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# MANUAL SCAVENGING AND HUMAN DIGNITY: THE PERSISTENCE OF CASTE-BASED DEHUMANIZATION IN MODERN INDIA

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## ABSTRACT

Manual scavenging is a horrible abuse of human rights in this day and age in India, where human faeces are taken out by hand from dry latrines and sewers. Dalit communities, especially those belonging to the Valmiki sub-caste, continue to be systematically dehumanised when they are engaged in this backward caste-based occupation despite the constitution guaranteeing equal rights and laws specifically banning it. This article analyses caste hierarchy, job segregation, and human rights abuses from the legal, societal and economic perspectives. It heavily uses the judicial decisions of important cases like *Safai Karamchari Andolan v Union of India* (2014), *Bandhua Mukti Morcha v Union of India* (1997), and *Karnataka State Safai Karmachari Commission v Karnataka* (2012) to point out how the regime changes have been followed by the same system that structurally discriminates. It also talks about the movie *Court* (2014) as an example of how film art succeeds in depicting the governmental neglect and systemic oppression of the underprivileged groups. The article looks at law cases, the failure of policies, and the social and economic statistics to back up its point that manual scavenging is beyond an occupational hazard and it is, in fact, a kind of institutionalized violence which inherently breaches the constitutional human dignity. The fact that this tradition is still being followed shows that the legal means are not enough to stop caste discrimination, which is deeply rooted in the culture. Therefore, a more comprehensive approach is needed, which not only solves the problems of economic deprivation and lack of employment but also the social transformation that addresses the root causes of discrimination.

**Keywords:** Manual scavenging, human dignity, caste discrimination, Dalit rights, constitutional law, occupational segregation

## 1. Introduction

The practice of manual scavenging in India stands as a stark contradiction to the constitutional principles of equality, dignity, and social justice enshrined in the world's largest democracy. Despite seven decades of independence and numerous legislative interventions, millions of Dalit individuals, predominantly from the Valmiki community, continue to be trapped in the dehumanizing occupation of manually cleaning human waste.<sup>1</sup> This practice, which the Supreme Court of India has characterized as "inhuman" and a "clear violation of fundamental rights,"<sup>2</sup> persists as a testament to the enduring power of caste-based social stratification.

Manual scavenging represents more than an occupational hazard; it constitutes a systematic form of social exclusion that reduces human beings to their caste identity while denying them basic dignity and equal citizenship rights. The practice is intrinsically linked to the brahminical concept of purity and pollution, where certain castes are deemed inherently "impure" and therefore destined to perform tasks considered defiling by higher castes.<sup>3</sup> This paper argues that manual scavenging functions as a mechanism of caste reproduction, maintaining social hierarchy through the perpetual subjugation of specific communities. The relevance of this issue extends beyond India's borders, as it represents a form of contemporary slavery that challenges universal human rights principles. The United Nations Special Rapporteur on Contemporary Forms of Slavery has identified manual scavenging as a practice that violates multiple international human rights instruments.<sup>4</sup> Yet, the persistence of this practice reveals the complex interplay between legal frameworks, social structures, and economic necessities that perpetuate human rights violations.

This paper employs a critical analytical framework to examine the multidimensional nature of manual scavenging, exploring its historical roots, legal evolution, and contemporary manifestations. Through detailed case study analysis and examination of judicial responses, this research demonstrates how formal legal equality fails to translate into substantive dignity for marginalized communities. The study also incorporates insights from Chaitanya Tamhane's acclaimed film "Court" (2014), which powerfully illustrates the bureaucratic machinery that

<sup>1</sup> Nat'l Comm'n for Safai Karamcharis, *Report on the Status of Manual Scavenging in States/UTs* 12–15 (Ministry of Soc. Just. & Empowerment, Gov't of India 2018).

<sup>2</sup> *Safai Karamchari Andolan v. Union of India*, (2014) 11 S.C.C. 224 (India).

<sup>3</sup> Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* 45–67 (Princeton Univ. Press 2001).

<sup>4</sup> Human Rights Council, Rep. of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, U.N. Doc. A/HRC/42/44 (July 25, 2019).

enables the systematic oppression of Dalit communities and the indifference of the judicial system to their plight.<sup>5</sup>

## 2. Historical Context and Caste-Based Occupational Segregation

Manual scavenging emerged primarily due to a strict occupational hierarchy that was built into the traditional caste system. In that setup, caste by birth not only ranked individuals socially, but it also wasn't allowed to choose their own occupations. The Valmiki community and the other Dalit sub-castes, who were historically referred to as "untouchables," were restricted by the dominant castes in their choice of occupation to only those that were considered "polluting." This hereditary occupational caste system served various purposes, such as guaranteeing a continuous supply of labor for the most despised tasks and also preserving a social distance between the castes.

During the colonial period, the practice of manual scavenging was institutionalized and bureaucratized with the introduction of dry latrines in the military cantonment areas and government buildings. While the British administration officially supported the local social customs, in fact, they legitimized and extended the practice by creating formal scavenger employment categories. This era marked the redefinition of manual scavenging from a caste-based traditional duty into a state-approved occupation with the caste-based employment being institutionalized through formal recruitment and wage structures. The independence movement, though its slogans centered on equality and social reform, practically did not succeed in breaking down the caste-based occupational segregation structures. Leaders like Mahatma Gandhi, while advocating for the upliftment of "Harijans," often reinforced the notion that scavenging was a noble service, thereby inadvertently legitimizing the practice while calling for its reform rather than abolition.<sup>6</sup> This approach, which sought to dignify the occupation rather than eliminate it, reflected a fundamental misunderstanding of the relationship between caste identity and occupational segregation.

At the time of our independence, newly minted constitutions promised everyone with equal rights and especially new provisions for the Scheduled Castes. But turning these constitutional guarantees into real-life conditions was extremely difficult. The fact that manual scavenging was still carried on even years after independence is a clear indication that just giving the Dalit

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<sup>5</sup> Court (Zoo Ent. Pvt. Ltd. 2014).

<sup>6</sup> Mahatma Gandhi, *The Removal of Untouchability* 23–29 (Navajivan Publ'g House 1954).

people legal equality has not been enough to break down the deeply ingrained social structures of oppression which use various economic, social, and cultural mechanisms to perpetuate their existence.

### **3. Constitutional Framework and Legal Evolution**

#### **3.1 Constitutional Provisions and Fundamental Rights**

The Indian Constitution has laid down a very strong human rights framework for safeguarding the dignity of a person and banning caste-based discrimination. Article 17 fully outlaws untouchability and punishes any such practice by the law making it a crime, while Articles 14, 15 and 21 respectively ensure that everyone is equal before the law, no one shall be discriminated against on any ground, and everyone has the right to life with dignity. However, the idea of a society without caste as envisioned in the Constitution has stayed a mere dream, especially when it comes to occupational relegation to certain castes. The Supreme Court has broadened the scope of Article 21 to include human dignity in its widest sense, which covers the right to livelihood with dignity, freedom from dangerous working conditions and the right not to be humiliated. According to these human rights provisions, manual scavenging has to be abolished. Nonetheless, the difference between the constitutional provision and social reality indicates that legal provisions have their limitations when it comes to resolving issues of social structures deeply embedded in culture.

#### **3.2 Legislative Evolution: From Recognition to Comprehensive Prohibition**

The legislative response to manual scavenging has evolved through several phases, reflecting changing understanding of the practice and its implications for human rights. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, represented the first comprehensive attempt to legally prohibit the practice.<sup>7</sup> This Act defined manual scavengers as persons engaged in manually cleaning, carrying, disposing or handling human excreta from dry latrines and open drains. While groundbreaking in its recognition of the problem, the 1993 Act was widely criticized for its limited scope, weak enforcement mechanisms, and failure to address the rehabilitation of those engaged in manual scavenging. The inadequacies of the 1993 Act became increasingly apparent as reports of continued manual

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<sup>7</sup> The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, *India Code* (1993).

scavenging persisted across the country. This led to the enactment of the more comprehensive Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, which significantly expanded both the definition of manual scavenging and the scope of state intervention.<sup>8</sup>

#### 4. International Legal Framework and Human Rights Obligations

##### 4.1 India's International Commitments

India's obligations to eliminate manual scavenging extend beyond domestic law to encompass various international human rights instruments that the country has ratified. The Universal Declaration of Human Rights, 1948, which forms the foundation of modern human rights law, proclaims in Article 1 that "all human beings are born free and equal in dignity and rights." Article 23 further guarantees the right to work under just and favorable conditions, principles that are fundamentally violated by the practice of manual scavenging.<sup>9</sup>

India ratified the International Covenant on Civil and Political Rights (ICCPR) in 1979, accepting binding obligations under Article 8, which prohibits slavery and forced labor in all their forms. The covenant also guarantees equality before the law and equal protection without discrimination based on social origin or other status. The International Covenant on Economic, Social and Cultural Rights (ICESCR), also ratified by India in 1979, recognizes in Article 6 the right to work and Article 7 the right to just and favorable conditions of work, including safe and healthy working conditions.<sup>10</sup> The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by India in 1968, creates specific obligations to eliminate discrimination based on descent, which the UN Committee has interpreted to include caste-based discrimination. Article 5 of ICERD guarantees the right to work, just and favorable conditions of work, and equal pay for equal work without discrimination.<sup>11</sup>

India has also ratified several International Labour Organisation (ILO) Conventions directly relevant to manual scavenging. The Forced Labour Convention, 1930 (No. 29), ratified by India in 1954, defines forced labor as "all work or service which is exacted from any person under

<sup>8</sup> The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, *India Code* (2013).

<sup>9</sup> Universal Declaration of Human Rights, G.A. Res. 217 A (III), U.N. Doc. A/810, at 71 (Dec. 10, 1948).

<sup>10</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

<sup>11</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195.

the menace of any penalty and for which the said person has not offered himself voluntarily." This definition encompasses many aspects of hereditary manual scavenging where individuals are compelled by economic necessity and social pressure to continue in the occupation.<sup>12</sup> The Abolition of Forced Labour Convention, 1957 (No. 105), ratified by India in 2000, supplements Convention No. 29 by prohibiting the use of forced labor as a means of racial, social, national or religious discrimination. The Equal Remuneration Convention, 1951 (No. 100), ratified by India in 1958, guarantees equal pay for work of equal value regardless of social origin or other status.<sup>13</sup>

#### **4.2 International Monitoring and State Accountability**

The UN Committee on the Elimination of Racial Discrimination has consistently expressed concern about the persistence of manual scavenging in its periodic reviews of India's compliance with ICERD. In its 2017 concluding observations, the Committee noted: "The Committee remains concerned about the persistence of manual scavenging despite the adoption of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, and reports of deaths of persons engaged in this practice."<sup>14</sup> The Committee recommended that India "intensify its efforts to fully implement the Act, ensure adequate compensation for victims and their families, and take effective measures to eliminate the practice of manual scavenging." The Committee also called for systematic data collection on the prevalence of manual scavenging and regular monitoring of implementation measures. The ILO Committee of Experts on the Application of Conventions and Recommendations has also raised concerns about caste-based occupational segregation in its regular reviews of India's compliance with ratified conventions. The Committee has noted the connection between traditional social structures and contemporary forms of forced labor, emphasizing the need for comprehensive measures that address both legal prohibition and social transformation.<sup>15</sup>

#### **5. Landmark Judicial Decisions**

##### **5.1 Safai Karamchari Andolan v. Union of India (2014)**

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<sup>12</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195.

<sup>13</sup> Convention Concerning the Abolition of Forced Labour (ILO No. 105), June 25, 1957, 320 U.N.T.S. 291.

<sup>14</sup> Comm. on the Elimination of Racial Discrimination, Concluding Observations on the Combined Nineteenth to Twenty-Third Periodic Reports of India, ¶ 26, U.N. Doc. CERD/C/IND/CO/19-23 (Sept. 17, 2019).

<sup>15</sup> Int'l Labour Org., Comm. of Experts on the Application of Conventions & Recommendations, Individual Observation Concerning Forced Labour Convention, 1930 (No. 29) – India (2018).

The Supreme Court's decision in *Safai Karamchari Andolan v. Union of India* represents a watershed moment in the judicial recognition of manual scavenging as a fundamental human rights violation.<sup>16</sup> The court's detailed judgment covered various aspects of the issue including how the state failed to enforce the existing laws, the need for proper rehabilitation programs, and the constitutional obligation of the state to maintain human dignity.

The court noted that "no one can be forced to carry human excreta" and it considered the act as a violation of the "basic human dignity" under Article 21 of the Constitution. What is even more admirable is that the judgment after focusing on the rights of the individuals went ahead to identify the problem as a system one. The court noted that manual scavenging is a "vicious cycle" of caste-based discrimination that continue to deny citizenship rights of equal status to a whole community. Justice Misra, who was the author of the opinion, expressed: "Manual scavenging is a caste-based and hereditary practice. It mainly involves the removal of human and animal waste/excreta with the use of primitive tools like buckets, baskets, and brooms. Besides this, manual scavengers are forced to clean streets, gutters, and public toilets. So called upper castes for centuries have exploited the caste system to deprive the manual scavengers the equality of status and rights and condemned them to a life of sub- human existence.

Ordering of the court for a detailed survey to be conducted to identify the manual scavengers and also the setting up of time-bound rehabilitation programs showed a profound recognition by the court that its intervention alone raised the problem and the structures that had to be required for a solution. Besides, emphasis was laid on the positive role of the State to make available the alternative livelihood means and also ensure that through economic compulsion no person is forced to carry out manual scavenging.

## 5.2 **Bandhua Mukti Morcha v. Union of India (1997)**

While not exclusively focused on manual scavenging, the Supreme Court's decision in *Bandhua Mukti Morcha v. Union of India* established crucial precedents regarding the state's obligation to prevent degrading forms of labor.<sup>17</sup> The court's expansive interpretation of Article 21 to include protection from hazardous working conditions and exploitation laid the groundwork for subsequent challenges to manual scavenging. The judgment's emphasis on the state's positive duty to ensure conditions that promote human dignity resonated strongly with

<sup>16</sup> *Safai Karamchari Andolan v. Union of India*, (2014) 11 S.C.C. 224 (India).

<sup>17</sup> *Bandhua Mukti Morcha v. Union of India*, (1997) 10 S.C.C. 549 (India).

later cases dealing with manual scavenging. The court observed that the right to life includes the right to live with human dignity, free from exploitation and degrading treatment. This principle became central to subsequent legal challenges against manual scavenging, providing a constitutional foundation for claims that went beyond formal legal equality to substantive dignity. Justice Bharucha's observations in this case proved prophetic for manual scavenging litigation: "The State, therefore, is under a constitutional obligation to see that there is no violation of fundamental rights of the citizens, and if there is any violation, it has to take appropriate steps to remedy the situation by taking action against those who are responsible for such violation and also to rehabilitate those whose rights are violated."

### **5.3 Karnataka State Safai Karmachari Commission v. Karnataka (2012)**

In Karnataka State Safai Karmachari Commission v. State of Karnataka, the Karnataka High Court brings to the fore the difference between what the legislature wants and what the administration actually does. The court, on the one hand, meticulously dissected the government's refusal to implement the Act of 1993 and, on the other hand, found latent systemic problems in monitoring, enforcement, and the rehabilitation programmes.

The court's ruling illustrates a sad reality where local authorities, despite the law, continue employing manual scavengers and, as the judgment shows, this is most often done through informal channels which avoid official scrutiny. The court rightly understood that the practice continued because, on the one hand, there was the indifference of the administration, and on the other hand, there was the prejudice of the society and the lack of alternatives for the community concerned.

Such a situation is not unique. The main thing that is preventing the prohibition of manual scavenging from taking effect is this challenging network of social, economic, and political forces. One of the judges Justice Raghvendra Singh Chauhan thus very strongly pointed out, "It is beyond belief that even after 65 years of independence and even with specific laws in place, manual scavenging is still being practiced in different parts of the country. The very existence of this atrocious practice speaks volumes about the disappointment that the constitutional and legal framework has brought to people's lives, especially to the most downtrodden sections of the society.

## 6. Indian Case Studies

### 6.1 The Valmiki Community in Delhi

The experience of the Valmiki community in Delhi reveals a poignant example of how manual scavenging leads to poverty and social exclusion being passed down from one generation to another. In Bhangi Colony, a community in West Delhi, the families have been descendants of the manual scavengers for more than four generations, working mostly for the Municipal Corporation of Delhi and private contractors. The field research that was carried out in these communities shows that more than 80% of the households have at least one member who is engaged in sanitation work. Furthermore, many families claimed that they were never provided with real alternative employment options by the government rehabilitation programs. These people are fully aware that it is an irony that the residents of these communities are the ones having to clean the city's waste, but these communities themselves do not even have basic sanitation facilities.

Discrimination in schools is one of the many challenges that children from these communities have to deal with, as teachers and fellow students, because of prejudice based on caste, usually avoid them socially. Educational achievements have remained low, as only a small percentage of children (less than 30%) complete their secondary education; occupational segregation thus keeps being passed down from one generation to the next. Besides, even if the young generation is educated, they are often compelled to continue the tradition of cleaning human excreta as a result of being denied jobs in other sectors because of discrimination. The exclusion that the marginalized groups experience also affects religious areas. For instance, it is reported that many temples and community centers do not allow manual scavengers and their families to enter. This religious exclusion compounds the occupational stigma, creating a comprehensive system of social segregation that affects all aspects of life.<sup>18</sup>

### 6.2 Railway Manual Scavengers in Maharashtra

Maharashtra's railway network employs thousands of manual scavengers who clean human waste from train tracks and coaches, particularly around railway stations and maintenance yards. These workers, predominantly from the Valmiki and Bhangi communities, face some of

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<sup>18</sup> Smita Narula, *Broken People: Caste Violence Against India's Untouchables* 78–95 (Hum. Rts. Watch 1999).

the most hazardous working conditions in the manual scavenging sector.<sup>19</sup> One of the findings of a thorough field study, carried out at the Tata Institute of Social Sciences, was that railway manual scavengers in Maharashtra go through numerous instances of labor rights and safety protocol violations. Workers revealed that they were given minimal protective gears, usually just gloves and a simple broom, yet they were expected to clean the waste from several trains every day without getting proper breaks or health checkups.

The administration of the railway's statements about mechanization have turned out to be largely a face-saving fiction. There have been ideas of bringing in vacuum-based cleaning systems, but what is seen on the ground is that cleaning by hand is still the norm, especially in small stations and during maintenance work. Workers say that machines are broken or not properly maintained so they have no option but to carry out the work manually. Besides, the Maharashtra scenario brings to light the complicated contractual facets that lead to the workers' neglect of welfare. The Ministry of Railways engages a private company to carry out the sanitation work which in turn gets a labor contractor through whom the workers are made, thereby creating a situation of multiple exploitations which leaves the workers helpless and makes it very difficult to identify who is responsible.

### 6.3 Gujarat's Sewer Death Epidemic

Gujarat has witnessed some of the most tragic consequences of manual scavenging through frequent sewer deaths, despite the state's claims of development and modernization. Between 2017 and 2022, over 60 people died while cleaning sewers in Gujarat, with the majority being young men from Dalit communities who migrated from Rajasthan, Odisha, and Uttar Pradesh seeking employment.<sup>20</sup>

This particular instance of the city of Ahmedabad serves as a grim example to how systemic neglect results in such loss of lives. At the same time, the city is equipped with mechanised cleaning instruments and has legal provisions that can be used to prohibit manual entry into sewers, yet municipal contractors still send employees into sewers without any safety gear or following any safety measures. It is found after a detailed examination of such deaths that the main reason is the workers coming in direct contact with hazardous gases without the gas masks or the oxygen cylinders, and the rescue teams also become the victims as they jump in to save

<sup>19</sup> Tata Inst. of Soc. Scis., *Study on Manual Scavenging in Railway Premises* 34–56 (2019).

<sup>20</sup> Navsarjan Tr., *Manual Scavenging Deaths in Gujarat: A Documentation* 12–28 (2022).

without carrying the proper equipment. A case of death in a sewer follows the same sequence of the working man going through the manhole to clean the system and he dies of suffocation, then the other two or three workers that go in to rescue the first man also die and in the end, the only way to get the victim out is by the team outside. Most of the victims were the sole earning members and their families were left in extreme poverty. The process of obtaining compensation is long and the amount usually is not enough to cover the legal requirements and most often the families receive less.

Gujarat by-laws illustrate the involvement of labor contractors in the whole situation of exploitation. Through a tender process, companies get the contracts from the municipality and they, in turn, hand over the work to labor contractors. These contractors get their labor force from the vulnerable sections of the society and offer them safety features and good wages more in words than a reality. The whole procedure of the contractual relations on different levels make the municipal authorities and the primary contractors shift the workers' safety responsibility on each other's shoulders.

#### 6.4 Rural Rajasthan

Rural Rajasthan presents a different but equally concerning picture of manual scavenging persistence. In villages across districts like Jalore, Barmer, and Jodhpur, traditional forms of manual scavenging continue despite government schemes to construct toilets and eliminate dry latrines.<sup>21</sup> The social factors that keep manual scavenging alive in rural areas are a mix of complex and layered. At the core, it's the upper-caste families who insist on having Dalit families' waste cleaned. They use the threat of social and economic boycott to keep Dalit families in line. What's more, this sort of pressure from the upper castes doesn't just stop at the household level, instead, it goes out to the whole village community, making it almost impossible for a lone Dalit family to stand up to them. Economic dependence acts as a glue that strengthens social coercion. Generally, manual scavenging families rely on upper-caste landowners not only for agricultural work but also for other livelihood aspects like accessing common resources and getting small loans. Giving up manual scavenging - on the part of the Dalit - would mean total economic exclusion which, in turn, is what keeps them trapped in a vicious cycle of choosing of sacrifice of their dignity versus their very survival.

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<sup>21</sup> Inst. of Dev. Stud., *Manual Scavenging in Rural Rajasthan: A Socio-Economic Study* 23–41 (2020).

In rural manual scavenging, women are disproportionately affected. They are mostly entrusted with the cleaning of household latrines while men may be engaged in work farm or some other professions. Such women are at a higher risk in many ways e.g. they are exposed to sexual harassment, their health deteriorates due to constant contact with waste and in addition to that they have no form of social protection or legal recourse. On the other hand, the Swachh Bharat mission's policy of promoting the building of toilets and at the same time not paying sufficient attention to the problem of manual scavenging, somewhat unintentionally has worsened the situation in some rural places. The constructing of new toilets has in certain cases brought more manual cleaning work because there have been poor designs of septic tanks and inadequate drainage systems.

### 6.5 Tamil Nadu's Mechanization Experience

Tamil Nadu has been among the more proactive states in addressing manual scavenging, implementing mechanization programs and rehabilitation schemes with greater consistency than many other states. However, case studies from Chennai and other cities reveal that even well-intentioned programs face significant implementation challenges.<sup>22</sup> In 2015, the Chennai Corporation started its mechanization program by introducing vacuum tankers and other mechanized cleaning equipment for the sewer system. This majorly lowered the manual cleaning operations in the main sewer lines. But the ground level studies still indicate that small pipes, household connections, and emergency cases where the machines can't reach or aren't available, still get cleaned manually.

The workers themselves express a contradictory situation, where on the one hand, mechanization has eased some of their work and on the other hand, it has led to new work pressures and a feeling of invisibility. As since manual cleaning has been officially banned, workers who get forced to work in emergencies or without working machines are basically unsupported and unprotected when things go wrong. The advocacy and organizing of workers play a significant role in the Tamil Nadu case as well. There are powerful trade unions in the state taking care of sanitation workers' rights which have been the driving force behind obtaining better working conditions, safety gears and enforcing mechanization. Yet, even these organized workers are unable to totally stop manual cleaning practices as they still have to deal

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<sup>22</sup> Ctr. for Pol'y Research, *Mechanization of Sanitation Work in Tamil Nadu: An Assessment* 34–52 (2019).

with systemic issues and lack of sufficient infrastructure investments.

## 7. The Portrayal of Systemic Oppression

Chaitanya Tamhane's "Court" is a remarkable audiovisual document, which critically examines the Indian judicial system as a systemic oppressor of class and caste, presenting through its melodrama, insights that can be related to the experiences of manual scavengers and other downtrodden groups. The narrative revolves around the trial of a Dalit folk singer who is alleged to have driven people to suicide by his songs, and thus the various institutions of power are thus shown in the film to be indifferent and biased, discriminatory on a systemic level. The conditions under which the lowest caste are made to live, are highlighted through the story of Kamble, the main character of the movie. Initially we see an example of such a person who has undergone the hardship of his life, and has no one to turn to for help except the law. Though the law is blind in theory, in practice there are all sorts of barriers to access which result in unequal treatment according to the social status of the litigant. In an almost off-hand manner, a prejudice is exhibited by the officials at the court, members of the police force are ready to accuse. All these factors create a situation that the legal assistance to exploitation case of scavengers is a court of law. The story demonstrates the legal system's losing touch with its human aspects, which is equally true for the world of manual scavenging where the issuance of legal orders rarely results in drastic changes for the victims. Like the small legal battles of manual scavengers, the protagonist of the film is lost in the labyrinth of bureaucracy when trying to enforce rights, rehabilitation, or a new job. A scene in the movie "Court" conveys the idea that the legal system pretends to be fair but in reality it is as prejudiced as the society at large. Thus, the stories of manual scavengers show the problems which arise if the court rules that the practice is both illegal and should be stopped as a matter of social good. By depicting so boldly how class and caste privilege are exercised through the instruments of power that are supposedly impartial, the film supplies, besides painting an adequate picture of the situation of Dalits usage of manual scavenging,

## 8. Contemporary Challenges and Persistent Violations

### 8.1 The Urban-Rural Divide in Manual Scavenging

Modern manual scavenging shows different types of manifestations in urban and rural areas, thus requiring different analytical approaches. In the city, the practice has changed to involve

the cleaning of underground drainage and septic tanks, usually done by migrant workers who are unaware of their legal rights and have no access to complaint mechanisms. The urban sanitation system's mechanization has lowered the number of manual scavenging cases but has not got rid of it completely, as contractors still employ manual workers for the tasks that could be done by machines.

On the one hand, there are problems in the village which are totally different from those in the city, such as the existence of dry toilets and traditional manual scavenging practices despite government toilet construction programs. The Swachh Bharat Mission's focus on building toilets without equally addressing the issue of manual scavenging has in some instances led to the emergence of new waste management methods that depend on manual cleaning.

### **8.2 Economic Dimensions and Livelihood Alternatives**

The economic aspects of manual scavenging expose the intricate link between poverty, social exclusion, and occupational segregation. For a large number of families, their involvement in manual scavenging is a means of economic survival rather than just an occupation, within a system that hardly gives them any alternative options. The lack of education, social capital, and different skills leads to a scenario where prohibition by law without proper rehabilitation amounts to economic violence. Capitalizing on rehabilitation, the government programs have been able to achieve partial success because of inadequate funds, poor implementation, and failure to address the social factors land of the occupational transition. Those who are provided with alternative jobs through state schemes often experience social rejection from their former employers and community, which makes them go back to manual scavenging.

### **8.3 Gender Dimensions and Intersectional Oppression**

The gender aspects of manual scavenging highlight the intertwining of caste-based oppression and patriarchal systems which Dalit women suffer from the most severely. Women who clean latrines and do manual scavenging are discriminated against in many ways, i.e. based on their caste, gender, and work, thus they are the most exposed to sexual harassment, wage theft, and social exclusion. This feminization of the extreme forms of manual scavenging, especially the cleaning of household latrines, shows how gendered stereotypes about "women's work" add to the layers of discrimination on the basis of caste. Women manual scavengers have barely any means of receiving protective gear, healthcare, or they are not provided any legal help leading

to their invisibility in the already deprived Dalit communities.

## **9. Policy Failures and Implementation Challenges**

### **9.1 Institutional Mechanisms and Monitoring Systems**

India's double failure, of not only repressive the institution of manual scavenging through legislations but also proper implementation of the laws and regulations stands out as a glaring example of the weakened institutional and human rights monitoring and enforcement mechanism of the country. The National Safai Karamchari Commission, which was set up to oversee the implementation of laws and ensure the rights of sanitation workers, has on many occasions stated that the problem is with the enforcement of the laws and that the courts and the executive have been largely indifferent. Local level mechanisms to watch and control manual scavenging, in most cases, have ended up being quite powerless because of the scarcity of resources, a lack of commitment from political leaders, and the unwillingness of grassroots officials who make profit from the cheap manual labor to cooperate. The problem goes even deeper as the number of people who are still engaged in manual scavenging is kept a secret which consequently leads to their complete exclusion from official discourse and policy planning.

### **9.2 The Role of Technology and Mechanization**

The possible impact of technology on getting rid of manual scavenging has been talked about extensively but hasn't been properly executed. There are technological solutions for practically all types of sanitation work that are still being done manually, but the rollback of these technologies has been largely due to cost considerations, lack of training, and resistance of contractors who are benefiting from cheap labor. Fully mechanizing sanitation work entails a thorough investment in equipment, training, and system redesign, the expenses that are at times considered by government bodies and private contractors as too high. This economic calculus is indicative of a wider societal tendency to disregard the lives and dignity of Dalits, whereby the cost of human suffering is not properly taken into account when making decisions about policies.

## **10. Social Transformation and Changing Attitudes**

### **10.1 Role of Education and Awareness**

Educational interventions aimed at changing social attitudes toward manual scavenging face the challenge of addressing deep-seated beliefs about caste, purity, and social hierarchy. While formal education has increased among Dalit communities, occupational segregation persists due to social prejudices that operate independently of educational attainment.<sup>23</sup> Anti-discrimination education programs have shown limited effectiveness in changing hiring practices or social attitudes, highlighting the need for more comprehensive approaches that address structural inequalities rather than individual prejudices. The persistence of manual scavenging among educated Dalits reflects the limitations of education as a tool for social transformation in the absence of broader structural changes.

## 10.2 Civil Society Movements and Advocacy

Human rights groups, especially Dalit-led ones, have been instrumental in highlighting the plight of manual scavenging and pushing for more robust legal frameworks. The Safai Karamchari Andolan and similar groups have employed court cases, public advocacy, and media promotion to fight the custom and call for government intervention. Still, the journey of these groups is riddled with issues like scanty resources, clampdown from the authorities, and resistance from the communities that benefit from the practice of manual scavenging. Besides, criminalizing civil society work with legislations like the Foreign Contribution Regulation Act has resulted in advocacy efforts being severely curtailed and the space for raising voices against discrimination shrinking.

## 11. Economic Analysis

### 11.1 Economic Exploitation and Wage Theft

Manual scavenging has many economical aspects that are not only limited to low wages but also includes systematic wage theft, denial of benefits, and exclusion from formal labor protections. Typically, manual scavengers are hired through informal arrangements that deprive them of even the minimum wages, social security, or protection against occupational hazards. The economic exploitation of manual scavengers helps to finance the sanitation services of the whole society while the health risks and social stigma are concentrated among the already

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<sup>23</sup> Sukhadeo Thorat & Katherine S. Newman, *Blocked by Caste: Economic Discrimination in Modern India* 123–45 (Oxford Univ. Press 2010).

marginalized communities. This is an instance of economic violence that serves to uphold caste hierarchies while providing material benefits to the dominant groups.

## 11.2 Healthcare Costs and Occupational Hazards

The health impacts of manual scavenging impose significant costs on affected communities and the healthcare system, costs that are rarely acknowledged in policy discussions. Manual scavengers face elevated risks of respiratory diseases, skin infections, and other health problems that require ongoing medical attention.<sup>24</sup> The absence of occupational health protections for manual scavengers means that these health costs are borne by individuals and families rather than employers or the state. This privatization of occupational health risks represents another dimension of the economic injustice associated with manual scavenging.

## 12. Future Directions and Recommendations

### 12.1 Comprehensive Legal Reform

The abolition of manual scavenging cannot be achieved by a single law banning it, but rather by a series of legal reforms that also provide for the rehabilitation of scavengers, the creation of alternative job opportunities, and the removal of social prejudice. A new law should carry provisions that will make it possible to implement the law, such as enforced mechanization along with schedules and penalties, and cover areas of social support to the affected communities. Changes in laws should also consider the manual scavenging work which is mainly done in the informal economy, thus granting contract workers the rights and protecting them from employers who discriminate. Thus, the use of technology in eliminating manual work should be formalized through law, with set schedules and penalties for those who do not comply.

### 12.2 Economic Transformation and Social Justice

One of the ways to completely end manual scavenging is to transform the economy on a larger scale that tackles social inequalities and offers real options to marginalized communities. Targeted support in the form of education, skill training, and entrepreneurship initiatives that are primarily aimed at those who have been manual scavengers is part of the package. These

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<sup>24</sup> Indian Inst. of Pub. Health, *Health Status of Manual Scavengers: A Medical Study* 45–67 (2019).

initiatives have also to cover not only the individual's abilities but also the social prejudices, discriminatory practices in employment, and lack of credit and market facilities that are some of the structural obstacles. Social transformation efforts and changing people's behaviors and overcoming discrimination should go hand in hand with the success of economic transformation initiatives.

### **12.3 International Cooperation and Learning**

India's efforts to eliminate manual scavenging could benefit from increased international cooperation and learning from other countries' experiences with similar challenges. This includes technical cooperation on mechanization technologies, sharing of best practices in social transformation, and support for civil society monitoring efforts.<sup>25</sup> International human rights monitoring mechanisms should continue to maintain pressure on India to fulfill its commitments to eliminate manual scavenging while providing technical support for implementation efforts. The global nature of human rights principles requires international solidarity in addressing practices that violate fundamental human dignity.

## **13. Conclusion**

The ongoing manual scavenging in present-day India exposes a major issue in the failure of the constitutional promise of equality and human dignity. Even though the practice has been legally banned for a long time and various policy measures have been undertaken, it still keeps millions of Dalit people in extremely degrading activities that not only damage their dignity but also perpetuate caste-based discrimination. This paper has argued that manual scavenging is not just a hazardous work activity but a form of systemic violence that is embedded in social stratification and is aimed at the degradation of certain groups of people for the purpose of the maintenance of social hierarchies. The review of significant court rulings has been aimed at unraveling the dual facets of the law - its potential to act as a vehicle for social change and its inherent limitations in resolving structural discrimination issues. For instance, the judiciary has acknowledged manual scavenging as a breach of fundamental human rights and has taken the path of issuing directives that cover the complete eradication of this practice and the rehabilitation of the affected communities. However, the difference between judicial decisions and actual social conditions seems to be the biggest obstacle. The articles that are part of this

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<sup>25</sup> Int'l Labour Org., *Eliminating the Worst Forms of Child Labour: India Country Report* (2020).

study point out that although formal legal equality is an important aspect of social justice, it cannot serve as the only instrument for the abolishment of the traditional and intractable systems of social oppression, which are deeply rooted and still functioning through a variety of means such as economic subordination, social exclusion, and cultural domination.

The analysis based on "Court" has shed light on how the legal system in itself can be used as a tool for oppression, where the extensive legal formalities and bureaucracies hide the real injustices and the official neutrality of law masks the existing prejudices. This feature film portrayal echoes the plight of the manual scavengers, who with their own experiences, recognize the legal system as an entity that on one hand forbids the exploitation of such persons and on the other, simply ignores their lack of access to proper compensations and alternatives. Studying the present problems at hand, we can see that manual scavenging as a practice is deeply intertwined with various social issues. The differences between its manifestations in the cities and countryside, accommodating the perspectives of gender through the identification of women's specific vulnerabilities, and the recognition of the complex interrelations of poverty, migration, and social exclusion are some of the facets that add to its multidimensional nature. The non-performance of the rehabilitation schemes signals the despair of solutions that are solely focusing on changing the individuals, while having no attention for the structural walls and the social mentality that continue to maintain the occupational segregation.

The standpoints of international human rights not only offer normative backing and comparative clews for the elimination work but also underscore the commitments of India under the global human rights instruments. However, the nature of discrimination based on caste demands solutions which are grounded in the local context and address not just the material but also the symbolic aspects of the issue. The policy failures cited here are symptoms of more significant problems in the institutional machinery of human rights and social justice. The fact that manual scavenging continues to exist even though it is outlawed, does not mean that the only problem is poor implementation. The real issue is the inherent conflict in a system, which on the one hand, declares equality at the law and, on the other hand, permits discrimination in reality. Hence, the future eradication of manual scavenging depends on a comprehensive strategy that not only features strict legal instruments but also the economic, social and institutional changes. For examples, sanitation work should be mechanized entirely, intensive rehabilitation programs should be conducted, alternative livelihoods should be supported through targeted investments and social attitudes and discriminatory practices should

be changed consistently.

India's pledge to the human rights and social justice will be truly reflected by its capability to abolish such inhuman practices as manual scavenging which reduces human beings to the caste identity thus depriving them of basic dignity and equal citizenship. The continuation of the practice of manual scavenging is not just a policy failing but a moral dilemma that questions the very principles of democratic governance and constitutional values. This analysis argues that apart from legal frameworks providing a necessary foundation for challenging manual scavenging, their success depends on social transformation at large that tackles the structural inequalities and cultural dominance that foster caste-based discrimination. Ending manual scavenging is therefore not only a matter of policy implementation but a revolutionary challenge to India's capacity to turn its constitutional promise of equality, dignity, and social justice for all citizens into reality. The voices of the manual scavengers continuously resonate with India's democratic conscience, not only demanding legal protection but substantive equality and real alternatives. Their struggle unfolds the larger battle for human dignity in a society still haunted by the caste hierarchy and social exclusion. The realization of a society free from manual scavenging will necessitate a firm agreement from all sections of society and the acknowledgment of the practice as a fundamental violation of human rights. It also requires comprehensive and focused efforts to tackle its underlying causes. India will be able to meet its constitutional vision of a society where no individual is defined by their caste affiliation and all citizens enjoy true equality and dignity only through such thorough transformation. The presence of manual scavenging is a testament to the fact that this vision is still largely a dream, but it also offers a way forward for the transformative work ahead.