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Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

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Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



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Head & Associate Professor

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Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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LAWS RELATING TO MANUAL SCAVENGING IN INDIA

AUTHORED BY - ANKIT KUMAR MOHANTY

“I may not be born again but if it happens, I will 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

I- INTRODUCTION

After 65 years of independence, the nation is still fighting a losing battle to outlaw manual scavenging, one of the most dehumanising practises in human history. Meanwhile, we have ignored the fact that many state and municipal governments regularly hire people to clean sewage, a job that is just as demeaning. To this end, the highest court and several advocacy and human rights organisations have all weighed in on the matter at hand.

Scavenging human waste from places like dry latrines and sewers by hand is known as "manual scavenging." Manual scrounger is characterized as "an individual drew in or employed...by an individual or a neighborhood authority or an office or a worker for hire, for physically cleaning, conveying, discarding, or in any case taking care of in any way, human excreta in an insanitary lavatory or in an open channel or pit into which the human excreta from the insanitary restrooms are released." This definition is tracked down in Segment 2 (g) of the Restriction of Work as Manual Scroungers and their Recovery Act The act of manually lifting and removing human waste from both private and public dry latrines is referred to as "manual scavenging." For a long time, manual toilet emptying was the norm in Africa and China; yet, no specific social category or gender was assigned to this task. In India, those at the bottom of the social structure are the ones expected to do the work of cleaning up the dirt from the night before. Night soil evacuation, which involves eliminating human feces from dry latrines utilizing just exposed hands, brushes, or metal scrubbers, and pulling trash and containers to removal offices, may constitute the greatest degree of human rights violation possible.

India has engaged in manual scavenging for many centuries. It has deep roots in the caste-based occupational structure of India. Even now in India, caste discrimination and the brutal untouchability practise persist, and manual scavenging is a prime illustration of this. So much

freedom and government effort haven't been able to eradicate the caste system that has persisted in our culture for centuries.

People still today in our nation pursue employment that were sanctioned depending on a person's caste in earlier times. It would be hard to believe that people choose to work "manually scavenging" voluntarily? The majority of people working in this dangerous and inhumane job are still Dalits, who were historically regarded as being at the bottom of the Indian caste system. Manual scavenging has been a source of income since the dawn of human civilization and the subsequent division of the human race into the Varna system in India. Only one sub-caste of dalits—those who are also seen as destitute and "untouchable" by other dalit sub-castes—performs this activity, which is considered to be a polluting and filthy profession.

Manual searching continues in India regardless of the way that it is unfeeling and risky for the purpose of discarding human waste, that logical and mechanical advancement has eliminated the need for manual labour in many contexts, and that simple and affordable alternatives exist to resolve the problems of both manual scavenging and insecure human excreta disposal. The knowledge is handed down from one generation to the next. Because of the pervasive culture of tolerance, they are also denied their fundamental common liberties. Regardless of a few plans, regulation, and strategy drives, the Indian state has not been effective in that frame of mind because of a deficiency of dependable manual scroungers, feeble policing, and the brutal position framework that plagues in both country and metropolitan segments of India.

II- OSTRACISM AND SOCIAL RIDICULE

The caste system, which has persisted for centuries in our country, is the foundation of the manual scavenging profession. It is an undeniable truth that the vast majority of people who engage in manual scavenging do so because they are members of the Dalit community, the lowest social class. That they belong to this caste means they have no option but to do this labour. They have cut themselves off from the rest of society and made their homes in remote areas where the benefits of infrastructure growth have yet to trickle down. The persistence of manual scavenging in India is due, in part, to Extreme poverty.

Casteism

The Root cause of the paper is the caste and the community associated with the profession of manual scavengers are marginalised from the ancient times. Just like the scheduled caste and the

scheduled tribes, it was important for enactment of law in order to safeguard the members of the community against the exploitation .

The caste structure, which has persisted for centuries in our society, is the foundation of the manual scavenging profession. It is an undeniable truth that the vast majority of people who engage in manual scavenging do so because they are members of the Dalit community, the lowest social class. That they belong to this caste means they have no option but to do this labour. They have cut themselves off from the rest of society and made their homes in remote areas where the benefits of infrastructure growth have yet to trickle down. Social impoverishment is a factor in the persistence of manual scavenging in India.

Casteism is a possible explanation for the exploitation. Manual scavenging has been an occupation ever since the dawn of human civilization, and with it came the establishment of the Varna system in India. Only dalits, and specifically a sub-caste of dalits who are also seen as impoverished and "untouchable" by other dalit sub-castes, execute this profession, which is considered a contaminating and filthy career. From the Mehtar through the Bhangis, many castes have been linked to particular occupations. The Bhangi, Balmiki, Chuhra, Mehtar, Mazhabi, Lal Begi, Halalkhor, etc. are all members of the scavenger castes of northern India. They are named as Sanei, Har, Dom, Hadi and Hela, etc., in eastern India. Further they are named as Relli, Thoti, Pakay Chachati, Mukhiyar, in Southern India. The central india names of the caste are Mehtar, Olgana, Zadmalli, Bhangias, Halalkhor, Barvashia, Metariya, Ghasi, Jamphoda and Mela etc.,

Customary Right

Some of the caste are associated with a customary right to the profession, i.e they shall cater to certain families from generation to generation as manual scavengers. Manual scavenging was considered not only permissible, but a traditional privilege, especially by manual scavengers, until the early part of the twentieth century. This customary entitlement went by a number of names, including Gharaki, Gharagi, Jagirdari, Jijmani, Dastoori, and Virat. In other words, a scavenger was only authorised to serve a certain number of homes. Households were not permitted to make changes to the trash collectors at their own discretion. The ability of customary right holders to transfer their rights to others was also an essential element. As a result, the rights were fungible and subject to transfer, acquisition, inheritance, and mortgage. It was decided to include the gathered night-soil within the scope of the customary right. This meant that the customary right included not just the ability to clean latrines in specific homes or neighbourhoods, but also the option to sell or otherwise dispose of the accumulated night-soil.

In the case *Buddha & Ors v Balwanta & Ors* in 1957 the Allahabad High Court in his decision in 1957 laid the nature of customary rights and contestation. The choice explains specific key elements of the standard right. In the first place, it, lays out the way that standard privileges were not simply a question of interior or casual plan among manual scroungers, yet an issue of lawful debate which the manual foragers, house proprietors and the legal executive had drawn in with. Second, it represents the manner by which regulation saw such freedoms. As per the court, standard privileges could be upheld against families provided that there is proof to lay out unavoidable award by the proprietor or tenant of the house. In any case, the court was all out in keeping the presence from getting an enforceable right of manual foragers against house proprietors. Truth be told, the court, at least a couple of times, underlined the place that for the most part such practices shouldn't be visible as restricting upon proprietors or tenants.

Casteism and generational precursors attached with profession creates ostracism environment for the members of society pulling them down to the pit whenever they tried to escape the social stigma in order to live a dignified life. The Members of the community are seen in sense of being inferior to the other members . Deep rooted case regulation Article 21 of the Constitution of India ("the Constitution"), which ensures the right to life, additionally ensures the option to live with deference and poise. As the High Court brought up in *Gian Kaur v. Territory of Punjab*, "to give importance and content to the word 'life' in Article 21, it has been understood as existence with human respect. Any part of life which makes it noble might be added something extra to it yet not that which stifles it and is, subsequently, conflicting with the proceeded with presence of life bringing about destroying the actual right." They fail to achieve the basic human dignity in their whole life cycle

III- ACTIONS OF GOVERNMENT PRIOR TO LEGISLATION

The Government has from time to time set up a no. of committees in order to look into the matter of manual scavengers in India. The committees formed formulated many legislation and suggestion. They have a huge role in protection of the member of the community helping them to get a dignified life .In order to understand the legislative measure it is important to review the committees and their suggestion :

Barve Committee Report (1949): The Barve Committee is one of first committee to look into the plight of manual scavenger having a customary right to operate as manual scavengers mostly the Bhangis .The Bhangis did not have a traditional image of manual scavengers but the people of the community took up the job of cleaning septic tank and created a monopoly and thus

wanted a customary right was developed. The people of the community got devolved in the profession, that they sort this as customary right to do the job not a curse on the people of the community.

Backward Classes Commission (1953): The committee was created with a reasoning to look into the matter of backward section of the society that included manual scavengers. The committee suggested that bare hand extraction of excreta and night soil should be removed with modern cleaning methods like mechanical cleaning and it suggested further methods so as to upliftment of the manual scavengers.

Central Advisory Board for Harijan Welfare (1956): This board had also examined scavengers' conditions of living and work across the nation and, more significantly, had suggested the creation of a central government sponsored programme for the emancipation and social reintegration of scavengers. The third Five-Year Plan included the introduction of the programme. The fifth Five-Year Plan saw the end of this strategy once it became clear that scavenging was inexorably tied to the negative effects of a divided social structure. • The Committee to Investigate Scavenging Conditions

The Scavenging Conditions Enquiry Committee (Prof. N. R. Malkani Committee) (1957): On October 12, 1957, this committee was established; it was the first of its type. The Central Advisory Board for Harijan Welfare ordered its establishment with the goal of developing "a programme for ending the practise of carrying night-soil in baskets and buckets as headloads.". The committee conducted a thorough investigation of the issues and turned in a report in 1960. Additionally, it was acknowledged that "the flush out latrines are the finest system for disposal of night-soil through mechanised means, but sadly, adoption of this throughout the country demands a significant amount of money and looks outside the realm of practical implementation in the near future." One of the significant suggestions the board made was to work on the working and administration states of scroungers by presenting mechanical devices like push carts, scrappers' elastic gloves, boots, and different things, as well as by building lodging and foundation upgrades like water and power in their networks. Another crucial recommendation was that local governments provide scavengers with extra allowances, benefits, and working conditions in addition to paying them money in accordance with the Minimum Wages Act.

The Committee on Customary Rights to Scavenging (Prof. N.R. Malkani Committee) (Report) (1965): This panel was laid out to recognize the issues with the Jagirdari or Jajmani Framework, that was a system of customary rummaging freedoms that had been utilized in numerous urban communities and towns. Standard privileges allude to a framework by which private scroungers have generally furnished a scope of houses with their administrations from one age to another. The council disliked this framework and made suggestions for ways of giving metropolitan neighborhood state run administrations more authoritative and monetary assets by executing activity plans for the delivery and recovery of private scroungers. The committee noted that the family's way of living has included scavenging. Because of the lack of knowledge and lack of other work opportunities.

National Commission on Labour (1968): In order to enforce the Minimum Wages Act, this committee investigated the working and furthermore the help states of sweepers and foragers and made suggestions to the state governments on how the said act could be implemented. It was noted that "the principal exertion appears to have been to improve the working and day to day environments of foragers before and not to resolve the fundamental issue of transforming dry lavatories into fluid flush restrooms in any deliberate style."

The Report of Task Force for Tackling the problems of Scavengers (Planning Commission, Government of India) 1990-91: Various recommendation were made by the task force that including converting dry latrines , and abolishment of scavenging , which has to be achieved by the eight plan For achieving such target the government sanctioned as outlay of Rs 110 crore by Government of India , the practice of carrying of night soil and the handling of the soil over the head should be abolished by forming a legislation and construction of new dry latrines in the building should be abolished .

Recommendations of the National Advisory Council (NAC): The Public Warning Chamber (NAC) settled in Walk 2010 to urge the Focal Government to guarantee that manual rummaging is totally killed toward the finish of the eleventh Arrangement time frame related to all the Focal Government Divisions, including the Railroads, and applicable States/Areas. To accomplish this objective, the goal requires the accompanying moves to be made by the Service of Civil rights and Strengthening of India: (a) directing another overview of manual foragers and the quantity of left out dry restrooms in each State and UT with expansive public support; (b) obliterating dry lavatories; (c) giving psycho-social and vocation restoration to every manual scrounger and their families through training in contemporary marketable skills; and (d) formulating.

IV- LAWS RELATING TO MANUAL SCAVENGING

Protection of Civil Rights (PCR) Act (1955): The demonstration passed by the focal govt. turned into the establishment for various plans to be presented by the by the state and as well as focal government for planned clans, booked rank, travelers , sweeper, manual scrounger, reinforced works and other non-advised weak part of the general public for the their social and financial turn of events .The demonstration center around the way that the improvement ought to energize, schooling, lodging, and ought to put spotlight on composite issues of the networks to address them.

The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989: The Act for the Protection of Scheduled Castes and Tribes came into effect on January 31, 1990, in response to the continued violence against these groups. With the new modification, the act is even more equipped to deal with the problem of manual scavenging. Furthermore, the central government's 2016 announcement declared it an offence for any member of the community to participate in manual scavenging for a living. Five years in jail and a fine are the minimum penalties for this violation.

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition Act, 1993): It was the main demonstration which attempted to cancel the work of manual scavengers. The introduction of the Show states 'While society ensuring the pride of the individual has been loved in the Preface to the Constitution and however the dehumanizing practice of manual scavenging of human excreta really happen in many bits of the country. likewise, where it is critical to lay out a uniform guideline for the whole of India for dropping manual scavenging by broadcasting work of manual scroungers for departure of human excreta an offense and hence blacklist further development of dry bathrooms in the country.' Work of manual scrounger or on the other hand in the event that any one develop any dry lavatory, he will bear a discipline of one year and a fine of Rs 2000.

National Commission for Safai Karmacharis (1994): The Public Commission for Safai Karmacharis was established under the arrangement of Public Comission for Safai Karmacharis Act, 1993 to advance and shield the interests and freedoms of safai karmacharis for a period for a long time. The fundamental goal behind shaping of the said commission was to study and screen and assess the execution of the projects.

National Safai Karmacharis Finance and Development Corporation (NSKFDC)

(1997): Founded under the erstwhile companies act 1956, the corporation was created by the government for all round economic and social development of of the safai karmacharis and their dependents .It was also created with a aim of providing financial assistance for income generating viable projects .The major goal of the corporation was to promote self employment and rehabilitation and economic development and enabling them to technical skills and entrepreneurial and extending settlement of karmachari and loans to students from the community. The targeted groups of the section are scavengers.

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013:

Municipalities, cantonment boards, and railway authorities must build a sufficient number of sanitary community latrines within three years of the Act's entry into force, according to the law. Anyone who uses a manual scavenger or builds an unclean restroom faces a fine or imprisonment of up to one year, or both, for their crimes. For further offences, the fine is increased. It is against the law for any local government body or organisation to hire someone to clean a septic tank or a sewer manually while not wearing protective gear or taking other safety procedures. Within a year of the Act's entry into force, this clause will take effect. If there is a violation, then there would be a punishment which is a maximum two-year prison sentence or a fine up to Rs 2 lakh.

**V- ANALYSIS OF THE PROHIBITION OF EMPLOYMENT
AS MANUAL SCAVENGERS AND THEIR
REHABILITATION ACT, 2013**

To combat the problems of both manual scavenging and unhygienic latrines, parliament passed the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 ("the 2013 Act"), which aims to end the practise of hiring people to clean up garbage in dangerous conditions while also giving them the opportunity to lead more fulfilling lives.

For the purposes of the 2013 Act, the term "manual scavenger thereof" is defined in detail, including but not limited to the accompanying: "an individual drew in or utilized, at the initiation of this Demonstration or whenever from that point, by an individual or a neighborhood authority or an organization or a project worker, for physically cleaning, conveying, discarding, or in any case taking care of in any way, human excreta in an insanitary lavatory or in an open channel or pit into which the human excreta from the insanitary restrooms is discarded, or on a rail route track

or in such different spaces or premises, as the Focal Government or a State Government might tell, before the excreta completely disintegrates in such way as might be endorsed.”¹

As discussed below further in the definition does not provide a concise definition of who shall be a manual scavenger. It further says person with protective gear a can clean human excreta . The defensive stuff will be characterized opportunity to time by the focal government for this sake. The sewage laborers who with least bad quality cog wheels are excluded from this definition .The entire demonstration gives regulation to preclusion of insanitary restrooms and work of manual scroungers which is additionally imitated under segment 5 of the demonstration.

Area 5 (2) commands the occupier to obliterate the or convert insanitary restroom into sterile one on the current on the date on which the demonstration comes into force, whose cost for demolition shall be borne by the demolisher

As per Section 6 of the 2013 Act creates a retrospective effect on the on any agreement made prior to the act. It states if any instrument , agreement or if any form of contract has been created or executed tying a person to be a manual scavenger , then such contract , agreement , or instrument shall from the commencement of the act be void and become inoperative .And for such in-operation, no such compensation shall be paid for the damages . Further prohibition for employing or engaging people for cleaning septic and sewers in provided in section 7. The punishment for violation of section 5 and 6 is elaborated under section 8 of the act .The punishment states for violation of the above mentioned provisions , there would be imprisonment which may extend upto one year and fine of 50,000 rupees or might be both .And further assuming that the blamed commits again a similar infringement the detainment will reach out to two years and fine might expand one lakh rupees or both.

Section 9 is enacted for providing punishment for violation of section 7.It is important to notice that all such offences shall be punishable if the complaint has been placed in somewhere around 90 days of event of the supposed offense .Method for preliminary is given under segment 21, 22,23 of the said authorization .Significantly, the offenses under the 2013 Demonstration are characterized as cognizable and non-bailable by Segment 22 thereof, and under Section 21 of the 2013 Act, the Executive Magistrate, if properly authorised, may conduct a summary trial. The 2013 Act's Chapter IV has procedures for identifying and rehabilitating manual scavengers in both urban and rural locations.

¹ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, section 2(1)(g), act No. 23 of 2013, (India)

Section 11 and 12 provide insight into survey of manual scavenger in urban areas which shall be conducted by the Municipalities and under section an application can be made to be identified as manual scavengers. The segment 13 gives measures to be taken to recovery of manual scroungers ,, for example, photograph character card ,and once cash help which needs to gave in the span of one month of giving photograph , distribution of private plot , monetary help for ability advancement .The watchfulness board of trustees , state and focal Observing Advisory group , Public Comission for Safai karamcharis which has been laid out under the arrangements of the said act .

VI- JUDICIAL INTERVATION IN THE ISSUE OF MANUAL SCAVENGING

The financial government assistance of the minimized segment of the general public has been for the most part maintained by the legal executive which plays had a functioning impact in reinforcing the reason by deciphering the order standards into enforceable privileges. Various privileges have been laid out because of a liberal perusing of a sacred arrangement, for which India's social government assistance law currently has another aspect. As to legal reaction to manual scroungers, courts as of late adopted a serious strategy toward manual searching and reprimanded the State experts for neglecting to prohibit it.

Safai Karamchari Andolan v. Association of India

The High Court perceived that manual searching is a hazardous, shameful, and unfeeling calling in the current situation. The High Court noticed that the EMSCDL Demonstration of 1993 and the PEMSR Demonstration of 2013 neither debilitate the protected commitment of article 17 nor do they grant inaction with respect to the association and state legislatures under the EMSCDL Demonstration of 1993. As indicated by the High Court, the PEMSR Showing of 2013 unequivocally sees article 17 and 21 of the constitution as the opportunities of people who clean sewage structures, holding tanks, and people who dispense with human feces off of railroad lines..P. Sathasivam CJ, said that "the power estimations of the Assistance of Social liberties and Reinforcing for the year 2002-2003 put the figure of perceived manual scroungers at 6,76,009. Of these, north of 95% are dalits, compelled to embrace this criticizing task." The High Court in like manner made reference to different overall vows and instruments, including the General Statement of Common freedoms (UDHR), the Show on the End of Racial Separation (CERD), and the Show for the End of All Types of Victimization Ladies, to which India is a signatory. These pledges and

instruments look to ensure a noble human existence in regard of his calling and different circles of life (CEDAW).The court set out specific rules for restoration of the manual scavengers:The court plainly expressed that in the event that the menace of manual scroungers must be halted ,, recovery of the will incorporate : (A) That entering without gears in sewer line should be made a bad behavior in emergency situation .For each end Rs ten lakh to be given to the gathering of the left.(B) Rail routes ought to with time get rid of its manual searching on target.(C) It should be ensure that the scavengers should not face any hurdles in getting their legitimate due .(D) Safai Karmachari Women Should be provided with support required for leading a dignified life by following choice of livelihood , under various schemes

Delhi Jal Board v. National Campaign for Dignity & Rights of Sewerage& Allied Workers²

In the previously mentioned case the Peak court recognizing the predicament of the impeded areas of the general public and featuring the lack of concern expected for such individuals, particularly the manual scroungers and the sewer laborers who face challenge on their life for livelihood without any safety gear or protective heads. They have denied to essential privileges to equity life and freedom even following 75 years of autonomy, was called attention to by the high court.The The Supreme Court referred to a report and stated that:

Due to exposure at work, there is a significant mortality and morbidity rate among the employees. In the previous two years, 33 workers lost their lives in accidents related to the clogged sewer systems. Five-hundred-ninety-nine percent of sewage workers go into underground sewer vents in excess of ten times each month, and a big part of the labor force should work over eight hours every day. Forty-one of their employees have had syncope, and an additional 24 have blacked out for a few seconds. Just over a third of the staff had a tetanus booster, but none had received a hepatitis B vaccine. When considering just those employees who were considered to be underweight according to their Body Mass Index (BMI), 46 percent of all workers were found to be underweight. The average monthly earnings for a daily wage worker was roughly 2,950 Indian rupees.

The Supreme Court's response to Delhi Jal Board's claims of judicial activism and overreach on this issue reads in part: "The intruder of legal activism or legal excess is raised at whatever point one of the three mainstays of the Express, the legal executive, has given mandates to guarantee that the right to balance, life, and freedom doesn't stay fanciful for the people who experience the

² 2011 (8) SCC 568.

ill effects of the debilitations of neediness, lack of education, and obliviousness, and mandates are given. The primary motivation behind such a legal charade is often to wear down those who really want to help the poor and powerless.

Different petitioners brought the issue of manual scavenging and sewer-related fatalities to the notice of the courts in cases filed in the Gujarat High Court in 2004, the Delhi High Court in 2007, and the Chennai High Court in 2008. Importantly, the 1993 statute only applied to manual scavenging in connection with dry latrines at the time, but the courts had little trouble applying the concept to forbid manual scavenging in sewage. The Gujarat court noted that Article 21 was meant to safeguard city workers in the absence of particular law. According to the Supreme Court's ruling about the Delhi case, courts have a fundamental obligation to defend the rights of people who enter manholes under duress for the purpose of cleaning them. The courts had the ability to require the state parties to take all necessary precautions to prevent human trespassing into sewers since this was an issue of basic rights that could not be disputed.

Relatives of an individual who suffocated while cleaning a channel were conceded Rs 2 lakh by the High Court of Karnataka for the situation Chinnamma and Ors. v. Province of Karnataka and Ors.

Constraining poor people and oppressed to perform hazardous manual cleaning of septic tanks and sewers has continued unabatedly in India notwithstanding the Preclusion of Work as Manual Foragers and their Restoration Act's section on October 1, 2013. This was communicated by a Division Seat of the Orissa High Court comprising of S. Muralidhar, CJ and B.P Routray, J., for a situation concerning the passings of disinfection laborers in the Territory of Odisha.

VII- LACUNA WITHIN THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013

The new act has clearly failed to understand the core requirement of the legislation. It makes distinction between sewage workers and the manual scavengers. It talks about only of manual scavengers non exploitation and rehabilitation , and not acknowledging the plight of the sewage workers .. According to the demonstration, it permits working individual in cleaning of human excreta with assistance of defensive stuff, and they will be referred to as sewage laborers not as

manual scroungers. Be that as it may, the social shame will be joined with work and anybody who takes up the gig will be considered to be manual forager in the psyche of individuals utilizing them regardless of whether the regulation with expansion of term controls it to mean something else.

The second biggest failure of the act has been failure to add penal provisions to the act of the event non fulfilment of obligation under the act by the authorities if they failed commit to their full potential regarding implementation of the act .The Act vitiates the very need of enacting the Prohibition OF Employment AS Manual Scavengers And Their Rehabilitation Act, 2013.The authorities may avoid achieving efficiency in their respective duties as they may be aware of the fact that non fulfilment of the duties has no penal provisions .Further the definition provided has a limited meaning.

The definition does provide a clear and concise meaning of hazardous environment. Mostly septic tanks and tanks or sewage drains when cleaned without any protective gear shall be deemed as hazardous environment .Further the act is silent on the issue of what exactly means protective gear or what types gear shall constitute to be protective gear for the workers .A worker with just a local gear like fawda and a basket shall be deemed to be a sewage worker working in non-hazardous condition even if the gas in the septic tank or the waste chambers can be very toxic . One of the biggest lapse of the people behind the legislation as they have failed to cleaning of insanitary latrines into manual scavenging. In most remote areas both sanitary and insanitary latrines are same .The cleaning of the insanitary latrines have caused many skin disease to the workers On the longer run it would not be incorrect to say that the act legalises the foul acts manual scavenging .In absence of clear concise definition of protective gear , non-inclusion of penal provision for any lapse in work of the authorities , only mandates to continuance of old cleaning process .Resorting to old practice is the only outcome of the act .There is no mentioning to implement modern cleaning technologies by the government officials .Under the scope of section 10 there is limitation in bring legal action on violation of the provision , if a complaint is not filed within three months of occurrence of offence then the court cannot take cognizance of the matter .The people in the profession are already marginalized , further the law does not provide a platform to raise their issue prope

VIII-CONCLUSION

One of the most revolting realities in the country today, manual scavenging is a severe social and legal problem that undermines the standards of decent work and human dignity. Scavenging by hand is one of the worst types of caste discrimination and degrading employment that is being practiced today. Even though numerous government initiatives and anti-scavenging laws have been passed, the practice still occurs. Legislative and judicial intervention has not been very effective in solving the issue. Even the legislations enacted in support of rehabilitating the scavengers have unintentionally given a upper hand to the exploiter. Thorough of the paper reveals that mere enactment of the legislation is insufficient to uplift them from the social strata. The author would like to provide some suggestion for up-liftment of the society.

SUGGESTIONS

- People associated with the profession of manual scavenging should be provided with reservation in educational institutions and govt. jobs specifically for belonging to that profession.
- The Government should move to flush toilet in the trains, thus enabling the railways to move away from employing people for manual scavenging.
- The Government should promote advance cleaning techniques in the cities
- The Government through amendment should increase the time frame to register complaint from 3 months to 6 months.
- They Government should include a penal provision in case the authorities fails to fulfill his duty protect or himself exploits under the course of his duty a manual scavenger.
- The should first make it mandatory for the employer to provide basic protective gear to the people being engaged in cleaning of the septic and sewage tanks.
- The government should make mandatory registration of organization employing people as cleaner, sewage workers and should provide basic facilities enlisted for work men's of other industry in order to receive government contracts.

The mentioned suggestion would make a mere changes the plight of the social workers but would help in acknowledging the importance of such people in society who are the unsung heroes of the community .The Manual scavengers are the heroes behind the social stigma who keep the drains , latrines , sewage and septic tank clean , but more importantly keep us safe .