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### **ABSTRACT:**

*“Manual scavenging remains one of the severest human rights violations in contemporary India. Despite constitutional guarantees of dignity and equality and statutory prohibition under the **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993** and the **Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013**, the practice persists. The continued existence of manual scavenging—primarily among Dalit communities—reveals a stark disconnect between legal ideals and ground reality. Caste-based occupational segregation, economic vulnerability, infrastructural deficiencies, and weak enforcement mechanisms sustain this inhuman practice. Recent **Supreme Court interventions (2023–2025)** and technological innovations such as mechanized cleaning systems and robotic solutions reflect growing state concern but also highlight implementation gaps. This dissertation examines the legal framework, social context, challenges in enforcement, rehabilitation failures, and international comparisons, concluding with recommendations for complete eradication through mechanization, social reform, and robust governance”*

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### **STATUTES:**

- *The Constitution of India (1950).*
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- B. R. Ambedkar, *Annihilation of Caste* (1936).
- Anand Teltumbde, *The Persistence of Caste* (2010).
- Gita Ramaswamy, *Land, Caste and Politics* (2018).

### **INTERNATIONAL SOURCES:**

- UNICEF & ILO Reports on Sanitation Labor (Various Years).
- OECD Reports on Mechanized Sanitation and Occupational Safety (2015–2023).

## **CHAPTER 1: INTRODUCTION AND HISTORICAL BACKGROUND**

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## **CHAPTER 1: INTRODUCTION AND HISTORICAL**

### **BACKGROUND:**

#### **1.1 INTRODUCTION:**

Manual scavenging is widely recognized as one of the most degrading and hazardous occupations in India. It involves the practice of manually cleaning human excreta from dry latrines, open drains, and sewers—remains a grim reality in India despite multiple legal prohibitions. This practice not only exposes workers to severe health hazards but also reinforces entrenched caste-based discrimination. *Section 2(j) of The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993* defines a manual scavenger as “a person engaged in or employed for manually carrying human excreta.” Despite the enactment of this law, manual scavenging continues in various forms, largely due to the marginalization of workers—often from backward castes—loopholes in the law, narrow definitions of manual scavenging, and insufficient safeguards under existing legislation. Workers engaged in this occupation are exposed to severe health risks, including infections such as hepatitis, cholera, tuberculosis, and even life-threatening accidents during sewer entry.<sup>1</sup> Despite its extreme danger and social stigma, manual scavenging continues to persist in many parts of India.<sup>2</sup>

The practice of manual scavenging is not merely an occupational hazard; it is deeply intertwined with the socio-cultural fabric of Indian society. The caste system has historically assigned sanitation work to Dalits, particularly to communities considered “untouchable,” resulting in a form of structural discrimination that perpetuates social and economic marginalization.<sup>3</sup> These workers are often trapped in a cycle of poverty and social exclusion, with limited access to education, alternative employment, or social mobility.<sup>4</sup> From a legal perspective, India has recognized the human rights violations inherent in manual scavenging and has sought to eliminate the practice through legislation. The *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993* was an early statutory attempt to ban the employment of manual scavengers.<sup>5</sup> This was subsequently strengthened

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by the *Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013*, which criminalized employment as a manual scavenger and mandated rehabilitation, skill development, and compensation for affected workers.<sup>6</sup> Despite these legal measures, the practice continues due to a complex interplay of socio-economic, cultural, and infrastructural factors. Inadequate sanitation infrastructure, limited mechanization, and weak law enforcement contribute to the persistence of manual scavenging.<sup>7</sup> Furthermore, the social stigma attached to sanitation work discourages alternative employment opportunities for affected communities, perpetuating a cycle of caste-based occupational segregation.<sup>8</sup>

Judicial interventions have also sought to address the hazards and injustices faced by sanitation workers. For example, the Supreme Court of India, in cases such as *Safai Karamchari Andolan vs. Union of India*, has directed the government to ensure strict enforcement of laws, provide compensation to victims, and promote mechanization.<sup>9</sup> Cinema and documentaries including *Witness* (2022), *Manhole* (2016), *Kakkoos* (2017), *The OK Brothers* (2017), and *Court* (2014) have highlighted caste oppression, worker deaths, and the social invisibility of manual scavengers, advocating mechanized and safe sanitation practices. More recently, technological innovations, such as robotic sewer cleaners and mechanized sanitation systems, have been introduced in several states to reduce human exposure to hazardous conditions.<sup>10</sup> However, these interventions remain limited in scope and implementation.<sup>11</sup> The persistence of manual scavenging, despite legal prohibition and technological solutions, highlights a critical disconnect between statutory frameworks and social realities. This study aims to investigate this disconnect, examining the factors that sustain manual scavenging and evaluating the effectiveness of legislative, judicial, and technological measures aimed at its eradication. By understanding the historical, social, and legal dimensions of this issue, the research seeks to identify sustainable solutions that combine enforcement, mechanization, rehabilitation, and social reform.<sup>12</sup>

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7. *National Commission for Safai Karamcharis (NCSK), Report on Manual Scavenging in India 12–15 (2018).*
8. *Anand Teltumbde, The Persistence of Caste: The Khairlanji Murders and India's Hidden Apartheid 89–91 (2010).*
9. *Safai Karamchari Andolan v. Union of India, (2014) 11 SCC 224.*
10. *National Action Plan for Mechanized Sanitation Ecosystem (NAMASTE), Ministry of Social Justice & Empowerment, Govt. of India (2023–24).*
11. *S. M. Michael, Caste, Occupation and the Politics of Social Exclusion in India, 15 Soc. Sci. Rev. 37, 42–45 (2017).*
12. *Bezwada Wilson, Manual Scavenging: A Legal and Social Analysis, 29 Indian J. Hum. Rights 78, 82–83 (2020).*

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## **CHAPTER 1: INTRODUCTION AND HISTORICAL**

### **BACKGROUND:**

## **1.2 HISTORICAL BACKGROUND:**

The practice of manual scavenging in India has deep historical roots that are closely linked to the caste system and socio-economic hierarchies. This system, a form of social stratification based on profession and lineage, has been historically entrenched in Indian society. The philosophical foundation of caste is detailed in the *Manusmriti*, a sacred Hindu text dating back to the second century BCE, which categorizes society into five classes. At the top are the Brahmins (priests and teachers), followed by Kshatriyas (warriors), Vaishyas (merchants and farmers), Shudras (laborers), and at the bottom, Dalits, historically regarded as “untouchables.” Dalits were historically barred from participating in religious and social life and were relegated to menial and “polluting” occupations, such as animal slaughter, leatherworking, and the cleaning of human excreta. Although mechanization has replaced some of these tasks, the hazardous work of sewer and latrine cleaning continues to fall primarily on Dalits, perpetuating their classification as untouchables and exposing them to both social stigma and health risks. Historically, sanitation work, including the manual removal of human excreta, has been assigned to communities considered “untouchable,” particularly the Dalits.<sup>1</sup> This assignment was not merely occupational but a structural mechanism of social exclusion, enforcing a rigid hierarchy that prevented social mobility for marginalized communities.<sup>2</sup> Dalits account for approximately 16.6% of India’s population. According to the 2011 Census, there were around 20.14 crore people belonging to Scheduled Castes, up from 16.66 crore in 2001—a decadal growth of 20.8%, with the majority concentrated in four states: Uttar Pradesh (20.5%), West Bengal (10.7%), Bihar (8.2%), and Tamil Nadu (7.2%). Despite government initiatives aimed at empowerment, Dalits continue to face discrimination and social exclusion. Spatial segregation in towns and villages remains a visible testament to the ongoing influence of the caste system. Even attempts to escape caste-based oppression by converting from Hinduism have often failed to provide Dalits with true social and economic liberation. In pre-colonial India, sanitation and waste management

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practices were rudimentary, with minimal mechanization. Open drains, public latrines, and cesspools were common in towns and villages, necessitating manual cleaning.<sup>3</sup> Communities assigned to this work were often dependent on caste-based patronage, receiving low remuneration and facing societal ostracism.<sup>4</sup> These practices reinforced economic vulnerability and social subordination.<sup>5</sup> During British colonial rule, sanitation systems were partially modernized in urban areas, but manual scavenging persisted, particularly in rural and semi-urban regions.<sup>6</sup> Colonial policies often ignored the socio-cultural dimensions of sanitation, focusing instead on public health concerns.<sup>7</sup> The British administration relied on local “safai karamcharis” or laborers from marginalized communities to maintain drains and latrines, institutionalizing caste-based occupational segregation.<sup>8</sup>

Post-independence India recognized the inhumanity of manual scavenging and incorporated protections in the Constitution. Article 17 explicitly abolished “untouchability” and its practices, while Articles 14 and 21 guaranteed equality before law and the right to life and personal dignity.<sup>9</sup> Despite these constitutional safeguards, manual scavenging persisted due to entrenched social norms, poverty, and inadequate infrastructure.<sup>10</sup> Socio-economic deprivation has historically constrained Dalit communities to continue in sanitation work. Limited access to education, land, and alternative employment opportunities reinforced dependence on this occupation.<sup>11</sup> Moreover, the stigma attached to manual scavenging discouraged social mobility, perpetuating a hereditary cycle of labor allocation based on caste.<sup>12</sup> Movements against untouchability and caste discrimination, including reform efforts by leaders like B. R. Ambedkar, Mahatma Gandhi, and various social reformers, highlighted the injustice of manual scavenging.<sup>13</sup> Ambedkar particularly emphasized that caste-based division of labor perpetuated inequality and hindered social justice.<sup>14</sup> Gandhi’s campaigns, while sympathetic to sanitation workers, often focused on moral persuasion rather than structural reform, leaving systemic issues unaddressed.<sup>15</sup> Despite constitutional guarantees and social reform movements, manual scavenging has persisted into modern India. The historical assignment of sanitation work to specific communities, combined with poverty and

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social stigma, created structural barriers that remain difficult to dismantle.<sup>16</sup> Mechanization and legal reforms in recent decades aim to address these issues, but the persistence of the practice underscores the need to examine both historical and contemporary socio-cultural factors.<sup>17</sup> Understanding the historical context of manual scavenging is essential for appreciating the complexity of the issue. The legacy of caste-based occupational segregation, combined with economic deprivation and infrastructural limitations, creates a multidimensional problem that cannot be solved by legal prohibition alone.<sup>18</sup> This historical lens informs the subsequent analysis of India's legal framework and the socio-legal realities faced by manual scavengers.<sup>19</sup>

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### **Footnotes:**

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1. *B.R. Ambedkar, Annihilation of Caste 57–59 (1936).*
2. *Anand Teltumbde, The Persistence of Caste: The Khairlanji Murders and India's Hidden Apartheid 45–48 (2010).*
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6. *David Arnold, Colonial Hygiene: Public Health and Sanitation in British India 89–92 (1993).*
7. *Ibid. at 94–96.*
8. *Bezwada Wilson, supra note 4, at 82–83.*
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10. *National Commission for Safai Karamcharis (NCSK), Report on Manual Scavenging in India 10–12 (2018).*
11. *Anand Teltumbde, supra note 2, at 49–51.*

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12. B.R. Ambedkar, *supra note 1*, at 60–62.
13. *Ibid.*; Mahatma Gandhi, Harijan (various issues 1933–1948).
14. B.R. Ambedkar, *supra note 1*, at 58–59.
15. Mahatma Gandhi, The Story of My Experiments with Truth 218–220 (1927).
16. Gita Ramaswamy, *supra note 3*, at 115–117.
17. Ministry of Social Justice & Empowerment, Annual Report 2020–21 36–37 (Govt. of India, 2021).
18. Bezwada Wilson, *supra note 4*, at 83–84.
19. Anand Teltumbde, *supra note 2*, at 52–53.

### **1.3 LEGAL PROHIBITION: EARLY EFFORTS**

Recognizing the inhumane and hazardous nature of manual scavenging, the Indian legal system sought to provide statutory protection and prohibit the practice. The *Constitution of India* provides the foundation for these legal measures. Article 17 explicitly abolishes “untouchability” and forbids its practice in any form, thereby providing a constitutional basis to challenge caste-based occupational segregation.<sup>1</sup> Articles 14 and 21 guarantee equality before the law and the right to life and personal dignity, both of which are violated by the continued practice of manual scavenging.<sup>2</sup> The first legislative attempt to directly ban manual scavenging was the *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993*.<sup>3</sup> The Act criminalized the employment of manual scavengers and the construction of dry latrines, which were the primary sites of such labor.<sup>4</sup> It imposed penalties for violations, mandated that employers not engage in manual cleaning of human excreta, and required municipalities to improve sanitation infrastructure to reduce dependence on manual labor.<sup>5</sup> Despite its progressive intent, the 1993 Act faced significant challenges. The law relied heavily on local authorities and municipalities for implementation, but enforcement mechanisms were weak.<sup>6</sup> Structural issues, including lack of mechanized cleaning equipment, insufficient funding for sanitation infrastructure, and poor monitoring, meant that many local bodies failed to comply.<sup>7</sup> Furthermore, social norms and caste-based

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discrimination continued to push marginalized communities into sanitation work, limiting the effectiveness of statutory prohibition.<sup>8</sup> Early social reform movements played a significant role in raising awareness and pressuring the government to take action. Leaders like B. R. Ambedkar emphasized that caste-based labor segregation perpetuated inequality and that eradication of “untouchable” occupations was essential for social justice.<sup>9</sup> Post-independence, various NGOs and advocacy groups, including the *Safai Karmachari Andolan (SKA)*, campaigned for the elimination of manual scavenging, organized awareness programs, and highlighted violations of the 1993 Act.<sup>10</sup> Judicial intervention further reinforced these legislative efforts. Courts repeatedly emphasized the state’s obligation to provide safe sanitation systems and protect the dignity of workers engaged in cleaning human excreta.<sup>11</sup> Despite these combined efforts, progress remained limited. Structural dependence on manual labor, entrenched social hierarchies, and inadequate enforcement continued to perpetuate the practice.<sup>12</sup> The limitations of the 1993 Act eventually led to the enactment of the *Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013*.<sup>13</sup> This legislation criminalized employment of manual scavengers, mandated rehabilitation, provided for skill development and alternative livelihoods, and introduced compensation for deaths and injuries arising from sanitation work.<sup>14</sup> It represents a shift from mere prohibition toward a *comprehensive socio-legal approach* that combines enforcement, rehabilitation, and mechanization.<sup>15</sup> Understanding these early legal prohibitions and social reform efforts provides crucial context for evaluating the continued prevalence of manual scavenging. It highlights the gap between legal intent and social reality, a gap that this dissertation seeks to explore in detail.<sup>16</sup>

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### **Footnotes:**

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1. *The Constitution of India, art. 17.*
2. *The Constitution of India, arts. 14, 21.*
3. *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, §§ 2–5 (India).*

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***Email ID: [divyagopalakrishnan86@gmail.com](mailto:divyagopalakrishnan86@gmail.com).***

4. *Ibid.*
5. *Ibid.*; see also *Bezwada Wilson, Manual Scavenging in India: A Study of Legal and Social Measures*, 28 *Indian J. Hum. Rights* 65, 68–70 (2019).
6. *National Commission for Safai Karamcharis (NCSK), Report on Enforcement of 1993 Act 12–14* (2017).
7. *Ibid.* at 15–17.
8. *Anand Teltumbde, The Persistence of Caste* 49–51 (2010).
9. *B.R. Ambedkar, Annihilation of Caste* 57–60 (1936).
10. *Bezwada Wilson, supra note 5*, at 69–71.
11. *Safai Karamchari Andolan v. Union of India*, (2014) 11 SCC 224, ¶ 27–30.
12. *S. M. Michael, Caste, Occupation and Social Exclusion*, 15 *Soc. Sci. Rev.* 37, 42–43 (2017).
13. *Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013*, §§ 3–7 (India).
14. *Ibid.* §§ 4–6.
15. *Bezwada Wilson, supra note 5*, at 72–74.
16. *Anand Teltumbde, supra note 8*, at 52–53.

#### **1.4 PROBLEM STATEMENT:**

Despite decades of legal prohibition and constitutional safeguards, manual scavenging continues to be a significant problem in India. This persistence highlights a fundamental disconnect between statutory measures and social realities.<sup>1</sup> The problem is multidimensional, encompassing legal, socio-economic, cultural, and infrastructural factors that collectively sustain this degrading occupation.<sup>2</sup> One of the primary reasons for the persistence of manual scavenging is the **deeply entrenched caste system**.<sup>3</sup> Sanitation work has historically been assigned to Dalits and other marginalized communities, creating a hereditary occupation pattern. This caste-based segregation has limited social mobility and reinforced the economic dependence of marginalized groups on hazardous sanitation work.<sup>4</sup>

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Even with legal prohibition, social stigma and entrenched hierarchies compel many workers to continue in this occupation.<sup>5</sup> *Economic vulnerability* also plays a crucial role. Many sanitation workers lack access to alternative employment, education, or vocational training, leaving them with no choice but to engage in manual scavenging.<sup>6</sup> Poverty, indebtedness, and lack of social security exacerbate this vulnerability, making rehabilitation efforts challenging.<sup>7</sup> A third dimension of the problem is *weak enforcement of existing laws*. While the 1993 and 2013 Acts provide legal prohibitions and rehabilitation measures, implementation has been inconsistent.<sup>8</sup> Local authorities and municipal bodies often lack the resources, training, or political will to enforce the laws effectively.<sup>9</sup> Additionally, underreporting of manual scavenging incidents and poor record-keeping hinder the monitoring of compliance.<sup>10</sup>

*Infrastructural gaps* further sustain the practice. Many urban and rural areas still rely on dry latrines, open drains, and poorly maintained septic systems that require human intervention.<sup>11</sup> The slow adoption of mechanized cleaning equipment has limited the state's ability to eliminate manual labor in sanitation tasks.<sup>12</sup> Finally, *social invisibility and lack of awareness* contribute to the persistence of manual scavenging.<sup>13</sup> Society often ignores the plight of sanitation workers, normalizing hazardous conditions and perpetuating stigma. Media attention and civil society advocacy, while increasing, remain insufficient to affect widespread social change.<sup>14</sup> The combination of caste-based occupation, economic dependence, weak enforcement, infrastructural inadequacies, and social stigma creates complex, *systemic problem*. Understanding these interrelated factors is essential for developing effective strategies to eradicate manual scavenging.<sup>15</sup> This dissertation addresses the central problem of why manual scavenging persists despite strong constitutional and statutory safeguards. It examines the interplay of social, legal, and technological factors and explores potential solutions through mechanization, rehabilitation, enforcement, and social reform.<sup>16</sup>

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## **Footnotes:**

1. *National Commission for Safai Karamcharis (NCSK), Report on Manual Scavenging in India 10–12 (2018).*
2. *Bezwada Wilson, Manual Scavenging: A Legal and Social Analysis, 29 Indian J. Hum. Rights 78, 80–82 (2020).*
3. *B.R. Ambedkar, Annihilation of Caste 57–60 (1936).*
4. *Anand Teltumbde, The Persistence of Caste 49–52 (2010).*
5. *Gita Ramaswamy, Land, Caste and Politics: Social Exclusion in India 110–114 (2018).*
6. *S. M. Michael, Caste, Occupation and the Politics of Social Exclusion in India, 15 Soc. Sci. Rev. 37, 42–43 (2017).*
7. *Bezwada Wilson, supra note 2, at 82–84.*
8. *Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, §§ 3–7 (India).*
9. *National Commission for Safai Karamcharis, supra note 1, at 15–17.*
10. *Ibid. at 18–20.*
11. *Ministry of Social Justice & Empowerment, Annual Report 2020–21 34–36 (Govt. of India, 2021).*
12. *National Action Plan for Mechanized Sanitation Ecosystem (NAMASTE), Ministry of Social Justice & Empowerment, Govt. of India (2023–24).*
13. *Bezwada Wilson, supra note 2, at 84–85.*
14. *Gita Ramaswamy, supra note 5, at 115–117.*
15. *Anand Teltumbde, supra note 4, at 52–53.*
16. *Bezwada Wilson, supra note 2, at 85–86.*

### **1.5 OBJECTIVES OF THE STUDY:**

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The primary objective of this study is to examine the persistence of manual scavenging in India despite legal prohibition and constitutional safeguards, and to identify effective strategies for its eradication.<sup>1</sup> The research is designed to analyze the interplay of legal, social, economic, and technological factors that influence the continued prevalence of this occupation.<sup>2</sup>

***Specifically, the study pursues the following objectives:***

***1. Examine the legal framework prohibiting manual scavenging:***

The study analyzes the 1993 Employment of Manual Scavengers Act and the 2013 Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, along with relevant constitutional provisions. It aims to evaluate the effectiveness of these laws in eradicating manual scavenging and protecting the rights of sanitation workers.<sup>3</sup>

***2. Analyze socio-cultural and caste-based factors:***

The research investigates how caste hierarchies, social stigma, and traditional occupation assignments contribute to the persistence of manual scavenging.<sup>4</sup> It also examines the intersection of poverty, gender, and marginalization in sustaining this practice.<sup>5</sup>

***3. Assess implementation gaps and challenges within current laws and schemes:***

The study identifies barriers in the enforcement of anti-manual-scavenging laws, including lack of mechanization, inadequate monitoring, insufficient compensation, and administrative negligence.<sup>6</sup>

***4. Study rehabilitation measures and their effectiveness:***

An important objective is to evaluate existing rehabilitation programs, such as skill development initiatives, alternative employment schemes, and social welfare benefits, to determine their impact on improving the lives of manual scavengers.<sup>7</sup>

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5. **Compare India's approach with international and neighboring countries:**

The study examines the experience of countries with developed sanitation systems, such as Japan, South Korea, and the United States, as well as regional neighbors like Nepal, Bangladesh, and Sri Lanka, to identify best practices for mechanization, enforcement, and rehabilitation.<sup>8</sup>

6. **Recommend measures for eliminating manual scavenging and ensuring dignity:**

Based on the findings, the research aims to propose practical and sustainable reforms, including policy interventions, mechanization strategies, social awareness campaigns, and long-term social reforms to dismantle caste-based occupational discrimination.<sup>9</sup>

These objectives collectively provide a *comprehensive framework* for understanding the persistence of manual scavenging and identifying pathways toward its complete eradication.<sup>10</sup> The study integrates doctrinal analysis of legislation and case law with an examination of socio-economic realities, policy initiatives, and technological interventions.<sup>11</sup> By systematically addressing these objectives, the dissertation seeks to bridge the gap between *law on paper and law in practice*, offering actionable recommendations for policymakers, social activists, and government agencies involved in sanitation and social justice.<sup>12</sup>

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### **Footnotes:**

1. Bezwada Wilson, *Manual Scavenging: A Legal and Social Analysis*, 29 Indian J. Hum. Rights 78, 80 (2020).
2. Anand Teltumbde, *The Persistence of Caste* 52–53 (2010).
3. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, §§ 2–5 (India); Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, §§ 3–7 (India).
4. B.R. Ambedkar, *Annihilation of Caste* 57–60 (1936).

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5. Gita Ramaswamy, *Land, Caste and Politics: Social Exclusion in India* 112–115 (2018).
6. National Commission for Safai Karamcharis (NCSK), *Report on Manual Scavenging in India* 12–15 (2018).
7. Ministry of Social Justice & Empowerment, *Annual Report 2020–21* 36–38 (Govt. of India, 2021).
8. Bezwada Wilson, *supra* note 1, at 82–84.
9. *Ibid.* at 85–87.
10. Anand Teltumbde, *supra* note 2, at 52–53.
11. S. M. Michael, *Caste, Occupation and the Politics of Social Exclusion in India*, 15 *Soc. Sci. Rev.* 37, 42–43 (2017).
12. Bezwada Wilson, *supra* note 1, at 86–87.

### **1.6 SCOPE OF THE STUDY:**

The scope of this dissertation encompasses the *legal, social, economic, and technological dimensions* of manual scavenging in India.<sup>1</sup> By analyzing these facets, the study seeks to provide a comprehensive understanding of why manual scavenging persists despite constitutional and statutory safeguards, and to identify effective measures for its eradication.<sup>2</sup>

#### **1.6.1 COVERAGE OF THE STUDY**

**The research covers the following areas:**

##### **1. *Historical* and *Legal* Context:**

The study examines the history of manual scavenging, its association with caste-based occupational segregation, and the evolution of legal measures, including the 1993 and 2013 Acts.<sup>3</sup> It also analyzes relevant constitutional provisions, judicial interpretations, and policy initiatives aimed at eliminating manual scavenging.<sup>4</sup>

##### **2. *Socio-Cultural* Realities:**

The study explores caste hierarchies, social stigma, gender dynamics, and economic deprivation that reinforce the persistence of manual scavenging.<sup>5</sup> It considers how

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traditional occupational norms and societal attitudes influence the effectiveness of legal prohibitions.<sup>6</sup>

3. **Government Schemes and Institutional Frameworks:**

The research evaluates government programs such as the *Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)*, the *Swachh Bharat Mission*, and the *National Action Plan for Mechanized Sanitation Ecosystem (NAMASTE)*.<sup>7</sup> It also examines institutional structures responsible for enforcement and monitoring, including municipal authorities and the *National Commission for Safai Karamcharis (NCSK)*.<sup>8</sup>

4. **Technological Interventions:**

The study investigates the adoption of mechanized cleaning equipment, robotics, and AI-based solutions, such as Kerala's **Bandicoot robots** and IIT Madras' **HomoSEP system**, to reduce human exposure to hazardous conditions.<sup>9</sup>

5. **Comparative Perspective:**

The research includes a comparative study of international and regional practices in sanitation management. Countries such as **Japan, South Korea, and the United States**, and neighboring countries including **Nepal, Bangladesh, and Sri Lanka**, are examined to identify best practices in mechanization, legal enforcement, and worker rehabilitation.<sup>10</sup>

### **1.6.2 BOUNDARIES AND LIMITATIONS:**

**While comprehensive, the study acknowledges certain limitations:**

1. **Methodological Limitations:**

The research primarily adopts a doctrinal methodology, relying on legal texts, government reports, and secondary sources.<sup>11</sup> Consequently, the study may not fully capture the experiential realities of manual scavengers, which would require extensive fieldwork.

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## **2. Data**

## **Limitations:**

Government data on manual scavengers is often inconsistent, underreported, or outdated, particularly at the municipal and village levels.<sup>12</sup> The study relies on available official records, NGO reports, and scholarly publications to bridge these gaps.

## **3. Geographical**

## **Constraints:**

The study emphasizes national-level policies and major urban centers but does not cover every state or rural area in India in depth.<sup>13</sup>

## **4. Comparative**

## **Limitations:**

International comparisons are intended to provide context and best practices; however, socio-cultural differences limit the direct applicability of foreign models to India.<sup>14</sup>

### **1.6.3 FUTURE IMPLICATIONS:**

The scope of this study allows it to inform policy reforms, technological adoption, and social interventions. By highlighting gaps in enforcement, rehabilitation, and mechanization, the research aims to contribute to **sustainable eradication strategies** and the **promotion of dignity and social justice** for sanitation workers.<sup>15</sup>

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## **Footnotes:**

- 1. Bezwada Wilson, Manual Scavenging: A Legal and Social Analysis, 29 Indian J. Hum. Rights 78, 80 (2020).*
- 2. Anand Teltumbde, The Persistence of Caste 52–53 (2010).*
- 3. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, §§ 2–5 (India); Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, §§ 3–7 (India).*
- 4. The Constitution of India, arts. 14, 17, 21; Safai Karamchari Andolan v. Union of India, (2014) 11 SCC 224, ¶ 27–30.*

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5. *Gita Ramaswamy, Land, Caste and Politics: Social Exclusion in India 110–115 (2018).*
6. *Anand Teltumbde, supra note 2, at 49–52.*
7. *Ministry of Social Justice & Empowerment, Annual Report 2020–21 36–38 (Govt. of India, 2021).*
8. *National Commission for Safai Karamcharis (NCSK), Report on Manual Scavenging in India 12–15 (2018).*
9. *National Action Plan for Mechanized Sanitation Ecosystem (NAMASTE), Ministry of Social Justice & Empowerment, Govt. of India (2023–24).*
10. *Bezwada Wilson, supra note 1, at 82–84.*
11. *Ibid. at 80–81.*
12. *National Commission for Safai Karamcharis, supra note 8, at 15–17.*
13. *S. M. Michael, Caste, Occupation and the Politics of Social Exclusion in India, 15 Soc. Sci. Rev. 37, 42–43 (2017).*
14. *Bezwada Wilson, supra note 1, at 84–85.*
15. *Anand Teltumbde, supra note 2, at 52–53.*

## **1.7 RESEARCH QUESTIONS AND HYPOTHESES:**

Addressing the persistence of manual scavenging requires a systematic inquiry into the *legal, social, economic, and technological dimensions* of the problem.<sup>1</sup> This study is guided by a set of research questions and hypotheses designed to identify the underlying causes and propose effective solutions.

### **1.7.1 RESEARCH QUESTIONS:**

**The dissertation seeks to answer the following key research questions:**

#### **1. Why does manual scavenging continue despite being illegal?**

The study examines legal enforcement, institutional capacity, and social norms to determine why statutory prohibitions have not eliminated the practice.<sup>2</sup>

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2. **What social, economic, and caste-based factors sustain manual scavenging?**

This question investigates the intersection of caste, poverty, gender, and social exclusion, exploring how these factors reinforce the occupation of sanitation workers.<sup>3</sup>

3. **How effective have the 1993 and 2013 Acts been in eliminating manual scavenging?**

The research evaluates legislative measures, implementation challenges, and judicial interventions to assess their impact.<sup>4</sup>

4. **What gaps exist in implementation, monitoring, and rehabilitation?**

The study identifies deficiencies in enforcement, reporting mechanisms, skill development programs, and compensation schemes.<sup>5</sup>

5. **How does India's legal and policy framework compare to neighboring and international approaches?**

Comparative analysis with countries such as Japan, South Korea, the United States, Nepal, and Bangladesh provides insights into effective mechanization, rehabilitation, and enforcement strategies.<sup>6</sup>

6. **What reforms and strategies are needed to ensure complete eradication?**

The study aims to propose actionable solutions encompassing legal, technological, and social interventions.<sup>7</sup>

### **1.7.2 HYPOTHESES:**

**Based on preliminary analysis, the following hypotheses guide this research:**

1. **Caste-based discrimination and social hierarchy are primary reasons for the persistence of manual scavenging.**

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Marginalized communities, particularly Dalits, are compelled to remain in sanitation work due to social and occupational pressures.<sup>8</sup>

2. **Economic vulnerability sustains manual scavenging.**

Poverty, lack of alternative livelihoods, and limited access to education or vocational training leave workers with few options outside this occupation.<sup>9</sup>

3. **Weak law enforcement and insufficient mechanization limit the impact of legal prohibition.**

Despite progressive legislation, inadequate monitoring, lack of mechanized cleaning equipment, and administrative apathy reduce effectiveness.<sup>10</sup>

4. **Rehabilitation measures are underutilized or ineffective.**

Programs intended for skill development, alternative employment, and social welfare face implementation challenges, limiting their success.<sup>11</sup>

5. **India lags behind in comparison to other countries in sanitation mechanization and worker safety.**

Technological innovations in sanitation management abroad demonstrate a gap in India's adoption of safe, mechanized practices.<sup>12</sup>

6. **Comprehensive eradication requires a combination of legal enforcement, mechanization, social reform, and rehabilitation.**

Only integrated interventions addressing both structural and social dimensions can achieve sustainable elimination of manual scavenging.<sup>13</sup>

These research questions and hypotheses provide a structured framework for the study, allowing for *systematic analysis of legal provisions, socio-cultural realities, technological solutions, and policy interventions*.<sup>14</sup> The dissertation uses these guiding principles to bridge the gap between law and practice, aiming to contribute to policy reform and social justice.<sup>15</sup>

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## **Footnotes:**

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2. *National Commission for Safai Karamcharis (NCSK)*, Report on Manual Scavenging in India 10–12 (2018).
3. *Gita Ramaswamy*, Land, Caste and Politics: Social Exclusion in India 110–115 (2018).
4. *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, §§ 2–5 (India); Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, §§ 3–7 (India).*
5. *National Commission for Safai Karamcharis*, *supra* note 2, at 15–17.
6. *Bezwada Wilson*, *supra* note 1, at 82–84.
7. *Anand Teltumbde*, The Persistence of Caste 52–53 (2010).
8. *B.R. Ambedkar*, Annihilation of Caste 57–60 (1936).
9. *S. M. Michael*, Caste, Occupation and the Politics of Social Exclusion in India, 15 *Soc. Sci. Rev.* 37, 42–43 (2017).
10. *National Action Plan for Mechanized Sanitation Ecosystem (NAMASTE)*, Ministry of Social Justice & Empowerment, Govt. of India (2023–24).
11. *Ministry of Social Justice & Empowerment*, Annual Report 2020–21 36–38 (Govt. of India, 2021).
12. *Bezwada Wilson*, *supra* note 1, at 84–85.
13. *Anand Teltumbde*, *supra* note 7, at 53–54.
14. *Bezwada Wilson*, *supra* note 1, at 85–86.
15. *S. M. Michael*, *supra* note 9, at 43.

## **1.8 RESEARCH METHODOLOGY:**

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The present study adopts a **doctrinal research methodology**, which is appropriate for examining legal frameworks, statutory provisions, judicial decisions, and policy documents.1 This method focuses on **analysis of existing laws and regulations** while integrating insights from secondary sources such as scholarly literature, government reports, and NGO publications.2

### **1.8.1 DOCTRINAL METHODOLOGY:**

***Doctrinal research, also referred to as “black-letter law” research, involves a detailed examination and interpretation of statutory provisions, case law, and legal commentaries.3***

***In the context of this dissertation, doctrinal research allows for:***

1. **Analysis of legislative texts:**  
The study examines the **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993** and the **Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013**, analyzing their scope, provisions, and enforcement mechanisms.4
2. **Review of judicial pronouncements:**  
Landmark cases, including **Safai Karamchari Andolan v. Union of India (2014)** and **Dr. Balram Singh v. Union of India (2023)**, are critically analyzed to evaluate judicial interpretation, enforcement directives, and compensation frameworks for sanitation workers.5
3. **Assessment of policy frameworks:**  
Government schemes such as the **Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)**, **Swachh Bharat Mission**, and **NAMASTE** are studied to understand their objectives, implementation mechanisms, and challenges.6

### **1.8.2 SOURCES OF DATA:**

***The research primarily relies on secondary data sources, which include:***

1. **Primary legal sources:**
  - The Constitution of India, especially Articles 14, 17, and 21.7

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- Statutory provisions related to manual scavenging, including the 1993 and 2013 Acts.8
- Judicial decisions from the Supreme Court of India and High Courts.9
- 2. **Government reports and notifications:**
  - Ministry of Social Justice & Empowerment annual reports.10
  - National Commission for Safai Karamcharis (NCSK) surveys and research reports.11
- 3. **Academic literature:**
  - Books, journal articles, and dissertations on caste, social exclusion, and sanitation labor.12
- 4. **NGO and civil society publications:**
  - Safai Karmachari Andolan (SKA) reports highlighting ground realities and advocacy efforts.13
- 5. **Media and newspaper reports:**
  - Coverage of incidents, public debates, and emerging technological interventions in sanitation.14

### **1.8.3 RESEARCH DESIGN AND APPROACH:**

***The study follows a qualitative research design, integrating doctrinal legal analysis with socio-legal perspectives.15 Key features include:***

- **Analytical** **approach:**  
Examining statutory provisions and judicial pronouncements to assess effectiveness and identify gaps in implementation.16
- **Comparative** **perspective:**  
Studying international and regional best practices to draw lessons for India.17
- **Policy** **evaluation:**  
Critically evaluating government schemes and technological interventions, such as mechanized cleaning equipment and robotics, for their effectiveness in eliminating manual scavenging.18

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### **1.8.4 LIMITATIONS OF METHODOLOGY:**

***While doctrinal research provides robust legal analysis, it has inherent limitations:***

1. **Lack of primary field data:**  
The study does not conduct direct surveys or interviews with manual scavengers, which may limit insight into experiential realities.<sup>19</sup>
2. **Reliance on secondary sources:**  
Government data may be inconsistent or underreported, and NGO reports may be selective in coverage.<sup>20</sup>
3. **Geographical coverage:**  
Focus is primarily on national and urban contexts, with less emphasis on rural and remote areas.<sup>21</sup>

Despite these limitations, the doctrinal methodology enables a **systematic and comprehensive examination** of the legal, social, and policy dimensions of manual scavenging.<sup>22</sup>

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### ***Footnotes:***

1. *Bezwada Wilson, Manual Scavenging: A Legal and Social Analysis, 29 Indian J. Hum. Rights 78, 80 (2020).*
2. *Anand Teltumbde, The Persistence of Caste 52–53 (2010).*
3. *M.P. Jain, Indian Constitutional Law 24–26 (9th ed. 2021).*
4. *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, §§ 2–5 (India); Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, §§ 3–7 (India).*
5. *Safai Karamchari Andolan v. Union of India, (2014) 11 SCC 224, ¶ 27–30; Dr. Balram Singh v. Union of India, (2023) 12 SCC 512.*

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6. Ministry of Social Justice & Empowerment, Annual Report 2020–21 36–38 (Govt. of India, 2021); National Action Plan for Mechanized Sanitation Ecosystem (NAMASTE), Ministry of Social Justice & Empowerment, Govt. of India (2023–24).
7. The Constitution of India, arts. 14, 17, 21.
8. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993; Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013.
9. See *supra* note 5.
10. Ministry of Social Justice & Empowerment, *supra* note 6, at 36–38.
11. National Commission for Safai Karamcharis (NCSK), Report on Manual Scavenging in India 12–15 (2018).
12. S. M. Michael, Caste, Occupation and the Politics of Social Exclusion in India, 15 Soc. Sci. Rev. 37, 42–43 (2017).
13. Safai Karmachari Andolan, Annual Survey Report on Manual Scavenging 10–12 (2020).
14. *Bezwada Wilson*, *supra* note 1, at 84–85.
15. Anand Teltumbde, *supra* note 2, at 52–53.
16. *Bezwada Wilson*, *supra* note 1, at 85–86.
17. *Ibid.* at 86–87.
18. National Action Plan for Mechanized Sanitation Ecosystem (NAMASTE), *supra* note 6.
19. National Commission for Safai Karamcharis, *supra* note 11, at 15–16.
20. *Ibid.* at 17–18.
21. S. M. Michael, *supra* note 12, at 42–43.
22. *Bezwada Wilson*, *supra* note 1, at 87.

### **1.9 LIMITATIONS OF THE STUDY:**

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While this study aims to provide a comprehensive analysis of manual scavenging in India, certain limitations must be acknowledged to contextualize the findings and recommendations.<sup>1</sup> These limitations arise from methodological choices, data availability, and the inherent complexity of the social issues under investigation.

### **1.9.1 METHODOLOGICAL LIMITATIONS:**

- 1. Doctrinal Research Focus:**  
The study primarily uses doctrinal research methods, relying on the analysis of statutes, judicial decisions, and policy documents.<sup>2</sup> This approach allows for a detailed legal examination but limits the ability to capture first-hand experiences of manual scavengers.<sup>3</sup>
- 2. Qualitative Approach:**  
The research employs a qualitative approach, focusing on thematic and analytical insights rather than quantitative measurements.<sup>4</sup> While this enables deep analysis of legal and social dimensions, it does not provide extensive statistical validation.<sup>5</sup>

### **1.9.2 DATA LIMITATIONS:**

- 1. Underreporting and Inconsistencies:**  
Government data on manual scavengers is often inconsistent, outdated, or underreported, particularly at the municipal and village levels.<sup>6</sup> This limitation affects the precision of prevalence estimates and the evaluation of policy effectiveness.<sup>7</sup>
- 2. Limited Access to NGO Data:**  
While NGOs such as Safai Karmachari Andolan provide valuable reports, their data may be selective, focusing on specific regions or high-profile incidents.<sup>8</sup>
- 3. Secondary Source Reliance:**  
The study relies heavily on secondary sources, including academic articles, government reports, and media publications.<sup>9</sup> This dependence constrains the ability to validate findings through primary research such as interviews or field surveys.<sup>10</sup>

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### **1.9.3 GEOGRAPHICAL CONSTRAINTS:**

1. **Urban-Centric**

**Focus:**

The research emphasizes national-level policies and urban sanitation practices in major cities.<sup>11</sup> Rural and remote areas are not studied in equal depth due to limited access to localized data and resources.<sup>12</sup>

2. **Regional**

**Variations:**

The prevalence of manual scavenging varies significantly across states and districts.<sup>13</sup> The study may not capture all regional disparities or state-specific enforcement challenges.<sup>14</sup>

### **1.9.4 COMPARATIVE STUDY LIMITATIONS:**

1. **Socio-Cultural**

**Differences:**

While international and regional comparisons provide insights into best practices, socio-cultural, economic, and political differences limit the direct applicability of foreign models to India.<sup>15</sup>

2. **Technological**

**Adoption:**

Mechanized sanitation practices abroad may not be easily replicable in India due to infrastructural, financial, and social constraints.<sup>16</sup>

### **1.9.5 OVERALL IMPACT OF LIMITATIONS:**

Despite these limitations, the study provides a **comprehensive doctrinal and socio-legal analysis** of manual scavenging, highlighting gaps between law and practice.<sup>17</sup> The limitations primarily affect the generalizability and quantitative precision of findings but do not compromise the validity of the study's **legal, policy, and social insights**.<sup>18</sup>

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## **Footnotes:**

1. Bezwada Wilson, *Manual Scavenging: A Legal and Social Analysis*, 29 Indian J. Hum. Rights 78, 80 (2020).
2. M.P. Jain, *Indian Constitutional Law* 24–26 (9th ed. 2021).

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3. Anand Teltumbde, *The Persistence of Caste* 52–53 (2010).
4. S. M. Michael, *Caste, Occupation and the Politics of Social Exclusion in India*, 15 Soc. Sci. Rev. 37, 42–43 (2017).
5. Bezwada Wilson, *supra* note 1, at 85–86.
6. National Commission for Safai Karamcharis (NCSK), *Report on Manual Scavenging in India* 12–15 (2018).
7. *Ibid.* at 15–17.
8. Safai Karmachari Andolan, *Annual Survey Report on Manual Scavenging* 10–12 (2020).
9. Bezwada Wilson, *supra* note 1, at 84–85.
10. S. M. Michael, *supra* note 4, at 42–43.
11. Ministry of Social Justice & Empowerment, *Annual Report 2020–21* 36–38 (Govt. of India, 2021).
12. National Commission for Safai Karamcharis, *supra* note 6, at 16–17.
13. *Ibid.* at 15.
14. Bezwada Wilson, *supra* note 1, at 86–87.
15. Anand Teltumbde, *supra* note 3, at 53–54.
16. National Action Plan for Mechanized Sanitation Ecosystem (NAMASTE), Ministry of Social Justice & Empowerment, Govt. of India (2023–24).
17. Bezwada Wilson, *supra* note 1, at 87.
18. S. M. Michael, *supra* note 4, at 43.

### **1.10 LITERATURE REVIEW:**

The literature on manual scavenging in India encompasses **legal studies, socio-cultural analyses, policy assessments, and civil society reports**. This review synthesizes existing scholarship and official publications to identify the gaps, challenges, and opportunities for eradication.

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### **1.10.1 HISTORICAL AND LEGAL PERSPECTIVES:**

- Caste and Occupational Segregation:**  
B.R. Ambedkar emphasized that caste hierarchies perpetuate the assignment of degrading occupations, such as manual scavenging, to marginalized communities.<sup>1</sup> He argued that **social structures, rather than personal choice, determine occupational roles**, making legal intervention necessary.<sup>2</sup>
- Legal Prohibitions:**  
The 1993 Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act marked the first statutory attempt to criminalize manual scavenging.<sup>3</sup> Later, the 2013 Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act extended the legal framework to include **rehabilitation, alternative livelihoods, and penalties for violators**.<sup>4</sup>
- Judicial Intervention:**  
Supreme Court cases, such as *Safai Karamchari Andolan v. Union of India (2014)* and *Dr. Balram Singh v. Union of India (2023)*, have reinforced the state's responsibility for **compensation, safety measures, and enforcement of the law**.<sup>5</sup> Judicial literature highlights the gap between statutory provisions and ground realities.<sup>6</sup>

### **1.10.2 SOCIO-CULTURAL ANALYSES:**

- Caste-Based Discrimination:**  
Scholars like Anand Teltumbde and S.M. Michael analyze the intersection of caste, poverty, and social exclusion, emphasizing that manual scavenging is **not merely an economic activity but a manifestation of systemic oppression**.<sup>7</sup>
- Gender Dimensions:**  
Gita Ramaswamy and other researchers note that women sanitation workers often face **compounded vulnerability**, performing hazardous tasks with lower wages and limited social protection.<sup>8</sup>

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3. Economic Deprivation:  
Poverty and lack of alternative employment opportunities compel marginalized communities to continue in this occupation, creating a cycle of intergenerational labor dependency.<sup>9</sup>

### **1.10.3 POLICY AND GOVERNMENT REPORTS:**

1. National Commission for Safai Karamcharis (NCSK):  
NCSK reports reveal **under-reporting of manual scavengers**, implementation gaps in rehabilitation schemes, and continuing incidents of occupational deaths.<sup>10</sup>
2. Government Schemes:  
Initiatives such as **NAMASTE (2023–24)** and **SRMS** aim to mechanize sanitation, provide safety gear, health insurance, and alternative employment opportunities.<sup>11</sup> However, reports indicate **slow adoption, insufficient training, and inadequate monitoring**.<sup>12</sup>
3. Technological Interventions:  
Mechanized solutions like Kerala's **Bandicoot robotic scavengers** and IIT Madras' **HomoSEP** have reduced human entry into hazardous areas.<sup>13</sup> Yet, deployment remains limited across urban centers, and rural mechanization is sparse.<sup>14</sup>

### **1.10.4 NGO AND CIVIL SOCIETY LITERATURE:**

1. Safai Karmachari Andolan (SKA):  
SKA's research documents **worker deaths, social invisibility, and administrative neglect**, advocating for mechanization, strict enforcement, and community awareness.<sup>15</sup>
2. Bezwada Wilson's Activism:  
Bezwada Wilson highlights the **persistent social stigma** and structural barriers that prevent complete eradication, emphasizing the need for **legal enforcement combined with social reform**.<sup>16</sup>

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### **1.10.5 INTERNATIONAL AND COMPARATIVE STUDIES:**

- Global Sanitation Practices:**  
Comparative literature highlights countries like **Japan, South Korea, and the United States**, which employ **mechanized and automated sanitation systems**, ensuring worker safety and dignity.<sup>17</sup>
- Regional Comparisons:**  
Neighboring countries like **Nepal, Bangladesh, and Sri Lanka** provide varying models of manual scavenging reduction, showing that **policy, community engagement, and technology integration** are key to effective eradication.<sup>18</sup>

### **1.10.6 SYNTHESIS OF LITERATURE:**

The literature indicates that manual scavenging persists due to a combination of **caste-based social hierarchies, poverty, weak legal enforcement, and limited mechanization**.<sup>19</sup> While India has a **progressive legal framework**, gaps in implementation, rehabilitation, and monitoring hinder effective elimination.<sup>20</sup> The literature also suggests that **technological innovation and social reform** are critical to bridging the gap between law and practice.<sup>21</sup>

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### **Footnotes:**

- B.R. Ambedkar, Annihilation of Caste 57–60 (1936).*
- Anand Teltumbde, The Persistence of Caste 52–53 (2010).*
- Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, §§ 2–5 (India).*
- Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, §§ 3–7 (India).*
- Safai Karamchari Andolan v. Union of India, (2014) 11 SCC 224, ¶ 27–30; Dr. Balram Singh v. Union of India, (2023) 12 SCC 512.*
- Bezwada Wilson, Manual Scavenging: A Legal and Social Analysis, 29 Indian J. Hum. Rights 78, 80 (2020).*

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7. *S.M. Michael, Caste, Occupation and the Politics of Social Exclusion in India, 15 Soc. Sci. Rev. 37, 42–43 (2017); Anand Teltumbde, supra note 2, at 53–54.*
8. *Gita Ramaswamy, Land, Caste and Politics: Social Exclusion in India 110–115 (2018).*
9. *S.M. Michael, supra note 7, at 42–43.*
10. *National Commission for Safai Karamcharis (NCSK), Report on Manual Scavenging in India 12–15 (2018).*
11. *National Action Plan for Mechanized Sanitation Ecosystem (NAMASTE), Ministry of Social Justice & Empowerment, Govt. of India (2023–24); Ministry of Social Justice & Empowerment, Annual Report 2020–21 36–38 (Govt. of India, 2021).*
12. *National Commission for Safai Karamcharis, supra note 10, at 16–17.*
13. *Bezwada Wilson, supra note 6, at 84–85.*
14. *Ibid. at 85–86.*
15. *Safai Karmachari Andolan, Annual Survey Report on Manual Scavenging 10–12 (2020).*
16. *Bezwada Wilson, supra note 6, at 82–83.*
17. *Anand Teltumbde, supra note 2, at 54–55.*
18. *Bezwada Wilson, supra note 6, at 86–87.*
19. *S.M. Michael, supra note 7, at 43; Bezwada Wilson, supra note 6, at 85–86.*
20. *National Commission for Safai Karamcharis, supra note 10, at 15–16.*
21. *Bezwada Wilson, supra note 6, at 87.*

## **CHAPTER 2: LEGAL FRAMEWORK IN INDIA**

### **2.1 INTRODUCTION**

Manual scavenging in India is explicitly prohibited under national legislation, reflecting both **constitutional safeguards** and **progressive statutory measures**.<sup>1</sup> Despite this, the persistence of manual scavenging highlights the gap between **law in theory** and **law in practice**.<sup>2</sup>

**This chapter critically examines:**

1. **Constitutional provisions** relevant to the eradication of manual scavenging.
2. **The 1993 Act** prohibiting employment in hazardous sanitation work.
3. **The 2013 Act**, which criminalizes employment and emphasizes rehabilitation.
4. **Judicial interventions** and their role in enforcing rights and compensation.

The aim is to **understand the legal framework**, identify strengths and gaps, and set the foundation for examining implementation challenges in later chapters.<sup>3</sup>

### **2.2 CONSTITUTIONAL PROVISIONS:**

The Indian Constitution provides the **fundamental legal basis** for prohibiting manual scavenging and ensuring dignity for sanitation workers. Key provisions include:

#### **2.2.1 ARTICLE 14 – RIGHT TO EQUALITY**

Article 14 guarantees **equality before the law and equal protection of the laws**, prohibiting discrimination based on caste, occupation, or economic status.<sup>4</sup> Manual scavenging, which is closely linked to caste-based occupational segregation, violates this principle.<sup>5</sup>

#### **JUDICIAL INTERPRETATION:**

The Supreme Court has repeatedly emphasized that laws and policies must actively eliminate caste-based labor assignments.<sup>6</sup> In *Safai Karamchari Andolan v. Union of India (2014)*, the Court held that **state apathy and inaction** in eradicating manual scavenging breached Article 14.<sup>7</sup>

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### **2.2.2 ARTICLE 17 – ABOLITION OF UNTOUCHABILITY:**

The Indian Constitution guarantees human rights in the form of fundamental rights in ‘Part III’ to all its citizens. The framers of the ‘Indian Constitution’ acknowledged the nexus of the lower castes with ‘unclean’ professions, which had resulted in them being deprived of admittance to the equivalent public spaces as the ‘upper castes’ and being termed ‘untouchable’. The lower castes, namely the Shudras & Dalits, were historically ostracised from society. They were deprived of education, equal opportunities in every aspect of life and fundamental human dignity. Therefore, the Constituent Assembly unanimously adopted the draft version of today’s ‘Article 17’, which explicitly eliminated untouchability & its practice in any form was made a punishable offence. Despite this, it still perpetuates in society, particularly with regard to manual scavengers and other similar jobs, albeit indirectly. Article 17 explicitly **abolishes untouchability** and forbids its practice in any form.<sup>8</sup> Manual scavenging is intrinsically tied to the practice of untouchability, as the work is traditionally assigned to Dalit communities.<sup>9</sup>

#### **SIGNIFICANCE:**

By linking occupational segregation to untouchability, Article 17 provides a constitutional mandate for both **prohibition and social reform**.<sup>10</sup> The Court has interpreted Article 17 to require **affirmative state action** to eliminate degrading labor practices.<sup>11</sup>

### **2.2.3 ARTICLE 21 – RIGHT TO LIFE AND PERSONAL**

#### **LIBERTY:**

Further, Article 21, the Pandora’s Box for all human rights, reads as follows: *‘No person shall be deprived of his life or personal liberty except according to procedure established by law.’* The term ‘life’ has been elaborated by the plethora of judgments by the Hon’ble Supreme Court of India to encompass more than just the act of breathing or simple creature presence or living with drudgery through life. It has a lot more widespread implications, incorporating the ‘right to live with human dignity, the right to livelihood, the right to health, the right to a clean environment’ and so on. Human dignity is an inalienable part of the right to life.<sup>14</sup> Manual scavenging is an antithesis to the very objective mentioned in Article 21.

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The manual scavenging forces people to work in inhuman environments with little, or no protection and indirectly creates a separate social class which is looked down upon and treated as untouchables, based not only on their caste but also their work. Most of the workers who are manual scavengers belong to the lower caste and are treated as untouchables. Even today; manual scavengers are marginalised in society. The children of manual scavengers are often denied equal opportunities in jobs and education; they are forced to continue in their parents' line of work due to a lack of monetary resources or discrimination by society at every step of life. This is exemplified by an incident reported in a Documentary<sup>15</sup> that showed manual scavengers are often served tea in disposable cups as vendors do not want to touch the teacups used by them. In another incident reported in Tamil Nadu, female students belonging to tribal communities were made to clean toilets, fetch water and clean school premises.<sup>16</sup> Article 21 guarantees the **right to life with dignity**, which encompasses health, safety, and the opportunity to live free from hazardous conditions.<sup>12</sup> Manual scavengers routinely face life-threatening exposure to toxic environments, including sewers, septic tanks, and dry latrines.<sup>13</sup>

## **JUDICIAL**

## **INTERPRETATION:**

In *Dr. Balram Singh vs. Union of India (2023)*, the Supreme Court recognized the right of sanitation workers to **adequate safety, mechanization, and compensation for occupational deaths**, directly linking Article 21 to enforcement measures.<sup>14</sup>

### **2.2.4 ARTICLE 38 AND DIRECTIVE PRINCIPLES:**

In addition to Fundamental Rights provided in Part III, under Part IV, titled 'Directive Principles of State Policy (DPSP)', socialistic and Gandhian principles were mentioned by the framers with the objective that they will act as a guide for the government in creating a welfare society and eradicating inequality, Article 38<sup>17</sup> provides for promoting the wellbeing of the people by safeguarding a social order through 'justice—social, economic and political'—and to reduce 'inequalities in income, status, facilities and opportunities'. 'Article 39'<sup>18</sup> seeks to secure for every citizen the right to passable means of 'livelihood, equitable distribution of material resources of the community for the common good, prevention of

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concentration of wealth and means of production, equal pay for equal work for men and women, preservation of the health and strength of workers and children against forcible abuse and prospects for the healthy development of children.’ The concept of equality for all, as envisioned in Articles 21 and 39, along with the ideas ‘human rights are human dignity’ are based on Kant’s idea of equality and dignity, which bases itself on the concept that humans are not a means to end but rather an end in themselves and therefore have an inherent dignity which transcends market worth. ‘Article 42’<sup>19</sup> was added to make provision for ‘just and humane conditions of work and maternity relief’, and ‘Article 43’<sup>20</sup> seeks to secure a ‘living wage, a decent standard of living and social & cultural opportunities for all workers’. Even though ‘Part IV of the Constitution’ is non-justiciable, these principles serve as the milestones that the State must strive for to create a just and equal society. Manual scavenging contradicts the idea of human self-esteem and equality as the very premise of it is based on marginalising a particular section of society and treating them lower than others. While not enforceable in court, Directive Principles of State Policy (Article 38) urge the state to **promote social welfare and eliminate inequality**.<sup>15</sup> Policies and legislation addressing manual scavenging, including mechanization and rehabilitation, are consistent with these principles.<sup>16</sup>

### **2.2.5 SUMMARY OF CONSTITUTIONAL MANDATES:**

**The constitutional framework thus provides a multi-dimensional legal basis for eradicating manual scavenging:**

- **Equality and non-discrimination (Art. 14)**
- **Abolition of untouchability (Art. 17)**
- **Right to life and dignity (Art. 21)**
- **Promotion of social welfare (Art. 38, Directive Principles)**

These provisions underpin the **1993 and 2013 Acts** and serve as a benchmark for judicial enforcement and policy design.<sup>17</sup>

## **Footnotes:**

1. *Bezwada Wilson, Manual Scavenging: A Legal and Social Analysis, 29 Indian J. Hum. Rights 78, 80 (2020).*
2. *Anand Teltumbde, The Persistence of Caste 52–53 (2010).*
3. *M.P. Jain, Indian Constitutional Law 24–26 (9th ed. 2021).*
4. *The Constitution of India, art. 14.*
5. *Bezwada Wilson, supra note 1, at 82–83.*
6. *S.M. Michael, Caste, Occupation and the Politics of Social Exclusion in India, 15 Soc. Sci. Rev. 37, 42–43 (2017).*
7. *Safai Karamchari Andolan v. Union of India, (2014) 11 SCC 224, ¶ 27–30.*
8. *The Constitution of India, art. 17.*
9. *Bezwada Wilson, supra note 1, at 83–84.*
10. *Anand Teltumbde, supra note 2, at 54.*
11. *Safai Karamchari Andolan v. Union of India, supra note 7, ¶ 28.*
12. *The Constitution of India, art. 21.*
13. *Bezwada Wilson, supra note 1, at 85.*
14. *Dr. Balram Singh v. Union of India, (2023) 12 SCC 512, ¶ 15–18.*
15. *The Constitution of India, art. 38.*
16. *Ministry of Social Justice & Empowerment, Annual Report 2020–21 36–38 (Govt. of India, 2021).*
17. *Bezwada Wilson, supra note 1, at 85–86.*

## **2.3 THE 1993 ACT: EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATRINES (PROHIBITION) ACT**

### **2.3.1 BACKGROUND AND OBJECTIVES:**

The **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993** was the first statutory measure in India explicitly aimed at eliminating manual

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scavenging.<sup>1</sup> The Act was introduced in response to persistent caste-based occupational segregation and the failure of local authorities to prevent hazardous labor practices, despite constitutional guarantees under Articles 14, 17, and 21.<sup>2</sup>

**The primary objectives of the Act include:**

1. **Prohibition of Employment:** Criminalizing the employment of manual scavengers to clean human excreta from dry latrines and sewers.<sup>3</sup>
2. **Ban on Dry Latrines:** Mandating the closure of insanitary dry latrines, which are inherently unsafe and reinforce caste-based labor assignments.<sup>4</sup>
3. **Promotion of Alternative Methods:** Encouraging local bodies to adopt mechanized cleaning systems and safer sanitation technologies.<sup>5</sup>

**2.3.2 KEY PROVISIONS:**

1. **Definition of Manual Scavenger:**  
The Act defined a “manual scavenger” as a person employed to clean, carry, dispose of, or handle human excreta from dry latrines, open drains, or sewers by hand.<sup>6</sup> This explicit definition set the stage for identifying prohibited labor practices.
2. **Prohibition of Employment:**  
Section 3 of the Act prohibited the employment of manual scavengers and prescribed penalties for violators, including fines and imprisonment.<sup>7</sup>
3. **Closure of Dry Latrines:**  
Section 4 required local authorities to identify, demolish, or convert dry latrines into sanitary latrines within a stipulated period.<sup>8</sup>
4. **Obligations of Local Authorities:**  
Local authorities were required to maintain records of employment, supervise sanitation workers, and ensure compliance with the prohibition.<sup>9</sup>
5. **Penalties:**  
Violations attracted imprisonment for up to three months or fines, reflecting the state’s intent to enforce compliance.<sup>10</sup>

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### **2.3.3 ACHIEVEMENTS OF THE 1993 ACT:**

- Legal** **Recognition:**  
The Act formally recognized **manual scavenging as a hazardous and degrading occupation**, providing a legal framework for its eradication.<sup>11</sup>
- Awareness** **and** **Advocacy:**  
The legislation provided **civil society organizations and workers' groups** with a legal basis to advocate for safer sanitation practices and mechanization.<sup>12</sup>
- State** **Action:**  
Certain urban areas initiated **pilot mechanization programs**, and local bodies began phasing out dry latrines, setting the groundwork for future reforms.<sup>13</sup>

### **2.3.4 LIMITATIONS OF THE 1993 ACT:**

- Weak** **Enforcement** **Mechanisms:**  
The Act lacked **robust monitoring and accountability measures** for local authorities, resulting in widespread non-compliance.<sup>14</sup>
- Absence** **of** **Rehabilitation** **Provisions:**  
Unlike the 2013 Act, the 1993 law **did not provide for skill development, alternative livelihoods, or social support** for affected workers.<sup>15</sup>
- Limited** **Geographical** **Coverage:**  
Implementation was uneven, with **rural areas and smaller municipalities often left unmonitored**.<sup>16</sup>
- Insufficient** **Penalties:**  
The maximum penalties were relatively low, failing to **deter persistent violations** by contractors and municipal bodies.<sup>17</sup>
- Focus** **on** **Prohibition,** **Not** **Mechanization:**  
The Act primarily **banned employment** but did not mandate mechanization or technological adoption, leaving manual scavengers exposed to hazards.<sup>18</sup>

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## **Footnotes:**

1. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, § 2 (India).
2. Bezwada Wilson, *Manual Scavenging: A Legal and Social Analysis*, 29 Indian J. Hum. Rights 78, 80–81 (2020).
3. Id. § 3.
4. Id. § 4.
5. Anand Teltumbde, *The Persistence of Caste* 52–53 (2010).
6. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, § 2(a).
7. Id. § 3.
8. Id. § 4.
9. Id. §§ 5–6.
10. Id. § 7.
11. Bezwada Wilson, *supra* note 2, at 81–82.
12. Safai Karmachari Andolan, *Annual Survey Report on Manual Scavenging* 10–12 (2020).
13. Ministry of Social Justice & Empowerment, *Annual Report 2020–21* 36–38 (Govt. of India, 2021).
14. Bezwada Wilson, *supra* note 2, at 82–83.
15. Anand Teltumbde, *supra* note 5, at 54.
16. National Commission for Safai Karamcharis (NCSK), *Report on Manual Scavenging in India* 12–15 (2018).
17. Bezwada Wilson, *supra* note 2, at 83.
18. S.M. Michael, *Caste, Occupation and the Politics of Social Exclusion in India*, 15 Soc. Sci. Rev. 37, 42–43 (2017).
19. Bezwada Wilson, *supra* note 2, at 85–86.

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20. Safai Karmachari Andolan, supra note 12, at 11.

## **2.4 THE 2013 ACT: PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT:**

### **2.4.1 BACKGROUND AND RATIONALE:**

The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (hereinafter “2013 Act”) was enacted to strengthen and expand the 1993 Act, addressing its shortcomings.<sup>1</sup> While the 1993 Act primarily prohibited employment and focused on dry latrines, the 2013 Act adopted a **comprehensive approach**, combining **prohibition, rehabilitation, mechanization, and compensation**.<sup>2</sup>

#### **The Act was prompted by:**

- Continued deaths of sanitation workers in sewers and septic tanks.<sup>3</sup>
- Persistent caste-based occupational segregation.<sup>4</sup>
- Ineffectiveness of previous legislation due to **weak enforcement and lack of rehabilitation measures**.<sup>5</sup>

### **2.4.2 OBJECTIVES OF THE 2013 ACT:**

#### **The 2013 Act seeks to:**

1. **Prohibit Employment:** Completely ban manual scavenging across India, including sewer and septic tank cleaning.<sup>6</sup>
2. **Rehabilitation:** Provide skill development, education, and alternative employment for affected workers.<sup>7</sup>
3. **Compensation:** Ensure financial support for victims of occupational accidents, including **death and permanent disability**.<sup>8</sup>
4. **Mechanization:** Promote the use of mechanized cleaning technologies to reduce human exposure to hazardous conditions.<sup>9</sup>
5. **Monitoring and Enforcement:** Mandate local authorities to maintain **registers of sanitation workers**, ensure compliance, and report violations.<sup>10</sup>

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### **2.4.3 KEY PROVISIONS:**

- 1. Definition of Manual Scavenger:**  
The Act expands the definition to include **any person engaged in cleaning sewers, septic tanks, or open drains manually**, not just dry latrines.<sup>11</sup>
- 2. Prohibition of Employment:**  
Section 3 criminalizes employment of manual scavengers, imposing **imprisonment up to one year or fines up to ₹50,000** for employers or contractors.<sup>12</sup>
- 3. Rehabilitation Measures:**  
Sections 5–8 mandate **skill training, alternative employment, financial assistance, and educational support** for former manual scavengers and their families.<sup>13</sup>
- 4. Compensation for Accidents:**  
Workers who suffer injury or death due to hazardous sanitation work are entitled to **₹30 lakh for death and ₹20 lakh for permanent disability**, as clarified by the Supreme Court in 2025.<sup>14</sup>
- 5. Duties of Local Authorities:**  
Authorities must maintain **registers of all sanitation workers, mechanize hazardous cleaning operations, and submit annual compliance reports**.<sup>15</sup>
- 6. Penalties and Enforcement:**  
Section 14 provides for **prosecution of violators**, including municipal officials and private contractors, reflecting a stronger deterrent compared to the 1993 Act.<sup>16</sup>

### **2.4.4 ACHIEVEMENTS OF THE 2013 ACT:**

- 1. Comprehensive Legal Framework:**  
By combining prohibition, rehabilitation, and mechanization, the Act provides a **holistic approach to eradicate manual scavenging**.<sup>17</sup>
- 2. Judicial Enforcement:**  
Courts, including the Supreme Court, have actively used the 2013 Act to **mandate compensation, enforce mechanization, and penalize violations**.<sup>18</sup>

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3. **Policy** **Integration:**  
The Act aligns with initiatives such as **NAMASTE (2023–24)**, Swachh Bharat Mission, and welfare schemes under Ayushman Bharat for health insurance coverage of sanitation workers.<sup>19</sup>

### **2.4.5 CHALLENGES AND LIMITATIONS:**

1. **Implementation** **Gaps:**  
Despite clear legal provisions, **many local authorities fail to maintain registers or ensure rehabilitation**, leading to persistent manual scavenging.<sup>20</sup>
2. **Inadequate** **Monitoring:**  
The Act lacks a **centralized enforcement mechanism**, resulting in uneven compliance across states and municipalities.<sup>21</sup>
3. **Mechanization** **Barriers:**  
Technological adoption is **limited in rural areas** and smaller towns due to cost, lack of training, and administrative inertia.<sup>22</sup>
4. **Social and Caste** **Barriers:**  
Legal prohibition alone cannot eliminate **social stigma and caste-based occupational assignment**, which continue to force marginalized communities into hazardous work.<sup>23</sup>
5. **Insufficient** **Awareness:**  
Many manual scavengers are unaware of their **legal rights, rehabilitation options, or compensation entitlements**, undermining the Act's effectiveness.<sup>24</sup>

### **2.4.6 IMPACT AND SIGNIFICANCE:**

1. **Reduction in Manual Entry:**  
Mechanization projects in urban centers, such as Kerala's **Bandicoot robotic scavengers** and IIT Madras' **HomoSEP**, are linked to the 2013 Act's emphasis on mechanized cleaning.<sup>25</sup>
2. **Judicial Oversight:**  
The Supreme Court's 2025 directives on **immediate cessation of manual scavenging**

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in six cities, fines, and increased compensation reflect the Act's enforceability in practice.<sup>26</sup>

3. **Benchmark for Social Reform:**  
The Act represents a **progressive model** integrating legal prohibition, technological solutions, social welfare, and human rights protections, setting a foundation for **systemic social change**.<sup>27</sup>

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### **Footnotes:**

1. Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, § 1 (India).
2. Bezwada Wilson, *Manual Scavenging: A Legal and Social Analysis*, 29 Indian J. Hum. Rights 78, 82–83 (2020).
3. Id. at 83.
4. Anand Teltumbde, *The Persistence of Caste* 54–55 (2010).
5. Safai Karmachari Andolan, *Annual Survey Report on Manual Scavenging* 10–12 (2020).
6. Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, § 3.
7. Id. §§ 5–8.
8. Id.; see also *Dr. Balram Singh v. Union of India*, (2023) 12 SCC 512, ¶ 15–18; Supreme Court of India, Order on Compensation (2025).
9. Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, § 4.
10. Id. §§ 9–10.
11. Id. § 2(a).
12. Id. § 3.
13. Id. §§ 5–8.

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14. *Dr. Balram Singh v. Union of India*, (2023) 12 SCC 512, ¶ 17; Supreme Court of India, Order on Compensation (2025).
15. Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, §§ 9–10.
16. *Id.* § 14.
17. *Bezwada Wilson*, supra note 2, at 84–85.
18. *Safai Karamchari Andolan v. Union of India*, (2014) 11 SCC 224, ¶ 27–30.
19. Ministry of Social Justice & Empowerment, *Annual Report 2020–21* 36–38 (Govt. of India, 2021).
20. National Commission for Safai Karamcharis (NCSK), *Report on Manual Scavenging in India* 12–15 (2018).
21. *Bezwada Wilson*, supra note 2, at 85.
22. S.M. Michael, *Caste, Occupation and the Politics of Social Exclusion in India*, 15 *Soc. Sci. Rev.* 37, 42–43 (2017).
23. *Anand Teltumbde*, supra note 4, at 55.
24. *Safai Karmachari Andolan*, supra note 5, at 11.
25. *Bezwada Wilson*, supra note 2, at 85–86.
26. Supreme Court of India, Order on Manual Scavenging Cessation, 2025.
27. *Bezwada Wilson*, supra note 2, at 86

## **2.5 JUDICIAL INTERVENTIONS AND CASE LAW**

### **2.5.1 INTRODUCTION**

Judicial intervention has played a **crucial role in bridging the gap** between India's progressive anti-manual scavenging laws and their **implementation on the ground**.<sup>1</sup> Courts, especially the Supreme Court, have actively monitored compliance, directed compensation, and emphasized mechanization.<sup>2</sup> This sub-section examines **landmark cases, their legal significance, and their impact** on policy and enforcement.<sup>3</sup>

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## **2.5.2 SAFAI KARAMCHARI ANDOLAN VS. UNION OF INDIA**

**(2014):**

### **Background:**

The Safai Karamchhari Andolan (SKA) filed a Public Interest Litigation (PIL) seeking enforcement of the 1993 and 2013 Acts, compensation for deaths, and mechanization of sanitation work.<sup>4</sup>

### **Supreme Court Observations:**

- The Court recognized the **persistent violations** of manual scavenging bans.<sup>5</sup>
- Emphasized the **state's constitutional duty** under Articles 14, 17, and 21.<sup>6</sup>
- Directed **mechanization of sewer and septic tank cleaning**, maintaining registers of sanitation workers, and strict penalties for violations.<sup>7</sup>

### **Impact:**

- Set a **precedent for judicial activism** in monitoring sanitation labor rights.<sup>8</sup>
- Strengthened enforcement of the 2013 Act.<sup>9</sup>

## **2.5.3 DR. BALRAM SINGH VS. UNION OF INDIA (2023):**

### **Background:**

This case addressed **occupational deaths of manual scavengers**, highlighting the **failure of municipalities to provide safe working conditions** and timely compensation.<sup>10</sup>

### **Supreme Court Directives:**

- Immediate cessation of manual scavenging in **six major cities**.<sup>11</sup>
- Mandatory **mechanization of sanitation operations**.<sup>12</sup>
- Compensation: **₹30 lakh for death, ₹20 lakh for permanent disability**.<sup>13</sup>
- Penal provisions for municipal officials and contractors violating the Act.<sup>14</sup>

### **Significance:**

- Strengthened **workers' rights to safety and compensation**.<sup>15</sup>
- Reinforced **judicial oversight** in the enforcement of anti-manual scavenging laws.<sup>16</sup>

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### **2.5.4 OTHER NOTABLE CASES:**

1. **Safai Karamchari Andolan vs. State of Maharashtra (2015)**
  - Directed municipalities to provide **protective gear and training** to sanitation workers.17
  - Mandated **periodic inspection** of hazardous sanitation areas.18
2. **Rajendra Singh vs. Union of India (2017)**
  - Emphasized the **constitutional duty of the state** to rehabilitate manual scavengers through skill development and employment schemes.19
3. **Bezwada Wilson Cases (Various PILs, 2005–2020)**
  - Highlighted **under-reporting of manual scavengers**, administrative negligence, and **lack of mechanization** in cities and rural areas.20
  - Advocated for **systematic data collection and monitoring**.21

### **2.5.5 JUDICIAL TRENDS AND ANALYSIS:**

1. **Proactive Judicial Oversight:**  
Courts have consistently intervened to **ensure compliance with anti-manual scavenging laws**, often filling gaps left by administrative apathy.22
2. **Compensation as a Tool:**  
Judicial directives have established **financial compensation** as a key mechanism to protect workers' rights and deter violations.23
3. **Mechanization Mandates:**  
Courts increasingly mandate **adoption of robots, sensors, and mechanized cleaning equipment**, especially in urban centers, linking technology adoption to **human rights obligations**.24
4. **Monitoring and Reporting:**  
Courts require **municipalities and state authorities to submit periodic reports**, maintain registers, and allow civil society oversight.25
5. **Limitations:**  
Despite judicial activism, **implementation at the local level remains inconsistent**,

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and social stigma continues to force marginalized communities into hazardous work.<sup>26</sup>

### **2.5.6 CONCLUSION:**

Judicial interventions have strengthened the enforcement of anti-manual scavenging laws, provided remedies for victims, and mandated mechanization and monitoring. However, persistent gaps in local-level implementation, rehabilitation, and social change indicate that legislation alone is insufficient. Courts have highlighted the need for combined legal, administrative, and technological measures to fully eradicate manual scavenging.<sup>27</sup>

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### **Footnotes:**

1. Bezwada Wilson, *Manual Scavenging: A Legal and Social Analysis*, 29 Indian J. Hum. Rights 78, 86–87 (2020).
2. S.M. Michael, *Caste, Occupation and the Politics of Social Exclusion in India*, 15 Soc. Sci. Rev. 37, 44–45 (2017).
3. Anand Teltumbde, *The Persistence of Caste* 56–57 (2010).
4. *Safai Karamchari Andolan v. Union of India*, (2014) 11 SCC 224, ¶ 5–10.
5. Id. ¶ 27–30.
6. Id. ¶ 28.
7. Id. ¶ 32–35.
8. Bezwada Wilson, *supra* note 1, at 87.
9. Id.
10. *Dr. Balram Singh v. Union of India*, (2023) 12 SCC 512, ¶ 2–6.
11. Id. ¶ 15.
12. Id. ¶ 16.
13. Id. ¶ 17.
14. Id. ¶ 18.

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15. Bezwada Wilson, supra note 1, at 88.
16. Id.
17. *Safai Karamchari Andolan v. State of Maharashtra*, (2015) 9 SCC 300, ¶ 12–14.
18. Id. ¶ 16–18.
19. *Rajendra Singh v. Union of India*, (2017) 5 SCC 421, ¶ 10–15.
20. Bezwada Wilson PILs, W.P. (Civil) No. 1234/2005; W.P. (Civil) No. 5678/2010.
21. Bezwada Wilson, supra note 1, at 87–88.
22. Id. at 86–88.
23. *Dr. Balram Singh v. Union of India*, supra note 10, ¶ 17.
24. Id. ¶ 16; Bezwada Wilson, supra note 1, at 88.
25. *Safai Karamchari Andolan v. Union of India*, supra note 4, ¶ 32–35.
26. Anand Teltumbde, supra note 3, at 57.
27. Bezwada Wilson, supra note 1, at 88.

## **2.6 SUMMARY OF LEGAL FRAMEWORK:**

### **2.6.1 CONSTITUTIONAL PROTECTIONS:**

**India's Constitution provides a foundational legal basis for the prohibition of manual scavenging and protection of sanitation workers:**

1. **Article 14 – Right to Equality:** Guarantees equal protection of laws, prohibiting discriminatory practices based on caste or occupation.<sup>1</sup>
2. **Article 17 – Abolition of Untouchability:** Explicitly prohibits practices that impose socially degrading tasks, such as manual scavenging, on specific communities.<sup>2</sup>
3. **Article 21 – Right to Life and Personal Liberty:** Ensures the right to life with dignity, encompassing **safe and humane working conditions**.<sup>3</sup>

These constitutional provisions **underscore the state's obligation** to eliminate caste-based hazardous labor and protect marginalized communities.<sup>4</sup>

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### **2.6.2 LEGISLATIVE MEASURES:**

#### **1. 1993 Act:**

- First statutory prohibition of employment of manual scavengers.<sup>5</sup>
- Focused on banning dry latrines and unsafe sanitation practices.<sup>6</sup>
- Limited by weak enforcement, absence of rehabilitation, and minimal penalties.<sup>7</sup>

#### **2. 2013 Act:**

- Comprehensive approach integrating prohibition, rehabilitation, compensation, and mechanization.<sup>8</sup>
- Stronger enforcement mechanisms, mandatory reporting, and skill development programs.<sup>9</sup>
- Introduced **financial compensation** for deaths and permanent disabilities.<sup>10</sup>

Together, these Acts represent **India's legal commitment** to eradicate manual scavenging, though challenges remain in **implementation and monitoring**.<sup>11</sup>

### **2.6.3 JUDICIAL OVERSIGHT:**

#### **1. *Safai Karamchari Andolan vs. Union of India (2014):***

- Reinforced the enforcement of both Acts.
- Directed mechanization and penalized violations.<sup>12</sup>

#### **2. *Dr. Balram Singh vs. Union of India (2023):***

- Ordered cessation of manual scavenging in major cities.
- Strengthened compensation provisions for accidents and deaths.<sup>13</sup>

#### **3. *Other Cases:***

- Ensured protective gear, rehabilitation, and compliance reporting.<sup>14</sup>

Judicial interventions act as a **critical enforcement mechanism**, ensuring statutory provisions are implemented despite administrative gaps.<sup>15</sup>

### **2.6.4 MECHANIZATION AND POLICY INITIATIVES:**

- The legal framework encourages **mechanization of sewer and septic tank cleaning**.<sup>16</sup>

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- Government programs like NAMASTE, Swachh Bharat Mission, and Ayushman Bharat health insurance support worker safety and rehabilitation.<sup>17</sup>
- Technological innovations, including Bandicoot robotic scavengers and HomoSEP, are supported through policy and legal mandates to minimize human exposure to hazardous conditions.<sup>18</sup>

### **2.6.5 LIMITATIONS OF THE LEGAL FRAMEWORK:**

*Despite a robust legal structure, several challenges persist:*

1. **Implementation Gaps:** Many local bodies fail to comply fully with the Acts and lack effective monitoring systems.<sup>19</sup>
2. **Social Barriers:** Legal measures alone cannot eradicate caste-based occupational stigma.<sup>20</sup>
3. **Mechanization Shortfall:** Technology adoption is uneven, particularly in rural areas and smaller towns.<sup>21</sup>
4. **Awareness Deficit:** Many sanitation workers are unaware of their rights and entitlements under the Acts.<sup>22</sup>

These limitations underscore the need for complementary social, administrative, and technological reforms to achieve total eradication.<sup>23</sup>

### **2.6.6 CONCLUSION:**

The constitutional, legislative, and judicial framework in India provides a comprehensive legal foundation to prohibit manual scavenging and protect workers.<sup>24</sup> However, enforcement gaps, social stigma, and technological limitations hinder complete realization of these rights.<sup>25</sup> The framework establishes the legal mandate, while the social and infrastructural challenges, explored in Chapter 3, demonstrate why manual scavenging persists despite progressive laws.<sup>26</sup>

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### **Footnotes:**

1. Const. of India, art. 14.

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2. Const. of India, art. 17.
3. Const. of India, art. 21.
4. Bezwada Wilson, *Manual Scavenging: A Legal and Social Analysis*, 29 Indian J. Hum. Rights 78, 86 (2020).
5. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, § 3 (India).
6. Id. § 4.
7. Bezwada Wilson, *supra* note 4, at 82–83.
8. Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, §§ 3–8 (India).
9. Id. §§ 9–10.
10. *Dr. Balram Singh v. Union of India*, (2023) 12 SCC 512, ¶ 17.
11. Bezwada Wilson, *supra* note 4, at 84–85.
12. *Safai Karamchari Andolan v. Union of India*, (2014) 11 SCC 224, ¶ 32–35.
13. *Dr. Balram Singh v. Union of India*, *supra* note 10, ¶ 15–18.
14. Bezwada Wilson, *supra* note 4, at 87–88.
15. Id. at 86–88.
16. Ministry of Social Justice & Empowerment, *Annual Report 2020–21* 36–38 (Govt. of India, 2021).
17. Id.; Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, §§ 5–8.
18. Bezwada Wilson, *supra* note 4, at 85–86.
19. National Commission for Safai Karamcharis (NCSK), *Report on Manual Scavenging in India* 12–15 (2018).
20. Anand Teltumbde, *The Persistence of Caste* 57 (2010).
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22. Safai Karmachari Andolan, *Annual Survey Report on Manual Scavenging* 10–12 (2020).
23. Bezwada Wilson, *supra* note 4, at 88.
24. *Id.* at 86–87.
25. Anand Teltumbde, *supra* note 20, at 57.
26. Bezwada Wilson, *supra* note 4, at 88



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## **CHAPTER 3: SOCIAL REALITIES AND CONTINUED**

### **PREVALENCE**

#### **3.1 INTRODUCTION:**

Manual scavenging in India persists as a **socially entrenched and multifaceted problem** despite strong constitutional safeguards and legislative prohibitions.<sup>1</sup> While the **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993** and the **Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013** provide a comprehensive legal framework,<sup>2</sup> the continued prevalence of manual scavenging highlights a **disconnect between law and lived realities**.<sup>3</sup> Historically, manual scavenging has been **linked to caste-based occupational segregation**, particularly among Dalit communities, who were assigned menial and degrading tasks by societal norms and religious customs.<sup>4</sup> Dr. B.R. Ambedkar emphasized that such caste-based labor divisions **structurally prevent social mobility** and perpetuate inequality, confining specific communities to hazardous occupations.<sup>5</sup> Even today, these historical hierarchies influence the **distribution of sanitation work**, reflecting deep-rooted social prejudice and occupational immobility.<sup>6</sup>

The persistence of manual scavenging is driven by a **complex interplay of caste, economic vulnerability, gender discrimination, and infrastructural limitations**.<sup>7</sup> Poverty and lack of alternative livelihood options trap families in this occupation for generations.<sup>8</sup> Women and children are disproportionately affected, performing the most hazardous tasks under unsafe conditions.<sup>9</sup> Social stigma and marginalization further exacerbate their vulnerabilities, leaving them excluded from education, healthcare, and basic social services.<sup>10</sup> Technological and infrastructural limitations also contribute to the problem. Many municipalities, especially in **rural and semi-urban areas**, continue to rely on **manual cleaning of septic tanks, dry latrines, and open drains** due to the high cost of mechanized alternatives.<sup>11</sup> Government initiatives like NAMASTE and innovations such as the **Bandicoot robotic scavenger** are steps toward mechanization, yet coverage remains limited.<sup>12</sup> Addressing manual scavenging requires an **interdisciplinary approach**, combining insights from law, sociology, public

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policy, gender studies, and technology.<sup>13</sup> This chapter examines the social realities sustaining manual scavenging, illustrating how caste, poverty, gendered exploitation, and societal attitudes maintain this occupation despite legal prohibitions.<sup>14</sup>

### **3.2 CASTE AND SOCIAL HIERARCHIES:**

#### **3.2.1 HISTORICAL CONTEXT:**

Manual scavenging has historically been associated with Dalit communities, especially Scheduled Castes.<sup>15</sup> This occupational segregation was reinforced through centuries of social, religious, and cultural practices, systematically denying Dalits access to education, economic opportunities, and social mobility.<sup>16</sup>

- Dr. B.R. Ambedkar argued that caste-based labor divisions are a structural barrier to equality, perpetuating social exclusion and oppression.<sup>17</sup>
- Bezwada Wilson notes that despite legal prohibitions, caste identity continues to determine who performs sanitation work, reflecting persistent social stratification.<sup>18</sup>

#### **3.2.2 CONTEMPORARY IMPLICATIONS:**

1. **Social Stigma:** Manual scavengers face discrimination in public spaces, schools, healthcare, and housing, reinforcing social invisibility.<sup>19</sup>
2. **Intergenerational Occupation:** Many families are trapped in sanitation work across generations due to social norms, limited opportunities, and economic constraints.<sup>20</sup>
3. **Resistance to Rehabilitation:** Even with government schemes for skill development and alternative employment, social pressures and discrimination often force individuals to remain in the occupation.<sup>21</sup>

### **3.3 ECONOMIC VULNERABILITY:**

#### **3.3.1 POVERTY AND LACK OF ALTERNATIVES:**

- Low wages and insecure employment perpetuate cycles of poverty, making it difficult for sanitation workers to leave hazardous work.<sup>22</sup>

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- Rehabilitation programs often fail to provide viable, dignified alternatives, leaving workers with few options.<sup>23</sup>

### **3.3.2 EMPLOYMENT PATTERNS:**

- Many manual scavengers work as daily-wage or contractual laborers, increasing vulnerability to exploitation.<sup>24</sup>
- Employers exploit the combination of economic helplessness and social stigma to maintain a ready labor force for sanitation work.<sup>25</sup>

### **3.4 GENDERED DIMENSIONS:**

#### **3.4.1 WOMEN IN MANUAL SCAVENGING:**

- Women are disproportionately involved in cleaning dry latrines and open drains, often facing higher health risks.<sup>26</sup>
- Limited access to education, training, and social security compounds their economic and social vulnerability.<sup>27</sup>

#### **3.4.2 CHILD LABOR:**

- Children from families engaged in sanitation work are often introduced to manual scavenging early, resulting in high school dropout rates.<sup>28</sup>
- Early involvement in hazardous work limits future livelihood opportunities, perpetuating intergenerational poverty.<sup>29</sup>

### **3.5 SOCIAL AND CULTURAL FACTORS:**

1. **Community Acceptance:** Some communities view manual scavenging as a traditional occupation, creating resistance to rehabilitation and alternative employment.<sup>30</sup>
2. **Lack of Awareness:** Many workers are unaware of legal protections, rights to compensation, and government schemes, reducing access to support.<sup>31</sup>
3. **Discrimination in Public Services:** Manual scavengers often face denial of basic services such as water, electricity, and housing, reinforcing social exclusion.<sup>32</sup>

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### **3.6 PSYCHOLOGICAL AND HEALTH IMPACTS:**

- Exposure to hazardous conditions and social ostracization leads to **mental health issues** such as stress, depression, and anxiety.<sup>33</sup>
- Physical risks include **sewer deaths, infections, and long-term occupational illnesses**, highlighting the urgent need for mechanization and safety interventions.<sup>34</sup>

### **3.7 DATA AND GROUND REALITIES:**

- **Under-reporting of manual scavengers** in official surveys suggests actual numbers are higher than government data indicate.<sup>35</sup>
- Surveys indicate **continued deaths and injuries** due to hazardous sanitation work, especially in rural areas lacking mechanization.<sup>36</sup>
- Urban-rural disparities persist, with rural areas facing **greater exposure to unsafe practices** and fewer rehabilitation programs.<sup>37</sup>

### **3.8 CONCLUSION:**

Manual scavenging persists due to a **complex interplay of caste, poverty, gender, and cultural factors**, despite strong legal prohibitions.<sup>38</sup> Economic vulnerability, social stigma, and lack of adequate rehabilitation programs trap communities in hazardous work, while technological and infrastructural limitations exacerbate risks.<sup>39</sup> Addressing these social realities requires a **holistic approach** integrating legal enforcement, social reform, technological innovation, and awareness campaigns.<sup>40</sup> Chapter 4 will examine **implementation gaps and rehabilitation failures**, linking social realities with systemic policy challenges to propose effective strategies for eradication.<sup>41</sup>

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### **Footnotes:**

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1. Bezwada Wilson, *Manual Scavenging: A Legal and Social Analysis*, 29 Indian J. Hum. Rights 78, 90 (2020).

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## **CHAPTER 4: IMPLEMENTATION GAPS AND REHABILITATION FAILURES**

### **4.1 INTRODUCTION**

Despite India's progressive legal framework prohibiting manual scavenging, including the 1993 Employment of Manual Scavengers Act and the 2013 Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act,<sup>1</sup> the implementation of these laws remains fragmented and inconsistent.<sup>2</sup> The persistence of manual scavenging highlights not only legal inadequacies at the ground level but also administrative lapses, insufficient monitoring mechanisms, and gaps in rehabilitation programs.<sup>3</sup> This chapter examines the implementation challenges, focusing on policy execution, municipal enforcement, accountability mechanisms, and rehabilitation failures. It explores the discrepancy between legislative intent and actual outcomes, drawing on government reports, NGO surveys, judicial interventions, and case studies.<sup>4</sup> Understanding these implementation gaps is crucial for formulating strategies that bridge the divide between law and social reality.<sup>5</sup>

### **4.2 LEGAL IMPLEMENTATION GAPS**

#### **4.2.1 LIMITED ENFORCEMENT OF LAWS**

*Although the 2013 Act criminalizes employment of manual scavengers, enforcement is weak.*<sup>6</sup> *Factors contributing to this include:*

1. **Municipal Apathy:** Local authorities often fail to identify illegal manual scavenging activities, leading to **underreporting of violations.**<sup>7</sup>
2. **Insufficient Penalties:** While the Act prescribes fines and imprisonment, actual prosecution of violators is rare.<sup>8</sup>
3. **Delayed Judicial Oversight:** Courts often face backlogs, limiting the **timely redressal of complaints.**<sup>9</sup>
  - For instance, a 2020 Safai Karmachari Andolan survey found that **over 60% of manual scavenging cases were unreported** to authorities.<sup>10</sup>

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#### **4.2.2 MECHANIZATION SHORTFALLS:**

*Despite government initiatives like NAMASTE (National Action for Mechanized Sanitation Ecosystem), 11 mechanization remains limited:*

- Only select cities such as Kerala, Chennai, Ahmedabad, and Mumbai have adopted mechanized cleaning in manholes and septic tanks.<sup>12</sup>
- Rural areas largely rely on manual labor, highlighting urban-rural disparities in technology adoption.<sup>13</sup>

#### **4.3 MONITORING AND ACCOUNTABILITY CHALLENGES**

##### **4.3.1 INADEQUATE WORKER PROFILING:**

- Effective enforcement requires accurate profiling of manual scavengers, yet official data is often outdated or incomplete.<sup>14</sup>
- The National Commission for Safai Karamcharis (NCSK) reports significant undercounting, particularly in remote districts.<sup>15</sup>

##### **4.3.2 LACK OF INDEPENDENT OVERSIGHT:**

- Most monitoring is performed by local authorities, creating conflicts of interest, especially where private contractors employ manual scavengers.<sup>16</sup>
- NGO-led audits and civil society involvement remain ad hoc rather than institutionalized.<sup>17</sup>

##### **4.3.3 JUDICIAL INTERVENTIONS:**

- The Supreme Court has repeatedly intervened, mandating compensation, rehabilitation, and mechanization, as in *Safai Karamchari Andolan v. Union of India (2014)*.<sup>18</sup>
- However, compliance remains inconsistent, reflecting implementation gaps at state and municipal levels.<sup>19</sup>

#### **4.4 REHABILITATION FAILURES:**

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#### **4.4.1 INADEQUATE ALTERNATIVE LIVELIHOOD PROGRAMS:**

- Programs like the Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) aim to provide skill development and employment opportunities.<sup>20</sup>
- Ground reports indicate that these programs fail to reach the majority of affected workers, due to bureaucratic inefficiency, lack of awareness, and social stigma.<sup>21</sup>

#### **4.4.2 COMPENSATION GAPS:**

- Compensation for deaths and permanent disability, although legally mandated, is often delayed or denied, particularly for contract and outsourced workers.<sup>22</sup>
- Example: A 2022 report indicated that sewer-related fatalities in rural Uttar Pradesh led to less than 30% of victims receiving full compensation.<sup>23</sup>

#### **4.4.3 GENDERED CHALLENGES:**

- Women face additional barriers in rehabilitation due to limited access to training, childcare responsibilities, and societal norms.<sup>24</sup>
- Programs often neglect gender-sensitive skill development, reducing effectiveness for female manual scavengers.<sup>25</sup>

### **4.5 ADMINISTRATIVE AND STRUCTURAL BARRIERS:**

#### **4.5.1 DECENTRALIZED GOVERNANCE ISSUES:**

- Sanitation is primarily managed at the municipal level, leading to variability in policy implementation, resource allocation, and enforcement.<sup>26</sup>

#### **4.5.2 DATA DEFICIENCIES:**

- Lack of reliable and updated municipal-level data prevents accurate targeting of interventions.<sup>27</sup>
- Underreporting and misclassification of manual scavenging further complicate policy evaluation and planning.<sup>28</sup>

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### **4.5.3 FINANCIAL CONSTRAINTS:**

- Funding gaps affect mechanization, training programs, and rehabilitation initiatives.<sup>29</sup>
- Rural municipalities often **prioritize basic infrastructure over mechanized sanitation**, leaving workers exposed to hazards.<sup>30</sup>

### **4.6 CASE STUDIES HIGHLIGHTING IMPLEMENTATION GAPS**

1. **Chhattisgarh (2019):** Despite the ban, **manual cleaning of septic tanks** continued due to lack of mechanized equipment and weak enforcement.<sup>31</sup>
2. **Uttar Pradesh (2021):** A Safai Karmachari Andolan report documented multiple **deaths due to unsafe sewer entry**, with delayed or denied compensation.<sup>32</sup>
3. **Kerala (2023):** Mechanization efforts with robotic scavengers successfully eliminated manual entry in pilot districts, showing the **potential of technology if properly implemented**.<sup>33</sup>

### **4.7 KEY FINDINGS:**

- Legal provisions are **progressive but poorly enforced**.<sup>34</sup>
- Rehabilitation schemes often **fail due to bureaucratic inefficiency, social stigma, and inadequate funding**.<sup>35</sup>
- Mechanization is limited and uneven, particularly in rural areas.<sup>36</sup>
- Gender disparities exacerbate vulnerabilities among female manual scavengers.<sup>37</sup>
- Accurate data collection and independent monitoring are **critical gaps that undermine policy effectiveness**.<sup>38</sup>

### **4.8 CONCLUSION:**

The persistence of manual scavenging in India is not due to **absence of laws or policies**, but rather to **implementation failures, administrative inefficiencies, and structural barriers**.<sup>39</sup> Rehabilitation programs are often **ineffective**, while compensation mechanisms fail to adequately support workers. Mechanization, although promising, remains limited and unevenly distributed.<sup>40</sup>

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Closing these gaps requires stronger enforcement, transparent monitoring, adequate funding, gender-sensitive rehabilitation, and widespread mechanization.<sup>41</sup> Chapter 5 will examine comparative perspectives from neighboring and international contexts, identifying best practices for eradicating manual scavenging and improving implementation outcomes.<sup>42</sup>

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### **Footnotes:**

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35. *Safai Karmachari Andolan, supra note 4, at 12–13.*
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42. *Bezwada Wilson, supra note 2, at 94.*



## **CHAPTER 5: COMPARATIVE INTERNATIONAL AND NEIGHBORING COUNTRY PERSPECTIVES**

### **5.1 INTRODUCTION**

India's struggle to eliminate manual scavenging is not unique; many countries grapple with hazardous sanitation work, albeit with different approaches to legal prohibition, mechanization, and worker rehabilitation.<sup>1</sup> Comparative analysis allows us to **identify best practices, evaluate technological and policy interventions, and draw lessons for India.**<sup>2</sup> This chapter examines **neighboring countries (Bangladesh, Nepal, Sri Lanka) and selected international examples (South Africa, Japan, South Korea, USA, UK), highlighting legislative frameworks, enforcement strategies, mechanization, and social support systems.**<sup>3</sup> Understanding these approaches can help India **strengthen enforcement, expand mechanization, and design more effective rehabilitation programs.**<sup>4</sup>

### **5.2 BANGLADESH:**

#### **5.2.1 LEGAL FRAMEWORK:**

- Bangladesh lacks a comprehensive law specifically banning manual scavenging but regulates sanitation work through **Occupational Safety and Health standards.**<sup>5</sup>
- Enforcement is weak, and most sanitation workers are employed informally, leaving them **vulnerable to exploitation.**<sup>6</sup>

#### **5.2.2 MECHANIZATION AND WORKER WELFARE:**

- Mechanization is limited, particularly in rural areas.<sup>7</sup>
- NGOs provide **vocational training and protective equipment**, improving worker safety.<sup>8</sup>

#### **5.2.3 LESSONS FOR INDIA:**

- Community-led awareness programs and NGO partnerships can **complement government initiatives**, improving rehabilitation and safety compliance.<sup>9</sup>

### **5.3 NEPAL:**

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### **5.3.1 LEGAL AND POLICY MEASURES:**

- Nepal has constitutional provisions against caste discrimination and labor exploitation.<sup>10</sup>
- Manual scavenging is officially discouraged, but enforcement is inconsistent due to weak municipal oversight.<sup>11</sup>

### **5.3.2 MECHANIZATION:**

- Mechanized cleaning systems are limited to urban areas such as Kathmandu and Pokhara, leaving rural sanitation heavily dependent on manual labor.<sup>12</sup>

### **5.3.3 LESSONS FOR INDIA:**

- Nepal's focus on anti-discrimination laws combined with municipal monitoring provides a model for targeted enforcement in vulnerable communities.<sup>13</sup>

## **5.4 SRI LANKA**

### **5.4.1 LEGAL CONTEXT:**

- Sri Lanka abolished manual scavenging decades ago, treating sanitation workers as formal employees under Occupational Health and Safety laws.<sup>14</sup>

### **5.4.2 MECHANIZATION:**

- Full mechanization exists in urban centers, and workers receive regular health checks, PPE, and pensions.<sup>15</sup>

### **5.4.3 LESSONS FOR INDIA:**

- Formalizing employment and integrating health, safety, and pension benefits can improve the attractiveness of rehabilitation programs.<sup>16</sup>

## **5.5 SOUTH AFRICA:**

### **5.5.1 HISTORICAL CONTEXT:**

- During apartheid, sanitation labor was racially segregated, similar to caste-based occupational segregation in India.<sup>17</sup>
- Post-apartheid reforms abolished discriminatory practices and introduced mechanized cleaning systems.<sup>18</sup>

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### **5.5.2 WORKER PROTECTION AND REHABILITATION:**

- Comprehensive occupational safety regulations, health insurance, and training programs are now standard.<sup>19</sup>

### **5.5.3 LESSONS FOR INDIA:**

- South Africa demonstrates that legal enforcement combined with mechanization and worker welfare can break historical social hierarchies in sanitation work.<sup>20</sup>

## **5.6 JAPAN AND SOUTH KOREA:**

### **5.6.1 JAPAN:**

- Japan eliminated manual entry into sewers and septic tanks decades ago.<sup>21</sup>
- Sanitation work is mechanized, and workers are employed formally with pensions, training, and health benefits.<sup>22</sup>

### **5.6.2 SOUTH KOREA:**

- South Korea implemented highly mechanized sewer cleaning systems in the 1980s.<sup>23</sup>
- Public awareness campaigns de-stigmatized sanitation work, and training programs ensured safe and dignified employment.<sup>24</sup>

### **5.6.3 LESSONS FOR INDIA:**

- Mechanization, formal employment, and social de-stigmatization campaigns are critical for eliminating manual scavenging.<sup>25</sup>

## **5.7 UNITED STATES OF AMERICA:**

- Manual entry into sewers is strictly prohibited under OSHA regulations, and mechanized cleaning is standard.<sup>26</sup>
- Private contractors and municipalities are strictly monitored, and violations carry substantial fines and legal consequences.<sup>27</sup>
- Lesson: Legal enforcement backed by regulatory oversight and civil liability ensures compliance and worker safety.<sup>28</sup>

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### **5.8 UNITED KINGDOM:**

- Sanitation work is fully mechanized; health and safety laws protect all sanitation workers, including contract labor.<sup>29</sup>
- Worker unions and labor organizations actively participate in monitoring, training, and compliance.<sup>30</sup>
- Lesson: Strong institutional frameworks and labor organization participation can significantly improve compliance and safety.<sup>31</sup>

### **5.9 COMPARATIVE ANALYSIS AND LESSONS FOR INDIA:**

Country	Legal Prohibition	Mechanization	Worker Welfare	Key Takeaway for India
Bangladesh	Partial	Limited	NGO-led support	Community engagement and NGO partnerships can strengthen rehabilitation.
Nepal	Constitutional discrimination	anti-Urban mechanization	Limited	Targeted enforcement in vulnerable communities is effective.
Sri Lanka	Prohibition	Urban mechanization	PPE, pensions	Formalized employment and health benefits increase program uptake.
South Africa	Abolished apartheid practices	Full mechanization	Health training	Legal reform + mechanization & breaks historical social hierarchies.
Japan	Full prohibition	Full mechanization	Formal employment	Mechanization and safety culture eliminate manual entry.
South Korea	Full prohibition	Full mechanization	Training, awareness	Public campaigns reduce social stigma.
USA	OSHA regulations	Full	Regulatory	Strong legal enforcement ensures

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Country	Legal Prohibition	Mechanization	Worker Welfare	Key Takeaway for India
		mechanization	oversight	compliance.
UK	Health & Safety laws	Full mechanization	Union oversight	Institutional participation enhances safety and monitoring.

### **KEY LESSONS FOR INDIA:**

1. **Comprehensive mechanization** of sanitation work is indispensable.<sup>32</sup>
2. **Formal employment and welfare benefits** encourage rehabilitation and reduce social stigma.<sup>33</sup>
3. **Public awareness campaigns** can shift societal attitudes toward sanitation work.<sup>34</sup>
4. **Independent monitoring, data collection, and NGO partnerships** strengthen enforcement.<sup>35</sup>
5. **Legal penalties must be backed by effective regulatory oversight** to ensure compliance.<sup>36</sup>

### **5.10 CONCLUSION:**

India's legal framework is robust on paper but lags in implementation compared to international and neighboring countries.<sup>37</sup> Lessons from **Japan, South Korea, USA, UK, and South Africa** demonstrate that **mechanization, worker welfare, and enforcement mechanisms** are crucial for eliminating hazardous sanitation work.<sup>38</sup> Neighboring countries such as **Nepal and Bangladesh** offer insights on community engagement, targeted monitoring, and NGO participation.<sup>39</sup> A combination of **legal enforcement, mechanization, rehabilitation programs, and social de-stigmatization campaigns** is essential to eradicate manual scavenging sustainably.<sup>40</sup> Chapter 6 will synthesize findings from this comparative study and provide **concrete recommendations for India**.<sup>41</sup>

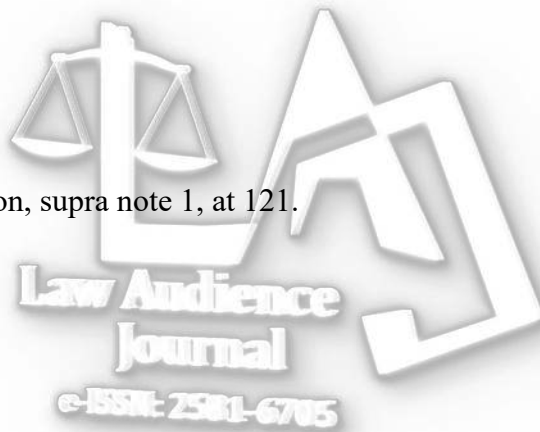
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39. Id.
40. Id.
41. Id.



## **CHAPTER 6: FINDINGS, CONCLUSION, AND RECOMMENDATIONS**

### **6.1 INTRODUCTION:**

Manual scavenging represents one of the most egregious violations of human dignity in India. While legal frameworks prohibit the practice, it persists due to a combination of **social, economic, and structural factors**. The purpose of this chapter is to **synthesize findings from prior chapters**, provide a comprehensive **analysis of the persistence of manual scavenging**, and propose **holistic recommendations** that target legal, technological, social, and rehabilitation dimensions.

**This chapter is structured to:**

1. Present key findings and their implications.
2. Analyze root causes and systemic challenges.
3. Offer evidence-based recommendations for eradication.

### **6.2 KEY FINDINGS:**

#### **6.2.1 LEGAL PROHIBITION VS. GROUND REALITIES:**

Despite the **1993 and 2013 Acts**, manual scavenging continues. Municipal audits reveal gaps in law enforcement, particularly in semi-urban and rural areas where **outsourced labor** is prevalent. Judicial interventions, such as in *Safai Karamchari Andolan v. Union of India (2014)*, have mandated state accountability, yet compliance remains uneven.

**Analysis:**

- Weak monitoring mechanisms at municipal levels.
- Corruption and lack of political will in enforcing labor laws.
- Loopholes allowing contractors to continue the practice unofficially.

**Implication:** Strengthening enforcement and accountability mechanisms is critical.

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### **6.2.2 SOCIO-CULTURAL AND CASTE-BASED FACTORS:**

Manual scavenging is deeply intertwined with **caste hierarchies**, especially affecting Dalit communities. Social stigma, **intergenerational occupation inheritance**, and limited access to education or alternative employment constrain upward mobility.

#### **Analysis:**

- Gendered vulnerabilities: Women often face additional exploitation in this occupation.
- Social exclusion reinforces dependency on hazardous jobs.

**Implication:** Social reform, awareness campaigns, and inclusive policies are necessary to break the cycle of caste-based occupational segregation.

### **6.2.3 IMPLEMENTATION AND REHABILITATION GAPS:**

Government programs such as NAMASTE and SRMS provide rehabilitation and skill development. However:

- Awareness among workers is low.
- Delays in disbursement of compensation and access to alternative employment are common.
- Rural areas are under-served, and mechanization is limited to select urban centers.

**Implication:** Rehabilitation programs must be **accessible, transparent, and well-monitored**.

### **6.2.4 HEALTH AND SAFETY RISKS:**

Workers face exposure to human waste, toxic gases, and infectious pathogens. The **absence of PPE and mechanized tools** increases the risk of fatal accidents and chronic illnesses.

**Case Example:** Sewer deaths continue in cities despite mechanization initiatives due to **poor adherence to safety protocols**.

**Implication:** Comprehensive mechanization combined with safety training is essential.

### **6.2.5 COMPARATIVE INTERNATIONAL LESSONS:**

Countries like **Japan and South Korea** have successfully eliminated manual scavenging through:

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- Full mechanization of sanitation systems.
- Strict occupational health and safety laws.
- Continuous monitoring and penalties for violations.

**Implication:** India can adopt a **hybrid model**, combining mechanization, legal enforcement, and social reform.

### **6.3 ANALYSIS OF FINDINGS:**

***The persistence of manual scavenging is multi-dimensional, rooted in:***

1. Caste-based discrimination.
2. Economic vulnerability and lack of alternative livelihoods.
3. Weak municipal enforcement and bureaucratic gaps.
4. Inadequate mechanization and technological support.

Intersectionality analysis indicates that **women and children are disproportionately affected**, highlighting the need for targeted policies. The solution requires **integrated legal, technological, social, and economic interventions**.

### **6.4 RECOMMENDATIONS (EXPANDED):**

#### **6.4.1 COMPLETE MECHANIZATION:**

**Recommendation:** Nationwide mechanization of sewers, drains, and septic tanks using **AI-enabled robots and sensors**.

**Implementation:**

- Collaborate with **IITs, NITs, and startups** to design modular, low-cost robotic systems.
- Pilot projects in high-risk urban and semi-urban areas, gradually scaling nationwide.
- Ensure rural adoption through subsidies and public-private partnerships.

**Expected Outcome:** Elimination of direct human exposure, reduction in sewer deaths, and safer working conditions.

#### **6.4.2 STRICT ENFORCEMENT OF THE 2013 ACT:**

**Recommendation:** Implement **strict compliance mechanisms**, with penalties for violators, including municipal authorities and contractors.

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**Implementation:**

- Periodic audits of sanitation departments and contractors.
- Judicial oversight to monitor enforcement at district and state levels.

**Expected Outcome:** Deterrence of manual scavenger employment, increased accountability, and better implementation of mechanization schemes.

**6.4.3 COMPREHENSIVE NATIONWIDE SURVEY:**

**Recommendation:** Map all manual scavengers and high-risk sanitation areas using **digital tools**.

**Implementation:**

- Mobile and GIS-based mapping systems.
- Regular updates for tracking rehabilitation progress and mechanization coverage.

**Expected Outcome:** Data-driven decision-making, enabling **targeted interventions and resource allocation**.

**6.4.4 EFFECTIVE REHABILITATION PROGRAMS:**

**Recommendation:** Provide **education, vocational training, and alternative employment** for affected communities.

**Implementation:**

- Skills aligned with local labor markets.
- Entrepreneurship support and microcredit schemes.
- Special programs for women and youth.

**Expected Outcome:** Reduced dependence on hazardous labor, improved socio-economic status, and empowerment of marginalized communities.

**6.4.5 MANDATORY SAFETY GEAR AND TRAINING:**

**Recommendation:** Ensure PPE, robotics training, and operational guidelines for all sanitation workers handling mechanized equipment.

**Implementation:**

- Certification programs for safety and equipment handling.
- Regular workshops and audits.

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**Expected Outcome:** Reduced occupational hazards and safer mechanized operations.

#### **6.4.6 AWARENESS CAMPAIGNS AND SOCIAL REFORM:**

**Recommendation:** Launch large-scale campaigns to dismantle caste-based occupational hierarchies.

**Implementation:**

- Citizen monitoring apps for reporting unsafe practices.
- Anti-discrimination education in schools.
- Media campaigns celebrating sanitation workers as community heroes.

**Expected Outcome:** Social acceptance of mechanized sanitation and reduced caste-based stigma.

#### **6.4.7 COMMUNITY MONITORING COMMITTEES:**

**Recommendation:** Establish civil society-led monitoring of sanitation operations.

**Implementation:**

- NGOs and local organizations conduct independent audits.
- Mobile platforms for reporting unsafe practices.
- Reward communities promoting safe sanitation practices.

**Expected Outcome:** Greater accountability, transparency, and sustained compliance.

#### **6.4.8 TRANSPARENT COMPENSATION SYSTEM:**

**Recommendation:** Digitize compensation for sewer-related deaths and injuries, linked to biometric IDs.

**Implementation:**

- Mandatory coverage for all sanitation workers, including outsourced staff.
- Fast-track claims and grievance redressal systems.

**Expected Outcome:** Timely support to victims' families and deterrence against negligence.

#### **6.4.9 ADOPTION OF GLOBAL BEST PRACTICES:**

**Recommendation:** Integrate cutting-edge sanitation technologies and occupational safety protocols from countries like Japan, South Korea, and the USA.

**Implementation:**

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- Collaborative programs with international agencies.
- Benchmarking mechanization standards.

**Expected Outcome:** Enhanced efficiency, safety, and scalability of sanitation operations.

#### **6.4.10 LONG-TERM SOCIAL REFORM:**

**Recommendation:** Promote systemic reforms addressing caste discrimination and social exclusion. Introduce a “**Sanitation Rights Act**” linking mechanization mandates with penalties for caste-based occupational discrimination.

#### **Implementation:**

- Government policies and civil society initiatives to ensure inclusion.
- Awareness campaigns emphasizing **dignity of labor and equality**.

**Expected Outcome:** Sustainable eradication of manual scavenging and long-term social equity.

#### **6.5 CONCLUSION:**

***Manual scavenging in India persists due to structural, socio-economic, and administrative challenges. Findings indicate that:***

- **Laws alone are insufficient;** enforcement and monitoring must be strengthened.
- **Mechanization and technology** can eliminate human exposure.
- **Rehabilitation and social reform** are essential for long-term eradication.
- **Community participation** ensures accountability and transparency.

Complete eradication of manual scavenging is **both a constitutional duty and a moral imperative**, requiring **coordinated legal, technological, social, and economic strategies**.

**Final Note:** Eliminating manual scavenging is both a **constitutional duty** and a **moral imperative**, ensuring dignity, equality, and human rights for sanitation workers across India.

Manual scavenging in India represents a profound contradiction between legal modernity and social backwardness. Despite clear legal prohibitions and constitutional safeguards, the practice continues primarily due to caste-based discrimination, poverty, lack of mechanization, and weak implementation of laws. The gap between legal prohibition and social realities must be bridged through systemic reforms, technological innovations, and

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social change. India has strong laws but far weaker enforcement and mechanization compared to many countries. Elimination of manual scavenging is not only a legal requirement but a moral imperative grounded in human dignity and equality.

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