

JUSTICE AT THE MARGINS: EXAMINING CONSTITUTIONAL SAFEGUARDS FOR GUJARAT'S SANITATION WORKFORCE

Sarthak Agresar

Research Scholar,
Department of Law,
Monark University

Dr. Uday Deshpande Pande

Dean, Faculty of Law,
Monark University, Ahmedabad

Abstract

Sanitation workers occupy one of the most marginalized positions within India's socio-economic hierarchy, particularly in states like Gujarat where caste-based occupational structures persist. Despite constitutional guarantees of equality, dignity, and protection against exploitation, sanitation workers—especially those engaged in manual scavenging and sewer cleaning—continue to face systemic discrimination, unsafe working conditions, and social exclusion. This research paper critically examines the constitutional safeguards available to sanitation workers, evaluates their implementation in Gujarat, and highlights the persistent gap between legal frameworks and ground realities. By analyzing statutory provisions, landmark judicial pronouncements, and socio-economic conditions, this paper argues that sanitation workers remain at the margins of justice due to structural inequalities, weak enforcement mechanisms, and institutional apathy. It proposes reforms aimed at ensuring substantive justice, dignity, and social transformation.

Keywords

Sanitation Workers, Manual Scavenging, Constitutional Rights, Gujarat, Article 21, Dignity, Social Justice, Dalit Rights, Labour Rights

I. Introduction

The idea of justice in a constitutional democracy is deeply rooted in equality, dignity, and human rights. However, for sanitation workers in India, particularly in Gujarat, justice remains elusive. Despite legal prohibitions and progressive constitutional interpretations, the lived reality of sanitation workers reflects systemic neglect and entrenched caste-based discrimination.

Sanitation work, especially manual scavenging, has historically been assigned to marginalized communities, predominantly Scheduled Castes. This occupational segregation is not merely economic but deeply social and cultural, reflecting centuries-old caste hierarchies. Even today, sanitation workers continue to clean sewers, septic tanks, and human waste under hazardous conditions, often without protective equipment or legal safeguards.

India's Constitution envisions a society based on justice—social, economic, and political. Yet, sanitation workers remain excluded from this vision. The persistence of manual scavenging and unsafe sanitation work highlights the failure of constitutional promises and raises critical questions about the effectiveness of legal safeguards.

II. Background of the Study

Sanitation workers form a significant yet invisible workforce in India. Estimates suggest that millions are engaged in sanitation-related occupations, with a large proportion involved in hazardous work involving direct contact with human waste. Despite technological advancements and legal prohibitions, manual scavenging continues to exist.

In Gujarat, the situation is particularly concerning. Reports indicate multiple deaths of sanitation workers due to sewer cleaning incidents, reflecting the hazardous nature of their work and the lack of safety measures. Historically, Gujarat has also been identified as one of the states where manual scavenging practices persist, often linked to caste-based discrimination.

The study is grounded in the need to examine whether constitutional safeguards are effectively protecting sanitation workers or merely exist as symbolic guarantees.

III. Research Problem

Despite constitutional provisions and statutory laws prohibiting manual scavenging and ensuring labour rights, sanitation workers in Gujarat continue to face:

- Unsafe working conditions
- Lack of protective equipment
- Social stigma and caste discrimination
- Inadequate rehabilitation and compensation
- Weak enforcement of laws

The core problem lies in the **gap between constitutional ideals and practical implementation.**

IV. Objectives of the Study

1. To examine constitutional safeguards available to sanitation workers

2. To analyze the socio-legal condition of sanitation workers in Gujarat
3. To evaluate the effectiveness of existing laws and policies
4. To study judicial interventions in protecting sanitation workers
5. To suggest reforms for ensuring dignity and justice

V. Research Questions

1. Are constitutional safeguards effectively implemented for sanitation workers?
2. Why does manual scavenging persist despite legal prohibition?
3. What role has the judiciary played in safeguarding sanitation workers' rights?
4. How does caste influence sanitation labour in Gujarat?
5. What reforms are necessary for ensuring dignity and safety?

VI. Research Methodology

This research adopts a **doctrinal and analytical approach**, relying on:

- Constitutional provisions
- Statutory laws
- Case laws
- Government reports
- Secondary literature

The study also incorporates a socio-legal perspective to understand ground realities.

VII. Constitutional Safeguards

1. Article 14 – Right to Equality

Article 14 guarantees equality before the law. However, sanitation workers face systemic inequality due to caste-based occupational segregation.

2. Article 17 – Abolition of Untouchability

Manual scavenging is intrinsically linked to untouchability. The continuation of such practices directly violates Article 17.

3. Article 21 – Right to Life and Dignity

The Supreme Court has interpreted Article 21 to include the right to live with dignity. For sanitation workers, working in hazardous conditions without safety equipment violates this fundamental right.

4. Article 23 – Prohibition of Forced Labour

Many sanitation workers are forced into the occupation due to socio-economic constraints, amounting to indirect forced labour.

VIII. Statutory Framework

1. The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013

This Act prohibits manual scavenging and provides for rehabilitation. However, its implementation remains weak.

2. Occupational Safety Laws

The Occupational Safety, Health and Working Conditions Code, 2020 aims to ensure worker safety but lacks effective enforcement in sanitation work.

IX. Judicial Approach

1. Safai Karamchari Andolan v. Union of India (2014)

The Supreme Court recognized manual scavenging as a violation of fundamental rights and mandated compensation and rehabilitation.

2. Balram Singh v. Union of India (2024)

The Court issued directives for compensation, mechanization, and monitoring of sewer deaths, emphasizing dignity and accountability.

The judiciary has consistently emphasized dignity, yet implementation remains weak.

X. Socio-Legal Reality in Gujarat

Sanitation workers in Gujarat face:

- High mortality rates in sewer cleaning
- Lack of mechanization despite availability

- Contractual employment without security
- Social stigma and exclusion

Reports show deaths due to toxic exposure and lack of safety equipment, highlighting systemic negligence.

XI. Caste and Structural Inequality

Sanitation work is deeply tied to caste. It is not merely an occupation but a social identity imposed on marginalized communities. This perpetuates:

- Intergenerational poverty
- Social exclusion
- Lack of mobility

The persistence of caste-based labour undermines constitutional morality.

XII. Implementation Gaps

Despite strong legal frameworks, several gaps exist:

- Weak enforcement of laws
- Lack of accountability of contractors
- Inadequate rehabilitation programs
- Absence of data transparency
- Poor training and safety measures

Even though laws prohibit manual scavenging, their ineffective implementation allows the practice to continue.

XIII. Human Rights Perspective

Manual scavenging is widely recognized as a **human rights violation**, involving dignity, equality, and health rights. Workers face:

- Exposure to toxic gases
- Occupational diseases
- Social stigma
- Psychological trauma

It is not merely a labour issue but a question of human dignity and social justice.

XIV. Findings

1. Constitutional safeguards exist but are poorly implemented

2. Manual scavenging persists due to systemic failures
3. Caste remains a dominant factor in sanitation work
4. Judicial interventions are progressive but insufficient
5. Lack of mechanization contributes to worker deaths
6. Rehabilitation schemes are ineffective
7. Workers lack awareness of their rights
8. Contractualization increases exploitation
9. Data on sanitation workers is inadequate
10. Social stigma prevents integration

XV. Suggestions

1. **Strict enforcement of laws** with accountability mechanisms
2. **Complete mechanization** of sewer cleaning
3. **Comprehensive rehabilitation programs**
4. **Awareness campaigns** on workers' rights
5. **Skill development and alternative employment**
6. **Real-time monitoring systems** for sanitation work
7. **Strict penalties for violations**
8. **Inclusion of workers in policy-making**
9. **Caste-based discrimination eradication programs**
10. **Judicial monitoring committees**

XVI. Conclusion

Sanitation workers in Gujarat remain at the margins of justice despite constitutional guarantees. The persistence of manual scavenging and unsafe sanitation work reflects a failure of governance, law enforcement, and social reform.

The Constitution promises dignity, equality, and justice—but for sanitation workers, these promises remain unfulfilled. True justice requires not only legal safeguards but also structural transformation, social awareness, and political will.

Justice at the margins can only be achieved when sanitation workers are brought to the center of constitutional protection and social dignity.

References

Books & Reports

1. National Commission for Safai Karamcharis, Annual Report (2019–20)
2. Human Rights Watch, *Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India* (2014)

Articles

3. Dinesh Karthikeyan, Manual Scavenging in India: Legal Framework and Gaps, SCC Online (2026)
4. Dalberg Report on Sanitation Workers (2017)

Cases

5. Safai Karamchari Andolan v. Union of India, (2014) 11 SCC 224
6. Balram Singh v. Union of India, (2024) 11 SCC 601