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# Manual Scavenging: A Mephitic Heredity of Social Stratum

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## ABSTRACT

*The destructive and suffocative practice of manual scavenging prevails foremost in India and several parts of South Asia. The method involves “manually” or hand-operated removal of the excrements, feces, and sewerages from an unhygienic, and contaminated open place, pit, or toilet. Manual scavenging in India is fundamentally concerned as a caste and class-based differentiated and inherited profession. The practice, already been banned in India is still pervasively in execution till the present era covering most parts of India. The application of manual scavenging in the country is primarily a caste-based, age-old routine involving scavengers from a “particular community” people belonging to which are inherited the profession of such nature. The worsening conditions of scavengers day by day and unavailability of sufficient rights and recognitions from the law regulating the society is a worrisome and perturbing issue in today’s era which remains unaddressed. The perception of being an “untouched” community, the discrimination, the humiliation, the ill-treatment which people practicing the profession are facing has resulted in an unbalanced, biased, and exploited human society to live in which has no parallel in human history. The eradication of the practice can only be done by strengthening the legal pillars of the country while ensuring appropriate protection of the rights and lives of people involved in the concerned profession.*

*This article aims to introduce and bring consciousness on the subject of roots, causes, and genesis of Manual Scavenging with diligent analysis, and promotes, recommends, and propounds advanced technological driven, socially as well as legally pertinent solutions to it.*

**Keywords:** *Manual Scavenging, Discrimination, Caste and Class-based differentiation, Community, Inherited.*

## I. INTRODUCTION

The foundation and fundamental principles of the Republic of India are essentially based on equality, diversity, freedom of speech and expression, liberty, and entitlements to certain other

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privileges. One of the most important and crucial elements which the Constitution of India declares is Equality before law (**Article 14**), the Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth (**Article 15**), Equality of opportunity in matters of public employment (**Article 16**), Abolition of Untouchability (**Article 17**), Protection of certain rights regarding freedom of speech, etc. - (**Article 19**) freedom to practice any profession, or to carry on any occupation, trade or business (**Article 19 (1) (g)**), Protection of life and personal liberty. (**Article 21**)

It's determinable that our Constitution's spirit relies on promoting equality, unbiasedness, and peace and security. However, these pernicious prevalent practices which are classified through race, caste, class result in the degradation of the country's philosophy. The practice of manual scavenging can be observed and spotted in several parts of the nation where people primarily belong to scheduled castes, scheduled tribes, and other socially and economically backward classes clean and sanitized human toilets while manually (hand driven) picking up and disposing of the excreta, wastages, and sewages. The practice of the profession is still in execution in the country despite several legislations, provisions, and acts prohibiting and condemning the practice. It is to bring to note, that this practice is inherited to people through generations. A plethora of legislation was enacted for ensuring an equitable and casteless society, but the conditions of the scavenging communities have remained deplorable.<sup>2</sup>

The worsened factor of Manual Scavenging is that the profession is not only a discriminated practice concerning people's caste, class, community another basis of stratum is gender which majorly contributes towards the execution of the same.

## II. MANUAL SCAVENGING: AN EXPLANATION

The verbatim and literal meaning of manual scavenging refer to sanitizing the unhygienic, disease-ridden, and insanitary area and removing the filthiness of fresh and raw human excreta through hands, shovel or any other manual tools. The waste is commonly picked up and disposed of from dry *latrines*, toilets, or pits of wastes. It is believed and has been observed that the practice of manual scavenging has been in continuance since the sectionalization of the *VARNA* system in India. Varna system is the heredity social stratification or class division of population according to their specific occupation, economic, and social statuses. Primarily, people belonging to the lower caste, scheduled castes, or tribes were appointed or inherited the occupation of cleaning, sanitizing, and of human labor. The employment of manual scavenging still being practiced in the country is carried out majority by Dalits, scheduled castes, and

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<sup>2</sup> <https://ili.ac.in/pdf/paper3.pdf>

scheduled tribes community who are perceived to be the lowest of the social class stratum.

The legally authenticated and recognized definitions of manual scavenging are as follows-

1. **The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993:** 'Manual Scavenger'- "a person engaged in or employed for manually carrying human excreta". The employment of manual scavengers is prohibited as a criminal offense.
2. "Manual scavenger means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or railway track or in such other spaces or premises, as the Central Government or a State Government may notify before the excreta fully decomposes in such manner as may be prescribed, and the expression —manual scavenging shall be construed accordingly."<sup>3</sup>
3. **Prohibition of employment as manual scavengers and their Rehabilitation Act, 2013:** "A person engaged or employed at the commencement of this act or any time, thereafter by an individual or local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on railway track or in such other space or premises, as the central government of a state government may notify before the excreta fully decompose in such a manner as may be prescribed".
4. The ILO (INTERNATIONAL LABOUR ORGANISATION) has categorized 3 classifications of Manual Scavenging:
  1. Removal of human excrement from public streets and "dry latrines" (meaning simple pit latrines without a water seal, but not dry toilets in general)
  2. Cleaning septic tanks
  3. Cleaning gutters and sewers<sup>4</sup>
5. **United Nations Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, Working Group on Contemporary Forms of**

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<sup>3</sup> [https://barti.in/upload/pdf/Manual\\_Scavenging\\_report.pdf](https://barti.in/upload/pdf/Manual_Scavenging_report.pdf)

<sup>4</sup> [https://barti.in/upload/pdf/Manual\\_Scavenging\\_report.pdf](https://barti.in/upload/pdf/Manual_Scavenging_report.pdf)

**Slavery, 27th Session, Geneva, 27-31 May 2002 2.-** "The manual removal of human and animal excreta using brooms, small tin plates, and baskets carried on the head. The allocation of labor based on caste is one of the fundamental tenets of the Hindu Situational Analysis and Recommendations on Manual Scavenging - Rashtriya Garima Abhiyan caste system. Within this system, Dalits have been assigned tasks and occupations which are deemed ritually polluting by other caste communities - such as sweeping, disposal of dead animals, and leatherwork. Because of their birth, Dalits are considered to be "polluted", and the removal of human and animal waste by members of the "sweeper" community is allocated to them and strictly enforced..."

6. **Human Rights Features, HRF/129/05-31/10/2005:** "This 'job' is for Dalits, mainly women, and young girls. The 'tools' used are brooms, small tin plates, and baskets, and true to the perverted logic of caste, the manual scavenger, the person who does the cleaning and carrying of other people's refuse, becomes the 'polluter', someone to be kept at bay, at the margins of society and unworthy of dignity and respect."

While critically analyzing and scrutinizing the above legally applicable and authenticated definitions we can discern that the practice of manual scavenging is strongly condemnable and an inhumane act and is depriving the people of "that" from basic human rights at a very large scale. These people, despite the abundance of existing laws in the country to protect the economic and social community, a safeguard and upliftment, are victims of hatred, prejudice, injustice, untouchability, and bigotry. It is, however, a sad truth in the phase of technological driven, advancement and economic evolution era, India has yet not introduced either a rigid, rigorous, and stringent law or a sophisticated mechanism which can prove to afford protection and nurture such people involved with the profession with basic human dignity.

### **III. MANUAL SCAVENGING IN INDIA: TRACING THE PROBLEM**

Manual scavenging as a practice was widespread in India since the age-old and earliest centuries and also is believed to be in existence since the beginning of human civilization. According to Narada Samhita, manual scavenging is believed to be one of the 15 duties prescribed for a slave. In the Buddhist and Mauryan eras also there have been pieces of evidence in favor of the existence of such practices. Despite, surviving various advancements and developments of human civilization, the "technological driven" environment of India lacks appropriate work substitutions for the labor class of the country. The scavenging castes commonly known as labor class were and are still known by different names in different states like Bhangi, Balmiki, Chuhra, Mehtar, Mazhabi, Lal Begi, Halalkhor, etc. in northern India;

*Har, Hadi, Hela, Dom, and Sanei*, etc., in eastern India; *Mukhiyar, Thoti, Chachati, Pakay, Relli*, etc., in Southern India; and *Mehtar, Bhangias, Halalkhor, Ghasi, Olgana, Zadmalli, Barvashia, Metariya, Jamphoda, and Mela*, etc., in western and central India, also made an effort to get united and have a common name.<sup>5</sup>

The scavengers are the people belonging from such classes and called some above-mentioned names are people manually picking up human wastes with bare hands, brooms or scrappers and other hand-driven tools in an unsanitary environment or from *latrines* and walk a long distance while carrying the waste in a basket to dispose of them. This practice is assumed to be started when the first public toilet was made in Europe around 1214. The plight and pain of the scavengers are way beyond our imagination. These people risk their lives in an unsanitary, disease-prone, hazardous area with a lack of appropriate safety measures and equipment just for earning a handful of earnings facing major exploitative wage work conditions. Apart from economic depravity, the scavengers face social deprivation too. Considered to be untouchables, called by degrading names, exposed to the inhumane work environment, and living a miserable life preserving the interest of socially stratified society, even their children are poverty-stricken and are suffering a severe and damaging lack of basic human dignity, materials, and cultural benefits like education, healthcare, even food. It's been observed and noted that people from such communities experience the lowest life expectancy rate, suffer through major chronic ailments and dysfunctions. Om Prakash Valmiki, a poet who hails from the same caste, comments with anger and disgust simmering within, *"As long as there will be a metal trash can in Rameshwari's hands, the democracy of my nation will be an insult"*.<sup>6</sup>

India has previously worked upon preserving the human rights of its citizen and nurturing them with basic human morality by time and again introducing certain legislative frameworks aiming to uplift and upraise the social as well as the economic status of scheduled castes and tribes (including manual scavengers) such as:

- The Protection of Civil Rights Act, 1955
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993
- The National Commission of Safai Karamchari Act, 1993

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<sup>5</sup> <https://ili.ac.in/pdf/paper3.pdf>

<sup>6</sup> [http://idsn.org/uploads/media/Caste\\_based\\_discrimination\\_-\\_the\\_continuing\\_curse\\_of\\_manual\\_scavenging\\_\\_AHRC\\_2009\\_.pdf](http://idsn.org/uploads/media/Caste_based_discrimination_-_the_continuing_curse_of_manual_scavenging__AHRC_2009_.pdf)

- The National Commission for Scheduled Caste (NCSC)

These legislative frameworks aim and set's one's sights on critically, supervising, and examining the conditions and state of affairs concerning the socially and economically backward classes and communities. However, having somewhere or the other reflected a poor implementation strategy due to lack of proper structure to execute the laws, corruption, rigid societal norms, and class division paved no way out for people involved with such practice to break free from this tremendously shabby occupation. This practice has been strongly condemned by the government but the lack of proper formulation and implementation of a stricter approach towards eradication of this practice has resulted in its failure. The Government of India is still in progress to bring upon a rigid regulation breaking the barriers of social strata and division and promote equality among its citizens. One of its such steps includes the appointment of certain committees working towards recommending, and planning welfare schemes for such communities and providing them rehabilitation resources and competencies. Such committees are:

- Barve Committee
- Kaka Kalekar Commission
- Central Harijan Welfare Board
- Malkani Committee
- Committee on Customary Rights
- Pandya Committee

Modern India progressing and developing significantly is still embedded in social and economical paradoxes. While the law of the country has strictly prohibited the practice there stringent class and caste division has obligated the poverty-stricken practice to be still prevalent in the country. However, as the reports suggest and have been observed that while some of the manual scavengers are assisted and taught to choose certain other alternative occupations they come back and prefer manual scavenging as their sole profession as it requires no specific or technical skills, specialization, and provides additional money and lacks competitiveness amongst the people without any safety insurance. Social prejudices although plays an essential and major role in depriving these communities of choosing alternative occupations or profession to earn their livelihood. In special reference to a feminine class, the characteristics of no sense of competitiveness and no requirement of special skills these women seem to participate at the very large number in manual scavenging. As per a field study, the localities

and societies of these communities are situated outside a common residential area in a city, and people are not allowed and are prohibited from availing themselves of public facilities. The misfortune of such people drives them towards drug addiction, dipsomania, and insobriety. It has also been observed that the propensity of employing and engaging manual scavengers is higher amongst middle-class Muslims due to the purdah system in the absence of modern flush toilet mechanisms.

The Indian Government apart from the above-mentioned initiatives has established various schemes as well which aim to introduce manual sanitization work with the technological extension with maximum effectiveness and efficiency. Some of such schemes include:

- Self-employment scheme for rehabilitation of manual scavenging (SRMS)
- National scheme of liberation and rehabilitation of scavengers and their dependents (NSLRSD)
- Integrated low-cost sanitation scheme
- Nirmal Bharat Abhiyaan (NBA) (2009-14) and Swach Bharat Abhiyaan (SBA) (2014-19)

*"India can send rockets to the moon but we don't want to invest in technology that removes the need for humans to clean toilets manually." - Bezwada Wilson*

#### **IV. WOMEN AND MANUAL SCAVENGING: A GENDER PLIGHT**

*"I had to work with my head veiled. During the rains, my clothes would become drenched with excrement. They would not dry. The house would smell. I started to get skin disease and even to lose my hair."*

*Badami, Neemuch district, Madhya Pradesh, January 2014 (Human Rights Watch 2014).<sup>7</sup>*

Manual Scavenging is generally perceived as a caste, class, and community-based occupation leading to prejudices and biases within the society. However, another aspect of the occupation that makes it a more discriminatory, inhumane, and immoral practice is that women involved in the occupation face severe, grave and drastic discrimination than men involved in the practice. Women, already being a vulnerable class to the depravity of social status, proper healthcare, education, and welfare are even facing a more worsened form of unfairness, prejudices, and intolerance in this occupation. From being paid a lower wage than men, to being underprivileged and reduced to choosing any other alternative occupation to meet ends,

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<sup>7</sup> <https://www.epw.in/engage/article/manual-scavenging-women-face-double-discrimination-caste-gender>

women belonging to such communities are facing a tremendous challenge to survive in such circumstances despite several governmental and legal assistance available. Different surveys being conducted are commonly concluded on the fact that women comprise approximately 80-95% of manual scavengers while a large masses are still unregistered. Research also shows that women belonging to the communities of scavengers being involved in any other alternative work end up cleaning and sanitizing places such as caretaking, cleaning houses, domestic, public, or intuitional regions.

“Women involved in manual scavenging experienced triple oppression.”<sup>8</sup>

Employing people from economically and socially deprived backgrounds is violence in itself. Through various inspections and investigations, it's been found and concluded that women practicing this occupation do not only face discrimination and biases but are exceedingly facing violence, assault, and exploitation. Both men and women are reportedly the victims of violence involved in this occupation. However, a large number of women have reported cases of domestic violence due to their unfavorable work conditions and environment, sexual assaults from the employer, roughness from people at public places and facilities, stipulating a tendency to discriminate scheduled castes while perpetuating roots to toxic patriarchy and masculinity. The practice of manual scavenging is living proof of an unbending cast conscious society where untouchability is still perceived. Various studies have depicted that both men and women face untouchability on daily basis due to the stigmatization of their castes and the class they belong to. Women, on the other hand, face away much more discrimination than men in the very same aspect.

"Taking an average of the above responses to measure the realization and consciousness of caste, stigma, and untouchability, 65% of the women said that they feel being discriminated based on caste and considered untouchable in contrast to 75% of the men. Men have a stronger realization of caste discrimination and untouchability than women. 50% of both men and women have said that they have faced or experienced untouchability. Almost all of them have said that they experienced untouchability in public places like shops, markets, or bazaars. So it can be assumed that there is limited interaction with people from other castes or the caste attitudes and behavior of the dominant caste is so internalized that it has been normalized and not realized as an act of untouchability."<sup>9</sup>

The practice of manual scavenging has been also reported to pass on to young girls after their

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<sup>8</sup> <https://idronline.org/article/gender/advancing-the-rights-of-women-manual-scavengers/>

<sup>9</sup> <https://www.wateraidindia.in/sites/g/files/jkxoof336/files/status-of-women-engaged-in-manual-scavenging-report-based-on-a-baseline-survey-undertaken-in-2018-in-four-states-of-india.pdf>

marriage by the elder women of the family as a hereditary profession clarifying the fact that financial trouble is not only the sole purpose for opting for the occupation. It has also been analyzed that women are paid much less than men they hardly make 10/- to 20/- by fortune, and sometimes they even carry out the work without any monetary benefits. It is indeed a predicament that besides facing a severe financial crisis the women are facing severe, irretrievable injuries both physical and mental, and chronic disease resulting in their deteriorating health. *"Scavenging exposes them to noxious gases, impairing their gastrointestinal, musculoskeletal, respiratory, cardiovascular, and reproductive organs. They suffer from rashes, rotting of skin, permanent hair loss, nausea, breathlessness, palpitations, sore throat, loss of libido, and bear frequent infections (Rashtriya Garima Abhiyan 2018). In some instances, these toxins become carcinogenic resulting in fatalities (Tiwari 2008). They have negligible access to healthcare services, benefits of the public distribution system (PDS), Anganwadi services, housing schemes, among other government welfare measures. So far, there has been no data from the government on the percentage of female manual scavengers who are deprived of these basic amenities."*<sup>10</sup>

***"I was three or four months pregnant. There was no one to help me carry the heavy baskets. We then had to collect the feces, carry it on our head and our hips, and then go and throw it somewhere else. Because of that reason, my baby miscarried."***

***-Kiran, Maharashtra (Human Rights Watch Report 2014)***

Scavenging is a heinous, barbarous, and unsympathetic practice resulting in violations of various

ous national and international regulations and conventions in abundance, every time a person enters a sewage pit to pick up the human waste and sanitize for others while exposing oneself to disease-prone, dangerous, and life-risking work area without any safety hazards or precautions being taken for handful of money which hardly meets his basic human necessities.

## **V. INTERNATIONAL CONVENTIONS**

There have been several discussions on the ill effects of manual scavenging on several international platforms, especially in the UN. However, the initiatives been taken were not sufficient enough to eradicate the problem from its roots. One of such initiatives include in the year 2009 the sub-commission constituted special rapporteurs aiming to promote, advance, and encourage human rights and exterminate work-based discrimination on a global level.

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<sup>10</sup> <https://www.epw.in/engage/article/manual-scavenging-women-face-double-discrimination-caste-gender>

*"The report of the special rapporteurs, which contains draft principles and guidelines for the Effective Elimination of Discrimination Based on Work and Descent, is one of the major developments in evolving norms and standards regarding discrimination based on work and descent or caste. Discrimination (Employment and Occupation) Convention, 1958 deals with the issue of work-related discrimination and promotes equality in employment and occupation and also this convention states that government needs to adopt the laws for combating discrimination through the creation of educational programs for equal opportunity, adoption of national policy on an equal opportunity, full cooperation with employers and workers organization. This convention also states government establishes a national agency on equal opportunity along with the repeal of inconsistent laws and practices. Social origin is one of the grounds of prohibited discrimination and was ratified by India on June 3, 1960. Regarding forced labor, International Labour Organisation (ILO) has adopted the Forced Labour Convention, 1930 to suppress the use of forced or compulsory labor in all its forms. In 2007, the annual report of the Committee on the Elimination of Racial Discrimination of the UN expressed serious concern about the deplorable conditions of manual scavengers in India. It stated The Committee notes with concern that very large numbers of Dalits are forced to work as manual scavengers."<sup>11</sup>*

## VI. JUDICIAL INTERVENTION

The judiciary notably has been taken various active steps and courses of action to command the restrictive practice of manual scavenging. Time and again the court of law is conveying the various rights enshrined under the constitution of the country to the socially and economically deprived communities and has been condemning discrimination of any form. Through liberally interpreting Article 21 of the Indian Constitution in various judgments involving facts of the same nature, the judiciary is endeavoring to achieve and strengthen a strong, unbiased, and uplifted society.

With the help of recent judgments and commentary been passed by the courts, the judiciary has taken uncompromising and unbending courses of action to curb the practice and also to eliminate and eradicate the same at the earliest.

### **(A) Safai Karamchari Andolan vs. Union of India<sup>12</sup>**

**Bench:** P Sathasivam, Ranjan Gogoi, N.V. Ramana

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<sup>11</sup> <https://ili.ac.in/pdf/paper3.pdf>

<sup>12</sup> Number 583 of 2003 (Other Reference)(2014) 11 SCC 224 (Other Reference) ILDC 2829 (IN 2014) (OUP reference)

The Supreme Court of India acknowledged and condemned the fact that the practice and profession of manual scavenging are barbaric, inhumane, and lacks dignity. The Supreme Court further noted that article 17 and article 21 of the Indian Constitution have been actively recognized in the PEMSAR Act, 2013 as the rights of people engaged in cleaning sewage, septic tanks, and railway tracks. P. Sathasivam CJ, said that "the official statistics of the Ministry of Social Justice and Empowerment for the year 2002-2003 put the figure of identified manual scavengers at 6, 76,009. Of these, over 95 percent are Dalits, compelled to undertake this denigrating task."

"Supreme Court laid down following propositions with regards to the rehabilitation of manual scavengers:

If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:

(a) Sewer deaths – entering sewer lines without safety gears should be made a crime even in emergencies. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.

(b) Railways – should take a time-bound strategy to end manual scavenging on the tracks.

(c) Persons released from manual scavenging should not have to cross hurdles to receive what is their legitimate due under the law.

(d) Provide support for dignified livelihood to safai karamchari women by their choice of livelihood schemes.

i. Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs.10 lakhs for each such death to the family members depending on them.

ii. Rehabilitation must be based on the principles of justice and transformation. Supreme Court stressed the rehabilitation of manual scavengers by part IV of the PEMSAR Act, 2013.

The Supreme Court directed the state governments and union territories to fully implement various provisions of the PEMSAR Act, 2013 and take appropriate action for non-implementation as well as violation of provisions contained in the PEMSAR Act, 2013"<sup>13</sup>

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<sup>13</sup> <https://ili.ac.in/pdf/paper3.pdf>

**(B) Delhi Jal Board vs. National Campaign for Dignity & Rights of Sewerage & Allied Workers<sup>14</sup>**

The Supreme Court of India bypassing this landmark judgment has called undue attention to the ill effects of manual scavenging as a profession. Foregrounding the pain and plight of the workers involved in the practice the court regretted the conditions and circumstances these workers have to face each day risking their lives without any safety hazards, are being deprived of basic human rights and dignity.

The supreme court while referring to a report stated that:

*"The workers are suffering from high mortality and morbidity due to exposure at the workplace. 33 workers had died in the last 2 years due to accidents while working on the blocked sewer lines...59% of the workers enter underground sewer manholes more than 10 times a month and half of them have to work more than 8 hours a day... 41 workers have reported syncope, and other 24 reported temporary loss of consciousness. A little over 1/3 of the workers had been immunized against tetanus while none of them had been vaccinated against hepatitis B. Approximately 46 % of workers across all age groups were found to be underweight according to Body Mass Index (BMI) calculation...All daily wagers were getting a wage of approximately 2950 rupees per month without any other benefit irrespective of the service period."*

The Supreme further observed that:

*"Whenever one of the three constituents of the State i.e., judiciary, has issued directions for ensuring that the right to equality, life and liberty no longer remains illusory for those who suffer from the handicaps of poverty, illiteracy and ignorance and directions are given for implementation of the laws enacted by the legislature for the benefit of the have-nots, a theoretical debate is started by raising the bogey of judicial activism or judicial overreach and the orders issued for benefit of the weaker sections of the society are invariably subjected to challenge in the higher courts. In a large number of cases, the sole object of this litigation exercise is to tire out those who genuinely espouse the cause of the weak and poor."*

***"Why are you not providing them masks and oxygen cylinders? In no country in the world, people are sent to gas chambers to die. Four to five people are dying due to this every month," said the Bench, comprising Justices M.R. Shah and B.R. Gavai.***

***"Despite the constitution abolishing untouchability in the country, I am asking you, people,***

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<sup>14</sup> (Civil Appeal NO. 5322 of 2011, arising out of Special Leave Petition (Civil) No. 12345 of 2009)

*do you shake hands with them? The answer is no. That is the way we are going on. The condition must improve. We have moved 70 years since Independence but these things are still happening,” - Justice Mishra*

## **VII. RECOMMENDATIONS: A STEP TOWARDS PROGRESS**

As we have already discussed above, how intensely condemnable is the practice of manual scavenging is? Despite, several steps being taken by the government and the judicial pillars of the country the plight, pain, and suffering of the workers continue to worsen day by day. Many NGOs, welfare organizational initiatives to address the unaddressed and untouched sad state of the workers and the underprivileged communities the favorable steps taken eventually fail due to rigid connections and linkage of castes, classes, and occupations. The practice of manual scavenging will always remain a severe danger to human rights until it is completely eradicated from its roots. This has not only resulted in unnatural and suffocative deaths of the workers, has not only caused poverty but has also stooped to the lowest degree to degrade the environment as well by exposing harmful and poisonous gases in areas through human wastes. The main issues which the author can analyze which are failing implementation of welfare policies are corruption, failure of states to provide rigorous attention to such practices in the households, deficiency of proper and adequate legal provisions, and struggle to access the criminal justice system, rigid societal norms and caste-based division in every aspect of a human life imposing threats to underprivileged class, lack of sufficient rehabilitation and better employment facilities, failure to recognize and identify the plight and circumstances the workers are living in.

The author recommends and encourages the following solutions to be validated:

- Establishment of constructive and operative linkage between public and private authorities for successful implementation of the policies including time to time supervision and monitoring by the local or state authorities.
- Introduction and establishment of more stringent laws and regulations in the country for elevating the conditions of the underprivileged class.
- Awareness, consciousness, and action- people from households must be made aware of the concerned issue and take necessary steps to abolish the practice of scavenging.
- Railway authorities should look into any other alternative methods despite employing workers for handpicking of human waste from railway tracks and must act authoritatively.

- Various sanitation programs, schemes, and plans of action must be organized while acknowledging the plight of the workers.
- Support systems, financial assistance such as loans, additional incomes, free ration, and mental health assistance, housing schemes to improve the living conditions must also be taken into consideration.
- The employer must undertake the whole responsibility of his employee that all necessary precautions and safety measures are being duly taken.
- Laws, rules, and regulations must be made as stringent as seems necessary to the person encouraging the practice, and courses of action must be initiated to ensure total abolition of the practice.

## VIII. CONCLUSION

***The harsh reality is that not every Dalit is a sanitation worker but every sanitation worker is a Dalit.<sup>15</sup>***

We are living in a country in a country of cast diversity, between people of a different race, caste, sex, perspectives, ideas, and different norms. But, what makes us live together is the fact that we are "humans" and that is what makes us survive each day on this planet. Living as a human being referred to as the most intelligent being comes up with lots of responsibilities and duties inherited at that very time when we are born as one. Responsibility to conserve the resources, responsibility to respect and ensure a dignified life to every other breathing human, and responsibility to leave the planet as a peaceful and untroubled place. However, as we are moving towards technological advancements and developments, the humanity within us seems to be diminishing day by day. The caste-bended, class-divided society and toxic patriarchy still prevailing in the era of the 21st century is indeed a sad truth. The plight, pain, and suffering of manual scavengers are way more intense than we can even imagine. From being deprived of basic human dignity to having experienced unnatural and suffocative deaths these people are highly deprived of their right to even be born as human beings. India has a long way to go to eradicate the practice from its roots by barring various social, political, and economical hurdles and evil practices.

***"I may not be born again but if it happens, I would like to be born into a family of scavengers, so that I may relieve them of the inhuman, unhealthy and hateful practice of carrying night soil"- MAHATMA GANDHI.***

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<sup>15</sup> <https://ijcrt.org/papers/IJCRT1807036.pdf>