

# Caste Stigma, And Occupation At Work: The Judicial Frontiers And Continuous Subordination Of Manual Scavengers In Delhi

Shadab Raza

PhD Scholar

Jawaharlal Nehru University, New Delhi

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## Abstract

The current paper is a critical analysis of the transformation of the Indian legal system in its approach to the definition of manual scavenging as it continued to change and transform its paradigm to refer to it as a criminal offense (*Employment of Manual Scavengers and Construction of Dry Latrines [Prohibition] Act, 1993; Prohibition of Employment as Manual Scavengers and their Rehabilitation Act [PEMSR], 2013*) rather than a customary right. The formal equality paradigm is the assumption based on which this article was constructed, the impossibility of solving the end-rooted caste and stigmatised logic in the occupation of the manual scavenging with the help of synthesizing historical moorings, ideological arguments between Gandhi and Ambedkar and on the available political-economic informational basis based on the fieldwork in New Delhi. The radical agency of the *Safai Karamchari Andolan (SKA)* that has transformed the sanctification-focused humanisation view to the human-rights-based liberation motif has been studied in this paper. The study concludes that despite the existence of good laws in 1993 and 2013, the vice remains in place as some form of modern-day slavery, which is facilitated by the government's nonchalance and the caste rule under the shadow of the law. It discusses the reality that the body is a contested site and that the idea of stigma revolves around the idea of occupation, which in its turn is able to produce certain caste bodies.

The scavenging profession remains attached to the larger process of sanitation work, hence the manual scavengers remain trapped in a dual cite of oppression. The local officials force the folks to carry out the occupation of scavenging to tempt them into the sanitation labour world and, therefore, to deposit the wages of a sanitation worker into the state after the state strictly avoids the occupation itself as it exists. On the one hand, they are forced to do the job because they have to be registered as a sanitation worker; on the other hand, they are unknown. It is arguably another form of body stigma and when the caste forces comes into play it somehow gets pushed to an alternative part of the population that occupies a different caste category. In my case, the fieldwork specific to Valmiki in the city of New Delhi where I worked at scavenging depicts a similar predicament where the "stigma" is in collaboration with the "caste structures" in the entire process of the scavenging work (Wilson, 2019).

**Keywords:** Caste, Labor, Stigma, Sanitation, Scavenging, Occupation

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## I. Introduction

In order to critically abandon the conventional sociological questions related to the topic of manual scavenging, a shift in perception is the need to leave the traditional administrative category of caste to a phenomenological experience which has marked the flesh (Dumont, 1980; Douglas, 1966). The Indian caste system is not merely based on the perception of social stratification but on the formation and structuring of the caste bodies (Dumont, 1980). This brings about some form of moral economy of touch that supports untouchability according to the arguments of scholars like the likes of Gopal Guru, where an Untouchable is not made by tactile means but by an intentional denial of their company (Douglas, 1966; Dumont, 1980). At that, the Dalit body may be considered as a sort of repository of historical traumas in a material sense (Ambedkar, 1979/2019; Thorat, 2013).

To be untouchable is to carry the stigmata of past experiences, as Michel Foucault called them. Even the body of the manual scavengers per se is a single chiasm - the contamination of materiality (waste management) and the signification (stigmatised rituality of the waste) (Douglas, 1966). The profane body of the scavenger is insulated and preserved to keep the sacred and pure body alive to the higher classes only (Dumont, 1980; Douglas,

1966). This type of revelation leads to a Caste Gaze that literally lynches the outcast by combining his or her real physical territory and his or her social appearance territory (Thorat, 2013).

## **II. Conceptual Framework: The Politics Of Stigmatisation Through Scent And Disgust.**

The politics of touch is not the only form of politics of scent, and the politics of projective disgust contribute to the construction of the so-called caste body to a significant extent (Douglas, 1966). Primary disgust, based on the postulates of Martha Nussbaum, is a human aversion to contamination of the body by bodily fluid or even death. However, in India, it has been transformed into the so-called projective disgust in which a certain group of people is targeted as the so-called quasi-animals to create a buffer zone of the dominant classes (Dumont, 1980; Douglas, 1966). It is the projective disgust that is thrown towards the ultimate target, the manual scavenger. Their line of work is militarised to entrench their statuses as inherently contaminated (Dumont, 1980). This is also reinforced through animalistic comparisons; in the caste fantasy of the Hindu Brahmin, the clean mother cow is the extreme opposite of the dirty pig, which is of Dalit (Dumont, 1980). No matter whether a Dalit worker has attained some degree of educational or professional mobility, the phenomenological library of scents still lives in the social imagination, as it claims to perceive the caste of a person, thereby maintaining a safe distance, which is also commonly referred to as white untouchability (Thorat, 2013). This is due to the fact that the historical inertia of the manual scavenging, even in the 21st century of democratic ideology, can be blamed on the strong caste hierarchy that qualifies as common sense (Dumont, 1980). The culture, values and beliefs of the society are dictated by these classes in a bid to inculcate the existing hierarchical system as the natural order of things (Dumont, 1980). This hegemony makes masses subjected to oppression believe that they bring the persecution to which they are subjected and maintain the work of their ancestors as the natural order of things that can not be altered, but rather a part of social organisation (Ambedkar, 1979/2019). The subaltern in the subaltern refers to the manual scavengers in this context (Thorat, 2013). Although they are typically left out, the scavenger occupies a state of unproportional subalternity, and his labour is an essential constituent of the hegemonic order, yet his presence is actively repressed and marginalised (HRW, 2014; Thorat, 2013). This exploitation is made possible with the assistance of the state, relying on the contractualization procedure and the shadow of the rule of caste to provide its sanitation amenities without taking into account the human cost (HRW, 2014; Wilson, 2019).

One of the drawbacks of the legal campaign about the scavenger liberation is the reliance on the so-called single-axis models that fail to consider the so-called relational conception of equality (Constitution of India, 1950; Thorat, 2013). The inequalities that Tarunabh Khaitan asserts are not personal differences but exist as inequalities among people and groups of people. It means that substantive equality requires the state to address those factors that cause group-based disadvantage, but anti-discrimination law on Indians often stops at the front door (Constitution of India, 1950; Thorat, 2013). The caste-based discrimination, micro-aggressions and micro-exclusions occur in the non-public space of residential accommodation, festivals, and post-school socialisation (Thorat, 2013). The researchers cite the case of Dalits, who are only unwelcome guests in the upper-caste rental markets; this population is approximately 18 per cent (Thorat, 2013). These internal identity negotiation processes are generally ignored as their own preference, yet it is the processes that have contributed to the fact that the manual scavenger is not only an ostracised social element, but also a destitute party (Thorat, 2013; HRW, 2014).

## **III. Methodology**

The research design in this study is the qualitative sociological-legal research design as it integrates both the doctrinal legal analysis and the field data. It aims at critically analysing the shortcomings of judicial intervention in eliminating manual scavenging in India by assessing the relationship between law, caste systems, and practices of its implementation. To obtain both normative legal framework and lived realities of sanitation workers, a mixed interpretive approach is also used. The study is an exploration and critique of the research, as it attempts to shift beyond formal legal analysis to substantive equality evaluation. The structure and semi-structured interviews and field questionnaires were used to collect the primary data in the city of Delhi. The targeted instruments were awareness of applicable legislation and employment terms, supply of safety equipment, contractual type of arrangements, availability of housing and basic amenities and intensity of stigma and coercion. Informal discussions and observations in the field were employed where needed to contextualize the responses. The secondary data were attracted to the government reports, documentation of human rights watch, reports of parliamentary committees, academic resources, movement documents (e.g. the materials of the Safai Karamchari Andolan). The substantive equality framework shapes the analysis based on the critical caste and socio-legal scholarship. Instead of reviewing law in terms of formal adherence, the research test in terms of the disjunction between law on book and law on action, institutional impediments to action, The role of caste in determining the result of the enforcement process and the constraints of judicial redress in structurally unequal situations. The field qualitative responses were thematized into awareness of the law, precarity in employment, compliance in safety, state responsibility and dignity and stigma. These were themes that were read together with the development of doctrines to create integrated socio-legal analysis.

Since the respondent population is vulnerable, ethical protection was upheld. The involvement was voluntary and the respondents were told about the purpose of the study, which was academic. No personal information was revealed in the analysis. They were careful not to retraumatize interviews that dealt with the hazardous work events. The main thesis of this paper is to unearth the profession of manual scavenging in the larger framework of caste, labour and stigma and to explore how such a profession can be even sustained following intervention of the judiciary and the state issued laws in the city of Delhi.

This research has a few limitations namely the number of respondents is large enough to support a qualitative piece of work but, it is not statistically representative of the entire population of sanitation workers in India. The possibility of selection bias due to reliance on purposive sampling, Underreporting and fear among the workers may influence candour of responses and the study is mainly concentrated on the selected regions and may not represent all regional variations. Nevertheless, the combination of doctrinal analysis, field data, and secondary sources helps to improve the validity of the results.

#### **IV. Modernity Of Colonials And Caste Systematisation**

One of the oldest myths is that manual scavenging is of ancient origin; it is, in most ways, colonial modernity (Malkani Committee, 1960). Nicholas Dirks, a post-colonial theorist, believes that the British did not make caste, only refined it into a single term that could systematise and rationalise the different social identities in India as a type of administrative control (Malkani Committee, 1960). It is the interaction between colonialism and caste that changed caste as an interactive social relation into a strict stratum, which became linked to the bureaucratic requirements (Malkani Committee, 1960; Dumont, 1980). Scavenging was institutionalised as the British government introduced official communities of Dalits in institutions of national interests, the military, the rail and the civil tribal (Malkani Committee, 1960). This professional vocation of lifelong service at the municipal service was institutionally stipulated, that the Software of Caste would remain paralleled to the Hardware of Modern Sanitation (Malkani Committee, 1960; HRW, 2014). The post-independence state received this two-layered system where the modern flush technology is used to the advantage of the rich, and the Dalit, as a dirty body has the concealed septic tanks and sewers (HRW, 2014; Wilson, 2019). Lastly, necropolitics of sewer to study of manual scavenging ought to be considered as a necropolitics study, i.e. the right to decide how some people can live and how some people must die (HRW, 2014). The non-ego threatens the ego in the sewer, where it is the flesh as chiasm, and life by the gases of death is under a constant threat (HRW, 2014). Its additional dependence on the invention of hazardous cleaning by the contractual Dalit labour makes it the institutionalisation of the retaliatory violence to the marginalised citizenship claims of the state (HRW, 2014; Safai Karamchari Andolan vs. Union of India, 2014). Even to emancipate the manual scavenger, positive discrimination or quota regimes are not sufficient but have led to even more modern and less apparent versions of the Caste Gaze and micro-exclusion (Thorat, 2013; Constitution of India, 1950). It demands the actual emancipation:

Breaking the Cultural Hegemony would require an alteration in the Design of the of the higher castes through Dalit-based histories and hagiographies to reverse the bigotry of higher castes (Ambedkar, 1979/2019; Thorat, 2013), a study of Intersectional Oppression meaning the situation of marginalisation being a locus of caste, class and patriarchy, a multisided struggle should be embraced (HRW, 2014; Thorat, 2013) and ontological mirroring meaning to create some state of self-realisation in a society where the biological body is perceived to be the common source of impurities, and hence in the process eradicate the motivation to recognise caste-based classifications that are detrimental (Douglas, 1966; Dumont, 1980). Nevertheless, the manual scavenger (Ambedkar, 1979/2019) is the first political issue of Indian modernity. The democratic promise of India will not be fulfilled until its humiliated body is completely turned into a project (Constitution of India, 1950; Thorat, 2013). It is not simply that the sewer is a dumping place, but that it is the most extreme image of the Indian social conscience, which, according to the pyramid, has no lifts and in which one must die on the floor on which he was born (Dumont, 1980; HRW, 2014). The dominant paradigm of formal equality that prevailed in the anti-discrimination law is the promotion of equality of opportunity, where people in the same situation must be equally treated (Constitution of India, 1950). However, formal abstractions are likely to conceal the experience of oppressed groups and form an appearance of neutrality (Thorat, 2013). The social and economic marginalisation of the lowest-ranked people in the Indian social hierarchy, the Dalits, can not be eradicated solely through the aid of formal equality (Thorat, 2013). It must have a substantive equality approach where consideration of the history of the marginalised groups is made (Constitution of India, 1950; Thorat, 2013). The imbalance in the opportunity generated along the caste lines, whereby the lower castes have to be satisfied with low-paying and low-security jobs (Thorat, 2013). The root of the paradox of modern, democratic India is manual labour scavenging (HRW, 2014). Despite its vitality, the judicial power is not omnipotent, as it can grant relief to specific instances, but it can, in most cases, not be applied to address larger and more multidimensional issues of society, like discrimination in the labour market (Delhi Jal Board v.). National Campaign for Dignity and Rights, 2011; the Constitution of India, 1950).

The practice of manual scavenging is based on the legal history, which of the development of the concept of scavenging as a customary proprietary right is subsequently transformed into a crime ( Employment of Manual Scavengers and Construction of Dry Latrines [Prohibition] Act, 1993; Prohibition of Employment as Manual Scavengers and their Rehabilitation Act [PEMSR], 2013). Up to the early 20th century, scavengers believed that the practice was good and their rights were referred to as Dastoori, Jijmani, Jagirdari, or Virat (Malkani Committee, 1960). They were considered as family property, which was transferable, hereditary and mortgaged, and a scavenger could provide exclusive service to some household (Malkani Committee, 1960).

## **V. Gandhi And Ambedkar Argue About The Profession Of Scavenging**

The early 20th -century movement of reinstating humanity to sanitation workers was defined by the conflicting styles of Mahatma Gandhi and Dr B.R. Ambedkar (Ambedkar, 1979/2019). Gandhian Morality: Gandhi deemed scavenging to be holy, noble, and at any rate not inferior to the profession of a clergyman (Ambedkar, 1979/2019). He encouraged a humanisation of the job, including the abolition of unhygienic practices, including the abolition of the head-load, and to win the affections of the higher caste to change their mindset (Ambedkar, 1979/2019). However, he did not manage to encourage Dalits to give up the traditional occupation because scavengers are supposed to earn their livelihood as scavengers (Ambedkar, 1979/2019). Ambedkar heavily criticised the occupation of manual scavenging as a cruel one (Ambedkar, 1979/2019). According to him, a scavenger of the Hindu society is not just stigmatised at work but at birth as well (Ambedkar, 1979/2019; Dumont, 1980). He viewed Gandhism as a curse and forced them to live as eternal vultures, feeding their egos (Ambedkar, 1979/2019). Ambedkar laboured on occupational mobility, education, and development of automated infrastructures in rural areas to avoid the necessity to manually manage any form of infrastructures (Ambedkar, 1979/2019).

Manual scavenging is an economic choice that is politically long-standing and somehow supported by the state, too (HRW, 2014; Wilson, 2019). The Dalit labour that is cheaply available is still employed by the government bodies rather than investing in new technologies (HRW, 2014). Water delivery is significantly more expensive than sewage collection, which is a choice that has cascading repercussions (HRW, 2014; Thorat, 2013). There are approximately 30,000 sanitation workers in Delhi, most of them being members of such sub-caste as the Valmiki community of Dalits (HRW, 2014; Wilson, 2019). The government deployed 200 sewer cleaning machines in 2019, but their workload remains at between five to ten per cent; the others are done manually by local contractors who pay between 200 and 350 the day per person (HRW, 2014; Wilson, 2019). The loss of human lives is genocidal: one worker of sanitation is murdered every five days in India (HRW, 2014). The area has a life expectancy of 40-45 years, which is half that of the country, 69, because it is exposed to toxic gases (HRW, 2014).

## **VI. Contribution Of The Safai Karamchari Andolan**

The Safai Karamchari Andolan (SKA) that Bezwada Wilson co-founded alongside the push to end the practice of manual scavenging can be regarded as an extreme shift in the views of reform through technology to rights agitation (Wilson, 2019; Safai Karamchari Andolan v.). Union of India, 2014). The primary purpose of SKA was to make the community realise that they are human beings just like any other and they should be provided with all constitutional freedoms (Wilson, 2019; Constitution of India, 1950). This mental shift was necessary since most of the employees working in the sanitation department had internalised the scripts that justified the cruelty that they had to endure (Ambedkar, 1979/2019; Wilson, 2019). Internalisation of the caste order provokes the systematic exploitation (Dumont, 1980; Thorat, 2013). The movement also represented brooms and baskets as a sign of indignity and not work (Wilson, 2019). The burn the basket campaign was a symbol of destroying the culture of a hegemonic practice (Wilson, 2019). It was an extreme assault on the element of property of the traditional right in which such objects were earlier distributed to children as an inheritance (Malkani Committee, 1960; Wilson, 2019). SKA has defied legal nihilism by employing the so-called litigation in the public interest (Wilson, 2019). The movement furnished video testimony of how union of India (2014) had presented in court indicated that state governments had been presenting false affidavits, indicating that there was no scavenging. This led to the 2014 Supreme Court decree that the deceased families who died in sewers after 1993 will pay INR 1,000,000 (Safai Karamchari Andolan vs Union of India, 2014). The course in the institution is a history of inefficient laws that were legislatively passed in a systematically reluctant way (HRW, 2014). The failure lies in the heart of not believing in human values and the silence of the victim through the virtue of not allowing the complaints of the victim and not allowing individual complaints, which were composed towards ecological issues and environmental sanitation.

In the Employment of Manual Scavengers and Construction of Dry Latrines [ Prohibition ] Act, 1993 and 2014 the type of scavenging that was the riskiest, like cleaning of septic tanks and manholes, was disregarded in this Act (HRW, 2014). The PEMS Act of 2013 specifically identified the historical injustice as a result of the caste system (PEMS Act, 2013; PEMS Act, 2013), but with a fatal proviso in the form of Section 2(g): an

individual cleaning human excreta with a knowledge of protective equipment is not considered a manual scavenger (PEMSR Act, 2013). This is creating a scapegoat that enables the government to justify the use of manual labour that entails hazardous work by the mere issue of procuring gloves, even with the existence of existential humiliation (HRW, 2014). In addition, the Act lacks a solemn deadline against which it has to be wholly abolished, which promotes procrastination among the administration (PEMSR Act, 2013).

The vulturing activity will still take second place to the higher vulturing of the sanitation work, thus the manual scavengers will remain in a dual victimisation (HRW, 2014; Wilson, 2019). The local authorities force them to engage in the occupation of scavenging, so that they too can be part of the realm of sanitation work and in the operation set free the salary of the same, as state after state completely escapes the occupation by pronouncing that it exists (Safai Karamchari Andolan v.). Union of India, 2014; HRW, 2014). On the one hand, they are even forced to do the job so that they can be enrolled on the sanitation work, and, on the other hand, they are not known (HRW, 2014). This form of occupation creates a special form of bodily stigma, and when the caste forces come into the picture, it somehow gets pushed to a specific part of the society, which is a member of one caste group. In my case, this is scavenging work at Valmiki in New Delhi (Wilson, 2019; Thorat, 2013).

## **VII. Psychical Frontier And Re-Socialisation Strategy**

The emancipation process should have a re-socialisation strategy to shatter the social and legal hierarchy of worthlessness among the workers that is highly traditionalized (Ambedkar, 1979/2019; Wilson, 2019). Traditionally, the sanitation workers only regarded themselves as the factors that led them to misfortunes with no regard to the structural caste disparities (Ambedkar, 1979/2019; Thorat, 2013). The SKA movement had altered the meaning of scavengers into citizens and their rights to scavenging, which had to be protected by the state (Wilson, 2019; Constitution of India, 1950). The key message of the movement that was made by the use of the banner, Stop killing us, during the Bhim Yatra was the ultimate cost of apathy of the state and attempted to recapture the constitutional and basic rights of the people (Safai Karamchari Andolan v.). Statute Laws of the Union of India, 2014; Constitution of India, 1950).

## **VIII. The Pathology Of The "Safety Gear" Story.**

Legislative provisions concerning safety are deflated as indicated by the data of fieldwork (PEMSR Act, 2013; HRW, 2014). More than 37 per cent of the scavengers reported that they did not receive any safety gear or equipment (HRW, 2014). Though the 2013 act obliges the usage of 44 safety devices ranging from air compressors and airline breathing devices, the adoption of the new law is characterised by apathy (PEMSR Act, 2013; HRW, 2014). They are not always used to check if there are toxic and combustible gases, including Hydrogen Sulphide and Methane and are commonly asphyxiated regularly (HRW, 2014). This demonstrates this systematic insensitivity in which the rule of law is being followed under the shadow of the rule of caste because the physical price is being paid by the marginalised entities despite the state professing to follow the rule on paper (Thorat, 2013; HRW, 2014).

## **IX. Paradox Of New Delhi: Geography Of Even Denial**

The analysis of the geography of exclusion is based on the case study of the political economy of New Delhi (Wilson, 2019; HRW, 2014). Though the states are proud of the handicapped scavenging-free society, a performance audit by CAG revealed that 88 per cent of the 1,797 unapproved colonies in Delhi lack sewage treatment facilities (HRW, 2014). The wastes in these areas are sewage discharged into stormwater drains and the Yamuna River (HRW, 2014). The new machines developed are the size of trucks and do not fit into the small lanes of the so-called JJ Colonies and illegal settlements (Wilson, 2019). Consequently, the majority of sanitation work in the regions is performed manually by individual contractors who receive less than 200-350 a day (HRW, 2014; Wilson, 2019).

## **X. Economic Vulnerability As Modern Slavery.**

One of the slave jobs is manual scavenging, which is extremely economical to coerce (HRW, 2014; Thorat, 2013). In the rural areas, women clean latrines as low as 25 or 30 rupees per month or dump clothes and remaining food (HRW, 2014). Privatisation of cities has led to a salary reduction as labourers earn as little as Rs. 8000 in cities like Hyderabad, and this amount is sufficient to keep a family in poverty (HRW, 2014). A late payment is a typical coercive strategy, and Delhi employees have just struck when they began not getting paid six months ago (Wilson, 2019). This keeps the society in a constant state of permanent economic instability and forced labour that is of hereditary character (Thorat, 2013; HRW, 2014).

## **XI. Constitutional Jurisprudence And The Right To Dignity.**

The Indian Constitution is a social reform document that focuses on removing the hierarchies of the past (Constitution of India, 1950; Ambedkar, 1979/2019). Article 17 forbids untouchability with absolute effect, yet

the government evades this by remaining indifferent (Constitution of India, 1950; Thorat, 2013). Manual scavenging is an offence perpetually against the amended article 21 amendment by the Supreme Court, where the right to life coupled with human dignity was grandfathered (Constitution of India, 1950; Safai Karamchari Andolan v.). Union of India, 2014). This right to life is restricted to the Dalit worker by the system, putting him or her under what can only be termed as hereditary labour (Ambedkar, 1979/2019; Thorat, 2013). The point on structural criticism of Ambedkar needs to be mentioned in the fact that a scavenger is born as one in the Hindu society; an individual of the upper caste who does the same job would not have a lasting disability (Ambedkar, 1979/2019; Dumont, 1980). The very fact that the state has not been able to provide alternative means of livelihood translates to the promise in Article 21 being an empty abstraction to the individuals in the septic tank (Constitution of India, 1950; HRW, 2014).

## **XII. Critical Analysis Of The Statute: 1993 Vs. 2013 Framework.**

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993 was flawed because it focused more on the environmental protection issue instead of human dignity (Employment of Manual Scavengers and Construction of Dry Latrines [Prohibition] Act, 1993; HRW, 2014). Section 3(2) made the demolition of dry latrines conditional upon the presence of water-seal facilities, and this created a loophole in the law and allowed the practice to persist in locations lacking infrastructure (Employment of Manual Scavengers and Construction of Dry Latrines [Prohibition] Act, 1993). Another significant shift in ideology was the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013 (PEMSRA), in which the atrocious caste system and historical injustice were acknowledged (PEMSRA Act, 2013; Ambedkar, 1979/2019). Section 2(g), however, provides the Escape Route of Mechanisation that the cleaning activities, which are hazardous, are not regarded as manual scavenging as long as the protective equipment is worn (PEMSR Act, 2013). This sanitised criminality also explains why human beings should treat excreta (HRW, 2014). The field facts testify to the fact that over 37 per cent of employees lack access to such equipment, and also, 73 per cent of them are unaware of the existence of the law (HRW, 2014).

## **XIII. Sociological Mapping Of Exclusion: Health And Education.**

Violent scavenging is a generationally and psychologically transmitted process (Thorat, 2013; HRW, 2014). The children of manual scavengers are marginalised in the state-run schools, and in most cases are made to sit at the back of the classroom or even clean school toilets as their peers continue with learning (Thorat, 2013). This brings a high dropout rate- 70-80 per cent in Gujarat- do not have a way out of the hereditary labour chain (Thorat, 2013). The effects on health are genocidal (HRW, 2014). The hazardous wastes include Hydrogen Sulphide, Carbon Monoxide and Methane, which cause frequent suffocation and chronic complications such as tuberculosis, hepatitis, and skin allergies (HRW, 2014). The life span of these employees is a mere 40-45 years, with 40 years being nearly a quarter of the average life expectancy of the national population (HRW, 2014). Lack of basic health insurance or the forced vaccination of such workers is highlighted as a state crime of indifference (HRW, 2014; Constitution of India, 1950).

## **XIV. School Level: Administrative Pathology Administration: A Lie And Denial.**

One of the dark spots of the practical application of the law is institutional apathy and dishonesty (HRW, 2014; Safai Karamchari Andolan v.). Union of India, 2014). State governments typically repudiate the manual scavengers in their jurisdiction; 12 major secretaries of seven states gave an affidavit to the Supreme Court that they had no scavenging or manual scavengers, which the videotapes of the SKA proved to be false (Safai Karamchari Andolan v.). Union of India, 2014; Wilson, 2019). It can be argued that Indian Railways was the largest employer of manual scavengers in that they did not have to do anything about the current scenario under the 1993 Act, provided that passengers did not introduce human excreta into their heads (HRW, 2014). This kind of reductionism in the interpretation of human rights illustrates the extreme extent of denial and blindness of construction (HRW, 2014; Thorat, 2013).

## **XV. Caste In Public Administration.**

The primary factor that makes law enforcement weak is the caste (Thorat, 2013; Dumont, 1980). The upper-caste folks control the government administration and therefore, instil an upper-class consciousness in the system through which the division of labour seems natural (Dumont, 1980). This makes it possible to refuse welfare, cancel rights with minimum or no liability (HRW, 2014). The only supervision of the rule of law in the context is a shadow of the rule of caste as an outcome of which the marginalised communities develop a nihilistic perception of the law toward the state, which is perceived as the biggest violator of human rights (Thorat, 2013; Wilson, 2019).

## **XVI. Conclusion: The Radical Emancipation Proclamation.**

The process of de-legalisation of a customary right and criminalisation of an act has been more of a rhetoric than a material task to achieve (Employment of Manual Scavengers and Construction of Dry Latrines [Prohibition] Act, 1993; PEMSR Act, 2013). The modernisation of sanitation has only succeeded in creating a two-layer sanitation system, one of which is automated and is seen by the rich, and the other of which is manual and is not seen by the marginalised (HRW, 2014). Fewer or more wheelbarrows or gloves of better quality will not set people free. It requires an equal radical structural solution as promoted by Ambedkar: the full desanitization of the services of the sanitation and the implementation of the automated technologies such as the "Bandicoot robot to turn the human body non-essential in the process of garbage-disposing (Ambedkar, 1979/2019; Wilson, 2019). The law is applied as a management tool and never as a liberation tool unless the state acknowledges that violation of the right to life provided in Article 21 of the Constitution of India, 1950, is by its very nature dangerous and as a result, the states have only applied the guardial measures as a wash over (Safai Karamchari Andolan v., 1999). Union of India, 2014). The political necessity is to eradicate manual scavenging, which will lead to the elimination of the caste division of labor which is the blackest template of the Indian development history (Thorat, 2013; HRW, 2014). This will not be achieved until citizens wake up and start being active stakeholders in the justice system, by being a part of the Swachakar community in the pursuit of the actual restorative dignity (Wilson, 2019; Ambedkar, 1979/2019). This has been more rhetoric than substantive due to the conversion of the practice of manual scavenging into a proprietary right into a crime (Employment of Manual Scavengers and Construction of Dry Latrines [Prohibition] Act, 1993; PEMSR Act, 2013). It is revealed that the political economy of New Delhi, in which 90 per cent of the sanitation workers belong to the Dalit caste and the work is mechanised to employ less than 10 per cent of the labour (HRW, 2014; Wilson, 2019), continues to allow the brutalities of the work to be blissfully and fundamentally blinded by the state. It is only by getting to a phenomenon above the delusion of sanitation, where scavenging becomes a technical problem of waste disposal and into a logic of radical emancipation that is determined as a human-rights problem that the Indian state will be liberated (Wilson, 2019; Constitution of India, 1950). The Safai Karamchari Andolan has shown that the nihilism of the law can be busted only through agitating the community and burning the (symbolically) basket (Wilson, 2019; Safai Karamchari Andolan v.). Union of India, 2014)

## **XVII. The Complete Destigmatization: The Elimination Of The "Software Of Caste"**

Both in the administrative and social organisations (Dumont, 1980; Ambedkar, 1979/2019). Automation by the state Massive investment in technologies of the world, such as the so-called Bandicoot robot, which takes waste interaction with humans completely (Wilson, 2019). The establishment of independent monitoring systems that are not based on the officials themselves who hire scavengers (Safai Karamchari Andolan v.). Union of India, 2014). So long as Article 21 has not been applied to the manhole as well as the septic tank, the "Rule of Law" will remain under the Shadow of the Rule of Caste (Constitution of India, 1950; Thorat, 2013). Moreover, economic support from the government is a must in elevating the status of the manual scavengers and would help them to emerge from the precarious situation they find themselves in. In addition to that, a need for detaching themselves from the occupation of scavenging is also a necessity, and the entire occupation needs to be mechanised for them to come out of this dangerous situation.

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