



Right to be Human: A Quest

Dr. Kusum Chauhan

Assistant Professor (Selection Grade)

H.P.University Institute of Legal Studies,

Ava-Lodge,Shimla-4

Abstract

***"If we are humans, let us be treated as such"*¹**

Manual scavenging is a term which makes us frown, its imagination makes us feel gross and accepting and owning it as our societal norm makes us feel ashamed, but still prevalent in many parts of our country. Despite legislative and judicial intervention, the persistence of these practices on a continuous basis bores testimony to the dehumanizing condition of manual scavengers in our country and also to the nemesis of humanity within human beings. Apart from the social stigma that they face, they are also exposed to certain health problems by virtue of their occupation. These health hazards include exposure to harmful gases, cardiovascular degeneration, musculoskeletal disorders, hepatitis, leptospirosis and skin problems. The underlying causes are found to be poverty, unemployment, the caste system, and insensitive society. The difficulties of manual scavengers' stem from the fact that no state is willing to accept to their existence. In the absence of a broader understanding of relevant bottlenecks, the plight of manual scavengers is unlikely to change. A pragmatic approach is required to bring assertive changes. This paper seeks to illustrate the issues faced by manual scavengers, the legislative and judicial efforts to stop the cruel practice. The author, through the

¹ Written in a letter by Sanitation Workers Union in 1946 to the Secretary of the Congress Party of Central Provinces .Quoted in Prasad V., "Between Economism and Emancipation :Untouchables and Indian Nastionalism",1920-1950, *Left History* 3(1):5-30,1995.

paper also talk about a way forward for the effective and proper implementation of laws to end this inhuman practice of manual scavenging.

Key Words: Manual Scavengers, Human Dignity, Right to be Human

A. Introduction

Manual scavenging has been undoubtedly, one of the greatest evils plaguing our country for decades. Manual scavengers constitute a caste-based occupational group; those employed as manual scavengers come from the lowest rungs of society. Apart from the social stigma, the work of scavenging is poorly paid and causes life-long health risks and problems which can sometimes turn fatal. These health hazards include exposure to harmful gases, cardiovascular degeneration, musculoskeletal disorders, hepatitis, leptospirosis and skin problems. Data collected by the National Commission for Safai Karamcharis (NCSK) show that, on average one person dies every five days while cleaning sewers and septic tanks.² **Mahatma Gandhi** once stated "*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*".³

Even after decades of independence; it was in the year 1993 and later in 2013, that the Government of India passed a dedicated legislation to ban the inhuman and degrading practice of manual scavenging but still concrete relief to manual scavengers is a distant dream. There is still a dispute over the exact number of people who are involved with the work of manual scavenging. The estimates provided by the government are significantly lower than those given by the civil society groups. The practice of manual scavenging poses several questions over equal access to protection offered by the Indian Constitution and the Indian judiciary guaranteeing rights to all its citizens. Before proceeding further on the discussion, whether or not the practice of manual scavenging affects the human dignity of an individual, conceptual clarification on what is human dignity for clarity is essential.

² <https://thewire.in/labour/since-2017-one-manual-scavenger-has-died-on-the-job-every-five-days> (Accessed on 20/5/2020)

³ Quoted by Bindeshwar Pathak, *Environmental Sanitation and Eradication of Scavenging in India*, 2015, p.27

Human dignity is a universal concept and is not confined to the borders and political divisions. Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights which are commonly known as human rights. These rights of human beings are not derived from being a national of certain State, but belong to them because of their very existence and are based upon the attributes of human personality. They are derived from the inherent dignity and worth of human being. To have human rights one need not to do anything special than be born a human being. Article 1 of the **Universal Declaration of Human Rights, 1948** states that “*All humans are born free and equal in dignity and rights*”.⁴

The concept of human dignity is also reflected in the Preamble of the **International Covenant on Civil and Political Rights, 1966**. It recognises human dignity as the fundamental for other civil and political rights.⁵ This reading from the Preamble gives an idea of how important human dignity is just for not being respected but also for enjoying several other civil rights.⁶ So far as India is concerned, Government has given due consideration to the recognition and protection of human rights.

In India various kinds of legal measures have been taken towards promotion and protection of human rights, these measures are in the shape of Constitutional and Statutory Provisions. The Hon’ble Supreme Court has at several occasions acknowledged that the Article 21 of the Indian Constitution⁷ includes the right to live with human dignity. In ***Kharak Singh v. State of Uttar Pradesh***, the court observed that “Article 21 does not only connotes to a mere animal existence.”⁸ Further in ***Maneka Gandhi v. Union of India***, it was observed that “Article 21 does include in its wide ambit, right to live with human dignity”.⁹

However, the concept of human dignity is alien to the manual scavengers. The work they are involved in is against the concept of human dignity. It is one of the most prominent forms of discrimination against Dalits, and it is central to the violation of their human

⁴ Universal Declaration of Human Rights, G.A. Res. 217A, U.N. Doc. A/810 (December 12, 1948).

⁵ International Covenant on Civil and Political Rights, G.A. Res. 2200A(XXI), U.N. Doc. A/2929 (July 1, 1955).

⁶ Justice A.K. Sikri, *Human Dignity as a Constitutional value*, June, 2016 available at: <http://blog.hawaii.edu/elp/files/2016/06/HUMAN-DIGNITY-HAWAI.pdf> (Accessed on 23/10/ 2020).

⁷ The Constitution of India, 1950, Article 21

⁸ *Kharak Singh v. State of Uttar Pradesh*, AIR 1963 SC 1295.

⁹ *Maneka Gandhi v. Union of India*, 1978 AIR 597.

rights. The working conditions of these sanitation workers have remained virtually unchanged over the years. Apart from the social stigma that they face, they are also exposed to certain health problems by virtue of their occupation.¹⁰ The exposure of risk and the availability of even bare minimum protection makes it implicit that the concept of dignity has been lacking and they are still struggling to be recognised as ***Human Being***.

Since Independence, Government of India has taken many policy and legislative decisions to end this practice. However, despite stringent provisions in law, this practice continues unabated throughout the country. This is despite the fact that the **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993**, banned the practice in India and the amended **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013** provides for punishment for engaging people for hazardous cleaning of septic tanks and sewers. In another attempt to safeguard basic human rights for manual scavengers, the government has recently proposed the **Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Bill, 2020** as an amendment to the 2013 Act, which failed miserably at a policy and implementation level. The Act aims to provide rehabilitation of workers in this industry, compensate for sewer deaths, and secure protective equipment for the workers.¹¹

B. Legislative and Judicial Efforts

In a scientific era where India is aspiring to become a super power, it's a matter of shame that we still ask fellow humans to descend into manholes. We are lacking in a technology which can liberate them from this inhuman and hazardous task of cleaning the sewers. This not only amounts to violation of their human rights but also a disgrace to human dignity and humanity at large. This situation persists despite the fact that the new Act, **The Prohibition of Employment as Manual Scavengers and their**

¹⁰ Human Rights Watch, *India: Caste Forced to Clean Human Waste*, August 25, 2014, available at: <https://www.hrw.org/news/2014/08/25/india-caste-forced-clean-human-waste> (Accessed on 23/10/2020); See also Charlie Campbell, *India's 'Untouchables' Are Still Being Forced to Collect Human Waste by Hand*, August 25, 2014, available at: <https://time.com/3172895/dalits-sewage-untouchables-hrs-human-waste-india-caste/> (Accessed on 23/10/ 2020).

¹¹ <https://countercurrents.org/2020/12/why-the-manual-scavengers-still-havent-gotten-their-rights/> (Accessed on 20/5/2020)

Rehabilitation Act ,2013 is in enforcement, which provides for the prohibition of the employment of manual scavengers as well as their rehabilitation, for assuring the dignity of the individual, as enshrined in the Preamble of the Constitution. Manual scavenging was banned around 29 years ago with the passing of the **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993**, but despite such law thousands of people still make their livelihood by manually cleaning the toilets and sewers .

According to the India **Census 2011**, there are more than 2.6 million dry latrines in the country. There are 13,14,652 toilets where human excreta is flushed in open drains, 7,94,390 dry latrines where the human excreta is cleaned manually. Seventy three percent of these are in rural areas and 27 percent are in urban areas.¹² As per the **Socio Economic and Caste Census 2011**, released by the Ministry of Rural Development in July 2015, there were 1,82,505 manual scavengers in only the rural areas of the country. To identify the number of exact manual scavengers in India , two surveys have been conducted by the Ministry of Social Justice & Empowerment during the years 2013 and 2018 in which 14,812 and 48,251 manual scavengers were identified respectively giving a total of more than 63,000 manual scavengers in the country. However, the 2018 survey was conducted only in a total of 18 states & 170 districts. Organizations like the **National Commission for Safai Karamcharis** have held that the real picture may emerge only after a comprehensive nationwide survey on similar lines. The problem lies in the fact that the government refuses to acknowledge the magnitude and gravity of the matter, which is evidenced by blatant denial or underreporting of those involved in manual scavenging on numerous occasions. In a 2018 survey, the Ministry of Social Justice and Empowerment task force recorded a **four-fold increase**¹³ in those cleaning pit latrines in a single year. Many states which had previously recorded a zero or minuscule count also showed a significant increase in numbers.¹⁴ The Indian government's statistics on manual scavengers are grossly inadequate. There is a mismatch between independent studies which have surveyed the number of manual scavengers and the number of manual scavengers identified by State Governments. The

¹² LokSabha Secretariat Report, Manual Scavengers: Welfare and Rehabilitation 2013 at 2 <http://164.100.47.134/intranet/Manual%20Scavengers%20welfare%20and%20Rehabilitation.pdf>.

¹³ [Centre Counts 53,000 Manual Scavengers in India, 4x Higher Than Last Survey \(thewire.in\)](http://thewire.in/133333-centre-counts-53000-manual-scavengers-in-india-4x-higher-than-last-survey.html) (Accessed on 20/5/2020)

¹⁴ Chapter 2, 2.1, the National Commission for Safai Karamchari 1996-1997 and 1997-1998 (Combined Report)

National Crime Records Bureau does not publish distinct data on manual scavenging due to ‘low numbers of cases reported’. The discrepancy in the data, reluctance to disclose complete data, or denial of the existence of manual scavenging is the biggest issue to eradicate this inhuman practice.

Year	Key Efforts to End Manual Scavenging
1993	The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act
2000	National Commission for Safai Karamcharis submits its first report to Parliament - ineffective 1993 Act
2001	UN World Conference Against Racism held in Durban, South Africa. Caste described as descent-based discrimination.
2002	At 27th session of the UN Commission on Human Rights, Working Group on Contemporary Forms of Slavery urges India to implement the 1993 Act
2004	The Planning Commission develops a national action plan - end manual scavenging by 2007
2007	ILO's 96th Session releases "Equality at Work" report, also mentioning manual scavenging
2011	Ministry of Social Justice and Empowerment - new national level survey to identify manual scavengers National Human Rights Commission releases report, "Know Your Rights: Human Rights and Manual Scavenging."
2012	European Parliament passes a resolution criticising caste-based discrimination in India
2013	Parliament passes the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSR Act)
2014	Supreme Court directs states to implement 2013 Act, alternate employment opportunities
2020	Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Bill, 2020

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 was the first legislation to outlaw the construction of dry latrines and the employment of manual scavengers, where the definition identified a person as a manual scavenger if such a person is ‘engaged in or employed for manually carrying human excreta’. In what can be identified as a significant development from the Protection of Civil Rights 1976 Act, the definition expressly prohibited engagement and employment for ‘manually carrying human excreta’ without any qualifications of the existence of untouchability as a ground for engagement in such exercise. Thus, the outlawing of manual scavenging, through delegating the powers to the state government,

has rejected the conditions-based approach of the Protection of Civil Rights 1976 Act and provided a direct prohibition on the employment of manual scavengers.

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act , 2013 meant to reform the earlier Act of 1993 , establishes a distinction between hazardous cleaning and manual scavenging. The former entails manual cleaning of the sewer or septic tanks by employees without ‘protective gear and other cleaning devices and ensuring observance of safety precautions’. A manual scavenger on the other hand is any person engaged in manually cleaning and handling human excreta from an insanitary latrine or an open drain or pit where the human excreta is disposed of, including the railway track or in such other spaces or premises as identified by the government. The Explanation to section 2(g) attaches a condition to this definition where—

(b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, *shall not be deemed to be a ‘manual scavenger’*;

Therefore, both hazardous cleaning and the employment of manual scavengers are prohibited by the MS 2013 Act¹⁵only if protective gear, equipment and devices are not provided to municipal employees and manual scavengers. The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Rules, 2013, provide an inclusive list of 44 protective gear and safety devices which must be provided to persons engaged in cleaning sewer or a septic tank.¹⁶ The significance of this legislative exceptionalism and permissibility of manual scavenging is that the MS 2013 Act lacks tools to achieve its central objective—‘the prohibition of employment as manual scavengers, rehabilitation of manual scavengers, and their families’. It is because, on the one hand, the legislation prohibits the employment in hazardous activities and manual scavenging, and on the other permits carrying out these otherwise prohibited acts if such persons do so with protective gear, equipment and devices. The legislative intent is thus not towards completely prohibiting any forms of engagement and employment in carrying human excreta, or entering sewers or septic tanks by persons, but to continue

¹⁵ Sections 5 and 7, The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act , 2013

¹⁶ Rules 3 and 4. The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Rules, 2013

the practice of manual scavenging and hazardous cleaning by providing safety mechanisms to ensure engagement.¹⁷

Manual scavenging is also an offence of ‘atrocity’ under The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989., whereby through the Atrocities Amendment Act, 2016, sub-clause (j) made acts of compelling and employing SC/ST community members for the purposes of manual scavenging. The Atrocities Amendment Act, 2016, transposes the definition of ‘manual scavenger’ from the 2013 Act,¹⁸ and hence also inherits its limitations as identified above.¹⁹

In another attempt to safeguard basic human rights for manual scavengers, the government has proposed the **Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Bill, 2020** as an amendment to the 2013 Act, which failed miserably at a policy and implementation level.²⁰ The Bill, 2020 aims to completely modernise existing sewage system and the coverage of non sewer areas; setting up fecal sludge and sewage management system for the mechanised cleaning of the septic tanks, transportation and treatment of the fecal sludge; equipping the municipalities and Setting up of Sanitation Response Units with help lines. It proposes to make the law more stringent by increasing both fine and the term of imprisonment.

The judiciary has, time and again, attempted to ensure that the state governments fulfil their duties and sufficient compensation to the kin is provided in a timely fashion. In *Safai Karamchari Andolan v. Union of India*²¹, Supreme Court acknowledged the menace of manual scavenging in India as an inhuman, degrading and undignified profession. **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.” The Supreme Court also referred to several international covenants and instruments, to which India is a signatory, that seeks to guarantee a dignified human life in respect of his profession and other walks of life e.g., Universal Declaration of

¹⁷ Abhishek Goyal, ‘Dungeons and Dragons: Game for Some, Reality for Others – Manual Scavenging in India,’ 2020 SCC *OnLine Blog* Op Ed 127.

¹⁸ Section 2(bf). The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act , 2013

¹⁹ Asang Wankhede, “The Legal Defect in the Conditional Prohibition of Manual Scavenging in India”, *Contemporary Voice of Dalit* 1–12, 2021 ,SAGE Publications India (Pvt) Ltd

²⁰ <https://countercurrents.org/2020/12/why-the-manual-scavengers-still-havent-gotten-their-rights/> (Accessed on 20/1/2021)

²¹ 2014 (4) SCALE 165.

Human Rights (UDHR), Convention on Elimination of Racial Discrimination (CERD) and the Convention for Elimination of all Forms of Discrimination Against Women (CEDAW). ²²

The court has been categorical that, “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 emergency situations. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.
- (b) Railways— should take 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 in accordance with their choice of livelihood schemes.

The court also directed the Indian Railways, which is the largest employer of manual scavengers in the country, to take time bound strategy to end manual scavenging on the tracks...

The court acknowledged the significance of the data provided by the petitioner Safai Karmachari Andolan, who filed the Writ Petition, “that the practice of manual scavenging continues unabated. Dry latrines continue to exist notwithstanding the fact that the 1993 Act was in force for nearly two decades. States have acted in denial of the 1993 Act and the constitutional mandate to abolish untouchability.”

Terming manual scavenging as “*inhumane*”, the Hon’ble Supreme Court on 18th September 2019 expressed serious concern over the people dying during sewage cleaning. The Supreme Court said nowhere in the world people are sent to “gas

²² *Id.* para 14.

chambers to die”.²³ A bench headed by **Justice Arun Mishra** questioned Attorney General K. K. Venugopal, appearing for the Centre, as to why proper protective gear like mask and oxygen cylinders were not being provided to people engaged in manual scavenging and cleaning of sewage or manholes. Four to five people are dying due to this every month, said the bench also comprising justices M. R. Shah and B. R. Gavai.

The apex court was hearing a review petition moved by the central government which is seeking review of its last year's verdict which had diluted provisions of arrest under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. During the hearing, the court also asked the people to introspect and ask oneself if untouchability had really been abolished in India. The court further went on to say that the government had a big role to play in improving the condition of manual scavengers, and must give them equal opportunities. While making scathing observations, the apex court said though more than 70 years have passed since Independence, caste discrimination still persists in the country

Prior to this case, The Hon'ble Supreme Court in ***Delhi Jal Board vs National Campaign for Dignity and Rights of Sewerage and Allied Workers & others***²⁴ has also recognized the plight of sewage workers, who risk their lives by going inside drains without any safety equipment and are denied their fundamental rights of equality, life and liberty. The Court had also criticized the government for being insensitive to the safety and well-being of these workers. This direction was passed by High Court of Delhi in ***National Campaign for Dignity & Rights of Sewerage and Allied Workers vs MCD and others***.²⁵ Similar directions have been issued by , the High Court of Gujarat in ***Praveen Rashtrapal vs Chief Officer Kadi Municipality***.²⁶ The High Court of Madras in ***A Narayanan vs The Chief Secretary and Others***.²⁷ The High Court of Karnataka in ***PUCL, Karnataka vs State of Karnataka and others*** .²⁸

²³ *Union of India v the State of Maharashtra* , (2020) 4 SCC 761.

²⁴ (2011) 8 SCC 568

²⁵ *National Campaign for Dignity and Rights of Scavengers and Allied Workers v M.C.D. and Another* ,W.P.(c) 5232/2007

²⁶ *Praveen Rashtrapal IRS v. Chief Officer, Kadi Municipality* (2006) 3 GLR 1809

²⁷ *A. Narayan v. The Chief Secretary* , W.P.No. 24403 of 2008 ,Decided on 20/11/2008

²⁸ W P 30221/2009

Apart from the Act of 2013, **Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013** has been notified by Ministry of Social Justice and Empowerment. Ministry of Housing and Urban Affairs, Government of India has published '**Manual on Sewerage and Sewage Treatment Systems, 2013**'. The same Ministry has also issued Standard Operating Procedure (SOP) for cleaning of Sewer and Septic tanks in November 2018. There is also IS: 11972:1987, Indian Standard, Code of Practice for Safety Precautions to be Taken When Entering a Sewage System, which lays down guidelines for safety measures against gas hazard and infections. Despite all these guidelines there are still reports of such violations and the failure of the State Governments in keeping their commitments.

Manual Scavengers' liberation will not come unless we acquire necessary technological changes, which will then render the occupation humane, dignified and safe in ways which completely avoid any direct human contact with excreta. The liberation of these workers cannot be conceptualized in isolation because they will lose their only source of income without a meticulous road map for meaningful rehabilitation as proposed for manual scavengers. The present Act of 2013 cannot achieve its objective without a road map for rehabilitation. Significantly, the judiciary has been monitoring and has been examining all kinds of violations. However, in the long run this cannot be a solution; the state has to prioritise its agenda to phase out this dehumanising practice.

The Act of 2013 does not give the same rights to those who manually clean drains and septic tanks. This is also manual labour and involves the use of hands in cleaning excreta. Workers have to enter manholes to physically clean blockages. Government bodies have brazenly ignored court orders on mechanization and bans on manual cleaning of sewage pipes. Unfortunately, the much-awaited new law also ignores the plight of sewage workers.

However, the 2013 Act has included sewage workers who were completely left out in the previous Act, titled Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. Till now the definition of manual scavengers was different from sewage workers and all authorities adhered to the definition of manual scavenging as given in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. Sewage workers are engaged in one of the most hazardous occupations, defined under Section 2(d) as "hazardous cleaning". Yet, the Act

excludes persons engaged or employed to clear excreta with the help of devises. A sewage worker using protective gear shall not be recognized as a person doing an inhuman occupation that is hazardous.

Interestingly, the Act has not defined the term “protective gear”, which can be interpreted to even include mere gloves or protective clothing, thus, providing a gaping hole in the law that will allow the practice to continue with a few insufficient changes in apparel. This escape route in the law defeats the purpose of protecting human dignity and the integrity of sewage workers, and does little to uplift them, thus defeating the very purpose of the law.

Hence, the Act must be retitled as “the Act to provide for the Prohibition of Employment as Manual Scavengers and Sewage Workers, Rehabilitation of Manual Scavengers and Sewage workers and their Families”. Only then would the Act be clear in its approach and address the issue in its proper context. Additionally, the Act must define the sewage worker, clarify what it means by the term “protective gear” and what items this gear include and what it excludes.

The Act must make it obligatory that the latest technology should be provided for persons attending sewage disposal and it shall be the responsibility of the Union and State Governments to provide sufficient funds for the purchase of machines and equipment under Article 266 (3) read with Article 39(e), and Article 256 of the Indian Constitution.

The Indian State has put forth myriad legal instruments and institutional schemes to tackle this perverse system of exploitation and discrimination. Nevertheless, the continuing prevalence of manual scavenging and other discriminatory practices against Dalits points to gaps between legislation and enforcement on the ground. Several constitutional and legal provisions for the protection of Dalit rights are in place on paper. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Protection of Civil Rights Act, 1955 and the special courts set up under Protection of Human Rights Act, 1993 have all failed to protect the life and dignity of Dalits. The judiciary has also contributed with court rulings to have Indian states fulfill their constitutional obligation. The executive has created Committees and Commissions to

directly address this problem. Nevertheless, enforcement has been poor at best and resources have often been lost due to lack of execution.

C. Conclusion and Suggestions

In the light of above discussion it may be concluded that even though multiple government schemes have been implemented and, various anti-scavenging legislations exist, the practice continues. Intervention by the legislative and judiciary have not seen much success in eliminating the problem. The manual scavenging communities still suffer due to persistent discrimination, lack of information, improper implementation of laws and lack of alternative way of livelihood. In India, this occupation is hazardous, unsafe, unsanitary, undignified and above all, legally banned by Parliament a few years ago. Manual scavengers in India have been deprived of their dignity and human rights and they are still struggling for their right to be human. Over the years, the focus of the policy interventions has been limited to compensation and technological innovation; consequently, progress in eradicating manual scavenging has been sluggish. We need more comprehensive solutions that give caste and gender inequality, the digital divide and access to finance due consideration. Caste and gender inequality, limited access to finance and digital divide are not the only determinants of the plight of manual scavengers in the country. However, these are a few factors that have slipped through the cracks in the policymaking process and the national discourse on manual scavenging.²⁹

In order to ascertain the dignity of scavengers, there is a need for a holistic approach in policy framing, inclusive of variables such as caste, gender, and economic stability. The first step towards restoring the dignity of manual scavengers is accurate identification. Following identification, it is paramount to focus on the restoration of manual scavengers' human dignity through state instruments, including legislation and specially targeted social welfare policies. However, liberated scavengers' susceptibility to falling back to the practice is high due to societal pressure and economic insecurity. Therefore, the final step must emphasize complete economic and social rehabilitation.

For manual scavenging to come to an end in India there is a need to revise the existing law, strict implementation, and a change in mindset. The norm of manual scavenging

²⁹ S. Malik, Ending Manual Scavenging: Policymaking Needs to Innovate Beyond Compensation, 17/10/2021, *The Leaflet*,

needs to be abolished in reality and not just in name. The caste system must not be allowed to influence the working of the country. It is an obligation on every member of the society to make this vulnerable group stronger and to uplift their rights and human dignity. The government should implement the legal provisions in a strict manner that denigrates these workers in the name of caste and communities. People who support the practice of untouchability must be strictly punished.

Awareness campaigns are a good way to spread knowledge on the communities rights and also a way to teach the mass on health issues, hygiene practices, and sanitation practices. Through the campaign, the government officials need to inform the people on the legal consequences that are connected to engaging in scavenging and having dry toilets so that everyone knows that it is banned by law and the community should be aware of the penalties they will face once they are arrested and if they partake in employing manual scavengers. On top of that, the manual worker should be made aware of their rights and the laws that protect them from exploitation by their employers or community.

The children of the manual scavengers must be assisted by the government so that they could be educated and their health remains in good condition so that the vicious cycle of manual scavenging could be stopped. Adequate medical facilities, nutrition, and other things for basic needs must be arranged for them so that they could live in a better manner. Alternative jobs should be arranged for them so that they do not continue manual scavenging due to fear of unemployment. The government should invest in proper human waste management equipment furthermore the solution is not protective gear for them as it should be the total removal of the occupation so that no one has to suffer from doing such miserable and health deteriorating job such as cleaning other people's excrement.