

# DR. BALRAM SINGH V. UNION OF INDIA: AN ANALYSIS

## AUTHOR:

ANUBHUTI RANA, Advocate, High Court of Delhi

## INTRODUCTION

In the case of *Dr. Balram Singh v. Union of India*<sup>1</sup>, the Supreme Court reaffirmed in its landmark decision the constitutional mandate of dignity and equality. It also highlights the structural failures of the state in addressing the menace of manual scavenging, which are a result of the injustices based on caste. This case is not only a case that holds legal significance but has also invited strong social attention to the inhumane working conditions of sanitation workers who continue to suffer and face consequences like death. The legislative enactments like the *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993*, and the *Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013*, proved to be inefficient in curbing this menace, often taking lives.

The Supreme Court in the case also acknowledged the divergence between legal norms and the practical realities. The petitioner invoked Article 32 of the Constitution of India to not only recognise the failures but also a complete restructuring of the entire system. In line with the prayer of the petitioner, the Supreme Court issued a series of binding directions to ensure the eradication of manual scavenging, proper rehabilitation of victims and their families, as well as financial compensation for the deceased. This case reaffirms in an intense tone that the right to life under Article 21 has no meaning without dignity and that the apex court will not allow the legislative inertia to undermine constitutional morality.

## FACTS OF THE CASE

The petitioner, Dr. Balram Singh, filed a Public

Interest Litigation under Article 32 of the Constitution before the Supreme Court, seeking effective implementation of the *Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013*, and also sought compensation for the dependents of the individuals who lost their lives while cleaning sewers and septic tanks. The petitioner relied on several reports and cases across the country where deaths had occurred due to unsafe manual cleaning of human waste. Despite legislation prohibiting the practice and enforcement mechanisms in place, no practical solution to this practice coming to an end was given. Also, the families of victims were neither compensated adequately nor rehabilitated.

In *Safai Karamchari Andolan v. Union of India*<sup>2</sup>, the Court also took cognizance of the present fact and issued multiple directions to state and central authorities; however, they were never followed. The petitioner in the present case came up with updated data along with the instances of death due to sewer cleaning and emphasised the lack of accountability on the part of the urban local bodies, state agencies, and private contractors.

Thus, the petition was not a mere legal complaint but a stain on the moral conscience of a system that constantly ignored the harsh realities of the most oppressed section of society in violation of their statutory and constitutional as well as human rights.

## ISSUES AND FINDINGS

### 1. Non-implementation of the previous legislations

The existing legal framework was proved to be a complete failure, and sewer deaths persisted due to institutional failure. The court concluded that

1 2023 INSC 950.

2 (2014) 11 SCC 224.

## DR. BALRAM SINGH V. UNION OF INDIA: AN ANALYSIS

- Surveys required under Section 11 of the 2013 Act were either not completed or were invalid.

- Rehabilitation under Chapter IV of the 2013 Act remained mostly unfulfilled.

- Institutional bodies such as Central Monitoring Committees (CMC), State Commissions, and Vigilance Committees were inoperable or defunct.

### 2. Data discrepancies in surveys

The court harshly reprimanded the 2013 and 2018 surveys for failing to follow legislative requirements. Institutions essential for survey execution (such as DLSCs and SLSCs) were missing, rendering the data untrustworthy. The lack of proper numbers of manual scavengers greatly hampered the Act's rehabilitation architecture.

### 3. Railway and Cantonment Exemptions

The court found that the Ministry of Railways' notifications barred their employees from manual scavenging if they wore minimum safety gear. These notices, however, were later withdrawn during the case, recognizing their inconsistencies with the 2013 Act.

### 4. Hazardous Cleaning Equivalent to Forced Labor

The court agreed with the argument of the amicus that hazardous cleaning without safety measures amounts to "forced labour" under Article 23, even if consented to. Also, an inextricable link was established between manual scavenging and untouchability prohibited under Article 17, and it recognized that caste-based structural discrimination is involved.

### 5. Accountability and Compensation

While compensation of ₹10 lakhs was mandated in *Safai Karamchari Andolan* case<sup>3</sup>, its inconsistent disbursement and lack of prosecution under the 2013 Act showed a lack of political and bureaucratic will. The court emphasized strict compliance.

#### SUPREME COURT'S JUDGMENT

The Supreme Court unequivocally condemned the prevailing practice of manual scavenging and the deaths resulting from it as a "serious violation of constitutional rights." The Court reiterated that the right to life includes the right to live with dignity and

that subjecting an individual to manual cleaning of human excreta was not in line with the constitutional guarantee. The court issued binding directions, some of which are summarized below:

1. Union and states are to take measures to ensure manual cleaning of sewers and septic tanks, unless absolutely unavoidable, is completely prohibited and is allowed only under strict safety protocols.
2. Mandatory mechanization of sewer cleaning operations by all urban local bodies.
3. Compensation of ₹30 lakh to be paid to the family of the deceased who dies during manual cleaning of sewers or septic tanks.
4. Compensation of ₹20 lakh for permanent disability and ₹10 lakh for other injuries.
5. Employment for next of kin, educational support for children in the form of scholarships, and rehabilitation measures, including housing and skill development.
6. Preparation of a national database of sanitation workers and a nationwide survey to identify those engaged in manual scavenging.
8. Devising a suitable accountability mechanism that will make the contractors and government officials responsible for unsafe working conditions that led to the death of a sanitation worker.
9. In addition to these directions, the Court also urged the creation of real-time digital dashboards to monitor implementation and regular compliance reports to be submitted by the states to the Supreme Court.

### CRITICAL ANALYSIS

The Supreme Court in the present case moved away from its traditional declaratory relief. It issued binding directives while highlighting a shift towards tangible structural reform rather than mere symbolic gestures by engaging with constitutional values and questions of social justice. While the essence of the judgement is certainly commendable, its practical application poses serious challenges that can't be overlooked. Firstly, the Court preferred not to characterize manual scavenging as a constitutional tort, nor did it directly acknowledge it as a clear instance of institutional caste discrimination,

3 Ibid.

## DR. BALRAM SINGH V. UNION OF INDIA: AN ANALYSIS

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which is such an omission that arguably limits the transformative potential of the judgment. Though the court identified that the practice is rooted in caste-based discrimination, it did not delve into the question of whether such inaction of the state could be termed as a violation under Article 15 or Article 17 of the constitution of the country. The Supreme Court has reasonably opened the door to constitutional remedies by explicitly recognizing manual scavenging as a form of “untouchability” prohibited under Article 17.

Secondly, while the compensation amounts have been rightly enhanced, there remains ambiguity on funding and enforcement. The judgment lacks a sanction framework that could impose penalties for non-compliance by state officials or contractors. Without punitive measures, there is a high chances that the judgment may meet the same fate as its predecessor in *Safai Karamchari Andolan*, where implementation was sporadic and accountability was minimal.

Thirdly, the data that was relied upon by the court provided by state authorities without mandatory independent verification, which raises concern. The directive for a national survey is critical, but unless conducted by an autonomous community-partnered body, there is little hope that such a survey will reflect ground realities. It also has seen less involvement of concerned groups such as Dalits, NGOs, and affected communities. However, the judgment deserves acclaim for bringing manual scavenging back into the mainstream judicial discourse and

acknowledges that dignity cannot remain a textual promise but rather should transcend into reality. By attaching compensation to strict timelines and directing follow-up mechanisms, the judgment has operationalized Article 21 in its most humane sense,

### CONCLUSION

A historic mandate was written by the Supreme Court for the eradication of a practice that has long been a symbol of caste oppression and state neglect. The judgment has placed the onus on the state to deliver justice through urgent, accountable, and human-centric governance and hereby has elevated the law from paper to pulse.

As Dr. B.R. Ambedkar said, “So long as you do not achieve social liberty, whatever freedom is provided by the law is of no avail to you.” These words can also be construed to infer how the judicial approach in this case shifted from merely identifying constitutional violations to actively devising systematic remedies. The court exercised its role as a proactive guardian of constitutional values rather than as a passive arbiter. It affirmed that the fundamental rights are nothing if the enforcement agencies continue to be inactive.

This case joins the ranks of decisions where the Supreme Court sought to close the gap between constitutional ideals and social realities. As the country marches forward in the 21st century, this case reminds us that constitutional promises are only as strong as our collective will to enforce them.