



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

SAFAI KARAMCHARI ANDOLAN V. UNION OF INDIA (2014): HUMAN DIGNITY & CONSTITUTIONAL JURISPRUDENCE

~ *Anju Atom*

COURT

Supreme Court of India

CASE NAME

Safai Karamchari Andolan & Ors. v. Union of India & Ors. (Writ Petition (Civil) No. 583 of 2003)

BENCH

Full Bench: The then Chief Justice of India, P. Sathasivam, Justice Ranjan Gogoi, and Justice N.V. Ramana.

DATE

March 27, 2014

PETITIONER

Safai Karamchari Andolan along with six other civil society organisations accompanied by seven individuals – belonging to the community of manual scavengers. The petitioners filed the writ petition under Article 32 of the Constitution of India.

RESPONDENT

The Union of India

STATEMENT OF FACTS

Despite the law in force, the practice of manual scavenging continues with an estimate of over 12 lakh (by the petitioners), and official statistics of 6,76,009 by the Ministry of Social Justice and Empowerment (2002-2003), with over 95% being Dalits. In 1989, the sub-Committee of the Task

Force constituted by the Planning Commission estimated 72.05 lakh dry latrines, later increased to 96 lakh, and were being cleaned by the scavengers belonging to the Scheduled Castes – Dalits.

In February 1989, National Scheduled Castes and Scheduled Tribes Finance and Development Corporation was set up to provide financial assistance to all the scheduled castes and scheduled tribes – including safai karamcharis. A Centrally sponsored scheme (Low Cost Sanitation for Liberation of Scavengers) was implemented in 1989-90 for elimination of manual scavenging. Under this scheme, existing dry latrines were converted into low cost water pour flush followed by construction of new sanitary latrines.

The National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents was launched in March 1992 to identify, liberate and rehabilitate scavengers and their dependents via alternative employment after requisite training. After the National Seminar on Rural Sanitation of September 1992, a new strategy was adopted by the Government of India in March 1993. Under this strategy, sanitary latrines were to be provided including the construction of individual sanitary latrines for selected households below the poverty line, in addition an 80% subsidy (Rs. 2,500/-) shall be provided.

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 was enacted in June 1993 which remained inoperative for about 3 1/2 years – came into force in 1997. Under the 3rd and 4th Report (combined) submitted by the National Commission for Safai Karamchhari to the Parliament, an estimate of 96 lakh dry latrines and 5,77,228 manual scavengers were identified which indicated that the 1993 Act was not effectively implemented.

A report was submitted by the Comptroller and Auditor General (CAG) in 2003, the report concluded that the ‘National Scheme for Liberation and Rehabilitation of Scavengers and their Dependents’ had failed in achieving its objective even when an investment of more than Rs. 600 crores was involved. The funds provided were unspent or underutilized. The monitoring committees that were set up were non-functional accompanied by no evidence that suggested that the said liberated individuals were indeed rehabilitated.

PETITION PUT FORWARD

- a) For complete eradication of Dry Latrines.
- b) A declaration that the continuance of manual scavenging and Dry Latrines is violative of Articles 14, 17, 21 and 23 of the Constitution and the 1993 Act.
- c) Respondent to adopt and implement the Act and formulate detailed plans, on a time bound basis, for complete eradication of manual scavenging accompanied by their rehabilitation.
- d) Union of India and State Governments to issue necessary directions to various Municipal Corporations, Municipalities and Nagar Panchayats (all local bodies) to strictly implement the Act and initiate prosecution against the violator, and
- e) To file a periodical Compliance Report in accordance with the Supreme Court of India.

THE SUPREME COURT'S JUDGMENT

The Supreme Court of India highlights that under Article 17 of the Constitution of India, untouchability was abolished. Section 7A of the Protection of Civil Rights Act, 1955 states that “whoever compels any person on the ground of untouchability to do any scavenging shall be deemed to have enforced a disability arising out of untouchability which is punishable with imprisonment”. Additionally, the Court points out the inadequacy in proper implementation of Article 17 of the Constitution of India.

The Supreme Court of India further discusses the international conventions and covenants that India is a part of. The list is as follows:

- a) The Universal Declaration of Human Rights (UDHR): Articles 1, 2(1) and 23(3).
- b) Convention on Elimination of Racial Discrimination (CERD): Article 2(1)(c).
- c) Convention for Elimination of all Forms of Discrimination Against Women (CEDAW): Article 5(a).

The petitioner highlighted the non-adoption of the said Act by various States leading to ratification of the Act.

The Central Government in March 2013 put forward a ‘Survey of Manual Scavengers’, which was confined only to 3,546 statutory towns. Under the survey dated 27.02.2014, 136 manual scavengers were identified in Bihar and 46 in Rajasthan, while the petitioners identified 1,098 in Bihar and 816 in Rajasthan. The survey data indicates that the practice of manual scavenging continues despite the law in force.

The Government of India brought “The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013,” which got the President’s assent on 18.09.2013. Under this Act, in addition to the 1993 Act, Articles 17 and 21 are expressly acknowledged.

ADDITIONAL SOLICITOR GENERAL’S REMARKS

The 2013 Act prohibits the employment of manual scavengers and provides rehabilitation for the manual scavengers including their families.

1. Chapter I: Defines ‘hazardous cleaning’ Section 2 (1)(d), ‘insanitary latrines’ Section 2 (1)(e), ‘manual scavenger’ Section 2 (1)(g).
2. Chapter II: Mandates local authorities to survey insanitary latrines and provide sanitary community latrines under Section 4(1).
3. Chapter III: Prohibits insanitary latrines and employment and engagement as manual scavengers under Section 5, declares contracts employing manual scavengers void under Section 6, and bans

engagement or employment for hazardous cleaning of sewers and septic tanks under Section 7, followed by penalties for contravention.

4. Chapter IV: Deals with identification and rehabilitation of manual scavengers under Section 13.

DIRECTIONS TO BE FOLLOWED

Under Section 11 and 12 of the 2013 Act, persons included in the final list of manual scavengers shall be rehabilitated as per the provisions of Part IV of the 2013 Act, namely:

- a) One time cash assistance.
- b) Their children are entitled to scholarship as per relevant schemes.
- c) Allotted a residential plot and financial assistance for house construction or a ready-built house with financial assistance, which shall be subject to eligibility and willingness of the manual scavenger and as per the relevant schemes.
- d) At least one member of their family be given training in livelihood skill and be paid a monthly stipend during such period – subject to eligibility and willingness of the person concerned.
- e) At least one member of their family be given subsidy and concessional loan to take up an alternative occupation on a sustainable basis as per the relevant schemes and subject to eligibility and willingness of the person concerned.
- f) Be provided with other legal and programmatic assistance as per the Central Government or State Governments.

The Supreme Court of India further adds that if the practice of manual scavenging is to be eradicated alongside preventing future generations from engaging in manual scavenging, the rehabilitation of manual scavengers needs to include:

- a) Sewer deaths be compensated with Rs. 10 lakhs and entering sewer lines without safety gear be made crime – even in emergency situations.
- b) Railway tracks manual scavenging should end.
- c) Rehabilitated individuals should not face unjust discrimination just to receive their legitimate due under the law.
- d) Support should be provided for a dignified livelihood for female safai karamcharis in accordance with their choice of livelihood scheme.

Additionally, the identified families of all persons who have died while engaging in sewage work (since 1993) be compensated with Rs. 10 lakhs, and the rehabilitation be based on the principles of justice and transformation.

CRITICAL ANALYSIS

The Supreme Court's favourable ruling in 'Safai Karamchari Andolan v. Union of India (2014)' highlights Articles 17 and 21 of the Constitution of India, under which untouchability is abolished and the right to live with dignity is guaranteed, respectively. The landmark judgment of the Supreme Court aligns with the vision of Dr. B.R. Ambedkar (Chairman of the Drafting Committee of the Constitution) for an emerging India.

Over a decade has passed since the implementation of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. Recently – during the last week of August 2026 – scavengers were seen going down into the sewer lines to clean the sewage manually in front of Daulat Ram College, University of Delhi. Although the scavengers were accompanied by machines, they still had to go down to clean the sewer lines – without any protective gear.

This act of atrocity is an inhumane practice that solidifies and strengthens the caste position of the manual scavengers – who are primarily Dalits. Furthermore, it strips the manual scavengers of the basic fundamental rights promised under the Constitution of India. The question is: Does human dignity exist for manual scavengers in India, or is it just on paper?

CITATIONS

Cases

Safai Karamchari Andolan v. Union of India, [2014] 4 S.C.R. 197 (India).

Constitutional Provisions

India Const. art. 14, 17, 21.

India Const. art. 23.

India Const. art. 32.

Statutes

Protection of Civil Rights Act, No. 22 of 1955 (India).

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993 (India).

The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013 (India).

International Materials

Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature Dec. 21, 1965, 660 U.N.T.S. 195.

Convention on the Elimination of All Forms of Discrimination against Women, opened for signature Dec. 18, 1979, 1249 U.N.T.S. 13.