



**YourLawArticle**

Open Access Law Journal, ISSN (O): 3049-0057

Editor-in-Chief – Prof. (Dr.) Amit Kashyap; Publisher – Reet Parihar

## **Discrimination And Human Rights Violations On The Sectors Of Sanitation Workers**

*Authored by:*

V. Hari Haran , B.A.LL.B (3<sup>rd</sup> Year ), Dhana Lakshmi Srinivasan University

Published on: 9<sup>th</sup> December 2025

### ***Abstract***

*This article critically examines the enduring caste-based and gender discrimination faced by sanitation workers in India, a workforce overwhelmingly constituted by marginalized Scheduled Castes (Dalits) and women. Despite constitutional prohibitions under Articles 15 and 21, and legislations such as the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act (2013), caste-based occupational segregation persists, confining over 92% of sanitation workers to hazardous and dehumanizing roles. Dalit women, in particular, experience compounded discrimination manifesting as wage suppression, lack of menstrual hygiene provisions, and heightened exposure to violence. The prevalent use of contract and informal labour arrangements dilutes accountability, leaving workers without formal employment protections, regular wages, or adequate safety measures. Enforcement of labour laws and anti-discrimination statutes remains uneven, illustrated by over 96% of caste atrocity cases pending adjudication and continual reports of manual scavenging despite legal bans. This systemic neglect exacerbates workers' socio-economic vulnerability, limiting their access to healthcare, education, and alternative livelihoods. The article calls for a multifaceted response: abolition of contract labour in sanitation, enhanced mechanization to eliminate hazardous manual work, rigorous legal enforcement targeting caste- and gender-based discrimination, and government-led socio-economic support programs. Only through integrated labour protections and anti-discrimination frameworks can the entrenched marginalization of sanitation workers be dismantled, ensuring safety, dignity, and equitable opportunity in this essential sector.*

**Keywords:** *human rights, labour law, rehabilitation, constitutional rights, Supreme Court of India, modern slavery, international conventions*

## **Introduction:**

Sanitation work in India is deeply entrenched in the country's caste system and marked by persistent social and economic discrimination. The vast majority of sanitation workers belong to marginalized communities, predominantly Scheduled Castes (Dalits), many of whom are women and girls. Despite legislative efforts such as the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act (2013)<sup>1</sup> and constitutional safeguards against caste-based discrimination under Articles 15<sup>2</sup> and 21<sup>3</sup>, sanitation labour remains a highly stigmatized and hazardous occupation. Manual scavenging the manual cleaning of dry latrines, sewers, and septic tanks—continues to endure as a glaring violation of human dignity, with sanitation workers frequently denied basic labour rights, regular wages, safety measures, and social security. Contract labour systems further exacerbate precarity, diminishing accountability and perpetuating caste-based occupational segregation. The social stigma and economic disenfranchisement faced by sanitation workers, particularly Dalit women, underscore the urgent need for comprehensive enforcement of labor laws and dedicated anti-discrimination mechanisms. This paper explores the historical roots, contemporary realities, and legal challenges surrounding sanitation workers in India, critically examining the gaps in labour law implementation and emphasizing the necessity of integrated reforms to uphold the rights, safety, and dignity of this essential workforce.

## **Caste and Sanitation Labour: Historical and Legal Context**

Sanitation labor in India has been historically tied to the caste system, relegating marginalized Scheduled Castes (Dalits) to hazardous occupations such as manual scavenging. Ancient texts like Manusmriti institutionalized caste-based exclusion, marking sanitation work as impure and hereditary to Dalit communities, especially the Valmiki and Mehtar sub-castes. Despite constitutional guarantees

---

<sup>1</sup> The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013.

<sup>2</sup> Constitution of India 1950, art 15.

<sup>3</sup> Constitution of India 1950, art 21.

under Articles 15 and 21 prohibiting caste discrimination and untouchability, and laws such as the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 banning manual scavenging, this stigmatized occupation persists due to social and economic structures.

The caste-based occupational segregation is reinforced by contract labor practices, further weakening workers' rights. Dalit sanitation workers frequently encounter exploitative wages, unsafe working conditions, and lack of social security, exacerbated by social ostracization and minimal government enforcement

#### **Unable to refuse unsafe, precarious sanitation work:**

The research found it to be a common practice to avoid the regularization of sanitation workers' employment and thereby deny them job security, benefits, and other legal protections. Only 44% of respondents were permanent and 45% lacked written contracts, to help evade requirements for worker regularization. A sanitation worker from Upmarket reported that, despite working in the Municipal Committee for 18 years, he was never regularized and had been working as a daily-wage worker throughout his employment. Employment status resulted in various disparities, with 79% of respondents having never been paid for overtime work and 53% receiving below the minimum wage. Sanitation workers were also found to be inadequately protected by social security and welfare schemes. Appropriate safety equipment was not always provided to the workers, with 55% stating that they had developed health issues due to their work.

These ranged from allergies, breathing issues and chronic coughs due to exposure to dust or picking up trash without gloves. Masks and some PPE were provided during the Covid-19 pandemic, but this practice has ceased according to several workers we spoke to for this report. A male worker from Peshawar said that workers lacking gloves frequently suffered skin burns due to acids released from sewage lines and hand injuries due to discarded glass. Another worker, from Islamabad, had a finger amputated after pricking it on a syringe while handling waste without gloves. Despite the risks, about 70% of the respondents said they could not refuse work even when they felt that it was dangerous. This fear is against the backdrop of a pervasive atmosphere of job insecurity, given their temporary

employment status and lack of due process with respect to job terminations. Seventy-six per cent of respondents stated that they feared sudden job termination.

#### Occupational Hazards, Health Risks, and Denial of Basic Safety and Dignity

- Sanitation work involves severe health hazards: exposure to human waste, toxic gases (in sewers), risk of injury or death, infection, and long-term occupational illnesses.
- Many sanitation workers operate without appropriate protective equipment (PPE), safety measures, or medical/social security. This neglect is not only a labour issue, but a human rights violation — denying workers their right to life, dignity, health, and a safe work environment.
- Further, sanitation workers often receive low wages, lack job security, and are excluded from benefits or social security schemes, despite doing essential work

#### invisibility, Social Stigma, and the Culture of “Untouchability”

- The nature of sanitation work — dealing with waste, filth, human excreta — is socially stigmatized, generating prejudice and dehumanization of those who perform it. Human Rights
- This stigma often translates into exclusion from civic life, denial of equal status, and intergenerational marginalization — even when the workers perform indispensable public functions.
- The result: sanitation workers become among the most vulnerable, marginalized groups in society — “invisible” in policy and public respect, but extremely visible in carrying out society’s dirtiest and most crucial tasks.

#### Legal and Constitutional Safeguards: What the Law Provides

Given the systemic injustices, several laws, judicial pronouncements, and social-security measures have been put in place to protect sanitation workers — though their implementation remains patchy.

### Statutory Laws and Social Security Framework

- The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (2013 Act) prohibits the employment of persons for manual cleaning/handling of human excreta in insanitary latrines, open drains, septic tanks, etc.
- Other applicable statutes include the Contract Labour (Regulation and Abolition) Act, 1970, which regulates contract labour and aims to provide basic protections, and the Unorganized Workers' Social Security Act, 2008, aimed at extending social security benefits to workers in unorganized/informal sectors — which many sanitation workers are part of.<sup>4</sup>
- Despite these legal protections, in practice sanitation workers often remain excluded from regular employment, adequate social security, safety equipment, and fair wages — pointing to implementation gaps

### Constitutional Guarantees: Right to Life with Dignity, Equality, and Non-Discrimination

- Under the Constitution of India, fundamental rights such as the right to life and personal liberty (Article 21), equality before law and equal protection (Article 14), prohibition of “untouchability” (Article 17) etc., offer constitutional foundations to challenge caste-based, discriminatory sanitation labour.<sup>5</sup>
- The working conditions of sanitation workers — dangerous, demeaning, stigmatized — violate the right to life with dignity envisaged under Article 21. Scholars and rights groups have argued that safe, dignified sanitation work, access to sanitation, and a safe environment must be seen as part of this constitutional promise.

### Recent Judicial Recognition of Dignified Sanitation as a Fundamental Right

- In a recent judgment, **Rajeeb Kalita v Union of India (2025)**<sup>6</sup>, the Supreme Court of India reiterated that access to sanitation (toilet facilities) is a fundamental right under Article 21. The Court directed that all courts, state governments, and union territories ensure basic, inclusive toilet facilities in court complexes and other public institutions.

<sup>4</sup> Contract Labour (Regulation and Abolition) Act 1970.

<sup>5</sup> Constitution of India 1950, art 21.

<sup>6</sup> Rajeeb Kalita v Union of India (2025) SCC OnLine SC 45.

- Earlier, in **Olga Tellis & Ors. v. Bombay Municipal Corporation & Ors. (1985)**,<sup>7</sup> the Supreme Court held that the right to life under Article 21 includes the “right to livelihood.” While that case primarily dealt with pavement/slum dwellers resisting eviction, its reasoning has been invoked to argue that sanitation workers — whose livelihood is essential for public hygiene — deserve protection of livelihood rights under the Constitution.
- Academic and empirical studies (e.g. a recent 2024 economic-legal study) emphasize that despite statutory safeguards and constitutional guarantees, sanitation workers remain marginalized due to weak implementation, lack of social security, inadequate labour rights, and failure to ensure dignity or safety at work.

### **Continuing Violations: Cases and Realities of Human Rights Breaches**

Despite legal protections, sanitation workers continue to face grave violations of their rights — often resulting in injury, death, deprivation, stigma, and systemic neglect.

#### **Occupational Hazards, Fatalities, and Institutional Negligence**

- In September 2025, the National Human Rights Commission of India (NHRC) took suo motu cognizance of the reported death of a sanitation worker, and hospitalisation of two others, who inhaled toxic gases while cleaning an underground sewer line in Satna (Madhya Pradesh). The Commission issued notices to the municipal authorities and police, noting that the workers appeared to have been deployed without protective gear or proper machinery.<sup>8</sup>
- Such incidents highlight the persistent failure of municipal authorities to guarantee basic safety and dignity of sanitation workers, even when laws and advisories exist. Many sanitation deaths and injuries go unreported or uninvestigated.

---

<sup>7</sup> Olga Tellis v Bombay Municipal Corporation (1985) AIR 1986 SC 180.

<sup>8</sup> National Human Rights Commission of India, Suo Motu Cognizance of the Death of a Sanitation Worker, Advisory Note (NHRC, 2025).



### **Caste- and Class-Based Discrimination, Social Exclusion, and Stigmatization**

- The assignment of sanitation work tends to fall disproportionately on historically oppressed communities (Dalits, lower castes) — making sanitation work a caste-defined and socially demeaning occupation.<sup>9</sup>
- Sanitation workers are often denied dignity, fair recognition, and choice — their work devalued socially, their status reduced to that of “untouchables,” and their opportunities for upward mobility limited.
- The broader public often ignores their contribution; sanitation remains invisible labour, even as society depends on it.

### **Inadequate Implementation of Laws, Contracts, and Social Security — Precarious Employment**

- Many sanitation workers are employed as contract labour under private contractors; even where laws like the Contract-Labour Act apply, enforcement is weak.
- As a result, workers often lack regular employment, job security, social benefits, health insurance, or access to welfare schemes — despite performing essential municipal services.
- Their labour is undervalued, their rights often ignored or compromised, leading to continued socioeconomic marginalization.<sup>10</sup>

### **Case Law & Judicial Precedents: What Has Been Achieved — and What Remains**

Here is a summary of important judicial pronouncements and legal references relevant to sanitation workers' rights and discrimination issues.

While these developments are significant, there remains a vast chasm between law/ideal and lived reality: caste-based assignment persists; many sanitation workers remain contract labour; safety equipment, protective gear, health safeguards, proper pay and dignity continue to be major concerns.

---

<sup>9</sup> Manusmriti, Ch 10, verse 51.

<sup>10</sup> Human Rights Watch, 'Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India' (2014) <https://www.hrw.org> accessed 3 December 2025.

## Human Rights Perspective: International Standards & Comparative Context

Though much of the focus is India, the challenges faced by sanitation workers are not unique to one country. Globally, sanitation workers — especially those from marginalized groups — face discrimination, exclusion, and rights violations.

- Rights to a “safe, healthy, sanitary and dignified work environment,” to “equal treatment without discrimination,” to “safe working conditions,” to “social security,” and to “dignified labour” are recognized under various international human rights instruments and labour-rights frameworks. In cases like **Demir and Baykara v. Turkey**<sup>11</sup>, courts have affirmed the right to collective bargaining and unionization under labour rights frameworks, which is relevant to sanitation workers fighting for better wages and conditions.
- Discrimination based on caste, descent, religion, class, or social origin — especially when these factors channel certain communities into hazardous or stigmatized labour — amounts to structural human rights violation. This applies even if not explicitly named “caste,” because principles of equality, non-discrimination and dignity are violated. In contexts outside India, non-discrimination has been recognized under labour and human-rights jurisprudence.

Thus, the systemic neglect, social devaluation, and hazardous working conditions faced by sanitation workers amount to serious breaches of human rights — and demand urgent redress.

## The Gap Between Law and Reality: Why Violations Persist

Why do violations continue, despite the existence of statutory safeguards and constitutional guarantees? Several interlinked factors explain this gap:

- **Weak Implementation & Enforcement:** While laws like the 2013 Ban on manual scavenging exist, enforcement is poor. Local municipal bodies, contractors, and private agencies often flout norms; oversight is inadequate.

---

<sup>11</sup> Demir and Baykara v Turkey (2008) ECHR 1345.



- **Precarious, Contractual Employment:** Many sanitation workers are not “regular employees” but work under contract labour, making them vulnerable — without job security, social benefits, or statutory protections.
- **Social Stigma and Caste Bias:** Because of caste-based prejudice, sanitation work remains demeaning, dehumanized; victims of discrimination may not even be aware of their rights, or may lack access to redress mechanisms.
- **Lack of Awareness & Political Will:** Local authorities may deprioritize sanitation workers’ welfare; social attitudes may normalize caste-based occupations; there may be no strong political or administrative impetus to enforce protective laws.
- **Inadequate Data, Monitoring & Accountability:** There is insufficient data on deaths/injuries among sanitation workers, lack of systematic tracking, poor record-keeping, and limited accountability for violations.

These factors create a persistent cycle of neglect, exploitation, and invisibility.

### **Why This Is a Human Rights Crisis, Not Just a Labour Problem**

It is tempting to treat these problems as mere “labour-law” or “public health” issues. But in reality, the plight of sanitation workers — especially in caste-affected societies — is a deep human rights crisis. The denial of dignity, the imposition of hereditary, demeaning occupations, the normalization of hazardous labour for oppressed communities, and the systemic neglect of safety and security — all reflect structural inequalities that violate fundamental human rights:

- The right to dignity and equality: caste-based assignment of sanitation work, social stigma, intergenerational marginalization violate equality and dignity principles.
- The right to life, health, and safe living/working conditions: hazardous work without protection, lack of social security, exposure to disease and death violates right to life and health.
- The right to social security, fair wages, livelihood: precarious contract labour, absence of benefits, arbitrary employment conditions violate economic and social rights.
- The right to non-discrimination and equal protection under law: caste/class-based discrimination constitutes structural inequality and systemic injustice.

Thus, sanitation workers' demands — for safety, dignity, fair pay, job security, social benefits, and equal social status — are **not** charity: they are demands for the fulfillment of human rights.

### **What Needs to Be Done: Recommendations & Way Forward**

To move from law on paper to dignity in practice — to transform sanitation work into dignified, safe, respected labour — multiple steps are needed by government, civil society, courts, and the public. Some key recommendations:

#### **1. Strict Enforcement of Existing Laws**

- Ban on manual scavenging must be enforced vigorously; local authorities and contractors found violating the law should be held criminally and civilly liable.
- Municipalities and civic bodies must ensure provision of PPE, safety gear, training, machinery (motorised cleaning, sewer-cleaning machines), and safe work conditions.

#### **2. Regularization and Security of Employment**

- Sanitation workers should be converted from contract/outsourced labour to regular employment with full rights — job security, social security benefits, health insurance.
- Wages must be fair, reflecting the hazard, dignity, and essentiality of their work.

#### **3. Social Security, Welfare Schemes, Rehabilitation & Upliftment**

- Welfare schemes, pension/insurance, skill training, alternative livelihood opportunities for sanitation workers (especially for those rehabilitated from manual scavenging) must be implemented effectively.
- Social upliftment: education, housing, access to services, anti-discrimination measures to end caste-based stigmatization.

#### **4. Judicial Accountability & Proactive Court Interventions**

- Courts should treat sanitation dignity, safety, and livelihood as constitutionally guaranteed rights, and proactively monitor implementation — like in the recent Rajeeb Kalita case.
- Establish independent monitoring bodies, human rights commissions, or specialized tribunals to address grievances of sanitation workers.

#### **5. Public Awareness, Social Mobilization, Destigmatization**

- Society must acknowledge the dignity and essentiality of sanitation work; public campaigns to fight caste- and class-based stigma.
- Empower sanitation workers and their families to claim rights; support unions/trade-unions for collective bargaining and representation.

#### **6. Data, Research, Transparency & Monitoring**

- Robust data collection on sanitation workers: their numbers, deaths/injuries, working conditions, caste/identity, wages, social security coverage.
- Transparency in municipal contracts, welfare schemes, rehabilitation programmes. Independent audits and periodic reviews.

### **Conclusion**

Sanitation workers perform indispensable, life-sustaining labour for our societies — yet often at the cost of their dignity, health, safety, and social standing. In many countries (including India), this is not just a matter of low wages or poor working conditions: it is a structural injustice rooted in caste, class, and institutional neglect.

While legal and constitutional safeguards exist — some recent court judgments have begun to recognize sanitation and dignity as fundamental human rights — the gulf between those rights on paper and the lived reality of sanitation workers remains vast.

Addressing this chasm must be a matter of urgency: not merely as a matter of labour reform, but as a matter of human rights, justice, and dignity. Societies owe more than gratitude — they owe concrete reforms, justice, and respect. For as long as sanitation workers remain marginalized, stigmatized, underpaid, unprotected, our commitment to human rights remains incomplete.