**International Journal of Law**
**www.lawjournals.org**
**E-ISSN: 2455-2194**
**Received: 22-09-2026, Accepted: 22-10-2026, Published: 06-11-2026**
**Volume 12, Issue 4, 2026, Page No. 148-156**

# From legal prohibition to ground reality: A socio-legal analysis of human rights violations against sanitation workers in Gujarat

**Mubassir Jalees Khan[1], Dr. Surendra Meena[2]**
[1] Research Scholar, Faculty of Law, Madhav University, Pindwara, Sirohi, Rajasthan, India
[2] Associate Professor, Faculty of Law, Madhav University, Pindwara, Sirohi, Rajasthan, India
**DOI:** https://doi.org/10.66856/ijl.2026.12.4.12354

**Abstract**
Sanitation workers perform an indispensable public service by maintaining cleanliness, drainage systems, sewerage networks and public health infrastructure. Despite the essential nature of their work, workers engaged in sewer and septic-tank cleaning continue to face serious threats to their life, health, dignity and occupational safety. India has developed a comprehensive constitutional, statutory and judicial framework to eliminate manual scavenging and prohibit hazardous sanitation practices, particularly through the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, judicial directions of the Supreme Court and government initiatives such as the National Action for Mechanized Sanitation Ecosystem (NAMASTE). However, the continuing occurrence of hazardous cleaning and sanitation-worker deaths indicates a significant gap between legal prohibition and ground-level implementation. This gap forms the central concern of the present study. The research examines the human-rights situation of sanitation workers in Gujarat from a socio-legal perspective. It analyses the constitutional safeguards relating to equality, social dignity and the right to life, together with the statutory prohibition of hazardous sewer and septic-tank cleaning. The study further evaluates judicial interventions, institutional accountability, mechanization, occupational-safety measures, compensation and rehabilitation mechanisms. Particular attention is given to recent developments in Gujarat, including official data concerning sewer and septic-tank workers identified under NAMASTE and reported deaths associated with hazardous sanitation operations. The study finds that the persistence of unsafe sanitation work cannot be attributed solely to individual negligence. It reflects broader institutional and socio-economic challenges, including contractualisation, inadequate mechanization, weak monitoring, insufficient safety training, occupational-health risks and delays in compensation and rehabilitation. The paper argues that legal prohibition must be converted into effective practical protection through comprehensive mechanization, strict accountability of contractors and authorities, preventive monitoring, worker participation, timely compensation and sustainable rehabilitation. A rights-based approach is essential to ensure that sanitation workers can perform their socially necessary work without sacrificing their life, dignity and health.

**Keywords:** Sanitation workers, human rights, manual scavenging, occupational safety, Gujarat

## Introduction

Sanitation is an essential component of public health, environmental protection and human well-being. Clean streets, properly maintained drainage systems, safe disposal of waste and effective management of sewage are necessary for the healthy functioning of every community. In urban as well as rural areas, sanitation workers perform these essential functions, often under difficult and physically demanding conditions. They clean drains, sewer lines, manholes, septic tanks and other sanitation facilities and thereby contribute significantly to preventing disease and maintaining a healthy environment. Despite the social importance of their work, sanitation workers frequently remain among the most vulnerable sections of the workforce. The contradiction is particularly serious because persons who protect society from unhygienic conditions may themselves be exposed to unsafe, unhygienic and life-threatening working environments.

The most serious risks arise when sanitation workers are required to enter sewers, manholes, septic tanks or other confined spaces for cleaning purposes. Such locations may contain poisonous gases, harmful bacteria, contaminated water, inadequate oxygen and other dangerous substances. A worker entering such an environment without proper protective equipment, gas detection devices, ventilation, technical supervision and emergency rescue arrangements may face a substantial risk of serious injury or death. Therefore, a death occurring during hazardous sanitation work cannot be viewed merely as an ordinary workplace accident. It raises wider questions concerning the constitutional right to life, human dignity, equality, occupational safety and the responsibility of public authorities, local bodies, contractors and private establishments involved in sanitation activities. The protection of sanitation workers must consequently be understood as both a labour-rights issue and a human-rights issue.

The Indian constitutional and statutory framework provides important safeguards in this regard. The Constitution of India guarantees equality before law and equal protection of laws under Article 14 and protects life and personal liberty under Article 21. Article 17 abolishes untouchability and reflects the constitutional commitment to eliminate practices that historically resulted in social exclusion and indignity. In addition, Article 23 prohibits forced labour and provides an important constitutional basis for protecting vulnerable workers from exploitative practices. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 [2] was enacted to strengthen the legal prohibition against manual scavenging and hazardous cleaning of sewers and septic tanks and to provide for rehabilitation of persons affected by such practices. The Supreme Court has

also played an important role in interpreting these protections and directing governments to adopt stronger measures for prevention, compensation and rehabilitation.

However, the existence of legislation does not automatically ensure safety at the workplace. The continuing reports of sanitation-worker deaths indicate a significant gap between legal prohibition and practical implementation. This gap becomes particularly important in the context of Gujarat. According to Government of India data 7634 sewer and septic-tank workers had been validated in Gujarat under the National Action for Mechanised Sanitation Ecosystem (NAMASTE) as of 31 December 2025. At the national level, the Government reported 332 sanitation-worker deaths associated with hazardous sewer and septic-tank cleaning between January 2021 and June 2026 [12, 15], including 27 reported deaths in Gujarat during the same period. These figures indicate that hazardous sanitation work remains a serious concern even within a legal framework that seeks to eliminate unsafe manual intervention.

The human-rights dimension of the issue was further highlighted in June 2026 [15] when the National Human Rights Commission took suo motu cognizance of the reported deaths of four workers while cleaning a septic tank at a jewellery manufacturing unit in Surat district, Gujarat. The incident raised concerns regarding the protection of life, dignity and occupational safety and demonstrated that hazardous sanitation work may occur not only within municipal operations but also in private establishments. Such incidents also raise questions concerning the accountability of contractors, employers, local authorities and regulatory institutions.

The present study therefore, examines the movement from legal prohibition to actual protection of sanitation workers in Gujarat. It seeks to analyze whether constitutional safeguards, statutory provisions, judicial directions and government programmes are effectively preventing hazardous sanitation work and protecting workers from avoidable death and injury. The study also considers the wider socio-legal factors, including poverty, contractual employment, inadequate mechanization, weak monitoring, insufficient safety training and delays in compensation and rehabilitation. It argues that the protection of sanitation workers cannot be achieved merely by prohibiting hazardous practices on paper. Effective implementation, institutional accountability, mechanization, occupational-safety standards and a rights-based approach are essential to ensure that sanitation workers can perform their socially necessary work without sacrificing their health, dignity or lives.

**Conceptual understanding of hazardous sanitation work**

Sanitation work is an essential part of public health administration and includes a wide range of activities connected with cleanliness, waste management and the maintenance of sanitation infrastructure. It may involve the collection and disposal of solid waste, cleaning of drains, maintenance of sewerage systems, removal of blockages, operation of sewage-treatment facilities and cleaning of septic tanks and other sanitation structures. Such work may be undertaken by employees of municipal bodies, local authorities, government agencies, private contractors, contractual workers or persons engaged directly by private establishments. Although these activities are necessary for maintaining healthy communities, the conditions under which some sanitation workers perform their duties may expose them to serious occupational and human-rights risks.

It is important to distinguish ordinary sanitation work from hazardous sanitation work. Not every activity performed by a sanitation worker is inherently dangerous. The central concern arises when a worker is required to undertake cleaning operations in circumstances that expose the person to serious risks to life, health or physical safety. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 [2] provides a specific legal framework concerning hazardous cleaning of sewers and septic tanks and places restrictions on engaging persons for such work except in accordance with prescribed safety requirements. Therefore, the legal focus has gradually moved beyond the traditional understanding of manual scavenging towards a broader concern with unsafe human intervention in sanitation systems.

Hazardous sanitation work is particularly associated with confined spaces such as sewers, manholes and septic tanks. These spaces may contain poisonous or inflammable gases, contaminated water, harmful microorganisms and dangerously low levels of oxygen. Workers may also face risks of drowning, suffocation, burns, infection, physical injury or death. The danger becomes much greater where workers enter such spaces without prior assessment of the atmosphere, appropriate protective equipment, adequate ventilation, communication systems, trained supervision and emergency rescue arrangements. A worker may enter a confined space to perform a routine cleaning task but may suddenly lose consciousness because of toxic gases or oxygen deficiency, leaving very little opportunity for rescue.

The concept of hazardous sanitation work must therefore be understood from both an occupational-safety and human-rights perspective. Mechanization, protective equipment and scientific cleaning methods are not merely administrative conveniences; they are important instruments for protecting life and dignity. Modern sanitation policy should aim to ensure that human beings are not unnecessarily exposed to dangerous sewer and septic-tank environments when safer technological alternatives are available. The objective should consequently be to eliminate avoidable human entry into hazardous sanitation spaces, strengthen preventive safety measures and ensure institutional responsibility whenever sanitation operations are planned or carried out. Such an approach recognises sanitation workers not merely as service providers but as workers entitled to safety, dignity, equality and meaningful protection of their fundamental human rights.

**Constitutional and human rights framework**

The Constitution of India provides the primary legal foundation for protecting the rights, dignity and safety of sanitation workers. Although the Constitution does not contain a separate provision specifically dealing with sanitation workers, several fundamental rights and constitutional principles directly support their protection. Article 14 guarantees equality before the law and equal protection of the laws. This provision is particularly significant for workers who have historically experienced social and economic disadvantage. Equal protection requires public authorities to ensure that sanitation workers are not treated as a less protected category of workers merely because of the nature of their occupation. The State has a

constitutional responsibility to create conditions in which every worker can enjoy legal protection without discrimination.

Article 17 has special significance in the context of sanitation work because it abolishes untouchability and prohibits its practice in any form. Historically, sanitation and cleaning occupations have been closely associated with caste-based social exclusion and notions of impurity. The constitutional abolition of untouchability therefore represents more than a formal legal prohibition; it reflects a commitment to eliminate practices that deny human dignity and equal social status. The constitutional principles underlying Article 17 become more pertinent when sanitation workers are subjected to discrimination, humiliation or hazardous working circumstances due to the social identity typically associated with sanitation work.

Article 21 provides perhaps the strongest constitutional protection in this field. The right to life has been interpreted by the Supreme Court to mean more than mere physical survival. It includes the right to live with dignity and to enjoy conditions necessary for a meaningful human life. From this perspective, compelling or permitting a worker to enter a toxic sewer or septic tank without adequate safety arrangements raises serious constitutional concerns. Protection of life must include reasonable preventive measures against foreseeable occupational dangers. The State, local authorities, contractors and other responsible institutions must therefore take appropriate steps to prevent avoidable deaths and injuries during sanitation operations.

Article 23 which prohibits trafficking and forced labour, also has relevance where extreme poverty, indebtedness, social disadvantage or the absence of alternative employment significantly limits a worker's practical freedom to refuse dangerous work. Economic consent should not be treated as completely voluntary when a worker has little realistic choice.

The human-rights framework consequently requires a comprehensive approach. Protection cannot be limited to formal compliance with statutory rules. It must extend to safe recruitment, proper training, protective equipment, mechanization, supervision, emergency rescue arrangements, social security, timely compensation and rehabilitation. The dignity of sanitation workers must remain central to the functioning of every sanitation system. A rights-based approach requires the State and other responsible institutions to recognize that sanitation workers are rights-holders entitled to the same protection of life, equality, dignity and occupational safety as every other worker.

**Statutory framework and the legal prohibition**

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 [2] is the principal legislation dealing with manual scavenging and hazardous sanitation practices in India. The legislation represents an important shift from merely regulating sanitation work to protecting individuals from practices that threaten their dignity, health and life. Its objective is not only to prohibit manual scavenging but also to identify affected persons, provide rehabilitation and create institutional responsibility for eliminating unsafe sanitation practices. The Act must therefore be understood as both a prohibitory and a welfare-oriented legislation.

Section 5 of the Act prohibits the construction or maintenance of insanitary latrines and the employment or engagement of persons for manual scavenging. The provision reflects the legislative intention to eliminate the conditions that historically forced individuals to undertake degrading sanitation work. More specifically, Section 7 addresses hazardous cleaning of sewers and septic tanks. It prohibits any person, local authority or agency from engaging or employing a person for such hazardous cleaning in circumstances prohibited by the statutory framework. The significance of this provision lies in the fact that responsibility is not limited to a particular category of employer. Public authorities, agencies and other persons involved in sanitation operations must ensure that workers are not placed in prohibited and unsafe conditions.

The statutory prohibition cannot be avoided merely by changing the formal nature of employment. A sanitation worker does not lose the protection of the law because the work is performed through a contractor, outsourcing agency or temporary arrangement. Similarly, the fact that cleaning is carried out on private premises does not by itself remove the legal and human-rights concerns associated with hazardous work. The focus must remain on the actual nature of the activity, the circumstances in which it is performed and the safety measures available to the worker.

The Act also provides for penalties for violations, including contraventions relating to prohibited hazardous cleaning. Section 9 supports enforcement by prescribing consequences for breach of the prohibition. In addition, the legislation provides mechanisms concerning identification, surveys, rehabilitation and responsibilities of competent authorities. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013 [3] further strengthen the framework by prescribing safety-related requirements for sewer and septic-tank cleaning, including appropriate protective and preventive measures.

Thus Indian law establishes a clear principle that sanitation work must not be carried out in a manner that unnecessarily exposes human beings to serious and avoidable danger. The continuing occurrence of sanitation-worker deaths, however, demonstrates that statutory prohibition must be accompanied by effective enforcement. Local authorities must ensure mechanized cleaning, adequate equipment, trained personnel, supervision and emergency arrangements. The real test of the legislation is therefore not merely the existence of legal provisions but their effective implementation at the ground level.

**Judicial development of sanitation-worker rights**

The Indian judiciary has played an important role in transforming the legal understanding of the rights of sanitation workers. The Supreme Court has repeatedly recognized that the continued engagement of persons in manual scavenging and hazardous sewer cleaning is inconsistent with constitutional values of equality, dignity and the right to life. In *Safai Karamchari Andolan v. Union of India*, the Court considered the continuing existence of manual scavenging and the deaths of workers engaged in hazardous sanitation activities. The decision strengthened the responsibility of governments to eliminate manual scavenging and provide meaningful rehabilitation to affected persons. The judgment demonstrated that the protection of sanitation workers cannot be limited to the

enactment of legislation; authorities must also ensure effective implementation and accountability.

A significant further development came through the Supreme Court's decision in *Dr. Balram Singh v. Union of India*. The Court directed the Union and State Governments to take effective steps towards the complete eradication of manual sewer cleaning. It emphasized that outsourcing sanitation activities cannot become a means of exposing individual workers to dangerous sewer entry. The Court also recognized that rehabilitation must be meaningful and should include measures such as employment opportunities for eligible family members, education and skill development. Most importantly, the Court enhanced the compensation payable in cases of death during sewer cleaning to ₹30 lakh. This direction placed greater emphasis on the value of human life and the responsibility of institutions that fail to prevent hazardous sanitation practices.

The judicial approach is important because it moves beyond responding to deaths after they occur. The Court's emphasis on prevention, mechanization, rehabilitation and institutional responsibility indicates that sanitation-worker protection must operate before an accident takes place. Contractors and outsourcing agencies cannot be treated as a legal shield for public authorities or other institutions responsible for sanitation services. The Supreme Court's approach therefore connects occupational safety with fundamental rights and social justice.

The importance of compensation was further clarified by the Supreme Court in January 2026 in relation to earlier sewer deaths. The Court held, among other matters, that where compensation for a sewer death occurring before 20 October 2023 [5] had not been determined or paid by that date, the affected claimants would be entitled to the enhanced amount of ₹30 lakh. This development reinforces the principle that compensation is not merely financial assistance but an important component of accountability and constitutional protection. Collectively, these judicial developments have strengthened the legal position of sanitation workers and placed a clear obligation upon authorities to prevent avoidable deaths, ensure rehabilitation and create safer, mechanized sanitation systems.

**Ground reality in gujarat**

Gujarat presents an important example of the continuing gap between legal protection and the actual conditions faced by sanitation workers. Government data indicate that 7634 sewer and septic-tank workers had been validated in Gujarat under the National Action for Mechanised Sanitation Ecosystem (NAMASTE) as of 31 December 2025. The identification of workers is an important administrative step because it can support access to occupational-safety training, protective equipment, health services, social-security measures and livelihood assistance. However, the existence of an official database alone cannot establish that hazardous sanitation practices have been completely eliminated.

Government data released in 2026 [8] further demonstrate the seriousness of the problem. According to reported official figures, 332 sanitation workers died across 18 States and Union Territories while undertaking hazardous sewer and septic-tank cleaning between January 2021 and June 2026 [12, 15]. Gujarat accounted for 27 of these reported deaths during the same period. These figures require careful socio-legal examination because statutory manual scavenging and hazardous sewer or septic-tank cleaning is not necessarily identical categories. Consequently, a low or zero identification of persons as manual scavengers cannot automatically establish that dangerous human entry into sanitation infrastructure has disappeared. The broader question is whether workers are being protected from hazardous conditions irrespective of their formal employment status or occupational classification.

The seriousness of the situation in Gujarat was highlighted when the National Human Rights Commission took suo motu cognizance of the reported deaths of four workers while cleaning a septic tank at a jewellery manufacturing unit in Surat district in June 2026 [15]. The Commission sought information concerning the investigation and compensation of the victims' families. This incident is significant because it shows that hazardous sanitation work may also occur in private establishments and cannot be viewed only as a problem of municipal employment.

Earlier incidents demonstrate a continuing pattern. In January 2025 [13], the NHRC took cognizance of the reported deaths of two workers who allegedly died from asphyxiation while cleaning an underground sewage pumping station in Surendranagar district. In 2023, the Commission had also intervened following the reported deaths of three sanitation workers while cleaning a drainage line in Bharuch district. These incidents indicate that responsibility may extend across several levels, including contractors, private establishments, municipal authorities and other public institutions. The ground reality therefore suggests that Gujarat requires stronger preventive monitoring, greater mechanization, effective contractor accountability, adequate safety training and prompt investigation of every sanitation-related death. Legal protection will become meaningful only when these measures operate consistently at the workplace level.

**Occupational safety and health concerns**

Hazardous sewer and septic-tank cleaning involves serious occupational risks that can threaten the life and long-term health of sanitation workers. Sewer lines, manholes and septic tanks are confined environments where poisonous gases may accumulate and oxygen may fall to dangerous levels. Exposure to gases and contaminated substances can result in breathing difficulties, loss of consciousness, poisoning and sudden death. Workers may also face physical dangers such as falling into deep chambers, drowning, being trapped inside narrow spaces, slipping on wet surfaces or suffering injuries from damaged infrastructure and cleaning equipment. These risks become more severe when workers are required to enter confined spaces without proper assessment and technical supervision.

Biological hazards are another important concern. Sanitation workers may come into direct contact with sewage, human waste and contaminated water containing bacteria, viruses, parasites and other harmful microorganisms. Repeated exposure may increase the possibility of infections and other occupational illnesses. The absence of proper protective clothing, gloves, safety footwear, masks, washing facilities and clean drinking water can further increase these risks. Therefore, occupational safety cannot be reduced to the occasional distribution of protective equipment. Workers require a complete safety system that begins before the cleaning operation starts.

Before any hazardous sanitation activity is undertaken, the responsible authority or employer should assess whether human entry is actually necessary. Mechanised equipment should be used wherever reasonably possible. If exceptional human intervention is required, the atmosphere of the confined space should be tested, ventilation should be ensured and trained personnel should supervise the operation. Communication arrangements, first-aid facilities and emergency rescue equipment should also be available at the site. Such preventive measures are essential because a worker may become unconscious within a very short period after entering an unsafe confined space.

A particularly serious danger arises when a worker attempts to rescue another worker who has collapsed inside a sewer or septic tank. Without appropriate breathing equipment and rescue training, the person attempting the rescue may also become unconscious or die. Thus, one unsafe entry can result in multiple fatalities. A proper rescue plan must consequently be prepared before work begins, rather than after an accident has occurred.

Occupational health should also be understood as a continuing responsibility. Regular medical examinations, health insurance, vaccination where appropriate, exposure monitoring, access to healthcare and proper hygiene facilities should form part of the sanitation-worker protection system. Protecting workers from hazardous sanitation work is therefore not only a matter of workplace management but also a requirement of dignity, public health and human rights.

**Contractualisation and institutional accountability**

Contractualisation has become an important feature of sanitation services in many parts of India. Municipal corporations, municipalities and other public authorities may engage private contractors or agencies for activities such as sewer cleaning, drainage maintenance, waste management and operation of sanitation facilities. Outsourcing may provide administrative flexibility but it can also create difficulties in identifying responsibility when unsafe working conditions arise. A sanitation worker may be formally employed by a private contractor while performing work that is essential to a public sanitation system. This separation between formal employment and actual public responsibility must not be allowed to weaken the legal protection available to the worker.

The Supreme Court's decision in *Dr. Balram Singh v. Union of India* is significant in this context. The Court emphasized that outsourced or contractual arrangements cannot be used to justify the entry of individual workers into dangerous sewers. Authorities must ensure that sanitation operations are organized in a manner that eliminates hazardous human entry and promotes mechanized cleaning. The principle is important because responsibility for worker safety should follow the nature of the work rather than merely the form of the employment contract.

Every sanitation contract should therefore contain clear and enforceable safety conditions. These should include requirements concerning mechanized cleaning, trained personnel, protective equipment, atmospheric testing, emergency communication, rescue arrangements, medical support and reporting of accidents. Contractors who fail to comply with these requirements should face appropriate contractual and legal consequences. Simultaneously, municipal authorities and other public bodies should not rely entirely on contractual assurances. They must independently inspect sanitation operations and verify whether safety requirements are actually being followed at the workplace.

When a sanitation worker dies or suffers serious injury during hazardous cleaning, the investigation should examine the entire chain of responsibility. It should identify who ordered or authorized the work, who employed or deployed the worker, whether the site owner or establishment permitted unsafe work, whether the local authority exercised effective supervision and whether mechanized alternatives were available. Such an approach prevents responsibility from being shifted from one institution to another.

Institutional accountability must therefore be preventive as well as punitive. The objective should not simply be to identify responsibility after a worker has died. Authorities and contractors should be required to demonstrate in advance that sanitation work can be performed safely. Effective monitoring, transparent contracts, regular safety inspections, worker training and strict consequences for violations can create stronger incentives to prevent hazardous practices. Contractualisation should never become a mechanism through which public authorities or private establishments escape their responsibility to protect the life, health and dignity of sanitation workers.

**Mechanization and the namaste scheme**

Mechanization is one of the most important measures for protecting sanitation workers from hazardous sewer and septic-tank cleaning. The basic principle is simple: where a machine can safely perform a task, a human being should not be required to enter a dangerous confined space. The National Action for Mechanised Sanitation Ecosystem (NAMASTE) seeks to promote this approach by improving the safety, dignity, health and social security of sewer and septic-tank workers and by encouraging the transition towards mechanized sanitation practices. The scheme represents an important policy shift from accepting hazardous sanitation work as an unavoidable occupation towards creating a safer and more technologically advanced sanitation system.

According to Government of India data, 89,114 sewer and septic-tank workers had been validated nationally under NAMASTE as of 31 December 2025 [13], including 7634 workers in Gujarat. Identification of workers is significant because it creates an institutional basis for providing occupational-safety training, personal protective equipment, health-related support, social-security benefits and livelihood assistance. Government initiatives under NAMASTE have also included measures relating to safety training, protective equipment, health insurance and support for mechanized sanitation equipment. These measures can contribute substantially to reducing occupational risks when they are implemented effectively at the local level.

However, mechanization should not be understood simply as the purchase or distribution of machines. Equipment must be appropriate for the size and design of local sewerage systems and must be regularly maintained and operated by trained personnel. Municipal authorities require adequate financial resources, technical staff, trained machine operators and emergency support systems. A machine that is unavailable, damaged or unsuitable for a particular site should not result in a worker being ordered to enter a sewer manually. The Supreme Court's directions in *Dr. Balram*

*Singh v. Union of India* reinforce the principle that outsourced sewer-cleaning arrangements should not require individuals to enter dangerous sewers.

Effective mechanization therefore requires continuous institutional monitoring. Local bodies should maintain updated records of available machines, trained operators, maintenance schedules and emergency equipment. Contractors should be contractually required to adopt approved mechanized methods and demonstrate actual use of such equipment. Regular inspections and safety audits should verify whether mechanization exists only on official records or is genuinely being used in daily sanitation operations. The long-term objective should be to establish a sanitation system in which human entry into sewers and septic tanks is eliminated as far as reasonably possible and sanitation workers can perform their duties without placing their lives at unnecessary risk.

**Compensation and rehabilitation**

Compensation and rehabilitation are essential components of justice when a sanitation worker dies or suffers serious or permanent injury while performing hazardous work. The death of a sanitation worker can have consequences far beyond the immediate loss of life. In many cases, the deceased worker may have been an important or primary source of income for the family. The sudden loss of earnings can affect children's education, healthcare, housing and the family's ability to meet basic needs. Therefore, the legal response to a sanitation-worker death must address both the loss suffered by the individual and the continuing socio-economic difficulties faced by the surviving family.

The Supreme Court's direction providing ₹30 lakh compensation in cases of death during sewer cleaning represents an important development in recognizing the seriousness of such deaths. The Court's subsequent clarification in January 2026 strengthened the application of this principle to certain earlier deaths where compensation had not been determined or paid by the relevant date. The compensation framework reflects the idea that families should not be left without meaningful financial support when a worker loses life in hazardous sanitation work. It also places greater responsibility on institutions to recognize the consequences of unsafe sanitation practices. At the same time, compensation cannot be treated as a substitute for prevention. No amount of money can restore the life of a worker or remove the emotional and social consequences of an avoidable death. Compensation should therefore operate together with investigation, accountability, rehabilitation and preventive measures. Authorities should ensure that eligible families receive compensation within a reasonable and clearly defined period without unnecessary procedural delays.

Rehabilitation should be broader than a one-time financial payment. It should include access to suitable employment opportunities, skill-development programmes, education for children, healthcare, social-security schemes and another livelihood support. The Supreme Court's emphasis on employment for eligible family members, education and skill development is particularly important because it seeks to address the conditions that may have contributed to occupational vulnerability in the first place [7].

An effective rehabilitation policy must also prevent the continuation of hazardous work from one generation to another. If a deceased worker's family is left without stable income or alternative employment, another family member may eventually be compelled to undertake similar dangerous work. Rehabilitation should therefore create sustainable economic alternatives and ensure that affected families can achieve greater social and financial security. In this sense, compensation is an immediate response to harm, while rehabilitation is a longer-term commitment to dignity, equality and social justice.

**Role of the national human rights commission**

The National Human Rights Commission (NHRC) plays an important role in drawing attention to human-rights violations affecting sanitation workers. Its intervention is significant because the death or serious injury of a sanitation worker is not merely an administrative or labour-related matter; it may also involve violations of the fundamental values of life, dignity and equality. Through suo motu cognizance, notices, investigation and recommendations, the Commission provides an additional institutional mechanism for examining whether public authorities and other responsible institutions have taken reasonable steps to protect workers from hazardous sanitation practices.

The NHRC's interventions in Gujarat demonstrate the importance of this human-rights approach. In 2023 [14], following the reported deaths of three sanitation workers while cleaning a drainage line in Bharuch district, the Commission sought responses from the concerned authorities and examined issues relating to responsibility and compensation. The intervention is particularly significant because hazardous sanitation work may occur on private premises or through contractors. The fact that a private establishment or contractor is involved should not automatically relieve public authorities of their responsibility to ensure compliance with safety laws and human-rights standards.

The Commission's January 2025 [13] intervention concerning the reported deaths of two workers while cleaning an underground sewage pumping station in Surendranagar district and its June 2026 [15] intervention concerning the reported deaths of four workers while cleaning a septic tank in Surat district further demonstrate the continuing importance of institutional monitoring. Such interventions can encourage authorities to investigate deaths, identify responsible persons, determine compensation and take measures to prevent similar incidents.

However, the role of the NHRC should extend beyond action after a tragedy has occurred. A stronger preventive approach would involve regular monitoring of sanitation-worker safety, including information concerning hazardous-work incidents, mechanization, occupational-safety training, protective equipment, health examinations, compensation and rehabilitation. The Commission can also encourage State Governments and local authorities to establish effective district-level monitoring systems and to periodically review compliance with Supreme Court directions and statutory requirements.

The NHRC can therefore serve as an important bridge between human-rights principles and administrative implementation. Its recommendations, advisories and monitoring mechanisms can help strengthen institutional accountability. At the same time, effective protection ultimately requires cooperation among governments, municipalities, contractors, employers and workers. The objective should be to create a system in which the NHRC is

not required to respond repeatedly to preventable deaths, because effective preventive mechanisms are already functioning at the local level.

**Socio-legal dimensions: caste, poverty and social exclusion**

Hazardous sanitation work cannot be understood only as a question of statutory regulation or workplace safety. It is also connected with deeper social and economic conditions. Sanitation and manual scavenging have historically been associated with caste-based occupational practices, social exclusion and stigma. Certain communities have traditionally been pushed towards sanitation-related occupations and have experienced discrimination and social disadvantage. The constitutional abolition of untouchability under Article 17 and the enactment of legislation prohibiting manual scavenging represent important legal efforts to break this historical relationship. However, the elimination of a discriminatory practice in law does not automatically remove the social attitudes and economic inequalities that may continue to influence occupational choices.

Poverty is another important factor. A worker who has limited education, insecure employment and few alternative sources of income may have difficulty refusing an unsafe assignment. In such circumstances, apparent consent to hazardous work may not represent a completely free and equal choice. A worker may accept dangerous conditions because the alternative is unemployment or loss of essential income for the family. Economic vulnerability can therefore reduce the practical ability of sanitation workers to exercise their legal rights, demand protective equipment or report unsafe working conditions.

Contractual and temporary employment can further increase this vulnerability. Workers who fear termination or loss of future employment may hesitate to question instructions given by supervisors or contractors. The absence of effective grievance mechanisms can make the situation more difficult. Occupational safety must therefore be linked with social security, employment security and access to legal remedies. Workers should be able to report unsafe conditions without fear of retaliation. A meaningful socio-legal response requires more than prohibition. Education, skill development, alternative employment, social-security coverage, healthcare and livelihood support are necessary to reduce economic dependence on hazardous sanitation work. Families affected by sanitation-worker deaths should receive sustainable rehabilitation so that children and other family members are not pushed into the same occupational vulnerability.

Society must also recognize sanitation workers as essential contributors to public health rather than treating them as socially invisible workers. Their work protects communities, and their rights deserve equal respect. A successful approach must therefore address both the immediate occupational danger and the structural conditions of caste-based stigma, poverty, insecure employment and social exclusion. Only by addressing these interconnected factors can the legal prohibition of hazardous sanitation work become a meaningful instrument of social justice and human dignity.

**Major challenges in gujarat**

Gujarat has an established legal and administrative framework for protecting sanitation workers, but several challenges continue to affect its effective implementation. The first and most significant challenge is the gap between legal standards and their practical enforcement. The statutory prohibition against hazardous sanitation work can provide meaningful protection only when local authorities regularly inspect sanitation operations, identify violations and take timely action. In practice, weak monitoring or delayed enforcement can allow unsafe practices to continue despite the existence of clear legal provisions.

A second challenge arises from the increasing use of contractual and outsourced sanitation services. A single sanitation operation may involve a municipal authority, principal contractor, sub-contractor and private establishment. Such arrangements can make responsibility difficult to determine when safety requirements are ignored. Unless contracts clearly allocate duties relating to training, equipment, mechanization, supervision and emergency response, responsibility may be shifted from one institution to another after an accident. Public authorities must therefore maintain effective oversight even when sanitation services are performed by private agencies.

A third challenge concerns the availability and effective use of mechanized equipment. Mechanization requires more than the purchase of machines. Equipment must be appropriate for local sewer systems, properly maintained and operated by trained personnel. Smaller local bodies may face financial, technical or staffing limitations that affect their ability to maintain a reliable mechanized sanitation system. The temporary unavailability of equipment should never become a justification for sending workers into dangerous confined spaces.

Worker awareness is another important concern. Sanitation workers should understand their legal rights, occupational risks, safety procedures and available welfare schemes. A right provided by law has limited practical value if the person concerned does not know how to claim it or fears losing employment by raising a complaint. Occupational-health protection also requires greater attention. Protection should address not only sudden deaths but also the long-term effects of repeated exposure to sewage, toxic substances and infectious materials.

Finally, delays in compensation and rehabilitation can create continuing economic insecurity for affected families. If a deceased worker's family does not receive timely financial and livelihood support, its members may become vulnerable to poverty and unsafe employment. Gujarat therefore needs a coordinated approach that combines enforcement, mechanization, worker protection, occupational healthcare, accountability and timely rehabilitation.

**Suggestions and legal policy reforms**

Gujarat should adopt a clear zero-fatality approach to hazardous sanitation work, with the objective that no worker should lose life because of avoidable human entry into a sewer or septic tank. Every sanitation-worker death should be investigated independently and comprehensively. The investigation should not stop at identifying the immediate medical cause of death; it should also examine whether mechanized equipment was available, whether safety procedures were followed, whether the worker received appropriate training and whether the responsible authority or contractor failed to provide adequate supervision.

Local authorities should maintain accurate and regularly updated digital records of sanitation workers, contractors,

mechanized equipment, trained operators and emergency-response resources. Such information would enable authorities to identify gaps in safety infrastructure and respond more effectively to emergencies. These records should be periodically verified through independent audits so that official data reflect actual conditions at the workplace.

All sanitation contracts should contain clear and mandatory safety provisions. Contractors should be required to provide appropriate training, protective equipment, mechanized cleaning facilities and emergency arrangements. Non-compliance should attract appropriate legal and contractual consequences, including cancellation of contracts where the law permits. Public authorities should also conduct regular inspections rather than relying solely on contractual declarations. Mechanised cleaning should become the normal method for sewer and septic-tank operations, and human entry should be permitted only within the strict limits of law and exceptional circumstances where appropriate safeguards exist.

Training should be practical and continuous. Workers and supervisors should receive instruction on confined-space hazards, atmospheric testing, equipment operation, emergency communication and rescue procedures. Independent occupational-safety audits should also be conducted in municipalities and private establishments undertaking sanitation activities. The findings should be reviewed by competent authorities and corrective measures should be required within a defined period.

Compensation should be provided through a simple and time-bound mechanism so that affected families do not face prolonged administrative procedures after losing a family member. Rehabilitation should extend beyond financial assistance and include education, healthcare, skill development, employment opportunities and social-security support. Particular attention should be given to children of deceased workers to prevent the continuation of occupational vulnerability across generations.

Finally, private establishments, factories, housing societies and commercial organizations should be made aware of their legal responsibilities concerning hazardous sanitation work. Sanitation workers should also participate in policy and safety planning because their practical experience can help identify weaknesses that may not be visible to administrators. A sustainable legal policy must therefore combine strong enforcement, mechanization, worker participation, social protection and institutional accountability to ensure that sanitation work is performed without sacrificing human life and dignity.

## Conclusion

The movement from legal prohibition to actual protection remains a major challenge in safeguarding the rights of sanitation workers in Gujarat. India has developed a substantial constitutional, statutory and judicial framework to address hazardous sanitation practices. Constitutional guarantees of equality, dignity and life provide the basic foundation for protecting workers, while the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 [2] establishes important legal restrictions on manual scavenging and hazardous cleaning. Judicial decisions have further strengthened these protections by emphasizing prevention, mechanization, compensation and rehabilitation. Government initiatives such as the National Action for Mechanised Sanitation Ecosystem (NAMASTE) have also attempted to improve the safety, dignity and social security of sewer and septic-tank workers.

Despite these developments, the continued occurrence of sanitation-worker deaths demonstrates that the existence of legal provisions does not automatically result in effective protection. The reported deaths in Gujarat during recent years, together with incidents involving workers engaged in septic-tank and sewage-related cleaning, indicate that hazardous sanitation remains a serious concern. The problem should not be understood simply as the result of individual negligence. Responsibility may arise at several levels, including municipalities, contractors, private establishments, supervisory authorities and other institutions involved in organizing or monitoring sanitation services. Effective protection therefore requires a system in which responsibility is clearly defined and safety obligations are actively enforced.

The distinction between statutory manual scavenging and hazardous sewer or septic-tank cleaning is also important. The absence of persons formally identified as manual scavengers cannot by itself establish that hazardous sanitation work has disappeared. Contemporary policy must address the broader problem of unsafe human entry into confined sanitation spaces, regardless of whether the worker is a municipal employee, contractual worker or person engaged by a private establishment. The central objective should be to prevent avoidable exposure to conditions that can threaten life and health.

Mechanization provides an important pathway towards achieving this objective, but technology alone cannot solve the problem. Machines must be available, appropriate, maintained and operated by trained personnel. Similarly, compensation is essential after a death, but financial assistance cannot replace the life of a worker. Rehabilitation must therefore include employment, education, healthcare, skill development and social-security support so that affected families are not pushed into continuing economic vulnerability.

Ultimately, the success of Gujarat's legal and policy framework should not be measured merely by the number of laws enacted, workers identified or machines purchased. The real measure of success is whether a sanitation worker can perform essential public work without placing life, health and dignity at unnecessary risk. A rights-based sanitation system must recognize every sanitation worker as a rights-holder entitled to equality, dignity, occupational safety, healthcare and social security. Moving from legal prohibition to ground reality requires continuous enforcement, effective mechanization, institutional accountability, worker participation and broader social change. Only when hazardous human entry into sewers and septic tanks is effectively eliminated in practice can the constitutional promise of dignity, equality and social justice for sanitation workers be meaningfully realized.

## References


1. The Constitution of India, 1950, arts. 14, 17, 21 and 23, Government of India.
2. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, Act No. 25 of 2013, §§ 5–9, Government of India.

3. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013, Ministry of Social Justice and Empowerment, Government of India.
4. Safai Karamchari Andolan v. Union of India, (2014) 11 SCC 224.
5. Dr. Balram Singh v. Union of India, 2023 INSC 950, Supreme Court of India, Judgment dated 20 October 2023.
6. Dr. Balram Singh v. Union of India, 2023 SCC Online SC 1386, Supreme Court of India.
7. Dr. Balram Singh v. Union of India, W.P. (C) No. 324 of 2020, Supreme Court of India, Order dated 20 January 2026.
8. Ministry of Social Justice and Empowerment, Government of India. National Action for Mechanised Sanitation Ecosystem (NAMASTE). Press Information Bureau, 4 February 2026.
9. Ministry of Social Justice and Empowerment, Government of India. National Action for Mechanised Sanitation Ecosystem (NAMASTE), Guidelines and Implementation Framework, Government of India.
10. Ministry of Social Justice and Empowerment, Government of India. “Workers under NAMASTE.” Press Information Bureau, 17 March 2026.
11. Ministry of Social Justice and Empowerment, Government of India. “Safety and Welfare of Sanitation Workers.” Press Information Bureau, 1 April 2026.
12. Ministry of Social Justice and Empowerment, Government of India. “332 Sanitation Worker Deaths Reported in 18 States, UTs Due to Hazardous Sewer and Septic Tank Cleaning Between January 2021 and June 2026.” Press Information Bureau, 21 July 2026.
13. National Human Rights Commission. “NHRC, India Takes Suo Motu Cognizance of the Reported Death of Two Workers Due to Asphyxiation While Cleaning a Sewage Pumping Station in Surendranagar District, Gujarat.” Press Release, 24 January 2025.
14. National Human Rights Commission. “NHRC Notices to the Governments of Haryana & Gujarat over the Reported Deaths of 7 Sanitation Workers in Two Different Incidents in Jhajjar & Bharuch Districts.” Press Release, 6 April 2023.
15. National Human Rights Commission. “NHRC, India Takes Suo Motu Cognizance of the Reported Death of Four Workers While Cleaning a Septic Tank at a Jewellery Manufacturing Unit in the Surat District, Gujarat.” Press Release, 10 June 2026.