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# CASTE AND MANUAL SCAVENGING: A DEEP-ROOTED SOCIAL EVIL

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## ABSTRACT

Caste-based discrimination has perpetuated the inhumane practice of manual scavenging in India, despite legal prohibitions and social reform efforts. Rooted in historical oppression, manual scavenging remains a grim reality for marginalized communities, particularly Dalits, who are forced into degrading and hazardous labor. This article examines the socioeconomic and legal dimensions of the issue, highlighting systemic failures in enforcement, societal prejudices, and the lack of rehabilitation efforts. It also explores the role of government policies, judicial interventions, and activism in addressing this deep-rooted social evil. The paper calls for a multi-pronged approach, combining legal accountability, technological intervention, and social awareness to eradicate manual scavenging and uphold human dignity.

## **INTRODUCTION:**

The practice of manually cleaning human excreta from dry latrines, open drains, and sewers is known as “manual scavenging” and anyone involved in or employed for this type of work is considered a “manual scavenger”<sup>1</sup>. Even after it was outlawed, it is still a pervasive social issue in India, primarily affecting marginalized communities.

Article 14<sup>2</sup> empowers the State to not deny any person equality before the law or the equal protection of the laws. However, Dalits, who were once thought to be at the bottom of the caste hierarchy in India, are still the ones who are primarily employed for this dangerous work, who face severe discrimination, health hazards, and social exclusion. Despite legal frameworks that forbid it, the practice persists due to socioeconomic vulnerabilities, caste-based discrimination, and a lack of technological alternatives.

## **CASTE AND THE PERPETUATION OF MANUAL SCAVENGING:**

The origins of manual scavenging may be found in the old caste system, which formalized occupational hierarchies. A major factor in the continued practice of manual scavenging is caste prejudice. Historically referred to as “untouchables,” Dalits were given the lowest and most dehumanizing jobs, such as disposing of human excreta. Our constitution abolishes untouchability<sup>3</sup>, which is intrinsically linked to the caste-based practice of manual scavenging. The Parliament enacted the Protection of Civil Rights Act<sup>4</sup> which identified the practice of ‘scavenging’ on the ground of untouchability under Section 7A<sup>5</sup> of the Act and made it punishable. However generations of underprivileged populations were compelled to engage in this dehumanizing work without any chance of finding other sources of income, and the practice became firmly embedded in societal systems.

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<sup>1</sup> Section 2 (j) of The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993

<sup>2</sup> Equality before Law

<sup>3</sup> Article 17- Abolition of Untouchability.

<sup>4</sup> 5 Section 7A - Unlawful compulsory labour when to be deemed to be a practice of “untouchability”.—

(1) Whoever compels any person, on the ground of “untouchability”, to do any scavenging or sweeping or for certain to remove any carcass or to flay any animal, or to remove the umbilical cord or to do any other job of a similar nature shall be deemed to have enforced a disability arising out of “untouchability”. (2) Whoever is deemed under sub-section (1) to have enforced a disability arising out of “untouchability” shall be punishable with imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.

Children of manual scavengers are forced into the same dehumanizing occupation as their parents due to intergenerational bondage, which guarantees that they have little access to highquality education. These occupational distinctions were mainly not broken down by colonial and post-colonial administration institutions, which strengthened the exploitation of Dalits and other oppressed populations.

## **LEGAL FRAMEWORK:**

To eradicate manual scavenging, India has implemented a number of laws and ordinances. The first effort to make the practice illegal was the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. However, its inefficiency was caused by lack of enforcement. By specifically outlawing manual scavenging and offering rehabilitation programs, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 reinforced existing laws.

Furthermore, the Indian Supreme Court has repeatedly ordered state governments to implement preventative measures, such as mechanizing sanitation tasks and rehabilitating manual scavengers. In one of the landmark case of 2014<sup>5</sup>, SC directed that all manual scavengers should be identified and liberated from this degrading practice. This shall be done by establishing vigilance committees at the sub-division, district, state, and central levels.

In the case of Messrs Lalit Kishore and M.P. Gupta v State of Bihar and Others<sup>6</sup>, the issue was whether the Government of Bihar has effectively implemented measures to eradicate untouchability and manual scavenging in accordance with the constitutional mandate. The Court emphasized that it cannot overlook the constitutional obligations imposed by Article 17. The Patna HC highlighted the need for the government to revisit the constitutional provisions and provide a comprehensive report detailing the measures taken to combat untouchability and the status of manual scavenging in Bihar.

In another case<sup>7</sup> The Madras HC mandated the identification and rehabilitation of individuals engaged in manual scavenging, the eradication of insanitary latrines, and the prosecution of

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<sup>5</sup> Safai karamchari Andolan and others v. UOI and others(2014) 3 SCC(L&S) 814

<sup>6</sup> (2003) 3 BLJ 98 (PHC)

<sup>7</sup> A. Nagarajan v Union Of India, 2022

those violating the Act's<sup>8</sup> provisions. The court also underscored the necessity for awareness campaigns to inform communities about the Act and the rights of those affected. In a recent case<sup>10</sup> SC ordered to eradicate manual scavenging in 6 metropolitan cities including Delhi, Mumbai, Kolkata, Chennai, Bangalore and Hyderabad. And Chief Executive Officer of each city were asked to submit an affidavit. However, 5 out of 6 affidavits were given before the Court.

Because of institutionalized caste prejudices, administrative indifference, and a lack of political will, execution of these legal frameworks is still insufficient. Many manual scavengers are still unregistered, which prevents them from receiving social security benefits, other work opportunities, and rehabilitation programs.

### **CHALLENGES IN ERADICATING MANUAL SCAVENGING:**

Some of the critical challenges faced in eradicating manual scavenging are as follows-

1. Weak Law Enforcement: Although laws ban certain things, they are not strictly enforced. Manual scavengers are still used by commercial contractors and municipal organizations, frequently with no repercussions.
2. Caste-Based Stigma: Pervasive caste prejudice guarantees that underprivileged groups are confined to manual scavenging with few other options.
3. Lack of Mechanization: Particularly in smaller towns and villages, a lack of use of mechanical cleaning methods necessitates physical involvement.
4. Economic Constraints: Without enough financial backing, rehabilitation programs are useless since many manual scavengers lack the skills necessary for new occupation.
5. Government Apathy: Many manual scavengers are unregistered and are not included in assistance programs because state and municipal governments frequently neglect to adequately identify and rehabilitate them.
6. Health Risks and Social Exclusion: Despite facing significant health risks and

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<sup>8</sup> Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

<sup>10</sup> Dr. Balram Singh Vs UOI and others

psychological stress, workers have limited access to medical care and mental health assistance.

7. Gendered exploitation: women manual scavengers experience even worse conditions, with added vulnerabilities such as sexual harassment and economic exploitation.

## **WHAT ROLE DOES SOCIETY PLAY IN ERADICATING MANUAL SCAVENGING?**

Policymakers, activists, as well as society at large must work simultaneously to eradicate manual scavenging. Even if there exist laws that forbid this cruel conduct, but it also systemic discrimination and societal attitudes nevertheless hinder advancement. Listed below are some ways that individuals should do to support the elevation of manual scavengers:

### **1. Changing Awareness and Attitudes in Society**

Historically, some populations have been forced to engage in manual scavenging due to caste-based discrimination. To overcome these deeply rooted prejudices, awareness campaigns, media portrayals, and grassroots initiatives are essential. Public discourse and educational institutions must endeavour to eliminate the stigma associated with these workers.

### **2. Civil society organisations and NGOs' role**

Organisations like Safai Karamcharis Andolan fight on several fronts for protecting the rights of manual scavengers, such as through court proceedings, skill-building initiatives, and direct intervention in exploitation instances.

### **3. Skill Development and Economic Empowerment**

A major obstacle in eliminating manual scavenging is the absence of other sources of income. Workers are assisted in transitioning into respectable careers through selfemployment projects, social businesses, and vocational training programs. Some organisations help to reintegrate former manual scavengers into mainstream labour markets or help them start small businesses.

### **4. Collective Action and Community Support**

Support from other sections of society, such as professionals, social workers, and students, fortifies the movement. Protests, petitions, and social media activism can raise awareness of the situation of manual scavengers and give them a voice.

## **5. Accountability of Government and Public Involvement**

It is the responsibility of citizens to ensure that policies are implemented effectively. Policy and practice can be more closely aligned if the public is involved in monitoring programs, reporting infractions, and supporting rehabilitation initiatives.

## **CONCLUSION:**

Manual scavenging is not merely a sanitation issue but a deep-rooted social injustice that thrives on caste-based discrimination. To ensure dignity, equality, and justice for individuals who have historically been subjected to caste-based discrimination, a mix of action, policy enforcement, and public engagement is necessary. Despite legal bans, the practice continues due to systemic failures and caste-based exclusion. Sustainable solutions require a combination of strict law enforcement, mechanization, rehabilitation, and societal transformation. The eradication of manual scavenging is not just about improving sanitation conditions but about restoring dignity, equality, and justice to those who have been historically marginalized. Only through a collective and sustained effort can we dismantle this dehumanizing practice and create an inclusive society where every individual is treated with dignity and respect.