



Praveen Rashtrapal, I.R.S. v. Chief Officer, Kadi Municipality

(2006) 3 GLR 1809

Country: India

Region: Asia

Year: 2006

Court: High Court - Gujarat

Health Topics: Environmental health, Health systems and financing, Occupational health, Poverty, Water, sanitation and hygiene

Human Rights: Right to a clean environment, Right to favorable working conditions, Right to health, Right to life

Facts

The Petitioners, including Praveen Rashtrapal, filed this public interest litigation in the Gujarat High Court under Article 226 of the Constitution (original writ jurisdiction of High Courts). The petition was filed on behalf of sewage cleaners (cleaners) in and around the City of Ahmadabad.

The Petitioners claimed that the right to life and health of the sewage cleaners under Article 21 of the Constitution was being violated by the civic authorities (authorities). It was alleged that the cleaners were made to go into underground sewers without proper equipment or training. This had resulted in many deaths. The Court was required to interpret Article 21 in this context and to issue appropriate orders to the concerned bodies.

Decision and Reasoning

The Court found that all the allegations made in the petition were true and the cleaners of Ahmadabad were exposed to many dangers during daily work.

As to the interpretation of Article 21, the Court held that it encompassed within its fold the right to health and medical care of the workers. The Court also held that "Article 21 of the Constitution of India is always there to protect the employees of local civic bodies and also the contractors whose service are hired by the civic bodies."

The Court further held that the authorities should refrain from exposing the cleaners to hazardous situations. In the alternative, they should provide the cleaners with safety measures. It, therefore, directed, amongst other things, that the cleaners be replaced with appropriate machinery. Alternatively, safety equipment, training and an emergency manual should be provided to the cleaners. The Court also directed the civic authorities to provide for periodic medical checkup of "manhole workers."

Relying on *Consumer Education and Research Society v. Union of India*, ((1995) 1 SCR 626) the Court held that the authorities would be liable to pay damages in case of occupational diseases. The Court also directed the authorities to provide all sewage cleaners with compulsory health insurance for a sum not less than Rs. 1 Lakh and to pay premium for the policy.

Decision Excerpts

"[A]s a result of liberal interpretation of the word "life", Article 21 of the Constitution of India has now come invoked almost as a residuary right, and it has taken into its sweep the health hazards and hazard to life posed on account of various reasons such as harmful drugs, discharge of dangerous duties, unhealthy and polluted environment etc. It has also now included right to health and medical aid of workers. Right to health and medical care is now considered to be fundamental right under Article 21 read with Arts. 39(e), 41 and 43 of the Constitution of India. This makes life of the workman meaningful and purposeful with dignity of person." Para. 5.1.