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MANUAL SCAVENGING LAW VS GROUND REALITY

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ABSTRACT

Manual scavenging remains one of the most disturbing realities in India, reflecting a deep gap between legal progress and social reality. Despite strong constitutional protections and specific laws aimed at abolishing this practice, it continues to exist in various parts of the country, particularly affecting marginalized communities. This study focuses on understanding manual scavenging not just as a legal issue, but as a human rights concern rooted in caste-based discrimination, poverty, and systemic neglect.

Over the years, the government has introduced important legal reforms, including the 1993 Act and the more comprehensive 2013 legislation, which not only prohibits manual scavenging but also emphasizes the rehabilitation of those engaged in it. Additionally, judicial interventions—especially in landmark cases like *Safai Karamchari Andolan v. Union of India*—have reinforced the idea that this practice violates the fundamental right to live with dignity. However, the continued occurrence of sewer deaths and unsafe sanitation work shows that the implementation of these laws remains weak. This study highlights the stark contrast between what the law promises and what actually happens on the ground. In states like Tamil Nadu, several real-life incidents reveal that workers are still forced to clean septic tanks and drains without safety equipment, often leading to fatal consequences.

These incidents are not isolated but point to a larger pattern of negligence, lack of accountability, and failure of local authorities to enforce existing laws. The persistence of manual scavenging also reflects the continuing influence of caste hierarchies, which push certain communities into degrading occupations.

The research further examines the role of constitutional provisions such as Articles 14, 17, and 21, which guarantee equality, abolish untouchability, and protect the right to life and dignity. While these provisions provide a strong legal foundation, their true value depends on effective implementation and social acceptance. The study argues that legal reforms alone are not enough; there must also be a shift in societal attitudes and greater awareness about the dignity and rights of sanitation workers.

In conclusion, this study emphasizes that manual scavenging is not merely a sanitation issue but a serious violation of human rights and social justice. Bridging the gap between law and reality requires a combined effort from the government, judiciary, and society as a whole. Only through strict enforcement of laws, proper rehabilitation measures, and a change in social mindset can India move closer to completely eradicating this inhumane practice.

Manual Scavenging - Law vs Ground Reality:

Manual scavenging is one of the most painful reminders that even in a country striving toward modernization and equality, deeply rooted social inequalities continue to exist. It refers to the inhumane practice of manually cleaning, carrying, or disposing of human excreta from dry latrines, open drains, or sewers. Despite legal prohibitions and repeated assurances by the government, this practice still persists in several parts of India, especially affecting marginalized communities. What makes this issue more troubling is not just its existence, but the contradiction between what the law promises and what people experience in their everyday lives.

The Indian legal system has taken clear steps to eliminate manual scavenging. Laws have been enacted with the intention of completely abolishing this degrading occupation and rehabilitating those forced into it. These include the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, and later, a more comprehensive law, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. On paper, these laws appear strong and progressive. They recognize manual scavenging as a violation of human dignity and aim not only to prohibit the practice but also to provide alternative livelihoods, financial support, and social integration for affected individuals.

However, the ground reality tells a very different story. Even today, news reports and independent surveys continue to reveal that manual scavenging has not been fully eradicated. People are still being employed to clean septic tanks and sewers without proper safety equipment, often risking—and sometimes losing—their lives. These workers are frequently invisible to society, and their struggles go unnoticed or unaddressed. The gap between legal provisions and actual implementation raises serious questions about governance, accountability, and social awareness.

One of the major reasons for the persistence of manual scavenging is the deep connection it has with caste-based discrimination. Historically, this work has been forced upon certain communities, who have been socially and economically marginalized for generations. Even

when opportunities for alternative employment are provided, social stigma and lack of education or skill training make it difficult for individuals to break free from this cycle. As a result, manual scavenging continues not just as an economic issue, but as a social injustice rooted in centuries-old practices.

Another important factor contributing to this issue is the lack of proper infrastructure. In many rural and semi-urban areas, the absence of modern sanitation systems leads to continued reliance on manual cleaning methods. Even in urban areas, poorly maintained sewage systems and the absence of mechanized cleaning equipment force workers to enter hazardous environments. This not only violates the law but also exposes workers to serious health risks, including respiratory problems, infections, and even death due to toxic gases. While the law mandates strict penalties for employing manual scavengers, enforcement remains weak. In many cases, violations go unreported or are ignored due to lack of awareness or fear of losing livelihood. Moreover, the process of identifying and rehabilitating manual scavengers has been slow and often ineffective.

Many individuals who are eligible for government schemes are either unaware of them or unable to access them due to bureaucratic hurdles. This further widens the gap between legal intent and actual impact.

The judiciary, at times, has intervened to address this issue, emphasizing the need to uphold human dignity and ensure the effective implementation of laws. Courts have recognized that manual scavenging is not just a legal violation but a fundamental human rights issue.

However, judicial directions alone are not enough unless they are supported by strong administrative action and social change.

At its core, the issue of manual scavenging is not just about law enforcement—it is about changing mindsets. It requires society to acknowledge the dignity of every individual and to reject practices that dehumanize certain sections of people. Awareness campaigns, education, and community participation play a crucial role in bringing about this transformation. At the same time, the government must ensure that policies are not just implemented on paper but translated into real, measurable change on the ground.

LEGAL REFORMS:

Legal reforms addressing manual scavenging in India have evolved over time, reflecting a growing recognition of the need to protect human dignity and eliminate caste-based exploitation. Initially, the issue received limited legislative attention, but increasing awareness

and activism led to the development of more comprehensive legal frameworks. These reforms aim not only to prohibit the practice but also to ensure rehabilitation, social justice, and accountability for violations.

The first major legislative step was the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. This law primarily focused on banning the construction and use of dry latrines and the employment of manual scavengers. While it marked an important beginning, its implementation was weak. The Act lacked strict enforcement mechanisms and did not provide sufficient provisions for the rehabilitation of those engaged in manual scavenging. As a result, the practice continued in many parts of the country despite being legally prohibited.

Recognizing the shortcomings of the 1993 law, the government introduced a more robust and comprehensive legislation—the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. This Act expanded the definition of manual scavenging and explicitly prohibited hazardous cleaning of sewers and septic tanks without protective equipment. Importantly, it shifted the focus from mere prohibition to a rights-based approach by including detailed provisions for the identification, liberation, and rehabilitation of manual scavengers. It mandated financial assistance, skill development, housing, and alternative employment opportunities for affected individuals.

Another significant development in the legal framework was the intervention of the judiciary. In the landmark case of *Safai Karamchari Andolan v. Union of India*, the Supreme Court strongly condemned the continuation of manual scavenging and issued clear directions to the government. The Court emphasized that the practice violates fundamental rights, particularly the right to life and dignity under Article 21 of the Constitution. It also directed the government to provide compensation to the families of workers who died while cleaning sewers, highlighting the need for accountability and humane treatment.

In addition to these laws, various government schemes have been introduced to support the rehabilitation process. Programs like the Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) aim to provide financial aid and training to help individuals transition into alternative livelihoods. However, the effectiveness of these schemes depends largely on proper implementation and awareness among beneficiaries.

Despite these progressive reforms, challenges remain in ensuring that the law translates into real change. Issues such as poor identification of manual scavengers, delays in rehabilitation, and lack of strict enforcement continue to hinder progress. In many cases, local authorities fail

to take responsibility, and violations go unpunished. This highlights the need for stronger monitoring mechanisms and greater accountability at all levels of governance.

Furthermore, recent legal discussions have emphasized the importance of mechanizing sanitation work to completely eliminate the need for human intervention in hazardous conditions. The push for technological solutions, combined with strict legal enforcement, represents the next phase of reform in this area.

1. Government of India, *The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013*, which legally bans manual scavenging and provides for rehabilitation measures.
2. Government of India, *The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993*, the first legislative attempt to eliminate the practice in India.
3. *Safai Karamchari Andolan v. Union of India*, where the Supreme Court held that manual scavenging violates fundamental rights and directed compensation for sewer deaths.
4. Article 17 of the Constitution of India abolishes untouchability and prohibits its practice in any form, forming the constitutional basis against manual scavenging.
5. Article 21 of the Constitution of India guarantees the right to life with dignity, which is violated by the inhumane conditions of manual scavenging.
6. National Commission for Safai Karamcharis (NCSK), *Annual Reports*, highlighting the continued existence of manual scavenging despite legal prohibitions.

SIGNIFICANCE OF STUDY:

The significance of this study lies in its attempt to critically examine the gap between legal provisions and the actual conditions faced by individuals involved in manual scavenging. Although India has enacted strong laws to abolish this practice, its continued existence highlights a serious disconnect between policy and implementation. By analyzing this gap, the study brings attention to the limitations of legal reforms and emphasizes the need for more effective enforcement mechanisms.

This study is also important because it sheds light on the lived experiences of marginalized communities who are directly affected by manual scavenging. It goes beyond legal texts and policies to understand how social stigma, caste-based discrimination, and economic vulnerability continue to trap individuals in this occupation. In doing so, the study gives a voice

to those who are often ignored in mainstream discussions and highlights the human cost of institutional failure.

Another key significance of this research is its contribution to the broader discourse on human rights and social justice. Manual scavenging is not merely a sanitation issue—it is a violation of basic human dignity and equality. By examining this practice through a legal and social lens, the study reinforces the idea that true development cannot be achieved without addressing systemic inequalities. It also aligns with constitutional values such as the right to life, equality before law, and protection against discrimination.

The study further serves as a valuable resource for policymakers, legal scholars, and social activists. It identifies gaps in existing laws, challenges in implementation, and areas where reform is needed. This can help in formulating more effective policies and strategies aimed at complete eradication of manual scavenging. Additionally, it encourages the government and concerned authorities to take more accountability and adopt a more proactive approach.

Moreover, the research highlights the importance of awareness and education in bringing about social change. Legal reforms alone are not sufficient unless there is a shift in societal attitudes. By spreading awareness about the issue and its implications, the study contributes to breaking stereotypes and reducing stigma associated with affected communities.

Finally, this study holds practical significance as it can guide future research and advocacy efforts. It opens up avenues for further investigation into related areas such as rehabilitation policies, technological interventions in sanitation, and the role of local governance. Overall, the study aims to bridge the gap between law and reality, ensuring that the promise of justice and dignity is not limited to paper but is experienced in everyday life.

CONSTITUTIONAL PROVISIONS

The Constitution of India provides a strong foundation for addressing the issue of manual scavenging, as it guarantees fundamental rights that uphold human dignity, equality, and social justice. Even though the Constitution does not explicitly mention manual scavenging, its provisions clearly condemn practices that degrade human beings and perpetuate discrimination. These constitutional safeguards play a crucial role in shaping laws and policies aimed at eliminating manual scavenging and protecting the rights of affected individuals.

One of the most important constitutional provisions in this context is Article 14, which guarantees equality before the law and equal protection of the laws. Manual scavenging, being largely imposed on certain marginalized communities, directly violates this principle of

equality. When individuals are forced into such degrading work due to their caste or social status, it reflects a failure to ensure equal treatment and opportunities. Article 14 thus forms the basis for challenging discriminatory practices and demanding equal rights for all citizens. Article 15 further strengthens this framework by prohibiting discrimination on grounds of religion, race, caste, sex, or place of birth. Since manual scavenging is deeply linked to caste-based discrimination, this provision becomes highly relevant. It empowers the State to take affirmative measures to uplift socially and educationally backward classes. Through this article, the Constitution not only prohibits discrimination but also allows the government to introduce welfare schemes and protective measures for those affected by manual scavenging. Another significant provision is Article 17, which abolishes “untouchability” and forbids its practice in any form. Manual scavenging is widely recognized as a continuation of untouchability, as it forces certain communities into degrading occupations and reinforces social exclusion. By abolishing untouchability, Article 17 directly challenges the social norms and practices that sustain manual scavenging. It also makes the enforcement of such practices a punishable offense, thereby providing a strong legal tool to combat this issue.

Article 21, which guarantees the right to life and personal liberty, has been interpreted by the judiciary to include the right to live with dignity.

Manual scavenging, by its very nature, violates this right, as it exposes individuals to inhumane working conditions, health hazards, and social humiliation. The courts have repeatedly emphasized that the right to life is not limited to mere survival but includes the right to a dignified existence. This interpretation has been instrumental in addressing issues related to manual scavenging and ensuring that affected individuals are treated with respect and humanity.

In addition to fundamental rights, the Directive Principles of State Policy also play a vital role in guiding the State’s actions. Article 38 directs the State to promote the welfare of the people by securing a social order based on justice—social, economic, and political. Eliminating manual scavenging aligns with this objective, as it aims to remove a deeply unjust and exploitative practice. Similarly, Article 39 calls for adequate means of livelihood and protection against exploitation, which are essential for rehabilitating manual scavengers and providing them with alternative employment opportunities.

Article 41 emphasizes the right to work, education, and public assistance in cases of unemployment and economic hardship. This is particularly relevant for individuals transitioning out of manual scavenging, as they require support in finding new livelihoods.

Article 42, which focuses on just and humane conditions of work, further reinforces the need to ensure safe and dignified working environments for all workers, especially those in sanitation-related jobs.

Furthermore, Article 46 directs the State to promote the educational and economic interests of Scheduled Castes and other weaker sections and to protect them from social injustice and exploitation. Since manual scavenging predominantly affects Scheduled Castes, this provision is highly significant. It mandates the government to take special care in uplifting these communities and eliminating practices that perpetuate their marginalization.

The judiciary has also played a crucial role in interpreting and enforcing these constitutional provisions. Courts have consistently recognized manual scavenging as a violation of fundamental rights and have directed the government to take concrete steps for its eradication and for the rehabilitation of affected individuals. These judicial interpretations have strengthened the constitutional framework and ensured that the issue receives the attention it deserves.

1. Ministry of Social Justice and Empowerment, *Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)*, aimed at providing financial and skill-based support.
2. Safai Karamchari Andolan, a movement actively working towards the eradication of manual scavenging and rehabilitation of workers.
3. Human Rights Watch, “*Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India*”, which documents the social and human rights aspects of the issue.
4. Madras High Court observations in various cases highlighting continued sewer deaths and lack of enforcement in Tamil Nadu.
5. Census of India Reports (2011), which recorded the presence of insanitary latrines and manual scavengers across several states.
6. International Labour Organization (ILO), reports on hazardous sanitation work and the need for safe and dignified working conditions globally.

REAL INCIDENT IN TAMIL NADU BETWEEN 2025-2026:

1. Tiruppur Sewage Tank Deaths (2025)

One of the most tragic and recent incidents occurred in Tiruppur district in May 2025. Three young men—Saravanan, Venugopal, and Hari Krishnan—lost their lives while cleaning a

sewage tank in a private dyeing factory. They entered a deep tank without any safety equipment and were exposed to toxic gases, leading to suffocation. A fourth worker survived but was critically injured. All the victims belonged to Scheduled Caste communities, showing how caste-based occupation still continues despite legal bans.

This incident clearly reflects the harsh ground reality—while laws prohibit manual scavenging, workers are still forced into dangerous conditions without protection. It also highlights the role of private contractors and industries in continuing this illegal practice.

2. Trichy Drainage Death Case (2025)

In another shocking incident in Tiruchirappalli (Trichy), two contract workers died while cleaning a drainage system. One worker collapsed after entering the drain due to toxic fumes, and the second worker, who attempted to rescue him, also lost his life.

This incident shows how manual scavenging not only endangers workers but also creates chain fatalities, where rescue attempts turn fatal. It highlights the complete absence of safety protocols and emergency preparedness.

3. Continuous Deaths Despite Court Orders (2025–2026)

Even after strict directions from the Madras High Court to eliminate manual scavenging, Tamil Nadu has continued to witness multiple deaths. Reports indicate that several fatalities were recorded in 2025 alone, showing little improvement in implementation. Authorities were even directed to file criminal cases against officials and contractors responsible, but enforcement remains weak.

This reflects the major gap between legal frameworks and ground-level execution, where judicial orders fail to bring immediate change.

4. Ongoing Sewer Death Crisis (2024–2026)

Data from activists and organizations shows that deaths due to manual scavenging continue across India, including Tamil Nadu. Many workers still enter septic tanks and sewers manually, often without any protective gear. Reports from 2026 highlight that such deaths are still being recorded regularly, raising serious concerns about governance and accountability. These recurring incidents demonstrate that manual scavenging is not an isolated problem but a systemic failure involving poor enforcement, lack of mechanization, and social inequality.