JUDGMENT SHEET
ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No.4234 of 2022

Center for Rule of Law Islamabad Pakistan and another

Versus

Federation of Pakistan and others

Petitioners by:	Mr. Muhammad Majid Bashir, Advocate.
Respondents by:	Mian Muhammad Faisal Irfan, DAG along with Tariq Mehmood, S.O, M/o Religious Affairs.
Date of Decision:	**11.11.2025.**

INAAM AMEEN MINHAS, J.- The petitioners, **[**Center for Rule of Law Islamabad Pakistan **("CROLI")** and Pakistan United Christian Movement **("PUCM")**], have filed the instant petition as a public interest litigation seeking directions to the respondents (i) to issue a uniform circular to all Federal and Provincial Ministries, as well as governmental, semi-governmental and regulated private institutions, mandating the provision of adequate protective equipment to all sewerage workers engaged in manual scavenging or the activity of manual scavenging be permanently banned (ii) respondent No.4/Ministry of Law to make new legislation or amend the already existing provisions regarding protection of rights of the minorities (iii) to take action against any public or private body that fails to provide protective gear or permits the continuation of manual scavenging and (iv) the sewerage workers shall have the insurance and their families shall be eligible for compensation in the event of injury or death arising from such work.

2. The brief facts, forming background of the instant public interest petition, are that there is alarming rise in deaths of Christians engaged in manual scavenging, a hazardous practice involving the manual handling and disposal of human excreta in insanitary latrines, open drains, sewers, septic

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tanks and pits. As per report of the Minority Rights Commission (2012) owing to manual scavenging more than 70 Christians have died since 1988, whereas according to Centre for Law and Justice more than ten persons have died since 2019, principally due to absence of protective gear. According to World Watch Monitor and the National Commission for Human Rights, more than 80% of sewerage-related occupations are held by Christians, despite their comprising merely 1.5% of the national population. The CROLI, vide letter dated 01.05.2022, formally requested respondent No.2/Ministry of Human Rights to take necessary action against manual scavenging, due to which many Christian sewerage workers have died but no response has been received.

3. The learned counsel for the petitioners contended that the respondents' continued inaction is unlawful and unconstitutional, as the failure to provide protective equipment, which is the leading cause of fatalities among sewerage workers, violates Article 9 of the Constitution; that such omissions also breachs Pakistan's international commitments under the Universal Declaration of Human Rights, as well as statutory duties under the Pakistan Occupational Health and Safety Act, 2018; that Articles 25 and 27 of the Constitution are being infringed, as sewerage workers, predominantly from the Christian minority, face discriminatory treatment, exploitative wages and exclusionary hiring practices. Lastly, the learned counsel submitted that the Christian community, like all citizens, is entitled to the equal protection of law and cannot be deprived of its fundamental rights and the respondents' failure to address the hazardous and menace conditions in which sewerage workers operate constitutes a continuing breach of minority rights protected under the Constitution.

4. The learned Deputy Attorney General has not opposed the instant writ petition and contended that the government is committed to ensure the protection and promotion of minorities' rights in line with national and international commitments and Constitutional guarantees.

5. I have heard the learned counsel for the parties and perused the record.

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6. This petition is necessitated by the alarming rise in deaths of Christians engaged in manual scavenging, a hazardous practice involving the manual handling and disposal of human excreta in insanitary latrines, open drains, sewers, septic tanks and pits. In unprotected sewerage work, the labourers are routinely exposed to hazardous underground gases and fumes that can overwhelm the body, impair breathing and consciousness, which lead to collapse or death. Such conditions also give rise to serious harm to the heart, lungs as well as a heightened vulnerability to severe infections and skin diseases. These risks are entirely avoidable through proper equipment and safety protocols.

7. It is deeply concerning that the respondents, in their comments, have absolve themselves of any responsibility towards the protection of these workers. The comments further reveal a troubling pattern of many of the ministries/respondents, shifting responsibility onto one another seeking the omission of their own names from the proceedings. Such conduct raises fundamental questions. Has the exercise of public office been reduced to mere evasion of duty? Does the Constitution not guarantee equal protection to all citizens? Are the lives of sewerage workers less valuable than that of other citizens?

8. Sewerage workers perform indispensable work essential to public health and urban life, yet they are often rendered invisible and treated as expendable. It is the duty of the State and its functionaries to establish and enforce effective mechanisms to ensure the safety of the workers engaged in the maintenance and cleaning of the sewerage systems. Those employed in sewers cannot be treated as mechanical beings impervious to poisonous gases. The State, its functionaries and contracted entities are under a solemn Constitutional obligation to protect the lives and safety of every person assigned to such hazardous tasks. This issue transcends mere labour rights, and strikes at the core of Pakistan’s Constitutional commitment to equality and justice, making urgent reforms imperative. A nation cannot progress while consigning its citizens to hazardous working conditions without basic necessities to perform the task and preserve health.

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9. The failure to provide essential protective equipment, being the principal cause of fatalities among sewerage workers, constitutes a violation of Article 9 of the Constitution, which protects the right to life and human dignity—rights that the superior Courts have repeatedly affirmed as inalienable, paramount and encompassing equality. The State, municipal bodies and contractors are responsible for ensuring safety, irrespective of the mode of employment or outsourcing. Compliance with Constitutional safeguards cannot be deferred or waived by reliance on contractors or lack of resources. Even otherwise, the right to life and human dignity is further reinforced by universally recognized norms. Pakistan, being a founding signatory to the Universal Declaration of Human Rights (1948) has affirmed the principles contained in Articles 1, 22 and 23 thereof, which recognize equality, dignity, social security and just and favourable working conditions as fundamental entitlements of every human being. The present conditions under which sewerage workers operate are wholly inconsistent with these norms.

10. The recurrence of deaths of sewerage workers reflects persistent omissions and inaction on part of the respondents. This case illustrates the broader systemic deficiency requiring institutional response. In comparable matters, the superior Courts have directed executive authorities to review and reform administrative structures to prevent recurring violations of rights. In the present case, a similar approach is warranted to ensure that all public employment policies adhere to Constitutional commands and reflect the dignity, equality, safety and respect owed to every citizen, irrespective of religious affiliation. The persistent omission and inaction of the respondents violate fundamental rights and warrant the issuance of mandamus, as no public body may act in derogation of Constitutional guarantees.

11. In light of the foregoing discussion, the instant writ petition is **allowed**. Respondent No.1 is directed to issue an official circular to the Federal and Provincial Ministries and other governmental and semi-governmental departments to ensure that workers engaged in manual scavenging shall be provided with functional protective equipment, gas-monitoring devices, ventilation facilities and first-aid arrangements. Respondent No.1 shall also

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ensure that private sectors are following similar protocols for sewerage workers. Further respondent No.4/Ministry of Law & Justice is directed to initiate the process of framing new legislation or amending existing law to safeguard and strengthen the rights, safety and dignity of sewerage workers in accordance with the Constitution. The legislation should involve provision of facilities regarding safety in hazardous conditions, compensation and insurance coverage.

12. To secure effective implementation of this judgment, all the respondents shall file a detailed compliance report before the Deputy Registrar (Judicial) within two (02) months from the date of receipt of copy of this judgment, confirming the measures taken in pursuance of the directions issued herein.

(INAAM AMEEN MINHAS)
JUDGE

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