescue the victim may result in additional deaths. Such incidents demonstrate that hazardous sanitation work is not merely an ordinary occupational activity. It raises serious questions concerning the protection of the fundamental rights of workers, particularly the right to life, dignity, equality, health and safe working conditions.

The legal position in India has developed considerably over the years. The Constitution of India

provides an important foundation for protecting sanitation workers through Articles 14, 17, 21 and 23. Article 14 guarantees equality before law, Article 17 abolishes untouchability, Article 21 protects life and personal liberty and Article 23 prohibits forced labour. These constitutional guarantees are supplemented by the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, which prohibits manual scavenging and specifically addresses hazardous cleaning of sewers and septic tanks. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules 2013 further prescribe safety measures for sanitation operations. Judicial decisions, particularly the Supreme Court's interventions concerning sewer deaths and rehabilitation, have also strengthened the legal protection available to sanitation workers. However, the existence of laws and judicial directions does not automatically guarantee their effective implementation at the ground level.

The issue has acquired particular contemporary significance in Gujarat. Gujarat has experienced rapid urbanization, industrial development and expansion of municipal infrastructure, resulting in an increasing need for systematic sewage and sanitation management. Government data concerning the NAMASTE programme indicate that thousands of sewer and septic-tank workers have been identified in the State. At the same time, reports of deaths during hazardous sanitation operations continue to raise questions about the effectiveness of existing safeguards. In 2026, the reported deaths of four workers while cleaning a septic tank in Surat district resulted in intervention by the National Human Rights Commission. Such incidents demonstrate that hazardous sanitation work remains a serious concern even after the development of a comprehensive legal and policy framework.

The issue also has an important socio-economic dimension. Sanitation workers may be engaged directly by municipal bodies or through private contractors and other agencies. Contractual employment can create difficulties in determining responsibility for safety, training, protective equipment and compensation. Economic insecurity may also limit the ability of workers to refuse dangerous assignments. Further, the historical association of sanitation work with caste and social exclusion cannot be ignored while examining the problem from a socio-legal perspective. The protection of sanitation workers therefore requires more than the prohibition of manual scavenging. It requires effective enforcement, mechanization, occupational-health protection, social security and rehabilitation, accountability of employers and contractors and respect for the dignity of every worker.

Against this background the present research examines the human-rights and occupational-safety dimensions of hazardous sewer and septic-tank cleaning in Gujarat. The study considers the relationship between constitutional rights, statutory safeguards, judicial interventions and government programmes such as NAMASTE. It also examines the practical gap between legal provisions and working conditions, with particular attention to mechanization, institutional accountability, compensation, rehabilitation and contractor responsibility. The central concern of the study is to understand why hazardous sanitation work continues despite legal prohibition and what measures can strengthen the protection of sanitation workers. The research proceeds from the premise that sanitation workers should not be required to sacrifice their health, dignity or lives in order to provide an essential public service. A rights-based sanitation system must ensure that the responsibility of maintaining a clean and healthy society does not become a source of avoidable danger for those who perform this essential work.

## **2. Conceptual Understanding of Sanitation Work and Hazardous Cleaning:**

Sanitation work is a broad and essential area of public service that includes activities related to the collection, handling, transportation, treatment and disposal of human waste, sewage and wastewater. It also includes the cleaning and maintenance of drainage systems, sewers, manholes and septic tanks. Sanitation workers may be employed directly by municipal authorities, public institutions or private organizations or they may work through contractors and other agencies engaged in providing sanitation services. Their contribution is essential for maintaining public health, preventing the spread of disease and ensuring a clean and healthy environment. However, the social importance of sanitation work has not always been accompanied by adequate protection of the workers who perform it. Many sanitation workers continue to work in difficult environments where they may be exposed to physical, chemical and biological hazards.

A distinction must be made between ordinary sanitation work and hazardous cleaning. Cleaning a sewer or septic tank does not necessarily become unlawful merely because it involves sanitation-related activities. The legal concern arises when a person is required to undertake cleaning in a manner that exposes the worker to serious and avoidable danger. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 specifically prohibits hazardous cleaning of sewers and septic tanks in circumstances where prescribed safety requirements have not been fulfilled. The legislation places emphasis on the

availability of protective equipment, appropriate cleaning devices and necessary safety precautions. Therefore the central concern of the law is to prevent human beings from being placed in situations where dangerous manual intervention could reasonably be avoided through appropriate technology, equipment and safety systems.

Hazardous sewer and septic-tank cleaning may involve entry into confined spaces where oxygen levels can be dangerously low and toxic gases may accumulate. Workers may face risks of suffocation, poisoning, drowning, infection and physical injury. These dangers demonstrate why hazardous sanitation work should be understood not only as a labour or occupational issue but also as a human-rights concern. The loss of a sanitation worker during such work directly affects the worker's right to life and dignity and may also create severe economic hardship for the worker's family.

The historical connection between manual scavenging and caste-based social exclusion adds another important dimension to the issue. Although the constitutional and statutory framework seeks to eliminate manual scavenging and promote rehabilitation, social and economic inequalities may continue to influence the nature of sanitation employment. Further, modern hazardous cleaning may involve workers employed through contractors who may not fit the traditional understanding of manual scavenging. Consequently, contemporary legal policy must address hazardous sanitation work broadly and independently as an issue of occupational safety, human dignity, social justice and institutional accountability. The ultimate objective should be to ensure that no worker is required to risk life or health while performing an essential public service.

### **3. Human Rights Dimension of Sanitation Work:**

The protection of sanitation workers is closely connected with the constitutional commitment to human dignity, equality and social justice. The Constitution of India does not expressly use the term “sanitation workers” as a separate category of rights-holders but several fundamental rights provide a strong legal foundation for their protection. Article 14 guarantees equality before the law and equal protection of laws while Article 17 abolishes untouchability and seeks to eliminate practices based on social exclusion. Article 21 protects life and personal liberty and has been interpreted by the Supreme Court as encompassing the right to live with dignity. Article 23 further prohibits trafficking in human beings and forced labour. These provisions become particularly important when sanitation workers are exposed to dangerous working

conditions because of economic vulnerability, social disadvantage or institutional failure.

The right to life under Article 21 has a special significance in the context of hazardous sewer and septic-tank cleaning. Life under the Constitution means more than mere physical survival; it includes the conditions necessary for a dignified existence. A sanitation worker who is required to enter a dangerous sewer without adequate protective equipment, safety training, atmospheric testing or emergency rescue facilities may face a serious threat to life. In such circumstances, the issue is not simply whether an accident occurred but whether adequate preventive measures were taken to protect the worker. The constitutional perspective therefore requires public authorities and other responsible institutions to treat occupational safety as part of the protection of human dignity.

Article 14 is equally relevant because sanitation workers should receive the same protection of law and access to safe working conditions as other workers. Where particular groups repeatedly perform the most dangerous sanitation tasks because of social or economic vulnerability, the problem reflects structural inequality rather than merely individual employment conditions. The human-rights approach consequently requires examination of the entire sanitation system, including recruitment, contractual employment, training, mechanization, supervision, compensation and rehabilitation. It shifts the focus from treating sanitation workers as recipients of welfare to recognizing them as individuals entitled to enforceable rights, dignity and protection.

#### **4. Statutory Framework in India:**

India has developed a specific statutory framework to prohibit manual scavenging and protect persons engaged in sanitation work. The principal legislation is the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013. The Act seeks to eliminate insanitary latrines, prohibit the employment or engagement of manual scavengers and provide rehabilitation to persons affected by the practice. Its significance extends beyond traditional manual scavenging because Section 7 prohibits the direct or indirect engagement of any person for hazardous cleaning of sewers and septic tanks in the circumstances prohibited by law. This provision is particularly relevant to contemporary sanitation operations involving municipalities, private establishments and contractors.

The statutory framework is important because responsibility cannot be avoided merely by

outsourcing sanitation services. Local authorities, agencies and other persons involved in sanitation operations are expected to comply with the law and ensure that prohibited hazardous cleaning does not take place. The legislation also provides penalties for violations and establishes mechanisms for identification, rehabilitation and implementation. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules 2013 further prescribe safety-related requirements for sewer and septic-tank cleaning, including appropriate protective equipment, communication arrangements, rescue facilities, first-aid arrangements and trained personnel. These requirements reflect the principle that worker safety must be planned before hazardous work begins.

However, effective legal protection depends upon actual implementation. Merely possessing safety equipment or including safety requirements in official records does not guarantee protection. Authorities and employers must ensure that equipment is functional, workers are properly trained and hazardous operations are supervised. Mechanization should be preferred wherever reasonably possible, particularly where human entry can be avoided. Thus, the statutory framework provides an important foundation for protecting sanitation workers, but its real effectiveness depends upon enforcement, institutional accountability, technological capacity and continuous monitoring at the ground level.

## **5. Constitutional and Judicial Protection:**

The constitutional protection of sanitation workers has developed significantly through judicial interpretation and intervention. The Constitution of India provides the fundamental basis for protecting the life, equality and dignity of persons engaged in sanitation work. Articles 14, 17 and 21 are particularly relevant because they address equality, social exclusion and the right to life and personal liberty. Article 21 has been interpreted broadly by the Supreme Court to include the right to live with human dignity. In the context of sanitation workers this principle means that the performance of an essential public service cannot justify exposing a person to avoidable and life-threatening working conditions. The Supreme Court's decision in *Safai Karamchari Andolan v. Union of India* strengthened the legal obligation to eliminate manual scavenging and provide rehabilitation to affected persons. The Court recognized that continuing deaths of sanitation workers represented a serious failure of the constitutional and statutory framework.

The decision in *Dr. Balram Singh v. Union of India* delivered on 20 October 2023, further

strengthened judicial protection. The Supreme Court directed the Union and State Governments to take measures for the complete eradication of manual sewer cleaning and specifically required that outsourced sewer-cleaning work should not require persons to enter sewers. The Court also directed comprehensive rehabilitation, including employment for eligible family members, education for children and skill development. Importantly, it enhanced compensation for sewer deaths to ₹30 lakh. The judgment therefore connected prevention, rehabilitation and compensation as important components of justice. The Court's approach also emphasizes mechanization and the use of modern technology to reduce human exposure to dangerous sanitation environments. In January 2026, the Supreme Court further clarified the application of the ₹30 lakh compensation direction in cases where earlier sewer-death compensation had not been determined or paid.<sup>2</sup> These developments demonstrate that sanitation-worker protection is not merely a matter of welfare policy but an issue involving constitutional rights and institutional responsibility.

## **6. Present Scenario in Gujarat:**

Gujarat provides an important contemporary context for examining the implementation of these constitutional and legal protections. According to Government of India data 7,634 sewer and septic-tank workers had been validated in Gujarat under the NAMASTE scheme as of 31 December 2025. Such identification is important because worker profiling provides a foundation for occupational-safety training, health protection, social-security benefits and livelihood support. However, identification alone does not establish that hazardous work has been completely eliminated.

Recent incidents demonstrate the continuing importance of the issue. On 7 June 2026, four workers reportedly died while cleaning a septic tank at a jewellery manufacturing unit in Surat district. The NHRC took suo motu cognizance of the incident and sought a detailed report from the Gujarat Chief Secretary and Surat Police Commissioner concerning the investigation and compensation to the families. The NHRC stated that if the reported facts were correct the incident raised serious human-rights concerns. Earlier in 2023, the Commission had also taken cognizance of the deaths of three workers while cleaning a drainage line in Bharuch district and emphasized that the occurrence of hazardous sanitation work on private property does not remove the responsibility of public authorities to supervise such activities. More recently, the NHRC also addressed the deaths of contractual sanitation workers in Gujarat, again

highlighting the importance of safety equipment and modern technology. These developments show that Gujarat's sanitation-worker problem extends across municipal, contractual and private-sector arrangements. The present challenge is therefore to translate constitutional rights and statutory safeguards into effective ground-level protection through mechanization, strict supervision, accountable contracting, occupational-health measures and timely rehabilitation.

## **7. Occupational Health and Safety Risks:**

Sewer and septic-tank cleaning is one of the most hazardous forms of sanitation work because workers may be exposed to several dangers at the same time. Sewers and septic tanks are confined spaces in which toxic gases can accumulate and oxygen levels can become dangerously low. Gases such as hydrogen sulphide and methane may create serious risks of poisoning, unconsciousness, suffocation and fire. A worker entering such a space without proper atmospheric testing, ventilation, protective equipment and rescue arrangements may face a life-threatening situation within a very short period. The risk is particularly serious when workers are instructed to enter without adequate preparation or when safety procedures are ignored because of pressure to complete the cleaning operation quickly.

Apart from chemical hazards, sanitation workers may face biological risks through direct contact with sewage and contaminated materials. Sewage may contain bacteria, viruses, parasites and other harmful microorganisms that can cause infections and other health problems. Repeated exposure without appropriate protective clothing, gloves, footwear, masks and hygiene facilities may affect the long-term health of workers. Physical hazards are also significant. Workers may fall into deep drains become trapped inside narrow spaces, suffer injuries from equipment or structures or drown in accumulated wastewater. An additional danger arises during rescue operations. When a worker suddenly becomes unconscious inside a sewer or septic tank, other workers or members of the public may enter the same space without proper equipment in an attempt to save the victim thereby increasing the number of casualties.

Occupational safety must therefore be understood as a complete preventive system rather than merely the distribution of personal protective equipment. Effective protection requires prior risk assessment, mechanized cleaning wherever possible, gas detection, adequate ventilation, communication systems, trained personnel, emergency rescue equipment, first-aid facilities, medical support and continuous supervision. The Prohibition of Employment as Manual

Scavengers and their Rehabilitation Rules 2013 recognize several such safety requirements. The continuing occurrence of hazardous sanitation incidents therefore indicates that the central challenge is often effective implementation, supervision and accountability rather than simply the absence of legal provisions. A genuinely safe sanitation system should aim to prevent human entry into dangerous confined spaces wherever technology and alternative methods can perform the work.

#### **8. Contractualisation and Institutional Accountability:**

Contractual employment is an important feature of contemporary sanitation services and creates significant questions concerning responsibility and accountability. Municipal corporations, municipalities and other public authorities may engage private contractors or agencies for cleaning drains, sewers and septic tanks. Under such arrangements, the sanitation worker may technically be employed by a private contractor while performing a service that is essential to the functioning of a public authority. This separation between the formal employer and the institution benefiting from the work can sometimes make it difficult to identify who is responsible for training, safety equipment, supervision and emergency arrangements.

Contractualisation however should not become a means of avoiding statutory obligations. The 2013 Act applies to persons, local authorities and agencies involved in prohibited hazardous cleaning, making the nature of the work and the circumstances of engagement more important than the formal label attached to the employment relationship. Every sanitation contract should therefore contain clear and enforceable requirements concerning mechanization, protective equipment, worker training, safety inspections, emergency response and compliance with applicable law. Contractors should maintain proper records of workers, equipment, training and cleaning operations while municipal authorities should independently verify compliance instead of relying entirely on contractor declarations.

Institutional accountability should extend beyond determining responsibility after an accident. Public authorities should establish preventive monitoring systems, conduct regular inspections and ensure that hazardous cleaning is not undertaken through informal or undocumented arrangements. Where a contractor violates safety requirements, appropriate contractual, administrative and legal consequences should follow. Similarly authorities should examine whether inadequate supervision, lack of equipment or failure to use available technology contributed to an incident. Such an approach would help shift sanitation governance from a

reactive model, in which action begins after a worker dies, towards a preventive model centered on occupational safety, human dignity and the protection of life.

## **9. Mechanization and the NAMASTE Scheme:**

Mechanization has become an important component of efforts to protect sanitation workers from dangerous sewer and septic-tank cleaning. The National Action for Mechanized Sanitation Ecosystem (NAMASTE) seeks to move sanitation operations away from hazardous manual practices and towards safer, technology-based methods. The programme focuses on identifying and profiling sewer and septic-tank workers, providing occupational-safety training, improving access to protective equipment, promoting mechanized sanitation and connecting workers with social-security and livelihood opportunities. Government information available in 2026 indicates that 89,114 sewer and septic-tank workers had been validated nationally as of 31 December 2025 including 7,634 workers in Gujarat. The identification of workers is significant because an accurate database enables authorities to design safety, health and welfare measures according to the actual needs of workers.

However, mechanization should not be understood simply as the purchase or distribution of machines. Effective mechanization requires appropriate equipment, trained operators, regular maintenance, technical support and proper planning by local authorities. A machine that is unavailable, unsuitable for a particular sewer or not maintained properly may not provide meaningful protection. Local bodies should therefore assess the type of sanitation infrastructure in their areas and ensure that suitable machines are readily available when cleaning is required. Emergency arrangements are equally important because unexpected blockages or technical difficulties may create pressure to use manual entry. Such situations should be addressed through trained rescue teams and alternative technical methods rather than placing workers at unnecessary risk.

Training is another essential part of the NAMASTE approach. Workers should understand how mechanized equipment operates, how to identify dangerous conditions and when work must be stopped. Supervisors should also receive specialised training so that they do not permit human entry merely because mechanical cleaning is inconvenient or time-consuming. The broader objective should be to create a sanitation system in which human entry into sewers and septic tanks is avoided wherever technically possible. Mechanization, when combined with training, monitoring and accountability, can therefore become an important instrument for protecting

life, dignity and occupational safety.

### **10. Compensation and Rehabilitation:**

Compensation is an important element of justice for families affected by the death of a sanitation worker but financial payment alone cannot replace the life that has been lost. When a worker dies during hazardous sanitation work, the family may suddenly lose its primary source of income and may face difficulties relating to education, housing, healthcare and everyday living expenses. Timely compensation is therefore necessary to provide immediate economic support and to recognize the serious consequences suffered by the affected family. In *Dr. Balram Singh v. Union of India* the Supreme Court directed that compensation for deaths resulting from sewer or septic-tank cleaning should be ₹30 lakh. The implementation of this direction requires an accessible and transparent process through which eligible families can receive compensation without unnecessary administrative delay.

Rehabilitation must go beyond monetary assistance. Families affected by sanitation-worker deaths may require sustainable employment opportunities, educational support for children, healthcare facilities, housing assistance, skill development and access to social-security schemes. Rehabilitation should also address the possibility that family members may otherwise be compelled to enter similarly hazardous sanitation occupations because of economic necessity. A long-term rehabilitation programme should therefore provide genuine alternatives for livelihood and education.

The rehabilitation process should be family-centered, transparent and sensitive to the social circumstances of affected households. Authorities should maintain records of beneficiaries monitor the delivery of benefits and provide assistance until the family achieves reasonable socio-economic stability. Compensation and rehabilitation should consequently be understood as complementary measures: compensation responds to the immediate consequences of a death, while rehabilitation seeks to restore economic security and prevent the continuation of occupational vulnerability across generations. Ultimately, however, the most effective form of protection is prevention. No compensation system can justify allowing avoidable hazardous sanitation work to continue when safer technological and organizational alternatives are available.

## **11. Role of the National Human Rights Commission:**

The National Human Rights Commission (NHRC) has an important role in protecting the rights and dignity of sanitation workers in India. Its intervention is particularly significant in cases where workers die or suffer serious injuries while undertaking hazardous sewer, septic-tank or drainage cleaning. The Commission can take cognizance of reported human-rights violations, seek reports from concerned authorities, examine whether appropriate investigation has been conducted and draw attention to the need for compensation and remedial measures. Such intervention is important because sanitation-worker deaths may otherwise be treated merely as workplace accidents without examining the wider institutional and human-rights dimensions of the incident.

The NHRC's interventions in Gujarat illustrate the importance of this monitoring role. In 2023, the Commission took cognizance of reported sanitation-worker deaths in Bharuch district and sought responses from the concerned authorities.<sup>9</sup> The Commission's approach demonstrated that the responsibility of protecting workers does not disappear simply because sanitation work is undertaken on private premises. More recently, in June 2026 the NHRC took suo motu cognizance of the reported deaths of four workers while cleaning a septic tank at a jewellery manufacturing unit in Surat district. The Commission sought information regarding the investigation and compensation available to the families. These interventions provide an institutional mechanism through which the circumstances surrounding sanitation-worker deaths can receive attention beyond ordinary administrative processes.

Nevertheless, human-rights protection should not depend only on intervention after a worker has died. A more effective approach requires preventive monitoring. District administrations, municipalities and other competent authorities should regularly collect information concerning sanitation workers, hazardous cleaning operations and availability of safety equipment, mechanization, occupational training, accidents, compensation and prosecution. Periodic reporting can help identify recurring risks before they result in loss of life. The NHRC and other human-rights institutions can also contribute by issuing preventive guidelines, reviewing implementation and encouraging authorities to adopt rights-based sanitation policies. The ultimate objective should be to transform human-rights monitoring from a primarily reactive mechanism into a continuous system of prevention, accountability and protection.

## **12. Socio-Legal Dimensions: Caste, Poverty and Social Exclusion:**

The condition of sanitation workers cannot be fully understood through legal provisions alone. It has a strong socio-legal dimension because the nature of sanitation employment is influenced by historical social structures, economic inequality and occupational stigma. In India, sanitation and manual scavenging have historically been associated with caste-based exclusion. Article 17 of the Constitution abolished untouchability, while subsequent legislation has sought to eliminate manual scavenging and rehabilitate persons affected by the practice. Despite these legal developments, social attitudes and occupational patterns may continue to influence the conditions in which sanitation work is performed.

Economic vulnerability is another important factor. Workers with limited education, insecure employment and few alternative livelihood opportunities may find it difficult to refuse dangerous assignments. A worker may technically have the freedom to reject hazardous work but that freedom can become limited when refusal threatens immediate income or employment. This makes occupational safety a question not only of workplace regulation but also of economic and social justice. The State and employers therefore have a responsibility to ensure that workers are not compelled by poverty to accept conditions that place their lives and health at serious risk.

Social exclusion may also affect access to education, healthcare, social security and alternative employment. For this reason, eliminating hazardous sanitation work requires a broader strategy than criminal prosecution alone. Workers should have access to education, vocational training, skill development, social-security benefits and sustainable employment opportunities outside hazardous sanitation activities. Public awareness is equally necessary to challenge the social stigma associated with sanitation work and to recognize sanitation workers as essential service providers and rights-bearing members of society. A successful socio-legal approach must therefore combine legal enforcement with social transformation, economic empowerment and institutional support. Only such a comprehensive approach can reduce the structural conditions that allow hazardous sanitation work to continue.

## **13. Major Challenges in Gujarat:**

The socio-legal examination of hazardous sewer and septic-tank cleaning in Gujarat reveals several challenges that affect the effective protection of sanitation workers. The first and most

important challenge is the difference between legal prohibition and actual practice. Although the law prohibits hazardous cleaning under prescribed circumstances, the existence of a statutory provision does not automatically ensure compliance at the local level. In some situations, workers may still be required to undertake dangerous cleaning because of inadequate equipment, lack of supervision, urgency of the work or insufficient awareness of legal requirements. This indicates the need for stronger implementation and regular monitoring rather than relying only on the existence of legislation.

A second challenge concerns contractualisation and the distribution of responsibility. Sanitation services may involve municipalities, contractors, sub-contractors and private establishments. When several actors are involved, responsibility for training, protective equipment, supervision and emergency arrangements can become unclear. Outsourcing should not be permitted to weaken the legal protection available to workers. Another significant challenge is uneven mechanization. Machines alone cannot solve the problem unless local bodies have appropriate equipment, trained operators, maintenance facilities and emergency technical support. Where mechanized equipment is unavailable or unsuitable, workers may face pressure to undertake manual entry.

Awareness and occupational-health monitoring also require greater attention. Some workers may not be fully aware of their statutory rights, safety procedures or available welfare schemes. Similarly occupational health is often considered only after an accident rather than as a continuing responsibility. Regular health examinations, exposure monitoring and access to medical facilities are necessary for workers repeatedly exposed to sewage and hazardous environments. Delays in compensation and rehabilitation can further increase the vulnerability of affected families. Finally the social dimensions of sanitation work cannot be ignored. Historical caste-based stigma, poverty, insecure employment and limited alternative livelihood opportunities may contribute to continued occupational vulnerability. Consequently, the problem requires a combination of legal enforcement, institutional reform, technological intervention and social empowerment.

#### **14. Suggestions and Legal Policy Reforms:**

A comprehensive policy for Gujarat should begin with a clear objective of preventing sanitation-worker deaths. Every death or serious injury arising from hazardous sewer or septic-tank cleaning should be investigated independently and promptly. The investigation should

examine not only the immediate cause of death but also whether the responsible authorities, contractors or establishments failed to provide equipment, training, supervision or mechanized alternatives. Such investigations can help identify systemic weaknesses and prevent similar incidents in the future.

Local authorities should maintain updated digital records of sanitation workers, contractors, available machines, trained personnel, safety equipment and emergency-response resources. Every sanitation contract should contain specific and enforceable occupational-safety conditions and contractors should be required to demonstrate compliance before undertaking hazardous operations. Municipal authorities should independently inspect sanitation activities rather than relying entirely on contractor reports. Where violations occur, appropriate statutory and contractual action should follow.

Mechanized cleaning should be treated as the normal method wherever technically feasible. Human entry into sewers and septic tanks should not be permitted simply because manual cleaning is cheaper or more convenient. Workers and supervisors should receive regular training in confined-space hazards, gas detection, equipment operation emergency response and rescue procedures. Independent safety audits should also be conducted periodically in municipalities, industries and other establishments where sewer or septic-tank cleaning is required.

Compensation should be processed through a transparent and time-bound mechanism, while affected families should receive meaningful rehabilitation, including education, healthcare, skill development and alternative livelihood support. Awareness programmes should also inform private establishments, housing societies, factories and contractors about their legal responsibilities. Finally sanitation workers and their representative organizations should participate in policy formulation and safety planning. Their practical experience can help authorities identify risks that may not be visible through administrative procedures. These reforms would help move Gujarat from a reactive system, which responds after accidents occur, towards a preventive and rights-based sanitation system that prioritizes life, dignity, safety and social justice.

## **15. Conclusion:**

The condition of sanitation workers in Gujarat provides an important measure of the practical

implementation of India's constitutional commitment to equality, dignity, social justice and protection of life. Sanitation workers perform an essential public function by maintaining drainage systems, sewers, septic tanks and other sanitation infrastructure, thereby contributing directly to public health and environmental protection. However, the continuing involvement of workers in hazardous sewer and septic-tank cleaning demonstrates that the benefits of sanitation services are sometimes achieved at a serious human cost. When a worker is required to enter a dangerous confined space without adequate protection, technology or emergency support, the issue goes beyond an ordinary workplace accident and raises fundamental questions concerning human dignity and institutional responsibility.

India has established a substantial legal and policy framework for addressing this problem. The Constitution provides important protection through the principles of equality, dignity and the right to life. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 prohibits manual scavenging and hazardous cleaning of sewers and septic tanks in circumstances prohibited by law, while the Rules provide important safety requirements. Judicial intervention has further strengthened this framework. In *Dr. Balram Singh v. Union of India*, the Supreme Court directed measures for the eradication of manual sewer cleaning, rehabilitation of affected persons and compensation of ₹30 lakh in cases of sewer deaths. The NAMASTE scheme has also introduced a policy approach based on worker identification, mechanization, occupational safety, social security and livelihood support. These measures demonstrate that the legal system increasingly recognizes sanitation-worker protection as a matter of rights and social justice rather than merely welfare.

Despite these developments, the continuing occurrence of hazardous sanitation incidents indicates that the principal challenge lies in implementation. Recent incidents in Gujarat, including the reported deaths of four workers during septic-tank cleaning in Surat in 2026 demonstrate the need for stronger preventive mechanisms. The problem should not be addressed only after a worker loses life. Authorities must examine the conditions that allowed hazardous work to occur, including the availability of machines, supervision, contractor arrangements, worker training and emergency facilities. Effective accountability should extend to all institutions involved in organizing or supervising sanitation activities.

The way forward requires a comprehensive and preventive approach. Mechanized cleaning should be promoted wherever technically feasible, while workers must receive appropriate

training, protective equipment, health monitoring and access to emergency assistance. Municipal authorities and private establishments should maintain transparent records of sanitation operations and ensure strict compliance with legal safety requirements. Compensation must reach affected families promptly but rehabilitation should also provide education, healthcare, skill development and sustainable alternative employment. Such measures are necessary to prevent economic vulnerability from forcing another generation into hazardous sanitation work.

Ultimately, the success of Gujarat's sanitation-worker protection framework should not be measured merely by the number of workers identified, machines purchased, training programmes conducted or compensation orders issued. The more meaningful measure is whether workers can perform sanitation duties without being exposed to avoidable threats to their lives and dignity. A genuinely rights-based sanitation system must recognize sanitation workers as rights-bearing individuals who are entitled to equality, dignity, health, safety and secure livelihood. Legal provisions provide the foundation but their true value depends upon effective enforcement, technological development, institutional accountability and social transformation. Gujarat can achieve meaningful progress only when hazardous human entry into sewers and septic tanks becomes unnecessary in practice and every sanitation worker can perform essential public work without having to choose between earning a livelihood and protecting their life.

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