
ENDING MANUAL SCAVENGING IN INDIA: CONSTITUTIONAL COMMITMENTS, PERSISTENT GAPS AND GLOBAL PATHWAYS FOR REFORM

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ABSTRACT

The practice of scavenging where human excreta is manually washed, transported and disposed of in dry latrines, sewers and septic tanks, remains current in India even though it is now statutorily outlawed and seems to be constitutionally guaranteed by equality and dignity. This study is a critical analysis of the law, the constitution, and the policy to eliminate manual scavenging, taking into consideration 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 paper identifies the constitutional validity of these laws under Article 14, 15 and 21 of the Indian Constitution through a doctrinal approach, evaluates landmark cases of the Supreme Court and High Courts and evaluates how India complies with the international standards, such as ILO conventions, UN human rights instruments and Sustainable Development Goals. Moreover, it will comparatively analyze it with such model countries like South Africa and Brazil to determine the best practices in legal protection, enforcement systems, and rehabilitation plans. The paper identifies the obvious loopholes in legislative specificity, implementation and the rehabilitation processes, and emphasizes the necessity of doctrinally minded legal changes meant to guarantee the total elimination of manual scavenging in India. This study offers a legal commentary as well as a set of practical solutions to the problem by placing the debate in the context of constitutional protections, human rights imperatives, and comparative jurisprudence to ensure dignity, safety and protection of fundamental rights of manual scavengers.

Keywords: Manual Scavenging; Caste-Based Discrimination; Article 21; Human Dignity; PEMSR Act, 2013; Rehabilitation Policy.

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INTRODUCTION

Manual scavenging is not just a type of work, it is a structural socio-legal issue in India, which is deep-rooted in the caste hierarchy of the past and supported by the system of social exclusion. Historically, the disadvantaged groups of people, especially the Dalits have been given the responsibility to collect human excreta in their hands which has continued to be the case even with modern sanitation methods. Although the non-discrimination, equality and right to live with dignity are provided in the Constitution of India in Articles 14, 15, and 21, thousands of citizens still do not have access to these fundamental rights because of manual scavenging. The fact that the practice has persisted highlights disconnect between the intent and application of the law, and casts very serious doubts on the efficacy, sufficiency, and constitutionality of the Indian legal system to eliminate manual scavenging.²

The evolution of legal reaction to manual scavenging in India has been through decades. The first major statutory intervention was made by Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, which sought to ban the use of manual scavengers and building of dry toilets. In the light of 1993 Act, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, presented even tighter prohibitions, punishments, and rehabilitation provisions to the affected people. The manual scavenging does not end with these legal tools because of low enforcement, lack of rehabilitation and social-economic marginalization of the affected society. This creates doctrinal concerns on whether the existing legal framework is appropriate to meet the constitutional requirement to achieve equality, dignity, and human rights.

The judiciary has been very instrumental in dealing with the menace of manual scavenging, through interpretation of the constitution to implement state duties. The historic decisions, including the PUCL v. Union of India, have stressed the responsibility of the state to defend vulnerable groups of people and guarantee their entitlement to life and dignity. High Courts have also taken interest in checking implementation, identification of systemic failures, and provide guidelines on enforcement. These court decisions show how statutory law, constitutional requirement and supervisory role of judiciary play a crucial role in ensuring

² Shiva Shankar & Kanthi Swaroop, *Manual Scavenging in India: The Banality of an Everyday Crime*, 2(1), A Global J. on Soc. Exclusion 67 (2021), <https://journals.library.brandeis.edu/index.php/caste/article/view/299> (last visited Jan. 12, 2026).

adherence.³

The issue of manual scavenging also calls upon a comparative legal analysis, as far as a doctrinal aspect is concerned. Other countries such as South Africa and Brazil have implemented a strong legal and constitutional frameworks that are not only prohibitive of dangerous labor practices but also provide rehabilitation, safety, but also social integration. A study of such models is useful in terms of how India can reinforce its own legal system so that the goal of ending manual scavenging can be reached in a way that is in line with human rights and constitutional requirements.

The study takes up a strictly doctrinal approach, basing it on an extensive analysis of statutes, constitutional provisions, judicial opinions as well as international legal norms. Through comparison of the legal context, evaluation of the judiciary interpretation and the analysis of the practices in India and the global best practices, the current paper is set to give a critical legal review of the manual scavenging laws. The end goal is to find out the loopholes in the doctrine, offer remedies and add to the debate on the rights, dignity and safety of the manual scavengers in India.

STATEMENT OF PROBLEM

In spite of the constitutional principles of equality, non-discrimination, and right to life with dignity, Articles 14, 15 and 21 in India, the issue of manual scavenging is still a social and legal challenge. 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, were made to put an end to this dangerous practice and to restore the communities which suffer. Yet, the general news is that these legal practices have not been effectively implemented. The practice has continued to be perpetuated by persistent socio-economic marginalization and low monitoring measures, non-conformity by the municipalities, and discrimination on the basis of caste. This issue is complicated by the absence of valid data, the shortage of rehabilitation programs, and uncertainties of the legal regulations.⁴ Due to their doctrinal perspectives, such problems are the basic questions

³ Jai Mala et al., *Manual Scavenging and the Right to Health in India: Social and Medicolegal Perspectives*, 63(3) Med. Sci. & L. 243 (2023), <https://pubmed.ncbi.nlm.nih.gov/36112894/> (last visited Jan. 18, 2026).

⁴ Ivan Iyer, *The "Abolishing" of Manual Scavenging: Negotiations with Caste and Occupation in Ahmedabad*, 35(2-3) JEP J. für Entwicklungspolitik 95 (2019), <https://jep-journal.com/ausgabe/waste-and-globalised->

concerning the constitutionality, adequacy and enforceability of the current legal system. Thus, this paper aims at critically analyzing the law and court interventions as well as international legal norms to determine whether Indian laws are sufficient to safeguard manual scavengers and promote their basic rights.

RESEARCH OBJECTIVES

- To examine the Historical, Social and Legal situation of manual scavenging in India.
- To analyse the Constitutionality of the law against manual scavenging.
- To review the Historic court decisions on the subject of manual scavenging.
- To establish the Comparison between the legal framework in India and the global best practices and define the gaps in the doctrine.

RESEARCH QUESTIONS

1. Do the laws of India that outlaw manual scavenging in the country pass the constitutional test of sufficiency and adequacy in protecting the right and dignity of vulnerable citizens?
2. How have Indian courts interpreted and enforced the laws on manual scavenging, and what doctrinal implications arise from these judgements?
3. What can the people of India learn under international legal practices and solutions that will help them eliminate manual scavenging in India and rehabilitate those affected by the practice?

RESEARCH METHODOLOGY

The proposed research is based on a purely doctrinal research method, which is appropriate in measuring the principle of law, statutory provisions, judicial decision-making, and constitutional legitimacy. Doctrinal research entails the analysis of legal texts in order to get an interpretation, find gaps, and criticize the usefulness of the texts in solving the problem of

inequalities/the-abolishing-of-manual-scavenging-negotiations-with-caste-and-occupation-in-ahmedabad/ (last visited Jan. 20, 2026).

manual scavenging. Primary empirical data (interviews, surveys, and fieldwork) will not be gathered and instead the research will be based on secondary sources such as statutes, case law, academic commentaries, government reports and international legal tools.

HYPOTHESIS

Though India has got an adequate legal prohibition and constitutional protection, its legal provisions on manual scavenging have not been properly implemented and thus the inherent rights to equality, non-discrimination, and dignity of the affected communities have continued to be violated.

HISTORICAL AND LEGAL BACKGROUND OF MANUAL SCAVENGING IN INDIA

The manual scavenging that refers to the manual collection, transportation, and disposal of human excreta of dry latrines, open drains, sewers, and septic tanks has a long and deep history in India. The tradition is traditionally interwoven with caste system, according to which representatives of Dalit groups were unfairly pushed to this dangerous field of activity because of established social stratifications. The association speaks volumes of structural inequalities that exist in the Indian society. Before the independence, manual scavenging had no formal laws, the profession was governed by social and cultural laws, not by laws. Sanitation in the political centers, railways and other government projects were frequently the job of a manual scavenger, thus formalizing caste exploitation. The historical context of this shows that manual scavenging is not only a labor problem, but also a social injustice so ingrained with structural inequalities, and still exists even with modernization and progress in technology of sanitation.

Statutory definition of Manual Scavenging

The legal interpretation of manual scavenging has been changing greatly in India during the last several decades. The first legal intervention that was instituted to eliminate the practice was the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Act refers to a manual scavenger as any individual that is hired or engaged to dispose human excreta by hand or using simple tools in dry latrines or sewers. It also describes a dry latrine as a toilet that is used to dispose human excreta by hand without any water. The 1993 Act outlawed working as a manual scavenger and the building of dry latrines and provided

penalties to the infractions. The law however was mainly concerned with prohibition and had little rehabilitation provisions, implementation practices and all types of risky sanitation work were not fully covered.⁵ It was based on the realization of these gaps that the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, was passed.⁶ This act broadened the scope of manual scavenging to also include those who cleanse septic tanks, sewers and other unhygienic areas without proper protective gear. Rehabilitation measures such as development of skills, providing alternative jobs, and funding of the affected people were also introduced by the Act.⁷ The 2013 Act led to a paradigm shift by incorporating rehabilitation together with prohibition as opposed to criminalizing the act as criminals are being criminalized. Manual scavenging is still practiced in most regions of India, even though such legislative progress exists, and this indicates some enduring enforcement gaps and socio-cultural constraints.

Pre-Independence and Post-Independence Legislation

Manual scavenging in India shifted to being a caste-based activity that was socially acceptable to an activity that was illegal during the post-independence era. The practice before independence was entrenched in the caste order, and it was not very regulated by law. Municipal and railway sanitation labor tended to strengthen the practice by the colonial administration. Since independence, it was an act of occupational exploitation based on caste which was legally addressed in the constitution of India, 1950. Articles 14, 15 and 21 provide equality, forbid discrimination and the right to life and dignity respectively. Articles 39 and 42 of the Directive Principles of State Policy are binding on the state to provide social justice and humane working conditions. In 1993, the Act started off with statutory prohibition and in 2013, the Act reinforced the framework with rehabilitation provisions and extension to sewer and septic tank cleaning.⁸

Connection to Constitutional Rights

The elimination of manual scavenging is directly connected with the basic constitutional

⁵ Tanya Gupta, *Manual Scavenging: A Saga of Neglect*, 4(4) Int'l J. L. Mgmt. & Human. 2822 (2021), <https://ijlmh.com/paper/manual-scavenging-a-saga-of-neglect/> (last visited Jan. 25, 2026).

⁶ *The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013*, No. 25 of 2013, India Code, <https://legislative.gov.in> (last visited Jan. 30, 2026).

⁷ Ministry of Social Justice & Empowerment, *Manual Scavenging Rehabilitation Schemes*, <https://socialjustice.gov.in> (last visited Feb. 15, 2026).

⁸ Neha Mishra, *Manual Scavenging*, 5(3) Int'l J. L. Mgmt. & Human. 2031 (2022), <https://ijlmh.com/paper/manual-scavenging/> (last visited Jan. 28, 2026).

guarantees. Article 14 guarantees equality under the law and its use of discriminative practices, like putting specific castes under hazardous labor, is not allowed. Article 15 categorically outlaws discrimination based on caste thus making it impossible to have the alone communities subjected to the menial or the degrading work based on their social status. Article 21 which provides the right to life and personal dignity directly responds to dangerous and dehumanizing circumstances of manual scavengers. Court decisions, in most notable, *PUCL v. Union of India*, have pointed out that scavenging in the manual form without any protecting facilities is the violation of the right to life and dignity. The Articles 39 and 42 of Directive Principles of State Policy also subscribe to the rehabilitation and human treatment of manual scavengers.

OBSERVATIONS

One notable characteristic that comes out in the historical and legal analysis is that as the legal definitions and laws have been amended to safeguard and the practice of manual scavengers has been prohibited, and thus, they are not properly enforced. The prohibition was established in 1993 through the Act, which, however, had a poor impact due to the lack of rehabilitation and insufficient coverage. The deficiencies of the 2013 Act were corrected in a more doctrinal way, with more comprehensive occupational categories and rehabilitation. However, disparities in structures, discrimination on the basis of caste, and non-observance of the legislation by municipalities still hamper the aims of the legislation. Further, although the constitutional fixation of these laws, the inconsistency between the intent and ground reality of the statutes implies that the legislative guidelines are not enough to eliminate the practice to extinction. To this end, the role of judicial supervision has been very critical in filling this gap, where systemic changes and more rigorous enforcement are required to preserve the dignity, safety and rights of the manual scavengers.

The history and the legal context of manual scavenging in India proves a definite transformation of the caste based labour, which is legally forbidden and ethically justified, to the socially acceptable practice. The transformation of pre-independence social norms to post-independence statutory and constitutional protections can be understood as an indication of the increasing awareness of the right to dignity and equality by the Indian nation among all its citizens. Although legislative and judicial intervention has fortified protection, the existence of manual scavenging is a testimony of the need to enforce with utmost judgment, rehabilitation, and doctrine based reforms to make sure that the constitutional provisions of equality, non-

discrimination, and life with dignity become a reality of all the vulnerable populations.

LEGISLATIVE AND INTERNATIONAL PROTECTION OF MANUAL SCAVENGERS IN INDIA

International Covenants, Protocols and Instruments

The plight of the manual scavengers in India has been identified at the international standards especially through the United Nations and other human rights forums. The Special Rapporteurs of the UN Sub-Commission on the Promotion and Protection of Human Rights organized a study on the discrimination based on work and descent in 2009, which brought to the fore the situation of the communities that were subject to hereditary, menial and dangerous jobs. The report presented preliminary concepts and recommendations on how to successfully end discrimination on the basis of work and descent, developing new international standards against discrimination on the basis of caste or occupation.⁹

International Labour Organization (ILO) has dealt with related issues with the help of significant conventions. The Discrimination (Employment and Occupation) Convention, 1958¹⁰ reiterates equality in employment and states that law and programs should be enacted against discrimination on work basis. It also suggests that national monitoring agencies, programs on equal opportunity, and active cooperation between the employer and workers organizations be established. Social origin is identified directly as a forbidden point of discrimination, a concept that India ratified in 1960. Also, the Forced Labour Convention, 1930, seeks to discourage the compulsory or forced labour of any kind hence this would be directly applied to the act of manual scavenging where the marginalized people are usually pressured into manual labour that is degrading.¹¹

In 2007, the UN Committee on the Elimination of Racial Discrimination raised serious concerns about the status of the manual scavengers in India and it was stated that in India, very

⁹ Garima Chawla, *The Grim Reality of Manual Scavenging in India: A Human Rights Perspective*, 8(8) J. Infrastructure Pol'y & Dev. (2024), <https://www.enpress-publisher.com/journal/JIPD/8/8/10.24294/jipd.v8i8.4623> (last visited Feb. 2, 2026).

¹⁰ International Labour Organization, *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)* (ILO convention on equality of opportunity and treatment).

¹¹ International Labour Organization, *Forced Labour Convention, 1930 (No. 29)*, <https://www.ilo.org> (last visited Feb. 10, 2026).

large numbers of Dalits are displaced to work as manual scavengers.¹² This highlights that the practice of manual scavenging does not just exist as a domestic problem but a disregard of internationally accepted human rights and so the need to harmonize the domestic legal structure with the international standards is significant in India.

Constitutional Provisions which apply to Manual Scavengers.

The Indian Constitution offers a strong base to protect the lives of manual scavengers since they are socially and economically excluded groups of people. The following provisions:

Article 14: Ensures the equality before the law and outlaws timeless discrimination.

Article 16(2): Guarantees the non-discrimination in public employment based on caste, and it does not assign occupations by the caste.

Article 17: The untouchability and its social implications are abolished, which goes straight against the hazardous work, as determined by caste.

Article 19(1)(a): Guarantees the freedom of occupation or profession.

Article 21: Guarantees right to life with dignity including safe and dignified working conditions.

Article 23: Outlaws trafficking, forced labour and other forms of exploitation.

Article 41 and 42: Require the state to secure right to work, social assistance and human working conditions.

Article 46: instructs the state to foster the educational and economic growth of Scheduled Castes, Scheduled Tribes and other weaker sections.

Article 47: Requirement to the state to enhance the standards of population health and nutrition.

Article 338: forms the National Commission for Scheduled Castes (NCSC) to check on the protection, enquiring about grievances, and providing recommendations on socio-economic

¹² International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 660 U.N.T.S. 195 (prohibiting discrimination based on descent including caste practices).

progress.

Provisions of the constitution fully tackle the social and occupational aspects of manual scavenging. Articles 14, 17, and 21 of Indian Constitution¹³ offer a basis in the doctrine of judicial intervention in case of caste-based exploitation. Although constitutional requirements are high, the gap between what is enacted in law and what is enforced on the ground is quite evident and thus, doctrinal review of the enforcement mechanisms is necessary.

Legislative Framework in India

India has passed several acts aimed at eliminating the manual scavenging and enhancing the socio-economic welfare of the victims. Key legislation includes:

Protection of Civil Rights Act 1955¹⁴

First the Untouchability (Offences) Act, 1955, which was amended in 1977. The untouchability and other social disabilities were criminalized and made cognizable and non-compoundable crimes.

Scheduled Castes Scheduled tribes (Prevention of Atrocities) Act, 1989¹⁵

This labels some of the actions as an atrocity and imposes severe punishment. Revised in 2015 to criminalize the use of SC/ST persons to work as manual scavengers with a jail term of between six months to five years and a fine.

Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (EMSD Act, 1993)¹⁶

It outlaws the use of manual scavengers and building of dry latrines. It authorizes building and repairing of water-sealed latrines.

¹³ Constitution of India arts. 14, 15, 17, 21, 23 (guaranteeing equality, non-discrimination, abolition of untouchability, and right to life with dignity).

¹⁴ Protection of Civil Rights Act, 1955, No. 22 of 1955 (India) (abolishing untouchability; Untouchability (Offences) Act, 1955, as amended).

¹⁵ Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 of 1989 (India)

¹⁶ Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, No. 37 of 1993 (India)

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSR Act, 2013)¹⁷

Adding to the 1993 Act with the definition reinforcement and rehabilitation actions. Legal accountability was placed on the National Commission of Safai Karamcharis to supervise, redress grievances and enforce.

Safai Karamcharis Act of 1993.

Created an independent authority to assess and oversee plans of sanitation employees and make welfare suggestions.

The National Commission of Scheduled Castes (NCSC)

It formed under Article 338 with the mandate of protecting rights, overseeing the enforcement of safeguards as well as advising the government on socio-economic development programs to be implemented on Scheduled Castes.¹⁸

OBSERVATION

The international regimes underline the responsibility of the state to check the occupational discrimination and the exploitation of vulnerable populations to forced labour. The domestic laws of India are partly compatible with these tools, but there is a weak system of enforcement and surveillance. In theory, these international standards enhance the rationale of incorporating rehabilitation, preventive actions and stringent surveillance into the Indian laws, not just prohibition. The social and occupational aspects of manual scavenging are fully covered in the provisions of the constitution. Articles 14, 17, and 21 offer a legal rationale on judicial intervention on caste-based exploitation. With powerful constitutional directives, there is a gap between law and practice, which underscores the significance of doctrinal assessment of the law enforcement systems. The Indian system of legislation is both comprehensive and criminal, welfare and institutional surveillance. Inconsistent monitoring, doctrinally, enforcement gaps and insufficient rehabilitation remain to be a limiting force in the efficacy of

¹⁷ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, No. 25 of 2013 (India)

¹⁸ Akshaya A., *Critical Analysis on Manual Scavenging in India*, 7(1) Indian J. L. & Legal Res. (2025), <https://www.ijllr.com/post/critical-analysis-on-manual-scavenging-in-india> (last visited Feb. 3, 2026).

these laws. Although the statutory provisions are in line with the constitutional guarantee and international duties, the practice of manual scavenging indicates that the doctrinal reforms, vigilant and enhanced rehabilitation programs are necessary.

The legal system of India complies well with the international conventions as well as with the constitutional requirements. But, in reality, it is not enforced especially in municipal and local levels. The statutory provisions regarding the rehabilitation is available, yet it is not actually being used, and numerous manual scavengers are left without methods or social-economic assistance. The use of courts has been to reinforce constitutional rights, yet its use on a regular basis points to internal loopholes in the work of the legislation. UN and ILO instruments provide paradigms of the more rigorous enforcement, observation, and social re-integration, which India can incorporate to reinforce the framework of its doctrine. Not only are there poor laws that keep manual scavenging alive, but there are also social structures and caste values that are ingrained in society, combined with economic weaknesses, that requires a multi-pronged doctrinal approach.¹⁹

LANDMARK JUDGEMENTS ON MANUAL SCAVENGING IN INDIAN JURISDICTION

The Indian judiciary has always been instrumental in the interpretation and application of constitutional and statutory guarantees against manual scavenging. Courts have stepped in to secure the dignity, safety, and rehabilitation of the manual scavengers through extensive interpretations of Articles 14, 17, 21, 23, etc. Court rulings have done more than merely name legal duties and have also condemned governmental stagnation and have further ordered the more effective implementation of the Prohibition of Employment as Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 2013 (PEMSR Act, 2013) and its predecessor, the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

1. *Safai Karamchari Andolan v. Union of India & Ors., (2014) 4 SCALE 165 (SC)*²⁰

In this landmark verdict, the Supreme Court recognized that manual scavenging is

¹⁹ kmeet Kaur Gandhi, *Manual Scavengers: A Case of Denied Rights*, 4(6) J. Legal Stud. & Res. 82 (2018), <https://journal.thelawbrigade.com/jlsr/article/view/2271> (last visited Feb. 5, 2026).

²⁰ Supreme Court of India, *Safai Karamchari Andolan v. Union of India*, Writ Petition (C) No. 583 of 2003, Judgment (Mar. 27, 2014), <https://main.sci.gov.in> (last visited Feb. 5, 2026).

dehumanizing, undignified, and inhuman act which contravenes the constitutional standards especially Article 17 (abolition of untouchability) and 21 (right to life with dignity). The Court agreed that the 1993 Act and the 2013 Act do not exempt the State of its constitutional duty. It instructed a comprehensive rehabilitation package such as payment to sewer death family and time-limited negotiations to balance manual scavenging work on railroad and urban sanitation, and simplified the benefits of the Act to rehabilitated workers. The Court also ordered the identification of families of sewer workers that had died since 1993 and made justice-oriented rehabilitation important.²¹

2. *Dr. Balram Singh v. Union of India & Ors., W.P.(C) No.324/2020 (SC)*²²

In this case, there was a lot of resentment in the Supreme Court on the failure of the state to take a step towards ensuring the statutory protection against manual scavenging. The bench, consisting of Justices Sudhanshu Dhulia and Aravind Kumar, criticized the government on the delay in enforcement of the 1993 and 2013 Acts and emphasized that accountability mechanisms such as adoption of technology and cancellation of contracts in which the prohibited practices continue need to be put in place. The Court ordered the Union of India to submit elaborate compliance affidavits and remain watchful of the state of progress in eradication of manual scavenging.

3. *Delhi Jal Board v. National Campaign for Dignity and Rights of the Sewerage and Allied Workers, (2011) 8 SC 568 (SC)*²³

The Supreme Court emphasized on the pathetic working conditions and death rate of sewer workers who get into sewer manholes without protective equipment. With references to the death and health risks, the Court rebuked the State on its negligence and reiterated the fact that unsafe sewer cleaning constituted a denial of the right to life and equality. It stressed that court interventions are justified when constitutional rights of discriminated employees continue to be mere mirages even with the statutory provisions.

²¹ National Commission for Safai Karamcharis, *Annual Report 2023–24*, <https://ncsk.nic.in> (last visited Feb. 18, 2026).

²² *Dr. Balram Singh v. Union of India & Ors.*, W.P.(C) No.324/2020 (SC)

²³ *Delhi Jal Board v. National Campaign for Dignity & Rights of Sewerage and Allied Workers*, (2011) 8 SCC 568

4. *Municipal Council, Ratlam v. Vardhichand, AIR 1980 SC 1622*²⁴

Even though, the case under consideration is not a manual scavenging case as such, the Supreme Court decision in this sanitation-related case stated that it is the constitutional obligation of the local authorities to maintain safe and hygienic conditions and that the violation of the rights of the citizens under Article 21 occurs when the local authority does not take care of the sanitation. The case provided the ground-work to subsequent judgments that municipal bodies were involved in the safety of sanitation workers.

5. *In Re: Deaths of Sanitation Workers v. State of Odisha and Ors. W.P(Suo Motu)(Orissa HC, April 2021)*²⁵

After several sanitation workers died in the process of manual scavenging works, the Orissa High Court took the case as suo motu. The Court noted that the practice remains unchanged and is repugnant to judicial conscience and so active judicial supervision is necessary to force state action under the 2013 Act.

6. *Association for Protection of Democratic Rights & Anr. v. State of West Bengal and Ors., (Calcutta HC 2025)*²⁶

According to the Calcutta High Court, the practice of manual scavenging was a disgrace on the conscience of the nation and the Kolkata Municipal Corporation was liable to recompense the deceased (Rs 30 lakh per man) and the injured (Rs 5 lakh per man) in the same manner, and compelled to introduce monitoring committees under the 2013 Act.

7. *Change India Organisation v. State of Tamil Nadu & Ors., (Madras HC, 2018)*²⁷

The state was directed to pay interest on the late compensation owed to the heirs of the manual scavengers who were killed during their duty, a case that supports the need to comply with the directives of the judicial systems on time and welfare rights.

²⁴ *Municipal Council, Ratlam v. Vardhichand, AIR 1980 SC 1622*

²⁵ *Orissa High Court, In Re: Deaths of Sanitation Workers v. State of Odisha & Ors., W.P.(Suo Motu) (Orissa HC Apr. 2021)*

²⁶ *Calcutta High Court, Association for Protection of Democratic Rights & Anr. v. State of West Bengal & Ors. (Calcutta HC 2025)*

²⁷ *Madras High Court, Change India Organisation v. State of Tamil Nadu & Ors. (Madras HC 2018)*

8. *Kolkata Municipal Corporation Vs. Association for Protection of Democratic Rights & Ors., (Calcutta High Court, Pay Rs. 30lakh Compensation to Families in Sewer Deaths, Nov 21 2025).*

In this High Court case, which arose due to a tragic accident involving sewers in 2021, at the Kudghat (south of Kolkata), the Calcutta High Court ruled the Kolkata Municipal Corporation (KMC) liable in the deaths of manual scavengers who were killed during the cleaning of sewer lines. The court denied KMC efforts to put the contracted agencies in the blame game and decided that the municipal authority could not escape the legal and constitutional duties. It ordered compensation of the deceased workers family who were killed to obtain the sum of Rs 30 lakh and through the injured workers to obtain the sum of 5 lakh within three months and two months respectively. The court further ordered the establishment of a statutory monitoring committee to be set under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and an independent police enquiry into the incident. This ruling emphasizes the fact that state and local authorities continue to have a direct duty under anti-manual scavenging legislation as well as to enforce the basic rights of workers.

9. *Chinnamma and Others v. The Karnataka High Court (State of Karnataka)*

This case dealt with the incident of the death of Chenchaiyah who asphyxiated when cleaning a drain. Even though the State compensated 2 lakh, the family claimed that the compensation was not enough and that they needed rehabilitation as per the statutory framework because the compensation-vice-versus-support pivot had always remained open to the long-standing frustration in the context of the families of manual scavengers who had died.

OBSERVATION:

In recent cases like Dr. Balram Singh, the focus of courts has been on the power to eradicate and follow the law. It demonstrate that the Supreme Court anticipates strict adherence to statutory bar and mechanized other alternatives, indicating a change to active judicial implementation in place of passive surveillance. Kolkata Municipal Corporation case shows that municipal authorities are not free to escape the unlawful sewer work by outsourcing. The courts reiterate that constitutional obligations in Articles 14, 17 and 21 apply to any level of

government including civic entities.²⁸ According to decisions, courts have always associated sewer-related deaths and rehabilitation with constitutional dignity and socio-economic justice. The teachings of increased payment and organized rehabilitation solidify the teaching that abolition has to be accompanied by compensation and adaptation.

In a number of cases, Human rights instruments and Jurisprudence against discrimination are applied demonstrating the interpretive approach towards providing compatibility between domestic constitutional protection and international human rights principles. The issue of issuing of monitoring orders, compliance affidavits, and threats of contempt repeatedly by the judiciary promotes that there is a plausible loophole between the law and the action of its executives. Instead of exercising the power of the legislature, courts are filling the enforcement gaps by making sure that the constitutional guarantees are actually put into actual protection on the ground. It is a trend in case law that courts respond to non-action of the executive with correction of fundamental rights, strengthening statutory obligations, and imposing a duty on the government to act, indicating the fundamental importance of the judiciary in the social justice jurisprudence.

COMPARATIVE ANALYSIS - INTERNATIONAL APPROACHES TO PROTECTING MANUAL SCAVENGERS

The countries selected for this comparative study, Brazil, Nepal, South Africa, and Japan have been chosen for their innovative approaches to hazardous sanitation practices and worker protection. The analysis of such models can be used to find the strategies that India can embrace to make legal enforcement more vigorous, occupational hazards less dangerous, and the dignity of sufferers restored.

Brazil:

Mechanization and social inclusion programs have been the principal policies that Brazil has used to tackle the problem of hazardous sanitation work. The mechanical cleaning of sewers in urban centres has greatly substituted the manual cleaning process, significantly decreasing the occupational hazard.²⁹ Sanitation workers are required to wear the right protective gear, get

²⁸ Human Rights Watch, *Cleaning Human Waste: "Manual Scavenging," Caste, and Discrimination in India* (2014), <https://www.hrw.org/report/2014/08/25/cleaning-human-waste> (last visited Feb. 15, 2026)

²⁹ Léo Heller, Human Rights to Water and Sanitation in Brazil: Progress and Challenges, 19 *Health & Hum. Rts. J.* 45 (2017).

training and risk insurance as per national occupational health laws. Moreover, the former low-income or marginalized employees are absorbed into municipal jobs where they are provided with an education, vocational training, and equal wages. The experience of Brazil demonstrates that technological intervention combined with socio-economic support is crucial to get rid of hazardous labor and preserve the dignity of workers at the same time, which India can follow to modernize sanitation work.³⁰

Nepal:

Nepal has followed a ground level approach towards sanitation and rehabilitation. Although, manual scavenging and caste-based sanitation activity existed in history, the laws have now banned this, local societies are engaging in the planning of safe and hygienic sanitation infrastructure.³¹ Vocational training, support of the children of workers, and micro-loans to enable former workers to open small businesses, are some of the benefits of rehabilitation programs. Nepal emphasizes the significance of the involvement of the community and socio-economic rehabilitation demonstrating that it is not enough to prohibit legal (it is necessary to provide practical empowerment as well).³²

South Africa:

The post-apartheid legal and social system in South Africa can be likened to India most in the caste based occupational discrimination.³³ The Employment Equity Act, 1998 and Black Economic Empowerment programs are aimed at the formerly marginalized population, which guarantees representation in the workforce, in the development of skills and in the economic prospects. Compliance is ensured by strong surveillance by labor courts and special agencies. South Africa shows that structural equality with anti-discrimination laws and affirmative action and implementation can be achieved, - offering lessons for strengthening access to dignified employment opportunities for historically marginalized sanitation workers.

³⁰ Ana Lucia Britto & Paulo Cezar Ribeiro, Urban Sanitation and Social Inequality in Brazil, 30 *Int'l J. Urb. Sust Meena Poudel, Caste-Based Discrimination and the Question of Dignity in Nepal*, 41 *Contemp. S. Asia* 327 (2019). *ainable Dev.* 120 (2018).

³¹ United Nations Development Programme (UNDP), Social Inclusion and Livelihood Reform in Nepal, 14 *Asia-Pacific Dev. J.* 77 (2020).

³² Sandra Fredman, Substantive Equality Revisited, 14 *Int'l J. Const. L.* 712 (2016).

³³ Pierre de Vos, Equality, Human Dignity and Affirmative Action in South Africa, 22 *S. Afr. J. Hum. Rts.* 89 (2006).

Japan:

The example of worker safety and dignity is set in Japan. Sanitation work is highly mechanized with the use of robots and sophisticated equipment without any human contact with infectious wastes. The strict labour laws guarantee collective bargaining, health insurance and safe working conditions. Japan also makes public campaigns to normalize sanitation work and dignify it as a skilled and respected job.³⁴ This proves that technology and social perception alteration are two key supplements to the legal activity, which assist employee to uphold dignity as they carry out the necessary duties.³⁵

OBSERVATIONS

In comparative terms, While India possesses a comprehensive legislative framework, challenges remain in effective implementation, mechanization, rehabilitation, and social acceptance. Every nation has something to say, Brazil and Japan are an example of how technology can remove human beings to sanitary and dangerous actions. Mechanized sewer cleaning can also be employed in India to minimize deaths and job related diseases in the country.³⁶ Nepal and Brazil demonstrate that vocational education, training and micro-credits works effectively in the integration of former workers in the mainstream society. The rehabilitation programmes in India as provided by PEMSAR Act, 2013, are underfunded and slow; they can be enhanced by using a holistic approach.

The model of South Africa provides an example that occupational exclusion documented in the past can be defeated by law, affirmative action, and monitoring agencies. India can strengthen enforcement of constitutional guarantees under Article 17 and related legislation and be sure that people will have real access to work without hazards, dignified work. Japan and Nepal emphasize on the importance of carrying out public education programs to eliminate stigma on sanitation work. India should concentrate on the social perception reform and legal and technical intervention. No single country offers a perfect model applicable to India. Nevertheless, an integrated solution, including South African ideas of structural equality, Brazilian and Japanese ideas of mechanization and safety, Nepalese and Brazilian ideas of

³⁴ Kazuo Sugeno, Worker Protection and Industrial Safety in Japan, 39 *Japan Lab. Rev.* 5 (2012).

³⁵ Hiroshi Isozaki, Technological Innovation and Occupational Safety in Japan's Public Sanitation Sector, 18 *Asian J. Law & Soc'y* 201 (2021).

³⁶ Kmeet Kaur Gandhi, *Manual Scavengers: A Case of Denied Rights*, 4(6) *J. Legal Stud. & Res.* 82 (2018), <https://journal.thelawbrigade.com/jlsr/article/view/2271> (last visited Feb. 5, 2026).

rehabilitation, and Japanese and Nepalese ideas of social destigmatization, can contribute toward a comprehensive strategy aimed at eliminating manual scavenging while safeguarding dignity, rights, and livelihoods.

CONSTITUTIONAL FOUNDATIONS AND IMPLEMENTATION CHALLENGES

Constitutional Dimensions and Implementation Challenges

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, the constitutional validity of the Act appears well-supported. Although they might theoretically challenge it based on the principle of Right to Occupation (Article 19(1)(g)), or the federalism, the Act mostly defends human dignity, life, and equality in Articles 21 and 17. The legislation never rejects employment; it only criminalizes discriminatory and hazardous work, rehabilitating and offering alternative sources of livelihood. The Articles 39, 41, 42, and 46 (Directive Principles) support the obligation of the state to defend weaker sections and hence the Act is doctrinally valid. Observation: The constitutional basis is strong; difficulties in relation to occupation or federalism, are weak as the law protects basic rights and social-economic well-being.

Gaps in Enforcement and Implementation.

Still, even with good laws enforcement is the weak link in India; Local and state officials often do not mechanize sewage cleaning and expose individuals to dangerous environments. Section 3 of the PEMSAR Act punishes the use of manual scavengers but Prosecution rates have remained limited, as reflected in judicial observations and government reports. Courts have had to step in repeatedly to enforce statutory protections. Coordination among municipal, state, and central authorities is weak, causing implementation gaps.³⁷

Social-Economic and Cultural Problems.

Studies and policy reports indicate that members of historically marginalized communities, particularly Dalits, remain disproportionately represented in sanitation work. This reflects the continuing intersection between caste-based occupational stratification and economic

³⁷ Sharmila E.J. & L. Chandrakanthi, *A Critical Analysis of Manual Scavenging Laws and Practice in India*, J. Hum. Rts. L. & Prac. (2022), <https://lawjournals.celnet.in/index.php/jhrpl/article/view/1162> (last visited Feb. 6, 2026).

vulnerability.³⁸

Persistent social stigma attached to sanitation labour creates barriers to integration into mainstream employment opportunities. Limited access to education, skill development, and alternative livelihoods contributes to patterns of intergenerational economic marginalization. Gendered dimensions are also evident. Women engaged in sanitation-related labour often face compounded disadvantages, including informal employment arrangements, wage disparities, and limited access to healthcare and social security protections.

Occupational health risks remain a serious concern.

Reports and judicial observations have highlighted instances where sanitation workers enter sewers and septic tanks without adequate protective equipment, exposing them to hazardous gases, infections, and long-term health complications. The availability of vaccination, health insurance, and occupational safety measures remains uneven across regions.

Administrative and structural Problems.

Sanitation governance in India involves multiple institutional layers, including municipal bodies, state governments, and central authorities. This multi-tiered structure can sometimes lead to coordination challenges and gaps in accountability. Identification and enumeration of manual scavengers have also presented difficulties. Judicial observations and policy reports have noted inconsistencies in data collection, which may affect the effective implementation of rehabilitation measures. Rehabilitation programs under the PEMSR Act, 2013, while comprehensive in design, have faced practical constraints in implementation. Concerns have been raised regarding the adequacy of funding, timely disbursement of financial assistance, and accessibility of skill development initiatives.³⁹

Implementation studies and oversight reports have further pointed to administrative inefficiencies and uneven execution of rehabilitation schemes across regions. Strengthening monitoring mechanisms and inter-agency coordination remains essential for ensuring effective

³⁸ R. Dhivya & B. Someswara Rao, *Navigating Rehabilitation of Manual Scavengers: Legal and Policy Perspectives*, 5(4) ShodhKosh: J. Visual & Performing Arts 1640 (2024),

³⁹ Shaila Cannie & Aasavri Cannie, *A Glimpse of Manual Scavenging in India*, 11(1) Indian J. Pub. Health Res. & Dev. (2020), <https://medicopublication.com/index.php/ijphrd/article/view/453> (last visited Feb. 10, 2026).

delivery of statutory protections.

Limitations in Policy

Evidence suggests mechanization gaps persist in rural and semi-urban regions and this has preserved the occupational hazards. PEMSAR Act, 2013 is not heavily enforced and coordinated with other labor laws, so the authorities tend to work poorly together. Nomadic poverty and caste stigma imply that children of the manual scavengers tend to stay in the dangerous employment.⁴⁰

Emerging Issues

The high rate of urbanization has led to an increase in the sanitation structures, especially in growing cities and peri-urban regions. This in some situations has resulted in the persistence of informal or poorly regulated sanitation labour practices. Occupational risks of the sanitation workers may also be escalated by environmental factors such as flooding and inappropriate drainage systems. These circumstances may predispose to risky situations, which makes it essential to have a better safety procedure and technological intervention.

In other areas, although there is increasing mechanization, it is still uneven in smaller towns, rural areas, and informal settlements. Increasing the investment in available and scaleable sanitation technologies can help to minimize reliance on dangerous manual operations. It is also worth considering psychosocial dimensions. The presence of social stigma, occupational exclusion, and precarious employment terms might be factors contributing to mental health difficulties in sanitation workers. The psychological and community reintegration support could be included in the rehabilitation frameworks.⁴¹

Certain areas have informal contractual practices that restrict the ability to access social security coverage, written employment contracts as well as occupational safety. Such vulnerabilities can be overcome by increased labour control and supervision mechanisms. Cases involving death of sewer and septic tanks have focused on payments as supported by judicial directions. But the processes of implementation could also be different in different

⁴⁰ Bezwada Wilson, *Ending Manual Scavenging in India*, EPW (Economic & Pol. Weekly) (2017), <https://www.epw.in> (last visited Feb. 14, 2026).

⁴¹ Jaykumar Bhongale & Oishik Bhattacharya, *Exploring the Plight of Manual Scavengers: Challenges and Suffering*, 2(3) *Revista PsiPro* (2025), <https://revistapsipro.com.br/index.php/psipro/article/view/79> (last visited Feb. 12, 2026)

states, which can cause delays in the process. The accountability could be strengthened through increased standardization and transparency of compensation mechanisms. Differences in the implementation of the policy on state levels also outline the value of the uniformity of the monitoring and the application of the enforcement of the policy in the jurisdictions.

OBSERVATION

Although India has a strong constitutional and statutory system against manual scavenging, the success of these safeguards, however, remains at the degree to which it is sustainable to carry out, monitor and coordinate institutions. Caste and gender-related structural inequalities still determine occupational vulnerability patterns. Legal ban will not necessarily be enough without the generation of socio-economic change and inclusive development approaches. Extensive rehabilitation needs not only financial support, but also a long-term access to education, improvement of skills, healthcare and dignified alternative employment. Occupational health protection, such as mechanization, protective apparatus, insurance, and routine safety supervision, are all important elements of the rights-based approach. Coordination among the agencies and institutional responsibility offers the key to translating the constitutional promises into quantifiable results. Lastly, the experience of other countries of the world indicates that a comprehensive approach that involves anti-discrimination implementation, modernization of technology, social-economic rehabilitation and social awareness will provide a more sustainable way in the quest of the eradication of dangerous sanitation practices without jeopardizing dignity and the right to livelihood.

CONCLUSION

Manual scavenging in India represents one of the most entrenched forms of caste-linked occupational marginalization, shaped by social stigma, economic vulnerability, and institutional neglect. Although there is a strong constitutional and legislative framework, which includes Articles 17 and 21 of the Constitution and such laws as the PEMSAR Act, 2013, the Protection of Civil Rights Act, 1955, and the SC/ST (Prevention of Atrocities) Act, 1989, the practice remains because of ineffective enforcement, administrative laxity, and social-cultural inertia.

Judicial interventions have repeatedly highlighted the inhumanity of manual scavenging and have emphasized the State's obligation to ensure rehabilitation, compensation, and strict

enforcement of statutory protections. Nevertheless, the continued presence of problems like caste discrimination, gender vulnerability, inadequate mechanization, poor health and safety standards and slow rehabilitation show that the legal and policy actions in India have not completely become ground-level protection.

Comparative experiences from countries such as South Africa, Japan, Brazil, and Nepal indicate alternative approaches emphasizing mechanization, enforcement mechanisms, occupational safety, and community-based rehabilitation. As noted in these models, a combination of legislative measure, technological advancement, social reform, and institutional responsibility is necessary to eliminate manual scavenging.

Primarily, although the legal and constitutional framework has been established in India, structural, administrative, and social reforms must be carried out on a huge scale so that the manual scavengers are given dignity, safety, and sustainable livelihood. Without a multi-pronged, integrated strategy, structural vulnerabilities may continue to persist across generations.

RECOMMENDATIONS

According to the doctrinal, socio-economic and comparative analysis, the following recommendations may be offered:

1. Enhancement of Legal Enforcement

All the offenses against the PEMSR Act, 2013, and other applicable laws must be prosecuted with a minimum term of imprisonment and fines as per required actions. Reporting frequently to High Courts or National Commissions on the status of enforcement and especially on deaths, compensation and rehabilitation. Co-ordination PEMSR Act with the labor, municipal, and occupational safety laws.

2. Extensive Rehabilitation and Livelihood Programmes

Strengthen and ensure effective implementation of rehabilitation measures under the PEMSR Act, 2013, including timely disbursement of one-time cash assistance, scholarships for children, skill development training, and access to alternative livelihood schemes.

3. Mechanization and Technological Innovation

Cleaning of sewer and septic tanks, via modern equipment, with severe deadlines concerning municipal and urban entities. The government should stimulate the involvement of the private sector in sanitation mechanization by providing subsidies or government-industry joint ventures. PPE, oxygen kits, safety harnesss, and checking the working conditions should be available and used. Though the introduction of mechanisation and advanced sanitation technology have been realized in cities and some state programs in India, their introduction is uneven and only realized in small towns and rural areas. Increasing investment, training levels and policy encouragement would boost mechanised infrastructure and hazardous labour.⁴²

4. Data Collection and Research

National survey of manual scavengers- Updated inclusive database of rural, urban and industrial areas. Open system of reporting to monitor accidents, injuries, and compensations. The assessment of the effectiveness of rehabilitation programmes and mechanization to inform the refinement of policy.

5. Awareness and Social Reform

Fight against stigma towards Dalits and manual scavenger via media, in school and in the community. Women-specific programs, which safeguard them, provide them with access to health, and empower them economically. A local communities should be encouraged to keep an eye on sanitation and report cases of illegal manual scavenging.

6. Institutional Strengthening

Empowering National Commission for Safai Karamcharis and NCSC, providing them enough funds, powers, and labour to enforce compliance, carry out rehabilitation and assess policies. Annual audits and performance reviews of state authorities on the removal of manual scavenging and introduction of safety measures. The municipal, labour, health, and urban development departments are to be aligned to ensure smooth implementation of laws and the programs.

⁴² Press Information Bureau, Government of India, *Promotion of Mechanised Sewer Cleaning*, <https://pib.gov.in> (last visited Feb. 18, 2026).

7. Lessons and Best Practices at the International Level

Anti-discrimination implementation of South Africa- Be proactive in matters to do with occupational distribution that are based on caste or descent.

Adhere to the model of mechanized sanitation of Japan- It is necessary to focus on technology to avoid the exposure of a person to dangerous wastes.

Rehabilitation in community such as Nepal and Brazil- Incorporate social welfare, education and livelihood initiatives to guarantee long-term social-economic improvement.

Regular examination of laws against international standards: harmonize the policies of Align India with the ILO conventions, UDHR as well as UN CERD recommendations.

8. Emergency and Health Measures

Introduce compulsory PPE, health screenings, vaccination, and insurance. Speedy compensation payment of the death and psychological aid to the families. Then discourage forced labour in the sanitation line of work and deal with those who break the law, be it employers or the authorities.

9. Community-Based Monitoring, Transparency and Accountability Mechanisms

The eradication of manual scavenging in India needs a combined effort, namely, with strict legalization, legal vigilance, technological mechanization, social reform, rehabilitation, and international best practice. The multi-dimensional measures alone will help India meet its constitutional obligation towards equality, dignity and human rights, and eliminate centuries of occupational and social discrimination. The Community-Based Monitoring and Reporting.

Should have local committees, which include civil society organisations, leaders of communities, and ex-manual scavengers, to oversee illegal employment and unhygienic sanitation practice.

Should provide mobile applications and helplines to report violations, monitor complaints, and make sure that the authorities take appropriate measures.

Transparency efforts should be there, Public dashboards that state number of deaths,

rehabilitation and mechanization is used to make authorities answerable.⁴³

10. Legislative and Policy Reforms

Periodically revise anti-manual scavenging laws in order to seal loopholes, enhance the punishments, and integrate new best practices. Develop a national strategy which is combination of enforcement, mechanization, health, rehabilitation and awareness which must be uniform in all states and union territories. Incorporate anti-discrimination provisions in all labor, municipal, and industrial laws to avoid informal employment in dangerous sanitation employment.

⁴³ Ministry of Housing and Urban Affairs, *Urban Governance & Digital Monitoring Initiatives*, <https://mohua.gov.in> (last visited Feb. 17, 2026).

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