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**A CRITICAL STUDY ON THE IMPACT AND
IMPLEMENTATION OF THE PROHIBITION OF
EMPLOYMENT AS MANUAL SCAVENGERS AND
THEIR REHABILITATION ACT, 2013**

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ABSTRACT

Manual scavenging — the manual handling and disposal of human excreta from dry latrines, sewers, and septic tanks — persists in India despite constitutional guarantees of equality, dignity, and freedom from untouchability. The practice is entrenched in caste-based social hierarchies, confining marginalised Dalit communities to conditions that violate multiple fundamental rights. The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 represents the most comprehensive legislative response to this problem, combining prohibition, penalisation, and rehabilitation. This article critically examines the Act's legal architecture, the constitutional framework within which it operates, its judicial enforcement, and its implementation failures. It further situates India's approach within international human rights and labour standards, draws comparative lessons from the United States, the United Kingdom, and South Africa, and proposes concrete reforms to bridge the wide gap between legislative intent and ground reality.

Keywords: Manual Scavenging, PEMSAR Act 2013, Untouchability, Fundamental Rights, Rehabilitation, Caste Discrimination, Safai Karamcharis.

I. INTRODUCTION

Manual scavenging is among the most persistent and dehumanising practices in contemporary India. It involves the manual removal of raw human excreta from dry-pit latrines, open drains, railway tracks, and enclosed sewers and septic tanks — often without protective equipment or safety gear. Despite decades of constitutional guarantees, parliamentary legislation, and judicial intervention, the practice survives, embedded within the socio-economic architecture of caste.

The Government of India enacted the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013¹ (hereinafter 'the 2013 Act' or 'PEMSR Act') to replace the inadequate

¹The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (Act No. 25 of 2013),

Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.² The 2013 Act prohibits the practice outright, criminalises employers, and — for the first time — provides a structured framework for the identification, liberation, and rehabilitation of affected individuals. Yet, more than a decade after its enactment, the gap between its provisions and the lived reality of manual scavengers remains wide and troubling.

This article offers a critical legal analysis of the 2013 Act: its constitutional foundations, its key provisions, judicial interpretation, implementation failures, international benchmarks, and the reforms required. The study draws on primary legal sources — the Constitution, statutes, and judicial decisions — as well as secondary materials including government reports, NGO assessments, and academic commentary.

II. HISTORICAL BACKGROUND

The roots of manual scavenging lie in the rigid varna and jati hierarchy of the Indian caste system, which assigned hereditary, birth-based occupational roles to communities classified as 'untouchable.' As Dr. B.R. Ambedkar analysed,³ this occupational assignment was neither voluntary nor economic in origin — it was a form of institutionalised social violence, enforced through ritual sanction and the denial of education, land, and economic alternatives.

The British colonial period expanded demand for sanitation workers through the construction of railways, municipalities, and cantonments, but did little to improve working conditions or alter the social identity of those performing such work. Dry latrines proliferated, and the occupation remained hereditary and caste-defined. Post-independence, the Constitution of India abolished untouchability and guaranteed equality, but political will and administrative capacity proved insufficient to translate these guarantees into practice. The first legislative attempt — the 1993 Act⁴ — failed due to inadequate enforcement machinery, the absence of rehabilitation provisions, and the requirement that each state adopt the

enacted by the Parliament of India, came into force on 6 December 2013.

³B.R. Ambedkar, *Annihilation of Caste* (1936; reprint, Navayana Publishing, 2014). Ambedkar argued that caste-based occupational assignments were incompatible with constitutional democracy and human dignity.

legislation separately, resulting in uneven coverage. Social movements, particularly the Safai Karamchari Andolan led by activist Bezwada Wilson, played a decisive role in documenting the continuing practice and pressuring the state toward more comprehensive reform, culminating in the 2013 Act.

III. CONSTITUTIONAL FRAMEWORK

The 2013 Act operates within a constitutional framework that provides robust, textually explicit, and judicially interpreted protections against the practice of manual scavenging.⁵ Three provisions of the Constitution of India are of central importance.

A. Article 14 — Equality Before Law

Article 14 guarantees equality before the law and equal protection of the laws. The imposition of degrading sanitation work upon a specific caste community violates the equality norm by treating one group as inherently less deserving of dignity and safe employment. Courts have held that classifications based purely on caste violate the equality guarantee, rendering caste-based occupational assignment constitutionally void.

B. Article 17 — Abolition of Untouchability

Article 17 is among the most explicitly prohibitory provisions in the Constitution: it abolishes 'untouchability' in any form and makes its practice a punishable offence. Manual scavenging is widely recognised — by courts, commissions, and human rights bodies —

as a contemporary manifestation of untouchability. The Supreme Court in *State of Karnataka v. Appa Balu Ingale*⁶ reaffirmed that any practice perpetuating caste-based social exclusion falls within the constitutional prohibition of Article 17.

C. Article 21 — Right to Life and Dignity

The Supreme Court has progressively expanded Article 21 to encompass not merely the right to physical survival, but the right to live with dignity, health, and an adequate livelihood.

In *Olga*

⁵Constitution of India, Art. 14 (equality before law); Art. 17 (abolition of untouchability); Art. 21 (right to life and personal liberty, interpreted to include the right to live with dignity).

⁶*State of Karnataka v. Appa Balu Ingale*, AIR 1995 SC 1126. The Court strongly condemned caste-based practices that amount to untouchability and held them unconstitutional under Article 17.

Tellis v. Bombay Municipal Corporation,⁷ the Court held that the right to livelihood is integral to the right to life. In *Subhash Kumar v. State of Bihar*,⁸ it extended Article 21 to the right to a clean environment. Manual scavenging — which forces individuals to handle raw waste in confined, toxic spaces without protection — violates all these dimensions of Article 21.

IV. THE PEMSR ACT, 2013: KEY PROVISIONS

The 2013 Act improves substantially upon its predecessor. Its principal features are as follows.

A. Comprehensive Prohibition

The Act prohibits the employment of any person as a manual scavenger and the construction or maintenance of insanitary latrines requiring manual cleaning. The prohibition extends to all employers — individual, municipal, and governmental — and applies to engagement both through employment contracts and through coercive informal arrangements. Penalties include imprisonment of up to one year and fines for a first offence, escalating for repeat violations.

B. Identification and Survey

Local authorities — municipalities, panchayats, and cantonment boards — are obligated to conduct surveys to identify manual scavengers within their jurisdictions. This identification step is legally prerequisite to the delivery of rehabilitation benefits. In

practice, however, this process has been marked by severe undercounting, partly because the social stigma attached to the occupation discourages individuals from self-identifying and partly because local authorities have incentives to report low numbers.⁹

C. Rehabilitation Measures

The 2013 Act mandates a multi-pronged rehabilitation package: a one-time cash assistance, scholarships for children of identified scavengers, residential plots, concessional loans for housing 15 *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180. The Court recognised the right to livelihood as Employment Scheme for Rehabilitation of Manual Scavengers (SRMS), noting significant inconsistencies in

⁸*Subhash Kumar v. State of Bihar*, AIR 1991 SC 420. The Court recognised the right to a pollution-free environment and safe sanitation as components of the right to life under Article 21.

and livelihood assets, and skill development training. The Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) operationalises these provisions through the Ministry of Social Justice and Empowerment. However, ministry reports acknowledge that disbursement has been inconsistent and that many officially identified beneficiaries have not received the full package.¹⁰

D. Monitoring and Enforcement

The Act establishes vigilance committees at the district level and vests monitoring powers in the National Commission for Safai Karamcharis (NCSK). The NCSK's own reports reveal that these committees rarely meet, inspections are infrequent, and prosecutions under the Act remain negligible compared to the documented scale of violations.¹¹

V. ROLE OF THE JUDICIARY

The Indian judiciary, particularly the Supreme Court, has been the most active institutional enforcer of rights in this domain, compensating — to a degree — for executive inaction. The landmark ruling in *Safai Karamchari Andolan v. Union of India*¹² is the centrepiece of this jurisprudence. The Court declared manual scavenging a violation of the right to dignity under Article 21, directed all states to conduct fresh surveys, ordered rehabilitation of identified scavengers, and mandated compensation of ₹10 lakhs to the families of all persons who had died cleaning sewers and septic tanks. The judgment was significant not

only for its directions, but for its framing of manual scavenging as an ongoing constitutional violation rather than merely a labour regulation problem.

¹⁰Ministry of Social Justice and Empowerment, Annual Reports (2014–2022). Reports detail progress under the Self- Employment Scheme for Rehabilitation of Manual Scavengers (SRMS), noting significant inconsistencies in beneficiary identification across states.

¹¹Ministry of Social Justice and Empowerment, Annual Reports (2014–2022). Reports detail progress under the Self- Employment Scheme for Rehabilitation of Manual Scavengers (SRMS), noting significant inconsistencies in beneficiary identification across states.

Earlier decisions laid the groundwork. In *Bandhua Mukti Morcha v. Union of India*,¹³ the Court established that Article 21 protects the right to live with basic dignity, directly applicable to forced or coerced labour conditions. In *People's Union for Democratic Rights v. Union of India*,¹⁴ it held that the State cannot escape constitutional responsibility for exploitation by private actors. The right to livelihood affirmed in *Olga Tellis*¹⁵ strengthens the case for meaningful, not merely formal, rehabilitation.

Notwithstanding these interventions, judicial enforcement faces structural limits: courts can issue mandamus and award compensation, but they cannot substitute for administrative capacity, budgetary allocation, or the political will needed to mechanise sanitation infrastructure. The gap between judicial direction and ground reality underscores the irreplaceable necessity of executive action.

VI. IMPLEMENTATION FAILURES AND THEIR CAUSES

The persistence of manual scavenging despite comprehensive legal prohibition reflects systemic failures across multiple levels of governance and society.¹⁶

A. Identification Failures

Accurate identification of manual scavengers is the predicate for all downstream action. Yet national surveys have consistently undercounted affected persons. The Human Rights Watch report of 2014¹⁷ and successive NCSK annual reports¹⁸ document that local authorities often deny the existence of the practice within their jurisdictions, driven by a combination of embarrassment,

¹³Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161. Although concerning bonded labour, the Court extended Article 21 to include the right to live with basic human dignity, a principle subsequently applied to sanitation worker cases.

¹⁴People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473 (Asiad Workers Case). The Court held that constitutional obligations of the State extend to preventing exploitation by private contractors.

¹⁵Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180. The Court recognised the right to livelihood as integral to Article 21, directly applicable to rehabilitation obligations under the 2013 Act.

¹⁶Aparajita Baruah, "The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013: A Review" (2014) 2(2) Space and Culture, India 3. The author notes that the 2013 Act, while progressive, suffers from weak institutional follow-through at the district level.

¹⁷Human Rights Watch, *Cleaning Human Waste: "Manual Scavenging," Caste, and Discrimination in India* (HRW, 2014). The report documents testimonies of affected individuals and the persistent failure of enforcement.

¹⁸National Commission for Safai Karamcharis (NCSK), *Annual Report 2021–22* (Ministry of Social Justice and Empowerment, Government of India, 2022). The Commission documented continued deaths during sewer-cleaning operations and inadequate protective gear, institutional inertia, and the desire to avoid compliance obligations. This produces a vicious cycle: persons who are not officially identified cannot access rehabilitation benefits, and the absence of identified persons allows authorities to declare the problem solved.

B. Weak Enforcement and Negligible Prosecution

Prosecutions under the 2013 Act have been vanishingly rare. Despite thousands of documented sewer deaths and continued use of manual scavengers in municipalities across the country, convictions under the Act are almost absent from official records. This reflects not only a reluctance to prosecute — often because employers include municipal bodies themselves — but also inadequate training of police and prosecutorial personnel on the Act's provisions.¹⁹

C. Socio-Economic Entrapment

Manual scavengers are typically trapped by intersecting vulnerabilities: caste-based social exclusion, poverty, illiteracy, and the absence of alternative employment. Even where rehabilitation schemes exist, the transition from hazardous informal work to stable alternative livelihood requires sustained support that the SRMS, as currently resourced and implemented, does not consistently provide. Many individuals return to manual scavenging after nominal rehabilitation because the alternatives offered are either unsuitable or insufficient.

D. Absence of Mechanisation

A critical infrastructural failure is the slow adoption of mechanised sanitation technology. Modern sewer-cleaning equipment exists and is available commercially, yet many urban local bodies

— particularly in smaller cities and towns — continue to rely on manual labour due to short-term cost considerations, inadequate capital budgets, and lack of technical capacity. The 2013 Act does not directly mandate mechanisation, leaving this as a policy gap that courts have occasionally highlighted but cannot remedy by judicial order alone.

VII. INTERNATIONAL PERSPECTIVE

India's obligations do not exist in a domestic vacuum. Multiple international instruments establish standards directly relevant to the practice of manual scavenging.

¹⁹Shaileshkumar Darokar, "Manual Scavengers: A Blind Spot in Urban Development Discourse" (2018) 53(14) Economic and Political Weekly 14. The article highlights how urbanisation rhetoric erases the continued reliance on manual labour for sanitation.

The Universal Declaration of Human Rights²⁰ declares that all human beings are born free and equal in dignity and prohibits cruel, inhuman, or degrading treatment under Article 5. Both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights²¹ — to which India is a party — require states to ensure safe and just conditions of work. The International Labour Organization's Occupational Safety and Health Convention (C155)²² obliges signatory states to adopt comprehensive occupational safety systems, including protection of workers in sanitation-related employment. The World Health Organization²³ classifies sanitation workers as a high-risk occupational group requiring specific health protections.

India's legal framework, measured against these standards, is formally adequate: the 2013 Act, the constitutional provisions, and the SC/ST Prevention of Atrocities Act²⁴ together constitute a robust normative architecture. The deficit lies in implementation. India has not met the ILO standard of mandatory protective equipment and training for sanitation workers; sewer deaths — more than 800 documented between 2014 and 2022 — attest to this gap. The WHO's sanitation safety planning guidelines are rarely applied at the field level.

VIII. COMPARATIVE ANALYSIS

A comparative examination of how other jurisdictions manage sanitation work illuminates the specific gaps in India's approach.

A. United States

Sanitation in the United States is almost entirely mechanised. The Occupational Safety and Health Administration (OSHA) mandates strict confined-space entry procedures, respiratory protection, gas monitoring, and permit systems for any work in enclosed sewers. Manual handling

²⁰Universal Declaration of Human Rights, UN Doc A/810 (1948), Arts. 1 and 5. Article 5 prohibits cruel, inhuman,

or degrading treatment, which encompasses hazardous and coerced sanitation labour.

²¹International Covenant on Civil and Political Rights (1966), Art. 7; International Covenant on Economic, Social and Cultural Rights (1966), Art. 7. Both covenants affirm the right to safe and just working conditions.

²²International Labour Organization, C155 – Occupational Safety and Health Convention, 1981, and accompanying Recommendation No. 164. India is a signatory and is expected to align domestic labour practices with ILO minimum standards.

²³World Health Organization, Sanitation Safety Planning: Manual for Safe Use and Disposal of Wastewater, Greywater and Excreta (WHO, 2015). The manual identifies sanitation workers as a high-risk occupational group requiring special health protection.

²⁴Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act No. 33 of 1989). The Act criminalises compelling persons from SC/ST communities to engage in degrading or inhuman occupations. of human waste in the manner constituting manual scavenging in India is legally impermissible and practically non-existent. The enforcement architecture — regular inspections, meaningful penalties, and employer liability — reflects a fundamentally different institutional posture toward worker safety.

B. United Kingdom

The United Kingdom combines advanced sewerage infrastructure with robust regulatory oversight through the Health and Safety Executive. No category of worker is permitted to enter a confined sanitation space without full respiratory and protective equipment. Violations of safety regulations attract civil and criminal liability. The social context is equally significant: there is no stigmatised caste group assigned hereditary sanitation roles, eliminating the social compulsion that underlies manual scavenging in India.

C. South Africa

South Africa's post-apartheid Constitution prioritises human dignity and equality with particular intensity, given its own history of racially structured labour exploitation. Its Constitutional Court has consistently enforced rights of dignity and equality in the labour context. While sanitation infrastructure challenges persist in informal settlements, South Africa's legal and institutional framework does not permit a hereditary caste-based assignment of hazardous sanitation work. The key lesson is that constitutional transformation requires both legal reform and proactive institutional enforcement.

D. Lessons for India

The comparative analysis demonstrates that the decisive differentiators are not legal texts — India already possesses strong laws — but mechanisation, institutional capacity, independent enforcement, and the absence of caste-based social compulsion. India must invest in all four. The legal framework exists; what is missing is the political and administrative commitment to make it operational.

IX. FINDINGS AND CRITICAL ANALYSIS

This study yields several interrelated findings. First, the 2013 Act is structurally sound: it addresses prohibition, identification, rehabilitation, and enforcement in an integrated manner. Its substantive provisions, read alongside Articles 14, 17, and 21, constitute a comprehensive legal prohibition of manual scavenging. Second, judicial enforcement — particularly the *Safai Karamchhari Andolan* judgment — has been indispensable in creating legal accountability, awarding compensation, and directing state governments to act.

Third, and most critically, implementation has been deeply inadequate. Identification surveys consistently undercount; rehabilitation benefits are incompletely disbursed; prosecutions are negligible; mechanisation is slow; and the social conditions — caste stigma, poverty, and exclusion

— that produce and reproduce manual scavenging remain largely unaddressed. The Act has not achieved its primary objective of complete eradication.

Fourth, the gap between law and reality is not primarily a problem of legal drafting but of institutional capacity and political will. District-level vigilance committees do not function; state governments under-report; local bodies employ the same persons they are legally required to rehabilitate. This systemic failure cannot be remedied through further legislative amendment alone.

X. RECOMMENDATIONS

The following reforms, individually insufficient but collectively transformative, are proposed to close the gap between the PEMSR Act's intent and its implementation.

1. **Mandatory, independently verified surveys:** All local bodies should be required to conduct fresh identification surveys under the supervision of an independent state-level authority. NCSK should have the power to audit survey data and impose sanctions for under-reporting.
2. **Mechanisation mandate:** Central and state governments should prescribe mandatory mechanisation timelines for all urban local bodies. Capital grants should be channelled specifically for the acquisition of sewer-cleaning and septic-tank-emptying machinery, with a complete ban on manual entry into confined sanitation spaces except in certified emergencies with full safety equipment.
3. **Prosecution and accountability:** The Ministry of Social Justice and Empowerment should publish annual prosecution statistics under the Act by district. High Courts should take suo motu cognisance of states with zero prosecution records. Elected

local government representatives should be subject to disqualification for persistent non-compliance.

4. **Strengthened rehabilitation:** The SRMS should be restructured to provide a guaranteed minimum of five years of livelihood support, including monthly income supplements, educational scholarships, and active placement assistance for alternative employment. NGOs like Safai Karamchari Andolan should be formally integrated as implementation partners at the ground level.
5. **Social reform and awareness:** Long-term eradication of manual scavenging requires dismantling caste-based social structures that normalise the practice. School curricula, community-level awareness campaigns, and Ambedkar-inspired civic education programmes should be institutionalised to change societal attitudes.
6. **Data transparency:** All data on identified manual scavengers, rehabilitation disbursements, and prosecutions should be published on a publicly accessible, state-wise dashboard, enabling civil society scrutiny and parliamentary accountability.

XI. CONCLUSION

The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 represents a landmark in India's long engagement with the socio-legal problem of caste-based occupational exploitation. It provides a comprehensive legal prohibition, a structured rehabilitation framework, and a set of enforcement mechanisms that, on paper, should be capable of eliminating the practice. The constitutional provisions — Articles 14, 17, and 21 — supply a strong normative foundation. The judiciary has repeatedly demonstrated its willingness to enforce these rights when the executive fails.

Yet manual scavenging persists. People continue to die in sewers. Rehabilitation remains incomplete. Prosecutions are negligible. This is not a failure of law; it is a failure of governance, institutional capacity, and social transformation. The law provides the tools; the state has largely declined to use them.

Complete eradication of manual scavenging demands a multi-dimensional strategy: stringent enforcement, mandatory mechanisation, genuine rehabilitation, international compliance, and sustained social reform. India has the legal architecture. What it requires now is the political and administrative will to make that architecture real for the communities it was designed to protect. The dignity of every person engaged in this work — a dignity guaranteed by the Constitution and demanded by international human rights law — depends

on that will be exercised without further delay.

BIBLIOGRAPHY

Primary Sources

Constitution of India, Arts. 14, 17, 21.

The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (Act No. 25 of 2013).

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (Act No. 46 of 1993).

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act No. 33 of 1989).

Cases

Safai Karamchari Andolan & Ors. v. Union of India & Ors., (2014) 11 SCC 224. Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.

People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473. Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180.

State of Karnataka v. Appa Balu Ingale, AIR 1995 SC 1126. Subhash Kumar v. State of Bihar, AIR 1991 SC 420.

Books and Reports

Ambedkar, B.R., Annihilation of Caste (Navayana Publishing, 2014).

Human Rights Watch, Cleaning Human Waste: 'Manual Scavenging,' Caste, and Discrimination in India (HRW, 2014).

Ministry of Social Justice and Empowerment, Annual Reports (2014–2022).

National Commission for Safai Karamcharis (NCSK), Annual Report 2021–22

(Government of India, 2022).

World Health Organization, Sanitation Safety Planning: Manual for Safe Use and Disposal of Wastewater, Greywater and Excreta (WHO, 2015).

Journal Articles

Baruah, Aparajita, 'The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013: A Review' (2014) 2(2) Space and Culture, India 3.

Darokar, Shaileshkumar, 'Manual Scavengers: A Blind Spot in Urban Development Discourse' (2018) 53(14) Economic and Political Weekly 14.

International Instruments

Universal Declaration of Human Rights, UN Doc A/810 (1948). International Covenant on Civil and Political Rights (1966).

International Covenant on Economic, Social and Cultural Rights (1966). ILO Occupational Safety and Health Convention (C155), 1981.

