



International Journal of Research Publication and Reviews

Journal homepage: www.ijrpr.com ISSN 2582-7421

Manual Scavengers of India: Assessing Their Health Problems and Rights

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ABSTRACT :

In India, manual scavenging has been a concern since ancient times. The majority of scavenging job is done by the impoverished and members of the socially and educationally disadvantaged classes. Because they operate in such hazardous circumstances, they also frequently suffer from health issues and occasionally pass away. Their living circumstances are inadequate, and they lack access to adequate healthcare services. Thus, they deal with a lot of difficulties in their daily lives. Since gaining independence, the government has put in place several laws and regulations to integrate them into society and help them in any manner it can. In order to preserve the rights and dignity of the manual scavengers, the courts have also rendered some rulings. In this article, the researcher examines government actions and court rulings to determine whether they are adequately assisting manual scavengers. The researcher also looks into the health risks that manual scavengers face and potential solutions.

Keywords – Manual scavengers, Court, Law, Health, Act

Introduction

Many labourers from lower socioeconomic classes in Indian culture are forced to engage in manual scavenging as a means of subsistence for minimal wages. This practice has long been common in our nation, but the Supreme Court has repeatedly stated that it must end since it has a negative impact on the health of those who engage in it and frequently results in the deaths of many individuals. The court recently gave opinion that people are still dying and we are of the considered opinion that time has come now to pass directions. As per the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 'manual scavenger' are defined as: "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 in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a 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 accordingly². Waste products, including human waste produced, are manually cleaned, processed, and collected from dry sanitation facilities, sewers, and open drains and this process is referred as "manual scavenging." In India, "manual scavenging" refers to "the manual lifting and removal of human excreta" from both public restrooms and private residences. People use metal scraping devices, a sweeping tool, or their bare hands to gather human waste from public or private dry latrines and deposit it in woven baskets or buckets. They carry these scavengers into landfills or waterways on their heads, shoulders, or hips. In a similar manner, many scavengers are additionally employed to gather, transport, and get rid of trash from drains, septic tanks, sewers, and railway tracks.³ Various steps have been taken by the government to put an end to it. The Ministry of Social Justice and Empowerment in a press release in July 2024 stated that, "under Swachh Bharat Mission (Urban 2.0), funds amounting to Rs 371 Cr has been approved for release to States to be provided to smaller towns to acquire the machines and improve their state of mechanization. States have reported to have/access to 5000+ standard septic tank vehicles, 1100+ Hydrovac and 1000+ desilting machines and the Urban Local Bodies are advised by Ministry of Housing and Urban Affairs to incorporate in their bylaws BIS 2470 standards for septic tanks and enforce the same while giving building permissions and also advisories have also been issued to provide safety gears to

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² Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, S 2 (1) (g), No. 25, Acts of Parliament, 2013 (India)

³ Rajneesh Kumar Gautam, Islamuddin Islamuddin, N. More, *Manual Scavenging in India – A Review*, 2 IJNRD, 129, (2017)

workers, provide helpline facilities for emergency desludging, and also take up IEC activities.”⁴

The Background of Manual Scavenging

The caste system has been functioning in India since ancient times. Some individuals experience prejudice because of it, and often, they were the ones that carried out the manual scavenging tasks. They belong to the downtrodden class and are often quite poor. Since they lack adequate access to even the most basic necessities, they are unable to receive formal education, and their children suffer the same consequences. They work in extremely unfavourable conditions that have a serious negative impact on their health, and they also experience social, economic, and political discrimination. They go by a variety of names across the nation, including bhangis in Uttar Pradesh and Gujarat, phakis in Andhra Pradesh, and arunthathiyar in Tamilnadu.⁵ They are still regarded as untouchable and frequently viewed as the lowest stratum in society. Their most frequent task is to transport human waste and other waste materials out of the city and dispose them at a dump yard beyond the municipal limits. Additionally, they clean the septic tank, gutters, roads, etc. According to Chhandodaya Upnishad, a person's current life's karma dictates their future reincarnation. Until their good acts earn them a place in the spiritual realm, their bad deeds will keep them trapped in the cycle of life and death. The brahmanas, kshatriyas, vaishyas, and shudras were the four basic divisions of society depending on their job. The other three groups were served by the shudras, who were regarded as the lowest class. Therefore, prejudice has been prevalent in society since the Vedic era. The Naradasamhita and the Manusmriti both give some background on how certain castes were forced to perform polluting jobs and were frequently thought of as untouchables. In Manusmriti, Manu proposes that the society is divided into four sections according to the work they do. He suggests that the four sections symbolise the four parts of the human body of Brahma: the brahmanas, who served as the mouth and were thought to possess the greatest knowledge, the kshatriyas, who served as the arms and saved the country during war, the vaishyas, who acted as the thighs and carried out trade, and the shudras, who represented the feet served only the other three classes.⁶

Women used to defecate in isolated locations throughout the Middle Ages, according to the purdah system, which was eventually cleaned by the lowest and poorest members of society. The 1960 Inquiry Committee on Scavengers discovered that even after converting to Islam, the lowest class of Hindus, known as malecchas and chandals, continued to do the tasks given to them, which mostly involved physical scavenging and were referred to as halalkhors although Akbar frequently referred to them as mehtars, which stood for kindness, in an effort to include them into society.⁷ In mediaeval India, prisoners of war were sometimes forced to perform scavenging activity. The Dalits, also known as Mehtars, continued to engage in scavenging jobs like cleaning throughout the British rule in India. They also worked in hazardous conditions in mines and factories, engaging in cruel labour practices. According to Mahatma Gandhi, manual scavenging is the nation's embarrassment. During India's period of independence, B.R. Ambedkar was a well-known person who worked to better the lot of the Dalit people and integrate them into the wider society. He fought for their rights and said that a person's caste, not their occupation, is what makes them a scavenger in India. He also made an effort to educate them about their rights.

According to the Ministry of Rural Development's July 2015 publication of the Socio Economic and Caste Census 2011, there were 1,82,505 manual scavengers in the nation's rural districts alone. It should be mentioned that the caste and socioeconomic respondent input, as disclosed by the households to the enumerator, is the basis for census statistics. The Ministry of Social Justice & Empowerment conducted two surveys in 2013 and 2018 to determine the precise number of manual scavengers in India. Of these, 14,812 and 48,251 manual scavengers were identified, respectively, for a total of over 63,000 manual scavengers in the nation. However, just 18 states and 170 districts participated in the 2018 study. The 2018 data by the Ministry of Social Justice and Empowerment tasked the National Safai Karamcharis Finance and Development Corporation (NSKFDC) by conducting surveys to identify the demographic details of those participating in manual scavenging discovered that 87,913 persons were scavenging by hand across the country. However, it was seen that only 27,268 of these individuals had been officially registered in the relevant programs and had received benefits or entitlements from the concerned ministry.⁸

⁴Press Release, Ministry of Social Justice And Environment, *Manual Scavenging*, 06 Aug 2024 (Mar. 18 , 2025, 8:20 PM) <https://pib.gov.in/PressReleasePage.aspx?PRID=2042007>

⁵ R. K. Singh, *Manual Scavenging as Social Exclusion: A Case Study*, 44 *Economic and Political Weekly*, 521–523, (2009)

⁶ K. S. Macdonald, *The Vedic religion, or, the creed and practice of the Indo-Aryans three thousand years ago*, (The Herald Press, Calcutta 1881). <https://indianculture.gov.in/rarebooks/vedic-religion-or-creed-and-practice-indo-aryans-three-thousand-years-ago>

⁷ Lok Sabha Secretariat, (2013) *Reference Notes No. 18 /RN/Ref./August /2013: Manual Scavengers: Welfare and rehabilitation*, (April 1, 2024 5:37 PM) https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/Manual%20Scavengers%20welfare%20and%20Rehabilitation.pdf.

⁸ S. Saha, V. Upadhyay, *The Missing Manual Scavengers of India*, *Down To Earth*, (APR. 14, 2025, 10:23 AM), <https://www.downtoearth.org.in/water/the-missing-manual-scavengers-of-india-75104>.

Laws related To Manual Scavengers-

- **Constitution of India**

The rights of vulnerable groups, to whom manual scavengers belong, are also attempted to be protected by Part III of the Indian Constitution, which deals with fundamental rights. Every individual is granted equal protection under the law and equality before law under article 14. Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, and place of birth and provide that they should not be prevented from using public places. It also implies that special laws may be passed to safeguard these rights. According to Article 16, there must be no discrimination on the grounds of religion, race, caste, sex, descent, place of birth, or residence, and there must be equality of opportunity in public employment. All forms of untouchability are forbidden under Article 17 and are penalised by law. However, the constitution's ban on untouchability hasn't been sufficient to stop it because manual scavengers continue to perform hazardous activities and face discrimination from the general public. The right to life and personal liberty is covered in Article 21, which also states that everyone, even those regarded as belonging to the lowest social classes, has the right to live with dignity. According to Article 23, no one shall be compelled to do forced labour; doing so would be a crime that attracts penalties. The Indian Constitution's Part IV addresses the directive principles of state policy. Article 42 stipulates that working conditions must be fair and humane, while Article 41 also states that the state must attempt to provide for the right to employment and education for those who are not employed. Article 47 provides that it is the duty of state to raise the level of nutrition and standard of living of persons by improving the public health.

- **The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993**

The employment of manual scavengers was forbidden by this Act, which also made it a crime. The Act forbids anybody from designating, housing, or encouraging another individual to labour with or carry human waste or construct a dry latrine.⁹ It allows for management of the creation and maintenance of water-sealed latrines and related things, as well as the prohibition of the use of manual scavengers and the establishment or continuation of dry latrines.

However, because it was not well implemented, many states were unwilling to accept it despite Supreme Court guidelines and Delhi implemented this Act only in 2010 after the direction given by Supreme Court.¹⁰ This legislation was ineffective and failed to adequately address the issue of manual scavenging. Additionally, the government repeatedly extended the deadline for implementation. High Court of Patna observed in a case that, "It is startling that the state administration in Bihar except one Municipality of Muzaffarpur does not even know that there is the Employment of Manual Scavengers and Construction of Dry Latrine(Prohibition)Act of 1993."¹¹

Additionally, the statute did not forbid cleaning manholes, gutters, or septic tanks, and the individual who suffered an injustice could not submit a complaint and the Act entrusted it to the authorities designated by the act to do so.

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

The scope of manual scavenging was expanded by this statute, which also added safeguards for those engaged in the activity. It claims that many people experienced injustice as a result of caste-based inequality, which has existed in society from ancient times, and that they were mostly compelled to perform manual scavenging tasks. This law mandates that those who have been involved in scavenging activities be offered alternative jobs and that their children get a basic education. Nonetheless, provides the responsibility for rehabilitation to the state and union governments through various local bodies.¹² By building several community latrines to address the issue of open defecation and renovating the insanitary latrines into sanitary ones, the legislation also attempts to stop the primary causes of manual scavenging.¹³

Additional laws addressing manual scavenging include the Untouchability Offences Act of 1955, which attempted to outlaw all forms of untouchability but failed to provide sufficient penalties. Manual scavenging was not resolved by the Protection of Civil Rights Act of 1977 since it recognised the issue of scavenging but failed to impose suitable penalties. The 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act designated certain behaviours as atrocities, imposed severe penalties for them, and established a special court to handle the matter and expedite case adjudication. "The main objective of the Act is to prevent the commission of offences of atrocities against the members of the scheduled castes and the scheduled tribes, to provide for special courts for the trial of such offences and the relief and rehabilitation of the victims of such offences and matters connected in addition to that or incidental to it. The Act was further strengthened, about manual scavengers, by the recent amendments"¹⁴

Judicial Approach-

In *Delhi Jal Board v. National Campaign for Dignity and Rights of Sewerage and*

*Allied Workers & others*¹⁵ the court highlighted the dangerous sewage conditions where the Delhi Jal Board and other agencies' manual scavengers work. Workers used to die in such circumstances because there were insufficient safety precautions in place. The court ruled that because of their poverty, individuals are compelled to work in such a way, exposing themselves to a number of health risks. As a result, the agencies should provide them with appropriate medical care, safety equipment, and compensation, as well as form a committee to examine these matters.

⁹The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, s 3, No. 46, Acts of Parliament, 1993 (India).

¹⁰ Bhasha Singh, *Unseen: The Truth about India's Manual Scavengers*, 207-208 (Penguin 2014).

¹¹ Lalit Kishore and MP Gupta v State of Bihar, MANU/BH/0225/2003 (Patna HC, 14 August 2003), 5.

¹²The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, s 13, No. 25, Acts of Parliament, 2013 (India).

¹³ *Id.*, s 4.

¹⁴ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, No. 1, Acts of Parliament, 2015 (India).

¹⁵ (2011) 8 SCC 568

In the case of safai karmachari andolan and ors. V. Union of India and ors.¹⁶ the court instructed the union and the states to properly execute The Prohibition of Employment as Manual Scavengers and their Rehabilitation 2013 act and stipulated that appropriate measures should be implemented in the event that the act is violated. The court addressed the caste system's effects on the profession, including manual scavenging and ways to provide those engaged other employment options. Even after the act was passed, the problems still exist today. The court ruled that the government should carry out appropriate rehabilitation and give the family of a worker who dies while performing sewage work 10 lakh rupees in compensation. They and their children should also receive good schooling, a residential plot, and financial help and the government should ensure proper implementation of the Act. The question in Balram Singh v. Union of India¹⁷ was whether Articles 17, 21, and 23 of the Indian Constitution were being violated, as well as how the 1993 and 2013 Acts should be properly implemented. The Supreme Court ruled that, in accordance with section 11 of the 2013 Act, municipalities must be duly instructed to conduct the survey. One obstacle to the act's effective implementation is the failure of certain institutions. Whenever feasible, the sewer should be cleaned using mechanical equipment. Articles 17 and 23 of the Act are designed to safeguard workers and their families and to assist them in cases where a worker died in a septic tank or sewer. They should be rehabilitated in order to respect their right to dignity. In order to address the issue of manual scavenging and to eradicate it, the court issued 14 directions to the union and the states. These directions included creating regulations, offering compensation, prohibiting manual scavenging, teaching and training people, offering scholarships, establishing commissions, and creating a portal.

In January 2025, the Supreme Court also issued orders to stop manual scavenging in the major cities of Hyderabad, Bengaluru, Chennai, Delhi, Mumbai, and Kolkata. The government was instructed by the court to adhere to the Dr. Balram Singh ruling of 2023 and to take decisive measures to put it into effect as the workers are involved in such hazardous activities even after a decade of implementation of 2023 Act for preventing the same.

While hearing a petition filed by several manual scavengers working throughout the state, particularly in kolar mines, the Karnataka High Court noted in April 2025 that no public servant can avoid the duty of rehabilitating manual scavengers and safai karmacharis and issued some guidelines to the managing directors of the Karnataka State Safai Karmachari Development Corporation.¹⁸

Conclusion

Since gaining our independence, we have passed several laws and made decisions in several cases to give manual scavengers the dignity and respect they are entitled. Authorities have attempted to prevent the health risks to manual scavengers and to penalise those who break the law and treat them unfairly. The government has made an effort to give them safe living circumstances, adequate healthcare facilities, and education for their kids. However, even today, we observe that the laws and regulations have not been correctly applied, and we witness manual scavengers operating in sewage tanks without wearing safety gear, proving that none of these measures have been sufficient to alleviate their situation. This issue has to be thoroughly addressed and resolved as soon as possible. The government should properly monitor the organisations that deal with manual scavengers and enforce the legislation. Those who compel other impoverished individuals to labour under such circumstances ought to face serious penalties. Through an online database, the government could monitor the number of manual scavengers and offer them financial and medical support. As a community, we ought to show them greater consideration and assist them wherever we can. To raise people's awareness of their rights and encourage them to demand them, numerous campaigns and rallies should be held. In order to eliminate manual scavenging in the near future, the states should use a variety of technologies to aid with sewage disposal tasks and reduce manual scavenging as much as possible. To give the impoverished people more work possibilities, the government should set up a number of training and employment guarantee programs.

¹⁶ AIR 2014 SC (SUPP)280

¹⁷ AIR 2023 SC

¹⁸ Selective Rehabilitation of Manual Scavengers Irks HC, The Times Of India, (Apr 8, 2025, 00:11 IST), <https://timesofindia.indiatimes.com/city/bengaluru/selective-rehabilitation-ofmanual-scavengers-irks-hc/articleshow/120073781.cms> , (last visited on Apr. 20, 2025, 3:19 PM).