

## REVIEW

## OPEN ACCESS

**The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013: A Review**Dr Aparajita Baruah<sup>†</sup>**Abstract**

Manual scavenging is a caste-based and hereditary occupation for Dalits (untouchables), which is predominantly linked with forced labour or slavery. In this article, an attempt has been made to trace out the brief history of the practice of manual scavenging in India. The author has also dwelt upon the constitutional commitment as well as measures taken up by the successive governments to improve the conditions of this class of people. The hallmark of the article lies in the detailed analysis along with some suitable suggestions on the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 recently enacted by the Parliament of India.

**Key words:** manual scavenging, dalits (untouchables), harijans, India

---

<sup>†</sup> Assistant Professor and Research Guide in the Post Graduate Department of Law, Gauhati University, Email: [aparajitabaruah@yahoo.com](mailto:aparajitabaruah@yahoo.com)

© 2014 Baruah. This is an Open Access article distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/2.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

## Introduction

With the passing of the bill on Prohibition of Employment as Manual Scavengers and their Rehabilitation, 2012 in the Parliament of India on 7 September 2013, it is becoming increasingly difficult to ignore this pertinent issue. Concisely, as the name implies, manual scavenging entails the manual handling of human excreta from insanitary and manual or dry toilets, built without a flush system. Rather, this method involves the removal of such wastes using conventional brooms and tin plates. According to one of the latest publications of National Human Rights Commission, India, these wastes are piled into baskets, which are then carried by the scavengers on their heads to such locations that are sometimes several kilometres away from the scavenged toilets. These wastes, as already well-established are the cause of many notorious enteric diseases such as cholera, diarrhoea, dysentery, typhoid, infectious hepatitis, hookworm and other such deadly diseases. A number of studies reveal that majority of the infectious diseases are contagious and are responsible for causing nearly 80 per cent of the infections in developing countries (Srivastava, 1997).

Ironically, this task of scavenging is often caste-based and hereditary especially for the Dalits<sup>1</sup> who are linked traditionally with forced labour and (or) slavery. According to latest statistics published by the International Dalit Solidarity Network, approximately 1.3 million people, mostly women from the Dalit community are engaged in manual scavenging. In this article, an attempt has been made to first trace out the brief history of the practice of manual scavenging in India. Following this, I draw upon the constitutional commitment as well as measures taken up by the successive governments to improve the conditions of this class of people. However, the hallmark of the

article lies in the detailed analysis along with some suitable suggestions on the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 recently enacted by the Parliament of India.

## Brief History

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 that has become an Act on 19 September 2013 relates to the eradication of untouchables in India. In Indian society, the problem of untouchability can be traced to approximately two thousand years ago based on a strictly defined division of labour. The origin of untouchability lies in the restrictions imposed on the lives of the depressed classes, which comprise the untouchables amongst other primitive and backward classes in various forms. The most obnoxious and shameful aspect of untouchability was that the touch or even the shadow of the untouchable was considered unclean by the upper caste people. The key reason for considering this class of people as untouchables originates from their vexatious and unclean professions such as scavenging, mending of shoes, hair cutting, and so on.

From the middle of the 19th century, efforts were made to improve the lives of these untouchables in India. However, no spectacular improvements were achieved in the lives of these untouchables until the matter was seriously taken up by the philanthropists and social reformers. Evidently, in 1901, the then Census Commissioner, Sir Herbert Hope Risley classified the census data into seven key caste categories according to their social hierarchies, thereby ranking the *jatis* in the local hierarchy and *varna* affiliation of each (Srivastava, 1997; see also, Bhattacharyya, 2009, 2013). "The scavenging castes which were known by different names in different states like Bhangi, Balmiki, Chuhra, Mehtar, Mazhabi, Lal Begi, Halalkhor, etc. in northern India; Har, Hadi, Hela, Dom and Sanei, etc. in eastern India; Mukhiyar, Thoti, Chachati, Pakay, Relli, etc. in Southern India; and Mehtar, Bhangias, Halalkhor, Ghasi, Olgana, Zadmalli, Barvashia,

---

<sup>1</sup> Dalits are socio-economically disadvantaged group of India who often suffer from social segregation. The obnoxious caste system of India considers the Dalits as untouchables and the members of the lowest rung of the caste system (Srivastava, 1997; Srividya, 2011).

Metariya, Jamphoda and Mela, etc. in Western and Central India, also made an effort to get united and have a common name. In 1911 census, some of them started returning as Adi Dharmi, Adi Dravida, Adi Karnataka and Adi Andhran.” (Srivastava, 1997: 20)

Dr. B. R. Ambedkar, the father of Indian Constitution and the champion of human rights was the foremost amongst the backward classes to take this cause of social reform, who in 1927 launched a movement against untouchability (Keer, 1990; Srivastava, 1997; also, Bhattacharyya, 2009).

In the wake of this movement, on 16 August 1932, the British Prime Minister Mac Donald announced a communal award. The statement of the government’s position on the communal issue granted separate electorate to the disadvantaged classes. At that time, when Mahatma Gandhiji, who was in jail heard of the award, he decided to resist it (even it) necessitated going fast unto death. The central logic of Gandhiji behind this decision was that granting of separate electorate for the disadvantaged and vulnerable classes would result in vivisection among the people of India. Consequently, this decision of Gandhiji alongside his declaration of fast unto death raised the red alarm. Following this alarm, Dr. Bhimrao Ramji Ambedkar, known popularly as *Babasaheb* brought forward a separate proposal of joint electorate and greater representation of the backwards, including the depressed classes. This formula of Dr. Ambedkar however ended the imbroglio.

Nevertheless, following this imbroglio, Gandhiji began to devote himself to the cause of the Harijans whom he called the children of God. Gandhiji declared that it was a sin to treat the Harijans as untouchable as they have every right to live like other human beings. Through the efforts of Gandhiji and many others, wells and temples were opened to Harijans. Moreover, gradually, the age-old restrictions on their entry into such places began to crumble.

Notwithstanding, manual scavenging continues to survive in many parts of India— prevalent mostly in the states of Gujarat, Madhya Pra-

desh, Uttar Pradesh and Rajasthan. Some municipalities in India still run public dry-toilets. The biggest violators of this law are the Railways. “[W]ith 172,000 open discharge toilets, the ministry continues to deny the practice of manual scavenging” and thereby to employ scavengers to clean it manually.<sup>1</sup>

### **Constitutional Commitment**

After India’s Independence in 1947, the problems and conditions of the disadvantaged classes were taken care of by the framers of the Constitution of India by making special provisions for them to protect their interests. A wide range of minority rights<sup>2</sup> were enshrined in the articles 14, 15, 16, 25, 26, 29, 341 and 342 of the Constitution. Articles 15(2), (4), (5), 16(3), (4), (4A), (4B), 17, 23 and 25(2) (b) seek to remove social and economic disabilities of the deprived classes of people.

Besides the fundamental rights, certain directive principles of the state policy<sup>3</sup> make it obligatory on the part of the State governments to ensure the welfare of the disadvantaged classes. Article 38 of the Constitution requires the state to promote the welfare of the people by securing a social order based on justice.

### **Measures Taken Up in the Post-Independence Period**

In 1953, a Backward Classes Commission was constituted under the chairmanship of Kaka Kalelkar. The Commission in its report described the condition of sweepers and scavengers. The recommendations of the Commission, which, *inter alia*, emphasised the need to introduce mechanical and up-to-date methods of cleansing latrines in order to do away with the existing system of manual scavenging, were brought to the notice of the State governments by the Ministry of Home Affairs in October 1956.

<sup>1</sup> Manual Scavengers: Indian Railways in Denial (2013, February 25). *One World South Asia*, available at: <http://southasia.oneworld.net/features/manual-scavengers-indian-railways-in-denial#.UsBj64UyPw5> (accessed on 12 December 2013).

<sup>2</sup>The Constitution of India

<sup>3</sup> Part III and IV of the Constitution of India

Following these recommendations, in 1956, a Central Advisory Board was further constituted under the chairmanship of Late Pandit Govind Ballav Pant, the then Home Minister to review the working and living conditions of the sweepers and scavengers, which recommended a centrally-sponsored scheme for the purpose.

Consequent upon, in October 1957, under the chairmanship of Professor N. R. Malkani the Board constituted a committee known as Scavenging Enquiry Committee to prepare a scheme to abolish this ignominious practice. The committee also suggested some measures to be taken to ameliorate the working and living conditions of the Harijans.

However, in 1965, the question of abolition of customary rights of the scavengers who acquired hereditary rights to clean latrines of particular individuals prevalent in some parts of the country further resurfaced the attention of the government. This led the Ministry of Labour, Government of India to constitute the National Commission on Labour under the chairmanship of Shri Bhanu Prasad Pandya, who examined the working and service conditions of sweepers and scavengers. The commission suggested that the Government of India should undertake a comprehensive legislation for regulating the working and service conditions of the sweepers and scavengers. It is unfortunate that the system of manual scavenging still exists in India even after 67 years of independence. In spite of adequate provisions in the Constitution for the welfare of the disadvantaged classes, the eradication of manual scavenging remains a far cry in many parts of India.

In 1986, the plight of the manual scavengers again came into focus when a group of south Indian Dalit men and women started a campaign vigorously against this obnoxious practice (Raghunathan, 2009). The campaign gained momentum and snowballed into an all-India movement known as the Safai Karamchari Andolan (SKA). It achieved a significant milestone after the honourable Supreme Court, heard their petition on 30 April and 8 May 1986 respectively and thereby decided to hold

District Collectors of each districts accountable for any continuation of these banned acts of manual scavenging. The Supreme Court Bench comprising of the then Chief Justice K. G. Balakrishnan and Justices Arijit Pasayat and P. Sathasivam allowed the District Collectors six weeks' timeframe to discontinue these banned acts of scavenging by arguing on the ground that the State governments had more than six years to destroy all the dry latrines in their respective states (Zaidi, 2006).

In spite of the relaxed barrier to standing and direct involvement in the problem, the Court is able to confront manual scavenging head-on and to resolve the problem in flexible and creative ways.<sup>1 2</sup> Indeed, in the case of *Safai Karmachari Andolan v. Union of India*,<sup>3</sup> the Court had begun the process by issuing orders that directed the Central and State governments to determine where manual scavengers work and find other jobs for them.<sup>4</sup>

In 1970, under the pioneership of Dr Bindeshwar Pathak, a follower of Gandhian ideology, Sulabh International Social Service Organisation, a non-profit voluntary social organisation was formed with an aim to emancipate the scavengers.<sup>5</sup> Since its inception, Sulabh has launched a sanitation movement and has been working for the removal of un-touchability and social discrimination against

<sup>1</sup>Jamie Cassels (1989). Judicial activism and Public Interest Litigation in India: Attempting the Impossible?, *The American Journal of Comparative Law*, 37 (3) 495, 505-07 as cited in Samuel D. Permutt (2011). The Manual Scavenging Problem: A Case for the Supreme Court of India, *Cardozo J. of Int'l & Comp. Law*, 20, 277-312, available at:

[http://www.cjicl.com/uploads/2/9/5/9/2959791/cjicl\\_20\\_1\\_permutt\\_note.pdf](http://www.cjicl.com/uploads/2/9/5/9/2959791/cjicl_20_1_permutt_note.pdf) (accessed on 12 December 2013)

<sup>2</sup>Section 260, Code of Criminal Procedure

<sup>3</sup>Writ Petition (Civil) No. 583 of 2003

<sup>4</sup>Safai Karmachari Andolan, Writ Petition (Civil) No. 583 of 2003 (India) (Nov. 14, 2005) (interim order)

<sup>5</sup>Social Inclusion of Manual Scavengers (2012). A Report of National Round Table Discussion

Organised by United Nations Development Programme and UN Solution Exchange (Gender Community of Practice), available at:

<http://www.in.undp.org/content/dam/india/docs/pub-povertyreduction/Social-inclusion-of-Manual-Scavengers.pdf> (accessed on 12 December 2013).

the scavengers. It is to be noted that Sulabh Movement is known for achieving success in the field of cost-effective sanitation, liberation of scavengers, social transformation of society, prevention of environmental pollution and development of non-conventional sources of energy.<sup>1</sup> The statistics of Sulabh reveals that until now, Sulabh has made 640 towns of India scavenging-free, where 15 million people use toilets based on Sulabh design. In addition, the movement has gained spectacular achievement in constructing 1.3 million household toilets and 54 million government toilets.

Notwithstanding, as per the house listing and housing census, 2011 there are still 0.794 million toilets in the country from which human excreta are being collected by scavengers and are manually disposed of.<sup>2</sup> While implementing the National Scheme for Liberation and Rehabilitation of Scavengers, from 1992 to 2005, 0.7 million manual scavengers and their dependents were identified by the States and Union Territories. Later on, the self-employment scheme for rehabilitation of manual scavengers was launched in 2007. In course of implementation of the scheme, as many as 79454 eligible and willing beneficiaries were provided assistance. Ironically, all these figures indicate the seriousness of the problem, which remains to be eradicated in the 21st century modern India.

Unsurprisingly, in 2009 a study conducted by the Asian Development Bank unwraps that over 700,000 Indians are still engaged in manual scavenging, which by itself speaks about the lack of the value of human dignity on one hand and on the other hand, the continued challenges faced against sanitation in terms of its impacts on human health and environment (Koonan, 2013).

---

<sup>1</sup>Sulabh International Social Service Organisation, available at: <http://www.sulabhinternational.org/> (accessed on 12 December 2013)

<sup>2</sup>Rastriya Garima Abhiyan, Analysis and Recommendations in the Context of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 at p. 09, available at [www.mailamukti.org](http://www.mailamukti.org) (accessed on 15 October 2013)

Thus, from the above discussions, it is apparent that inspite of various recommendations and suggestions by the committees to improve the working and service conditions of the sweepers and scavengers from time to time after independence, no concrete measures were initiated either by the State or the Central governments until 1993 when the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 was passed, which provides for the prohibition of employment of manual scavengers and construction or continuation of dry toilets. It is to be noted that Article 17 of the Constitution of India forbids the practice of manual scavenging.

Hence, the constitutional aspiration was given effect to through this 1993 Act. All the State governments were asked to frame rules under the Act. Accordingly, from 26 January 1997, the Act became applicable in Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura, West Bengal and the Union Territories. In addition; the assemblies of Orissa, Punjab, Assam, Haryana, Bihar and Gujarat also had adopted the Act.

Despite efforts from the Government of India to rehabilitate the scavengers, the disgusting reality is that the struggles of the scavengers continue. Recently, the National Human Rights Commission, India and the National Commission for Safai Karmacharis further put efforts to eliminate this degrading practice (Trivedi, 2012). In the said context, the National Human Rights Commission, recommended, *inter alia*, that the presence of too many agencies is often delaying the elimination of the practice of manual scavenging and their rehabilitation work. It further recommended that both water scarcity and space scarcity in certain pockets of some states needs to be addressed by adopting appropriate technology and methodologies.<sup>3</sup>

---

<sup>3</sup>NHRC Recommendations on Manual Scavenging and Sanitation, National Human Rights Commission, available at: <http://nhrc.nic.in/disparhive.asp?fno=1711> (accessed 30 November 2013)

## Present Scenario

As stated above, The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 received assent of the President of India on 18 September 2013 and published in the Gazette of India on 19 September 2013. This Act replaced the existing "Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 as it appeared to be ineffectual. The key purpose of the 2013 Act is to freshly investigate the condition of the manual scavengers, as there were reports on existence of approximately 2.3 million pit (insanitary) toilets according to 2011-census report. This 2013 Act bears stricter provisions to abolish manual scavenging completely from the society. As such, the present Act has been framed in such a way that there is a wider scope and higher penalties than the 1993 Act.

## The Salient Features of the Act and its Analysis

1. The preambular paragraph of the Act stipulates the dignity of the individuals as one of the goals, which is in tune with the goals enshrined in the Preamble of the Constitution of India. It is important to note that work is worship and therefore it is necessary to remove the stigma attached to the profession. Instead, these people should be treated with full dignity.
2. The Act also highlights the Fundamental Rights conferred on the people irrespective of caste, creed and religion.
3. The Act has also referred to Article 46 of the Constitution, which, *inter alia*, provides that the state shall protect the weaker sections, and, particularly, the scheduled castes and the scheduled tribes<sup>1</sup> from social injustice and all forms of exploitation.
4. The Act prohibits the employment of manual scavengers, the manual cleaning of sewers and septic tanks without protective equipment and the construction of insanitary latrines.
5. Section 2(1) (d) of the Act defines the term 'hazardous cleaning'.<sup>2</sup> It refers to the use of protective gear and other cleaning devices and ensuring observance of safety precautions. However, the type of protective gear and other cleaning devices is not at all defined under the Act.
6. Section 2(1) (e) define the term 'insanitary latrine'.<sup>3</sup> It is well known that the Indian Railway is the major promoter of manual scavengers and continues to practice manual scavenging inspite of the stringent provisions laid down in the Act. There may be certain difficulties for the railway to avoid manual scavenging in case of small latrines constructed inside the railway compartments. Rather the Railway Authority should devise a method to clean the latrines by way of constructing portable/removable small septic tanks beneath the small latrines inside the compartments, which may be cleared in the stations from time to time. This will do away with the practice of clean-

---

<sup>1</sup> Scheduled Castes, according to Article 366(24) read with Article 341, are those castes, races or tribes, or parts, thereof, as the President may notify. They are part of Hindu society. Similarly, Scheduled Tribes, according to Article 366(25) read with Article 342 are those tribes or tribal communities, or parts or groups thereof, as the President may notify. They are known as aborigines, are those backward sections of the Indian population who

---

still observe their tribal ways, their own peculiar customs and cultural norms (Jain, 2012: 1524-1529; also Bhattacharyya, 2009; 2013).

<sup>2</sup>Section 2(1) (d) of the Act says: 'hazardous cleaning' by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder.

<sup>3</sup>Section 2(1) (e) of the Act says: 'insanitary latrines' means a latrine which requires human excreta to be cleaned or otherwise handled manually, either in situ in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes: provided that a water flush latrine in a railway passenger coach, when cleaned by an employee 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 an insanitary latrine.

ing the railway tracks in and around the stations.<sup>1</sup>

7. The Act seeks to rehabilitate manual scavengers and to provide for their alternative employment. In view of the existing hereditary obnoxious and inhuman condition of manual scavengers, the government has formulated various schemes/programmes for their social and economic upliftment.<sup>2</sup> However, large-scale corruption was rampant in the rehabilitation scheme, which involved ₹ 7356 million at the time of implementation by the Government of India. Approximately, 76 per cent people outside the eligible criteria received benefits. This fact came to light in the public hearing of Rastriya Garima Abhiyan (National Campaign for Dignity and Eradication of Manual Scavenging) at New Delhi on 28 March 2012.
8. Under the Act, each local authority viz., Municipality, Municipal Corporation, Gaon Panchayats, village councils have respective

jurisdictions to construct sanitary community latrines.

9. Section 4(1) of the Act says that every Local authority shall: (a) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act. It is observed that the Act refers to identification of only insanitary latrines. However, the Act does not mention about the identification of spots where open defecation is done and consequently someone has to clean manually these faeces from the open spaces in urban areas.
10. The owner or user of insanitary latrines shall be responsible for converting or dismantling of insanitary latrines at his or her own cost. In case of failure to do so the local authority will demolish the same and construct a sanitary latrine in its place and local authority is authorised to release the cost of demolition and construction from the person concerned.

It is observed that financial assistance for demolition and construction of sanitary latrines will be necessary in case of Below Poverty Line (BPL) families and this class will constitute the majority. Such families should be exempted from penal provisions. Rather the local authority should be entrusted to construct sanitary or community latrines in such cases.

11. The District Magistrate and the local authority shall be the implementing authority. It is observed that often, the District Magistrate is a member of the civil services (and in states, the same person as the District Collector) and has powers of an Executive Magistrate. Several other Executive Magistrates would be in his chain of command. Granting the Executive Magistrate the power to try cases for non-implementation of provisions of the Act could lead to a situation where the judge is trying a case against himself or against a person who falls within the same administrative set-up. It is unclear

---

<sup>1</sup> The "Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012" was referred to the Standing Committee on Social Justice and Empowerment. The Standing Committee presented its report in the Lok Sabha and tabled it in the Rajya Sabha on 4 March 2013. One of the major recommendations of the Committee was as follows: the Committee noted that under the new legislation, a great responsibility devolves on the Ministry of Railways as far as Manual Scavenging is concerned. There are reportedly about 7114 mail/express/ordinary trains, which have direct discharge or controlled discharge system type of toilets. The Committee had been informed that the railway tracks at important stations so that the *safai karamcharis* can clean the track with high-pressure water jet cleaning system, instead of doing it manually. The Committee recommended the construction of more such concrete aprons on all railway stations in a time-bound manner.

<sup>2</sup>The various schemes/programmes are: Valmiki Malin Basti Awas Yojna (VAMBAY), Total Sanitation Campaign (TSC), Nirmal Gram Puraskar Yojna (NGPY), National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS), Pre-matric Scholarship for the Children of those engaged in Unclean Occupations, Integrated Low Cost Sanitation Scheme (ILCSS), Pay and Use Toilet Scheme, National Safai Karamcharis Finance and Development Corporation (NSKFDC), Assistance to State Scheduled Castes Development Corporations (SCDCs), Self-Employment Scheme for Rehabilitation of Manual Scavengers.

how this conflict of interest will be resolved.<sup>1</sup>

12. Offences under the Act shall be cognizable and non-bailable and may be tried summarily. While the maximum punishment laid down in the 1993 Act was two years, it has been raised to five years in the 2012 Act. The concept of summary trials was introduced in India through an amendment to the Section 260, Code of Criminal Procedure (CrPC) in 2008. Summary trials were permitted for certain types of offences, particularly those of a minor nature for which the maximum imprisonment is two years. According to the CrPC, the maximum sentence of imprisonment for an offence that is tried summarily cannot exceed three months.<sup>2</sup> Given the nature of summary trials under the CrPC, it is unclear how offences carrying punishment of five years, as is the case in the Act, will fit into this framework.
13. The Act permits the state governments to empower the Executive magistrates to conduct trials for offences. This may lead to conflict of interest between the executive and the judiciary.<sup>3</sup>
14. As far as the constitution of the Vigilance Committees stipulated under the Chapter VII of the Act is concerned, there must be inclusion of at least one member who has adequate knowledge in the field of Human Rights.
15. Further, the Central Monitoring Committee should meet at least once in quarterly instead of once in every six months as stipulated under the Act.

Briefly, it can be concluded that the rehabilitation of the manual scavengers is a laudable feature of the Act, but it will have to adopt strict and focused strategy of prohibition

and rehabilitation both. This is because despite the presence of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, there has not been even a single conviction and until date, the inhuman practice of manual scavenging continues.

Laws, however strongly worded and framed with a good intention, cannot bring about a change in the attitude of the people towards the less-fortunate brethren. It appears that the concepts of freedom, justice, equality and dignity, which find a place of pride in the Constitution of India, have not yet become ingrained in the hearts and minds of the people. The need of the hour is to educate the common people about the use of sanitary latrines and to inculcate the habit of hygienic sense after use of such latrines. With collective efforts, we need to completely eradicate manual scavenging.

#### Further Readings

Bhattacharyya, R. (2009). *Examining the Changing Status and Role of Middle Class Assamese women: Lessons from the Lives of University Students*, PhD Thesis, Newcastle University, UK

Bhattacharyya, R. (2013). *Are We Empowered? Stories of Young Indian Working Women*, Saarbrücken, Germany: Lap Lambert Academic Publishing, ISBN: 978-3-659-20580-4

*Human Rights and Manual Scavenging (2011)*, Know your rights Series, National Human Rights Commission, India

Jain, M.P. (2012). *Indian Constitutional Law*, 6<sup>th</sup> edn. Wadhwa Nagpur: LexisNexis Butterworths

Keer, Dhananjay (1990). *Dr. Ambedkar: Life and Mission* (3rd edn). Bombay: Popular Prakashan Private Limited

Koonan, S. (2013). *Background Note on Prohibition of Manual Scavenging and Protection of the Rights of Sanitation Workers in India*, available at <http://www.ielrc.org/content/f1305.pdf> (accessed on 10 October 2013)

<sup>1</sup>Legislative Brief: The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012, PRS Legislative Research, available at [www.prsindia.org](http://www.prsindia.org) (accessed on 28 October 2013)

<sup>2</sup>Section 262, Code of Criminal Procedure, 1973.

<sup>3</sup>Article 50 of the Constitution of India provides that "The State shall take steps to separate the judiciary from the executive in the public services of the State."



Manual Scavenging, *International Dalit Solidarity Network*, available at: <http://idsn.org/caste-discrimination/key-issues/manual-scavenging/> (accessed on 1 December 2013)

NHRC Terms Manual Scavenging as One of the Worst Violators of Human Rights (2008, August 29). *Hindustan Times*, New Delhi, India

Raghunathan, S. R. (2009). Supreme Court Steps In: Struggle in Progress, *Frontline* (25 June 2009, available at <http://atrocitynews.com/2009/06/25/supreme-court-steps-in-struggle-in-progress-frontline-article/> (accessed on 14 December 2013)

Srivastava, B.N. (1997). *Manual Scavenging in India: A Disgrace to the Country*. New Delhi: Sulabh International Social Service International and Concept Publishing

Srividya, P.V. (2011, March 07). Discrimination against Dalits Prevalent: Study, *The Hindu*, available at: <http://www.hindu.com/2011/03/07/stories/2011030762870900.htm> (accessed on 14 December 2013)

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012

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

Trivedi, Divya (2012, March 30). A Blot upon the Nation, *The Hindu*, available at: <http://www.thehindu.com/news/national/article3261450.ece> (accessed on 30 November 2013)

Zaide, Annie (2006, September 22). India's shame: Manual scavenging is still a disgusting reality in most States despite an Act of

Parliament banning it, *Frontline*, available at: <http://www.frontline.in/navigation/?type=static&page=flonnet&rdurl=fl2318/index.htm> (accessed on 30 November 2013)

### About the Author

Dr Aparajita Baruah, LL.M., PhD (Law), University of Gauhati, is an Assistant Professor and Research Guide in the Post Graduate Department of Law, Gauhati University. Her current thematic interest lies in Constitutional Law, Human Rights, Women's Rights, which she has been teaching for several years. Her book on *Preamble of the Constitution of India: An Insight and Comparison with other Constitutions* (ISBN 81-729-996-0) has been widely accepted to be pathbreaker in the otherwise overvisited province of constitutional research. She has presented several papers in UGC, UNICEF, HRD, IHL, ICSSR-sponsored seminars and conferences. She has also written modules for the MA in Gender Studies conducted by Indira Gandhi National Open University, Delhi. She has successfully completed online advanced diploma course on Copyrights, Electronic Commerce and Intellectual Property conducted by World Intellectual Property Organization, Geneva. Her latest publications include *Establishment of the Institution of Ombudsman (Lokpal): The Need of the Hour*, PRAGNA (Annual Journal of Gauhati University Teachers' Association), Vol. XXII, 2012 (ISSN 0976-9072); *Promoting Rights of Women: Global Trends and Influences* GUJL (Gauhati University Journal of Law) Vol. VIII, 2012 (ISSN 2277-2545).