

# Caste, Crime, and Compulsion: Structural Forces Behind the Persistence of Manual Scavenging in India

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**Abstract.** Rooted in India's caste system, manual scavenging involves cleaning, handling, or disposing of human excreta without protective gear. This degrading work is predominantly performed by Scheduled Castes (Dalits), such as Bhangi, Mehtar, Halalkhor, and Balmiki, often driven by socio-economic compulsions and lack of alternative employment. The enactment of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993) and its successor, the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act (2013), criminalised this inhumane practice. However, recent evidence from the independent researcher shows that manual scavenging continues due to poor implementation and the failure of these laws to bring substantive reforms to the lives of those affected. In this context, the present study examines why manual scavenging persists despite being abolished and criminalised by the government of India. It approaches the issue from a criminological perspective, applying Routine Activity Theory (RAT) to understand how the convergence of motivated offenders (state agencies and private contractors), availability of vulnerable targets (manual scavengers), and the absence of capable guardians (law enforcement, regulatory bodies, and public institutions) sustains this practice, forcing manual scavengers into the state of marginalisation and poverty. The study utilises secondary data, including legislative documents, judicial rulings, government surveys, independent reports, and media investigations.

## 1. INTRODUCTION

Manual scavenging is the practice of manually cleaning of human excreta from dry latrines, septic tanks, sewer lines, and open drains<sup>1</sup>. In India, this work is still going on, even though it has been criminalized and banned, according to the Employment of Manual Scavengers and Construction of Dry Latrines Prohibition Act of 1993 (hereafter called as MS Act 1993) and its successor the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act of 2013 (hereafter called as MS Act 2013) (Wankhede, 2021; Mala et al., 2022). Rooted in India's deeply entrenched caste system<sup>2</sup>, this dehumanizing work has historically been relegated to Dalit<sup>3</sup> communities, reinforcing a structure of hereditary occupation, stigma, and exclusion (Goghari & Kusi, 2023). Although the earliest Vedic texts do not explicitly mention manual scavenging, its ideological basis lies in post-Vedic Hindu scriptures such as the Manusmriti<sup>4</sup> and the Narada Samhita<sup>5</sup>, which codified notions of ritual purity and pollution, assigning "unclean" tasks like waste disposal to Dalits (Ambedkar, 1990; Olivelle, 2005). This caste-based division of labor entrenched a rigid social hierarchy that systematically denied dignity, rights, and upward mobility to manual scavengers in India (Kahle & Kumbhare, 2023).

Evidence of this systemic relegation is visible in ancient urban settlements like Pataliputra during the period of Mauryan (approximately 321 to 185 BCE), where Dalits, often referred to as Chandals, were tasked with sanitation duties while being socially ostracized (Crooke, 1896; Thapar, 2002). The practice of manual scavenging was also present during the mediaeval period where Dalits known as Bhangis or Halalkhors, performed cleaning work. Cultural traditions in Muslim emphasized the significance of women's privacy and solitude. Therefore, it was essential to provide specific areas for women to perform bodily functions, such as defecation, to preserve their privacy. The situation necessitated the disposal of human excreta by manual scavengers (Alvi, 2013; Prashad, 2000). Under British colonial rule, the role of manual scavengers was further institutionalized through municipal acts and official postings in military and railroad establishments (Pathak, 1991; Harrison, 1994). At this time, the 1931 Census reported nearly 2 million individuals employed in this practice (Hutton, 1931).

This institutionalized and dehumanizing practice of manual scavenging eventually drew the attention of prominent leaders

<sup>1</sup> In the Indian sanitation context, certain forms of waste infrastructure continue to demand dangerous and dehumanising labour. Dry latrines, which do not use water to flush human waste, still exist in parts of the country and require the manual removal of excreta, often on a daily basis. Similarly, septic tanks—underground chambers that collect household sewage in areas without sewerage systems—are frequently cleaned manually when they fill up, putting workers at serious health risk. Sewer lines, designed to transport waste to treatment plants, are often blocked or poorly maintained, leading to situations where labourers are forced to enter them manually—despite legal prohibitions. Open drains refer to the uncovered channels carrying rainwater mixed with sewage—are another site where manual cleaning persists, typically without protective gear. These sanitation spaces expose workers, mostly from Dalit communities, to hazardous conditions and reflect a larger failure of mechanisation, dignity, and enforcement of law (Khare, 2023).

<sup>2</sup> Caste in India refers to a hereditary system of social stratification rooted in ancient Hindu ideology, particularly in the varna model that divided society into four broad categories: Brahmins (priests and scholars), Kshatriyas (warriors and rulers), Vaishyas (merchants), and Shudras (servants and labourers). Outside this system were the 'Avarnas' or Dalits, formerly known as "untouchables," who were assigned tasks considered impure, such as manual scavenging or leatherwork (Dumont, 1980).

<sup>3</sup> The term "Dalit" refers to a socio-economic category in India, historically associated with the lowest strata of the caste system, often referred to as "untouchables" or "Scheduled Castes." The etymology of "Dalit" is rooted in the Sanskrit word "dal," meaning "broken" or "oppressed," and was first used by social reformer Jyotiba Phule in the 19th century to describe the plight of these marginalized communities (Shahida, 2020).

<sup>4</sup> Manusmriti (also known as Manava Dharmashastra) is an ancient Hindu legal text traditionally attributed to the sage Manu. It is one of the earliest and most influential texts codifying the Hindu social order, including the caste system, and has been widely criticized for its justification of social hierarchy and gender discrimination (Sanil, 2023).

<sup>5</sup> The *Narada Samhita*, a classical Dharmashastra text, outlines fifteen principal duties for slaves, including menial and degrading tasks such as manual scavenging, reinforcing caste-based hierarchies and occupational segregation in ancient Indian society (Pais, 2021).

like Mahatma Gandhi and B.R. Ambedkar during the time of Indian national movements for independence. Their ideological standpoints have shaped and influence the concerns regarding the manual scavengers in contemporary India. Gandhi framed the occupation in moral and spiritual terms, calling it as a sacred labor by comparing this work with the mother doing cleaning job for a child. He advocated the personal participation of upper castes in sanitation work to eliminate untouchability (Gandhi, 1966). In sharp contrast, Ambedkar criticized this romanticization of the work and viewed manual scavenging as a product of structural caste oppression and advocated for its complete abolition through socioeconomic reforms and constitutional safeguards (Ambedkar, 2019; Ali, 2022). This ideological divide lays groundwork for the post-independence state policies aimed at addressing untouchability and caste-based labor. In response to this systematic exploitation, the government of India enacted various constitutional provisions such as articles 15 (prohibits discrimination), 17 (abolishes untouchability), and 23 (prohibits forced labour) and criminalised such caste-based traditions subjected to strict punishment in the post-independence period (Kaur, 2023).

As manual scavengers belongs to the Dalit and are considered untouchable, these provisions were also applicable to safeguard their rights. In addition to this, the government also established various committees which includes the Barve Committee (1949), the Backward Classes Commission (1953), the Central Advisory Board of Harijan Welfare (1957) and so on. The commissions documented the prevalence and conditions of manual scavenging communities in India and recommended for legislative measures to abolish such practices with effective rehabilitation measures (Barve 1958; Malkani et al, 1961; Ali 1995). The failure of implement these these recommendations led to organised campaign by the All- India Safai Majdoor Congress and the Safai Karmachari Andolan<sup>6</sup>, which further presurised the government which led to the enactment of the ligislations like MS Act 1993 and MS Act 2013 (Singh 2020). These organizations also leveraged judicial avenues by filing public interest litigations to spotlight the enduring exploitation of manual scavengers. The Supreme Court of India recognized this grave issue and issued significant rulings in the cases *Safai Karmachari Andolan v. Union of India* (2014)<sup>7</sup> and *Dr. Balram Singh v. Union of India* (2023)<sup>8</sup>. In these judgments, the Court reaffirmed the constitutional mandate to eradicate manual scavenging and directed the Indian government to implement what was termed as a 'comprehensive rehabilitation' program for those who have been forced into this dehumanizing practice (Khanna 2019).

Despite constitutional safeguards and legal prohibitions, manual scavenging persists in India, revealing a troubling disconnect between law and lived experience (Selvaraj, 2024). This contradiction presents not just a moral or legal crisis but a criminological one—highlighting the failure of institutional guardianship, systemic accountability, and socio-economic inclusion. This study reframes manual scavenging as a crime of structural and routine violations, drawing on Routine Activity Theory to analyze how the convergence of motivated offenders (state agencies and private contractors), availability of vulnerable targets (manual scavengers), and the absence of capable guardians (law enforcement, regulatory bodies, and public institutions) sustains this practice and further forcing them into the state of poverty and marginalization (Cohen & Felson, 1979). By treating manual scavenging as a criminogenic outcome embedded in everyday opportunity structures, this article offers a critical lens through which to interrogate the limitations of India's policy and legal frameworks in protecting the rights and dignity of its most marginalized citizens. The findings of this study offer policymakers a clearer understanding that manual scavenging is not just a social issue but a routine structural failure that requires urgent, on-the-ground action and a shift in focus from symbolic measures to meaningful systemic change.

## 2. LITERATURE REVIEW

The systematic study of manual scavenging started in the late 20th century, when scholars, journalists, and activists began to critically engage with the caste-based nature of sanitation work and its deep-rooted socio-economic and cultural implications. While earlier references to this occupation existed in colonial census reports and administrative records, a focused academic and activist inquiry began emerging prominently in the 1980s and 1990s when Dr. Bindeshwar Pathak in his book 'Road to Freedom' offered one of the earliest sociological analyses of manual scavenging, linking it to caste and sanitation practices, and proposing eco-friendly alternatives as a means of abolition (Pathak, 1991). Another study by Banga investigates the underlying economic conditions of manual scavengers in India. The book discusses the failures of state legislations and schemes and proposes inclusive policy measures like education, capital access, and skill development (Banga, 2004). This was followed by ethnographic and journalistic interventions in the study by Gita Ramaswamy (2005) in her book 'India Stinking' documented the lived experiences of Dalit women manual scavengers in Andhra Pradesh. The study by Basha Singh in her book 'Unseen—The Truth About India's Manual Scavengers' (2014) recorded the firsthand accounts of manual scavengers, especially women across India the book criticises the hollow implementation of laws banning the practice and holds the state and society responsible for its continuity (Singh, 2014).

There is various study available with regards to reviewing policy on manual scavengin in India. A study by Koonan (2021) adopted a socio-legal approach to understand the issues and argued that the status of manual scavenging has evolved from a "customary right" to a criminal act. He criticises the state's inaction and emphasizes the role of organised resistance for demanding the rights and dignity of manual scavengers in India. Another study by Wankhede (2021) highlights a key legal paradox i.e., the MS act 2013 conditionally permits manual scavenging with protective gear, which undermines the intent of absolute prohibition. Using normative legal analysis, the article calls for a non-conditional, dignity-centric legal framework. The study by Saldanha et al. (2022) argue that the policies of the government failed because they do not dismantle the structural caste-based logic that necessitates manual scavenging in India. Another study by Kahle and Kumbhare (2023) utilised the "legal opportunity structure" framework to understand why and how Dalit-led NGOs choose litigation as a tool. Through mixed-method research, it identifies that caste-based exclusion from political processes pushes marginalized actors towards judicial forums. The paper criticises the over-reliance on public interest litigation and advocates for a more pluralistic, decentralized model of legal mobilization. Another study by Khare (2023) utilises Amartya Sen's capabilities approach to reframes sanitation as a matter of dignity and freedom. It stresses that without addressing caste, gender, and labor conditions (especially of manual scavengers), policy narratives on

<sup>6</sup> Safai Karmachari Andolan (SKA) is a significant grassroots movement started in 1994 by Bezwada Wilson, a prominent Dalit activist who has been working to eradicate manual scavenging in India. SKA aims for total abolition of manual scavenging, implementation of laws, and rehabilitation of affected workers.

<sup>7</sup> In the landmark case of *Safai Karmachari Andolan & Ors. v. Union of India & Ors.* (Writ Petition (Civil) No. 583 of 2003), the Supreme Court of India delivered its judgment on 27th March 2014. The Court acknowledged the persistence of manual scavenging despite existing laws and constitutional mandates prohibiting untouchability and inhumane labour practices (Sathasivam, 2014).

<sup>8</sup> In *Dr. Balram Singh v. Union of India* (2023), the Supreme Court of India reaffirmed the constitutional obligation to eradicate manual scavenging, recognizing it as a violation of fundamental rights and dignity. The order highlighted how manual scavenging continued to be existed because of the poor implementation of the MS Act 2013.

sanitation remain hollow.

While existing work on manual scavenging in India has significantly contributed to our understanding of its entrenchment in caste hierarchies, gendered exploitation, and economic marginalisation, most of these studies have predominantly adopted sociological, legal, or rights-based frameworks. However, what remains critically underexplored in this growing body of work is a criminological inquiry into manual scavenging as a routine, state-enabled structural crime. Rather than treating manual scavenging as a byproduct of social inequality or administrative failure, this paper reframes it as a crime of omission and commission, rooted in everyday governance structures. By applying Routine Activity Theory, this study seeks to interrogate not just why manual scavenging persists despite legal prohibitions, but how and through whom—focusing on institutional actors, systemic enablers, and the conditions that render Dalit labourers repeatedly vulnerable to such exploitation. In doing so, this article fills an important gap in the literature by moving beyond conventional rights-based discourses to offer a criminological lens on caste-based structural violence, exposing the complicity of the state, private actors, and weak enforcement regimes in sustaining a legally abolished yet widely practiced crime

### 3. METHODOLOGY

This present study is based on Routine Activity Theory (RAT) to look into why people are still occupied in the work of manual scavenging even though the 1993 and 2013 Acts were enacted and implemented by the government of India. Developed by Lawrence Cohen and Marcus Felson (1979) in their seminal work *Social Change and Crime Rate Trends: A Routine Activity Approach*, RAT challenges traditional criminological theories that focus only on offender's psychology or socio-economic backgrounds. Instead, it looks at how crime opportunities emerge due to everyday patterns of social life. RAT posits that crime occurs when three elements converge in time and space. First is the motivated offender, where a person (or institution) willing to commit a crime or violate a norm. Second is a suitable target—an individual, group, or object that is vulnerable to victimisation. And lastly, the absence of a capable guardian, where a lack of social, legal, or institutional deterrence would prevent the crime from occurring. The study is conducted based on secondary data which include legislative and policy documents, judicial review and orders from the courts, academic literature and reports, and media analysis.

### 4. FINDINGS AND ANALYSIS

The findings and analysis section are divided into two parts. The first part will analyze the legal provisions associated with the MS Act 1993 and MS Act 2013. The second part of the Findings and Analysis section critically examines the continued persistence of manual scavenging despite the implementation of the laws through the lens of Routine Activity Theory (RAT).

#### 4.1. Overview of the Legislative and Policy Frameworks

The MS Act 1993 aims to abolish manual scavenging and prohibit the construction of dry latrines, ensuring the dignity and well-being of manual scavengers in India. The act criminalizes both the employment of manual scavengers and the maintenance of unsanitary latrines; it establishes legal mechanisms to implement these provisions. The Act initially applied to the states of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura, and West Bengal, and all Union Territories provided the option for other states to adopt it by passing a resolution under Article 252(1) of the Constitution. The Act also included penalties for violations, i.e., up to 1 year of imprisonment or a fine of up to ₹2,000 or both. It was the first act that made this occupation a cognizable offence, meaning the police can arrest the violators without a warrant (Government of India, 1993). Though enactment of the MS Act 1993 was a significant milestone, it was largely ineffective due to weak enforcement mechanisms, lack of rehabilitation measures, and loopholes allowing exemptions. For instance, exemption clauses under section 4 have given the power to state governments to exempt any area, category of buildings, or class of individuals from these prohibitions under unspecified conditions. This provision potentially weakens the effective implementation by allowing exemptions. Another reason behind the failure of this act was its limited scope, as it covered only manual scavenging involved in cleaning dry latrines. The application of this act was also limited to certain states and failed to establish a strong monitoring system. Additionally, its penalties were insufficient, and manual scavenging continued despite the formal ban. These gaps necessitated the enactment of a more comprehensive law, and in 2013, the government of India brought another legislation called MS Act 2013. By recognizing the gaps that existed in the MS Act 1993, the government expanded the scope of the manual scavenging occupation and included cleaning of insanitary latrines, open drains, septic tanks, and sewer lines, aiming to eliminate manual scavenging in all forms. To bring materialistic change to the lives of manual scavengers in India, the MS Act 2013 primarily had three major objectives, which included the prohibition and criminalization of the work, identification of manual scavengers, and rehabilitate them into alternative occupations (as shown in Figure 1). Let us discuss the provisions listed in the MS act 2013.

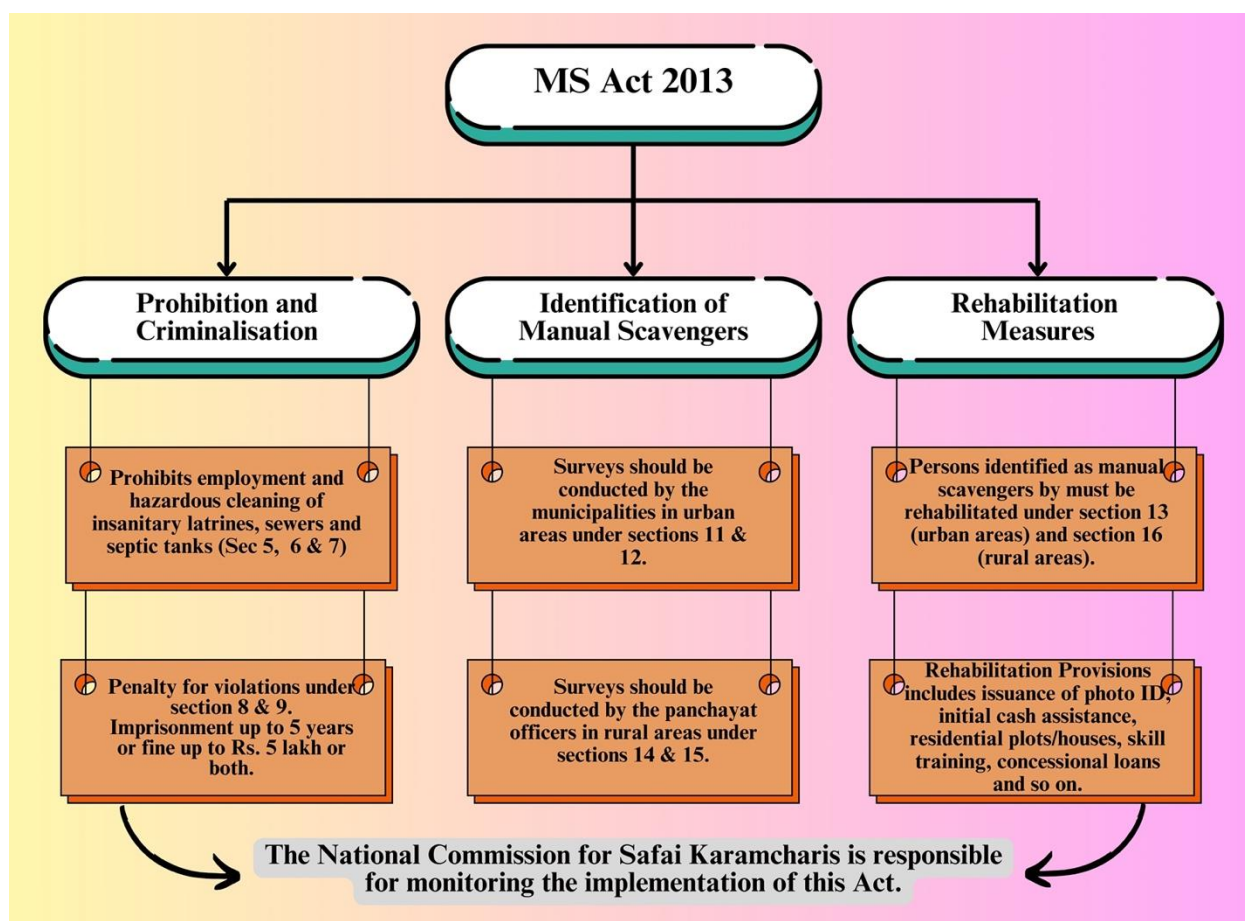


Figure 1: The Key objectives of the MS Act, 2013.

#### 4.1.1. Prohibition and Criminalization

The prohibition and criminalization of manual scavenging as occupation is explained in the Chapter III of the MS Act 2013. One of its key provisions includes under section 5 of the act which prohibits the construction and maintenance of insanitary latrines and the employment of manual scavengers in India. The Act also declares contracts for manual scavenging as void under Section 6, meaning that any pre-existing agreements employing individuals for such work are automatically nullified. Employers are not entitled to any compensation for contract termination, and they must provide alternative employment to former manual scavengers, ensuring they receive wages on par with their previous work. Additionally, hazardous cleaning of sewers and septic tanks manually is strictly prohibited under section 7 of the act. To ensure compliance, the act prescribes strict penalties for violations. Under section 8 of the MS Act 2013, employing manual scavengers can result imprisonment of up to one year or a fine of ₹50,000 (approximately 583 USD) for a first-time offence. Repeated or subsequent violations can lead to imprisonment for up to two years or a fine of ₹1,00,000 (approximately 1167 USD). Similarly, engaging a person in hazardous cleaning of sewers and septic tanks without protective gears carries even stricter consequences under section 9 of the act. The offence can lead up to two years or a fine of ₹2,00,000 (approximately 2334 USD) for first-time offenders, while repeated violations can lead to imprisonment for up to five years or a fine of ₹5,00,000 (approximately 5836.15 USD). Additionally, Section 10 of the act imposes a three-month cap on prosecution, meaning that legal action for violations can only be initiated within three months of the alleged offence.

#### 4.1.2. Identification of Manual Scavengers

The process of identification of manual scavengers in urban and rural areas is listed under the chapter IV of the MS act, 2013. In urban areas (as described in Section 11), municipalities were required to conduct surveys if they suspected that manual scavenging was being practiced within their jurisdiction. After the enactment of the MS Act, 2013, the survey was set to be completed within two months for municipal corporations and one month for smaller municipalities. Once the surveys were completed, it was required to publish a provisional list of identified manual scavengers, allowing the public to raise objections regarding inclusions or exclusions. After considering these objections, a final list was needed to be prepared and published. Under section 12, individuals were allowed to voluntarily apply for identification as manual scavengers, either during the survey or later. If their claim was verified by the competent authorities, their names were added to the final list for their rehabilitation in the alternative employment. A similar process was applied to rural areas under sections 14 and 15, where panchayats were responsible for conducting surveys to identify manual scavengers within their jurisdiction. Section 16 of the MS act 2013 ensured that those listed as manual scavengers in rural areas received the same benefits as those in urban areas. The Act placed the responsibility of conducting these surveys on local authorities, ensuring that manual scavengers were removed from hazardous work and provided with a pathway to a better livelihood.

#### 4.1.3. Rehabilitation of Manual Scavengers

The rehabilitation provisions are outlined in the chapter IV of the MS Act 2013. The provisions explained under this chapter mandated the requirements to provide alternative livelihoods, financial support, and social security (under section 13 to 16) to the



identified manual scavengers in the government surveys. The Government of India has implemented rehabilitation measures for manual scavengers under the Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS), which was launched in 2007. This scheme was revised in 2013 in alignment with the MS Act 2013 under the aegis of the National Safai Karamcharis Finance and Development Corporation (NSKFDC)<sup>9</sup> that oversees implementation. The scheme provides one-time financial assistance of ₹40,000 (458.35 USD) to identified manual scavengers, skill development training with a stipend of ₹3,000 (3.44 USD) per month for up to two years; subsidized loans of up to ₹15 lacs (17187.96 USD) for alternative livelihoods; and capital subsidies of up to ₹5 lacs (5729.32 USD) for general and sanitation-related projects. In 2021, this scheme was further revised and introduced higher concessional loans of up to ₹15 lacs (17187.96 USD) for individuals and ₹50 lacs (57293.20 USD) for group projects, which include five beneficiaries (Government of India, 2013). Furthermore, provisions were made for housing support, either through financial aid for home construction or the allotment of ready-built houses. For manual scavengers identified in rural areas, section 16 of the act ensured that they received the same rehabilitation benefits as those in urban areas. The responsibility for implementing these measures was placed on district magistrates and local authorities, who were expected to oversee the rehabilitation process and ensure that support reached those in need.

## 4.2. Legislative Failure and Economic Marginalization

After the enactment of the legislation MS Act 2013, the government of India started the implementation process of the legislation. The first and foremost was to identify the manual scavengers in India. The process started in 2013 and ended in the year 2018 which needed to be completed with two months of the enactment of the legislation. The Ministry of Social Justice & Empowerment conducted surveys in 2013 and 2018, which clearly demonstrated this. The surveys identified a total of 58,098 manual scavengers across India, combining the data collected in the years 2013 (13,881) and 2018 (44,217) surveys. States like Uttar Pradesh and Maharashtra reported the highest numbers of manual scavengers (PIB, Delhi, 2023; Lakshman, 2024). The data reported by the government was very underestimated in comparison with the official statistics from the same ministry for 2002–2003, which reported 676,009 manual scavengers (Sathasivam, 2014). The Socio-Economic and Caste Census (SECC) of 2011 identified 182,505 manual scavengers in rural areas (Ministry of Social Justice & Empowerment, 2015). As shown in Figure 2, the reported decline in the number of manual scavengers—from 676,009 in 2002–2003 to 58,098 based on the 2013 and 2018 surveys—reflects a 91.41% decrease. However, this figure does not align with ground realities, taking into consideration previous governmental efforts and highlighting both the limitations of the MS Act 1993 and the shortcomings in its implementation. Furthermore, the surveys that were conducted post-2013 were limited to statutory towns in 14 states, portraying manual scavenging as an urban issue in India (Saha & Upadhayay, 2021).

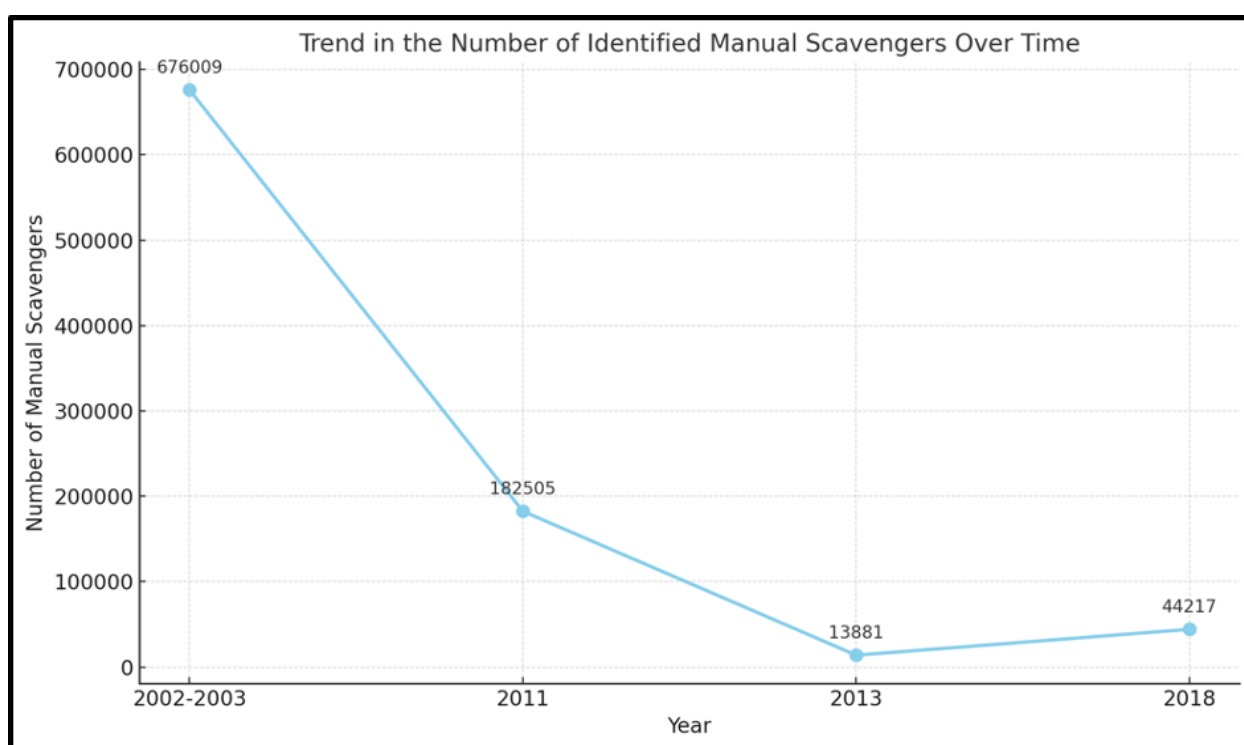


Figure 2: Trend of manual scavengers identified over the years.

As the identification process was fundamentally flawed from the outset, rehabilitation efforts have remained largely inadequate and exclusionary, especially for manual scavengers in rural areas (Shekhar, 2023). Many were left out of the surveys altogether, effectively denying them recognition and access to much-needed support. For those who were identified, the rehabilitation programs were largely limited to one-time financial assistance, with little emphasis on long-term economic sustainability or meaningful livelihood alternatives. While all 58,098 identified manual scavengers received one-time cash assistance of ₹40,000 per family, this amount was insufficient to help them transition into alternative livelihoods, especially given the lack of stable employment opportunities. Beyond this, the impact of skill development programs and self-employment initiatives has been alarmingly limited. Only 38.4% (22,294 individuals) of identified manual scavengers and their dependents were provided with skill training, although the instruction was intended to be a cornerstone of the rehabilitation process. Even among those who

<sup>9</sup> NSKFDC was established on January 24, 1997, under Section 25 of the Companies Act as a 'Not for Profit' organization. It operates as a wholly owned government enterprise under the Ministry of Social Justice & Empowerment.

were trained, there is little evidence that they successfully secured alternative employment, raising concerns about the effectiveness and follow-up mechanisms of these programs. Furthermore, financial independence through self-employment remained out of reach for most beneficiaries, as only 3.98% (2,313 individuals) received subsidized loans to start alternative businesses (PIB, 2023). Many were unable to meet collateral requirements or lacked the necessary resources to sustain a new venture, pushing them back into their former occupation out of sheer necessity.

Consequently, in the absence of meaningful alternatives and sustained support, many manual scavengers found themselves with no choice but to return to the very work the law promised to eliminate. The systematic failures of the law persist because of structural conditions that enable the continuation of inhumane practice of manual scavenging in India. By examining the convergence of a 'suitable target,' a 'motivated offender,' and the absence of a 'capable guardian,' we can better understand how and why manual scavenging continues in India.

#### 4.2.1. The Suitable Target

Independent organizations and researchers in India have recently conducted studies that bear witness to this reality. Safai Karmachari Andolan estimated that over 1,200,000 individuals are involved in this practice, in contrast to the data provided by the government of India (Sathasivam 2014). The data appears to be more reliable when comparing the data from the independent researcher. Government surveys conducted in 2013 and 2018 reported only 398 manual scavengers across all 38 districts of Tamil Nadu. However, a study by George (2020) identified 306 manual scavengers in the Tiruchirappalli district of Tamil Nadu alone, highlighting a stark disparity between official records and the realities on the ground. Among them, 102 individuals received support under the MS Act 2013, whereas 204 others remained unrecognized by the government and continued the hazardous work without receiving any rehabilitation assistance. Similarly, the number of manual scavengers identified by NSKFDC in Bihar does not align with ground reality, as highlighted by the independent research organization, the Centre for Science and Environment (CSE). While the official figure for Bihar stood at only 137, which includes data from the 38 districts, the study by CSE found 300 individuals engaged in this work in Bhagalpur district alone (Luthra et al., 2020). Rashtriya Garima Abhiyan, a national movement against manual scavenging, also surveyed manual scavengers across multiple states and found that state and central governments had underreported the number of manual scavengers (Nair, 2018).

#### 4.2.2. The Motivated Offender

Felson & Cohen's (1979) RAT theory emphasizes that crimes are situational, shifting the focus from who committed them to what conditions enabled them. Similarly, the persistence of manual scavenging in India is shaped by specific structural and systemic conditions. The first condition is the continued availability of manual scavengers to engage in this hazardous occupation, which is largely due to the ineffective implementation of identification and rehabilitation measures. The second condition is that demand for manual scavenging remains high due to inadequate infrastructure, including the absence of proper sewer lines, ineffective human excrement management, and a lack of technological alternatives. The third condition is that bidding contracts between municipal corporations and private contractors frequently exploit contractual and legislative loopholes, allowing the practice to persist despite legal prohibitions. These factors collectively sustain the cycle of manual scavenging, making it difficult to eradicate despite legal and policy interventions. Let's examine the conditions that encourages the offenders to engage with manual scavengers throughout India.

##### 4.2.2.1. Availability of Manual Scavengers

As explained above, the failure of the MS Act 2013 lies not only in its weak enforcement but also in its inability to create viable alternatives for those trapped in manual scavenging. The flaws in the identification process leaves thousands of manual scavengers unrecognized leaving them with no options but to return to the same hazardous occupation (Mehta & Bhandari, 2020). For those scavengers who do make it into the rehabilitation programs, the story isn't much better. The financial help they receive barely covers daily expenses, let alone opens doors to a better future (Mander et al., 2020). With limited access to education, skill-building, or secure employment, most are left with no meaningful choices. The lack of support makes it easier for municipal bodies and private contractors to keep hiring them as cheap labor on a daily basis informally.

##### 4.2.2.2. Lack of Adequate Infrastructure

Manual scavenging in India is directly related to a lack of adequate infrastructure, which includes proper sewer line connectivity and cleaning technologies. While access to sewer connections has improved over the years, progress remains slow and uneven. The share of India's total population with underground sewer connections increased from just 7% in 2000 to 12.2% in 2022, reflecting a marginal improvement of only 5.2 percentage points over two decades. However, this increase has predominantly benefitted urban areas, leaving rural and semi-urban regions heavily reliant on insanitary latrines and septic tanks, which often require manual cleaning (WHO & UNICEF, 2023). The lack of a centralized sewer system in urban India exacerbates dependency on on-site sanitation solutions, such as septic tanks, single pits, and twin pits. Once these septic tanks are filled, they create an overflow situation. In the absence of regulated and mechanized desludging services, many low-income households resort to hiring private contractors, who further hire manual scavengers to clean and remove fecal sludge, often without protective equipment (Dhawan, 2019).

Apart from this, manual scavengers are also hired by municipal corporations via private contractors for cleaning sewers lines and open drains that are blocked because of mud and plastic (Chhara, 2023). Several governments, under the Swachhta Bharat Abhiyan 2.0 initiative, are striving to automate the cleaning of sewer lines by purchasing cleaning robots or trucks in urban areas to eliminate the manual interventions. However, these machines are not powerful enough to eradicate the use of manual scavengers in India. For instance, the Delhi government introduced 200 sewer cleaning machines in 2019, which cost 40 lakh each, to automate the process and end human intervention. The family of the deceased manual scavenger received it through loan arrangements. The problem lies in the fact that these machines are expensive, have a high maintenance fee, and are not enough for Delhi's population, which is estimated to be over 33 million. While the government claims these machines have eliminated manual scavenging, reports from sanitation workers and ground research suggest otherwise. Many of these machines cannot operate in narrow lanes of unorganized settlements area, where most sewer blockages occur, making manual intervention

unavoidable. In several cases, private contractors and local authorities continue to hire manual scavengers, pushing them into life-threatening situations (Kaul, 2025).

#### 4.2.2.3. Tenders and Bidding: Institutionalizing Exploitation

Now, the question arises: given that manual scavenging is illegal in India and has been made a cognizable and non-bailable offence, how can private contractors continue to hire manual scavengers across the country? The answer to this question lies in the fact that private contractors are being hired by municipal corporations, which continue to exploit various loopholes that exist under the MS Act 2013. First, the municipal corporations hire these private contractors for maintaining sewer lines across the districts by advertising the contract. The lowest bidder often wins the contract for cleaning sewer lines and blocked drainage systems using machines. As previously mentioned, these machines are not enough to clean the entire sewer line and drainage system, which allows private contractors to employ informal labor without making contractual arrangements. Using informal labor also helps them cut costs because maintaining machinery is expensive. For instance, the Municipal Corporation of Greater Mumbai (MCGM) issued a tender for the systematic cleaning of sewer lines with an estimated cost of ₹7.88 crore. While the contract specifies the use of mechanized cleaning through high-capacity suction and jetting machines, it does not explicitly prohibit manual scavenging, creating a loophole that allows private contractors to hire manual scavengers (MCGM, 2021).

For employing manual scavengers, they utilized an important loophole that can be found in section 2(g)(b) of the MS Act 2013 that allows manual cleaning of sewers and septic tanks if protective gear is provided to the manual scavengers. In reality, in most of the cases due to cutting costs and saving money, private contractors hire manual scavengers without being given proper safety equipment, such as gas masks, harnesses, or oxygen tanks, leaving them vulnerable to hazardous conditions and even sometimes death (Chawla, 2024). Looking closely at the bid and contract systems, we can see that layers of decentralization cause private contractors to act as intermediaries between local governments and manual scavengers, which helps the government avoid direct accountability and formalities. This fact was also noted by the Supreme Court of India in the case of *Dr Balram Singh v. Union of India* (2023). The court acknowledged that these violations persisted without accountability. The Court criticized the inadequacy and unreliability of past surveys conducted in 2013 and 2018 to identify manual scavengers, noting discrepancies in government data and highlighting that many individuals engaged in such work were missed or misclassified. It also identified non-constitution and non-functioning of critical institutions, such as the National and State Commissions for Safai Karamcharis, monitoring committees, and vigilance committees, as key reasons why the implementation of the 2013 Act had failed. The Court instructed the Union Government to frame policies ensuring the complete eradication of manual sewer cleaning in a phased manner and directed that any sewer cleaning work outsourced or conducted by contractors must not involve individuals entering sewers without appropriate safety measures (Supreme Court of India, 2023).

#### 4.2.3. Lack of Capable Guardianship

Felson and Cohen emphasized that crimes are not just caused by individuals' criminal intent but also by situational opportunities—meaning that if there is no guardian to intervene, a crime is more likely to happen. The persistence of manual scavenging in India is a result of weak enforcement, regulatory oversight, and policy implementation in India. It mirrors the absence of capable guardianship, making the illegal practice of manual scavenging continue despite legal prohibitions. Even with the continued violation of the MS Act 2013, the government and its mechanisms, like the National Commission for Safai Karamcharis, implementing officers and police, have failed to provide justice to the victims. Between January 1993 and 2010, 920 manual scavengers lost their lives while manually cleaning sewers and septic tanks in India. Tamil Nadu reported the highest number of fatalities related to sewer cleaning during this period. Recent data reveals that, in the past five years, as many as 339 individuals have lost their lives while cleaning sewers and septic tanks in India (Press Trust of India, 2023).

Safai Karamchari Andolan, however, reported 1,760 deaths across India since the year 2000 (Desai, 2020). Even in death, justice continues to elude manual scavengers. Despite the criminalization and prohibition of the practice, no FIRs were filed under the Act in 2014 to investigate these deaths or confront the ongoing prevalence of manual scavenging in India. According to the 57th Standing Committee of Social Justice and Empowerment (2017-2018), the National Crime Records Bureau (2015) report recorded two cases under the law from Karnataka, with only one progressing to trial. Since 2016, data on cases under the Act have been merged with other Special and Local Laws (SLLs) in NCRB reports, making it impossible to track specific instances of enforcement. This lack of consistent data and accountability underscores the systemic apathy and lack of guardianship toward addressing the issue of manual scavenging in India (Pavithra, 2022).

#### 4.3. Economic Vulnerability and Marginalization

The absence of capable guardianship not only enables the practice of manual scavenging to persist but also reinforces the systemic economic vulnerabilities that trap individuals in cycles of exploitation. These structural conditions—rooted in flawed identification, inadequate rehabilitation, and the failure to deliver on legal promises—translate into chronic precarity for those engaged in manual scavenging. A notable reference in this regard is a 2014 report by Human Rights Watch, a globally recognized non-profit organization. The Human Rights Watch Report (2014) is based on research conducted between November 2013 and July 2014 in the Indian states of Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, and Uttar Pradesh. The report encompasses over 135 interviews with both women and men involved in the practice of manual scavenging. The report documented cases where some participants received as little as Rs. 10 (\$0.11 USD) per month, while others were forced to rely solely on leftover food donations instead of monetary wages.

The study by Meshram (2019) highlights a similar pattern in Maharashtra. This study was based on the data collected from 152 women manual scavengers in Nagpur District of Maharashtra. The study highlighted that most families reside in one or two-room houses, often lacking separate spaces for cooking. Their residences are typically located near open drains, sites of open defecation, and areas lacking medical facilities. The study finds that over 92 per cent of the total respondents earn less than ₹6,000 (\$72) per month. The study by George (2020) was conducted among 306 manual scavengers in the Tiruchirappalli district of Tamil Nadu. The participants were categorized as beneficiaries of the rehabilitation measures (102 respondents) and non-beneficiaries (204 respondents). The study reports that the average monthly income of beneficiaries under the rehabilitation scheme is ₹7,061 (US\$ 80.91). Surprisingly, this amount is lower than the income of non-beneficiaries, who earn an average of ₹7,116 (US\$ 81.54) per month. The marginal difference of ₹54 (\$0.63) in earnings between beneficiaries and non-beneficiaries

suggests a lack of substantial economic upliftment and failure of the rehabilitation programs by the government.

## 5. DISCUSSION

The government of India has declared that 729 out of 766 districts in India are now "manual scavenging free" as of January 2024 (PIB, 2024). It presents an optimistic image of state-led progress and effective implementation of the MS Act 2013. However, this claim starkly contrasts with both ground-level realities and the findings detailed above. Rather than reflecting a true eradication of the practice, such declarations often rely on narrow technical definitions and bureaucratic loopholes that obscure ongoing violations. The MS Act 2013 differentiates between "manual scavenging" and "hazardous cleaning," with the latter being allowed under certain conditions (if protective gear and safety protocols are provided). On paper, this difference in definition is legal, but it has led to a form of semantic evasion that lets the government say that manual scavenging is no longer happening while dangerous manual cleaning of sewers and septic tanks continues unabated. What is categorized as "hazardous cleaning" in the Act effectively operates as manual scavenging under a different name like sanitation workers, making the manual scavengers more vulnerable and prone to exploitation in India. Furthermore, very few households are connected to the facilities provided by infrastructure development initiatives like the Swachh Bharat Mission (which includes funding for mechanized cleaning equipment, training for Safai Mitras, and awareness campaigns), sewer lines, and sewage treatment plants. The prevailing conditions still lead to the employment of manual scavengers in urban and suburban areas. The situation is worse in the rural areas where development initiatives have not even reached.

## 6. CONCLUSION

Crime is opportunistic and it happens when a motivated offender finds a vulnerable target without a guardian. The persistence of manual scavenging in India is not merely a failure of policy implementation but a reflection of deeply entrenched structural violence, institutional apathy, and the deliberate obfuscation of state responsibility. Despite legislative bans and established rehabilitation frameworks, the practice of manual scavenging persists because the state has failed to act as a capable guardian. It has not effectively implemented the provisions of the MS Act 2013, failed to hold motivated offenders accountable, allowed legal loopholes to be exploited, and neglected to dismantle the socio-economic conditions that sustain this inhumane practice. Rather than acting as a protector, the state has functioned as a complicit agent, enabling motivated offenders to exploit suitable targets under the veneer of legality and development. Thus, the eradication of manual scavenging cannot be achieved through legislation alone. It requires a fundamental restructuring of socio-political will, infrastructure, and systems of accountability that confront rather than camouflage the realities of caste, labor, and human dignity in contemporary India. Without a shift in focus from symbolic compliance to actual transformation on the ground, declarations of progress will remain empty, and the most marginalized manual scavengers will continue to bear the burden of systemic neglect.

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