RESEARCH ARTICLE

PERPETUAL DENIAL OF HUMAN RIGHTS AND HUMAN DIGNITY: A CASE STUDY OF MANUAL SCAVENGERS IN INDIA

* Dr. Masroor

Guest Faculty, Centre for the Study of Social Exclusion and Inclusive Policy, Jamia Millia Islamia, New Delhi-110025

ARTICLE INFO	ABSTRACT
	India is a Constitutional democracy which guarantees its citizens basic human rights in the form of fundamental rights. But despite having fundamental rights, manual scavenging Dalits in India do not enjoy the same kind of rights as other communities do. Manual scavengers are involved in cleanliness jobs which are mostly considered as impure and polluted and without any human dignity. Manual scavenging is not only degrading and discriminatory in nature but is also fatal. Every year hundreds of manual scavengers get injured, fall sick or die without any bodily protection. In this context, this paper tries to explore the socio-economic condition of manual scavengers who despite having constitutional and legal protection in India have to face discrimination and dehumanisation. It is argued in the paper that as manual scavenging is a caste based job in India, it is difficult to bring any transformation in their position unless caste itself is eradicated from the Indian society. The paper also discusses the role of Dalit women in manual scavenging and how they are a preferred choice for this job. The lack of serious attitude and concrete measures by the state to eradicate manual scavenging goes against the spirit of Indian constitution and at the same time contributes to the long held view that caste based jobs are here to stay.

INTRODUCTION

Every section of the society, irrespective of the religion, region, language or culture face some kind of a problem or the other but as far as Dalits in India are concerned, the nature of their problem is unique and the discrimination they face is structural and has many dimensions causing sustained dehumanisation. Apart from these social problems, Dalits also face institutional problems in education, jobs, occupations, worship, language, and health, which reinforce their socio-economic inequality. Though government's affirmative action policies as well as Dalit political assertion have gradually helped Dalits gain ground across different fields, the long historical processes that suppressed Dalits will not easily go away. In fact, social attitudes against Dalits have become harsher resulting in an increase in highly publicised forms of atrocities against Dalits (Thorat: 2017, Guru: 2009 and Deshpande: 2014). In the wake of constitutional provisions meant to empower them, the outcastes are officially known as 'Scheduled Castes' in India (Austin: 1999 and Basu: 2019). In social discourse, several other names are used including: atisudras, avarnas and antyajas, untouchables, depressed-servile classes, weaker sections, Harijans, Dalits and Punchamas.

erms like atisudras, avarnas and antyajas have Sanskrit origin that suggests Vedic religious sanction for the exclusion of outcastes. The term 'depressed class' is a British innovation from an article written by Annie Besant (1909) which came to be widely used in British official discourse and refers to those castes which belong to the lowest rung of the Hindu caste system and whose touch and proximity is considered polluting by the caste Hindus. On the other hand, the term 'servile' was used to denote their working relationship with higher castes, a 'relationship' that was nothing but degrading in nature, involving scavenging, sweeping, and in general cleaning up after the upper castes. Depressed also points to the sub-human social existence, abject poverty, extreme economic exploitation, religious discrimination, and political powerlessness of the outcastes. Harijans, the name popularised by Mahatma Gandhi, seeks to transform the perception of outcastes by renaming them as 'Children of God' without necessarily changing their structural position from the perspective of the Varna system(Guha: 2019 and Parekh: 2010).

The term 'Dalit' means 'broken/scattered' in Sanskrit and indicates the economic poverty and oppressed condition of the outcastes, but it has been widely adopted by anti-caste activists as a way to simultaneously undercut the caste system and giving a sense of personal dignity and solidarity to outcastes.

*Corresponding author: *Dr. Masroor,*
Guest Faculty, Centre for the Study of Social Exclusion and Inclusive Policy, Jamia Millia Islamia, New Delhi-110025.

Among Dalits, manual scavengers are considered as the lowest of the communities. Manual scavengers not only suffer discrimination in terms of social and economic position but culturally as well as they are considered as impure and polluted based on the nature of work they do.

METHODOLOGY AND LITERATURE REVIEW

This research paper is a qualitative study based on secondary data. The data was collected from books, reports, case laws, census and social legislations. Based on my analysis and interpretations, I have developed a critical narrative. The literature review here comprises of works that are directly related to this question and there are others that are broadly connected to the research issues I am exploring. Some of the books discussed here include: Bhasha Singh's Unseen(2014); Nicholas Dirks' Castes of Mind: Colonialism and the Making of Modern India (2002) and Clarinda Still's Dalit Women: Honour and Patriarchy in South India (2014).

Bhasha Singh's 'Unseen' (2014) is about the plight of manual scavengers in particular and caste system in general in India. She has narrated the struggle of the scavenging community in different states like Kashmir, Delhi, Bihar, Haryana etc. After travelling to different parts of the country and discussing with the members of this community, she was of the opinion that despite many laws being passed against this inhuman act, nothing concrete has been done against it and the practice continues unabated. In her work, she does not just explore the practice of manual scavenging but also discusses about the pain, the agony and the lives of the manual scavenger community members. Her work resonates with my work. Out of the two part of her research, the first part deals with the problems of manual scavengers in states, and so on and the second part grapples with the government response. The first chapter discusses about the scavengers in the Kashmir valley and shares their mind-shattering experiences and stories. The lack of sewage network in Kashmir means most of the toilets are dry with in-built septic tanks that need periodic manual cleaning. During her stay in Kashmir, she discussed with the members of Sheikh Community who work as manual scavengers in places like Chawalgaon, Shopian, Kupwara and Srinagar. She shared their experiences with manual scavenging and how they cope with poverty and social stigmatisation at the same time. She exposes the hypocrisy and layers of lies of our socio-political systems which has protected this heinous practice till now. With Kashmir facing myriad other problems, the voices of manual scavengers have gone unheard.

The book, 'Castes of Mind: Colonialism and the Making of Modern India' (2002) by Nicholas Dirks outlines the colonial and postcolonial era politics and traces their role in the formation of the caste system. In a larger framework, caste system was always there in the social structure of India albeit it was not structured very rigidly. The author has successfully traced the emergence of caste system in the political and social structure of Colonial India. The author is of the opinion that caste is the creation of British Empire. The use of 'caste' in political spheres became the main preoccupation of the British government in the early 18th and 19th centuries. Though it was already there but its rigidity was exploited by the Empire with the intention to divide and rule. The 1857 mutiny was the first attempt by the people of India to show their resentment towards the empire irrespective of their religion and caste which ironically was for the protection of their caste and religion. Before the rebellion, caste was not as fundamental to the British as it was afterwards. In fact, it was the rigid caste system and its potential to divide subjects along contradictory interests, he argues, which helped the British Empire to attain political dominance and rule so long without any threat. According to the author, soon after the 1857 revolt, British were in no mood to let go the opportunity to divide the Hindus further. So, they conducted caste-based census in 1871 to cement the Indian caste system further. With this census, they didn't know the actual number of castes but could understand the caste structure vaguely. Many studies were conducted in the 18th century to study the social structure of India. Most of these studies were done in the southern part of India but people were not as cooperative for conducting these studies as British would have liked. According to the author, the reason could be their ignorance of the prevailing castes and sub-castes. The Brahminic classification of castes especially Manu's classification was considered authentic without any critic, thus degrading Shudras and untouchables further. The customs like sati, hook swinging etc were common among the people at that time which were disturbing for the British. But due to non-interference doctrine in the wake of 1857 mutiny, British could do nothing to eliminate such practices. Many social reformers also emerged with different agendas to eliminate social evils but failed to a large extent. The Christian missionaries were hoping to convert people at a mass level but they could convert only the lower-rungs of Hindu society, which mainly constituted Shudras and untouchables.

Clarinda Still in her book, 'Dalit Women: Honour and Patriarchy in South India' (2014) has talked about the Dalit identity in the southern part of India especially Dalit women. She narrates many stories of Dalit families who have suffered not only inter-caste discrimination but intra caste discrimination as well. Still has collected first-hand information about Dalit issues in Southern India. She lived among them to understand their basic problems and described every event with utmost care and understanding. She argues that the Dalit women are more vulnerable to the social injustices as they are doubly disadvantaged. Being a woman and that too a Dalit increases their hardships.

DISCUSSION

Understanding Caste and Its Relevence In The Indian Society: Caste is a social category to which a person belongs involuntarily and one's social status is ascribed. Caste represents cultural and social institutions which are based on characteristics such as hereditary status, occupational specialisation, endogamy and purity and pollution. According to Beteille, "caste is characterised by endogamy, hereditary membership, a specific style of life which sometimes includes the pursuit by tradition of a particular occupation and is usually associated with a more or less distinct ritual status in a hierarchical system"(1965: 46). The English word 'Caste' is derived from the Spanish and Portuguese word *Casta* which literally means race, lineage, or breed. The term was first used in 1613 A.D. Max Weber in 1978 'Economy and society' considered caste as a status group and for the first time brought status, class and party together in the broader framework of comparative sociology (Frankel and Rao, 1989:22).

In the Indian context, caste has two possible meanings: caste as Varna and caste as Jati(Beteille: 1965, 1969; Jodka: 2012a; Srinivas: 1962, 1966).Caste is a system of rigid social stratification characterised by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion. According to W.A. Anderson and Frederick B Parker,"caste is that extreme form of social class organisation in which the position of individuals in the status hierarchy is determined by descent and birth" (Bhushan and Sachdeva 1999: 369). Henry Maine stated that castes started as natural division of occupational classes and eventually upon receiving the religious sanction became solidified into the existing caste system. According to the British civil servant and writer Edward Blunt in his work 'The caste system of Northern India', "caste is an endogamous group bearing a common name, membership of which is hereditary, imposing on its members certain restrictions in the matter of social intercourse, either following a common traditional occupation or claiming a common origin and generally regarded as forming a single homogenous community"(1931).

Although, caste system is present in many communities in diverse forms all over the world but it is mainly found in the Indian sub-continent. The legacy of caste goes back to the ancient times and has since remained integral to the Indian society. In the name of caste, people are made to follow bizarre rules which are dehumanising and unjust. The treatment which the underprivileged castes had to face from time to time is heart-wrenching and fills one with disgust. Before India's independence, the condition was even worse. According to Ambedkar. The then untouchables were not allowed to use public streets used by caste Hindus for the fear that their touch might pollute them. The untouchables were required to tie a black thread either on their wrist or around their necks, as a sign or a mark to prevent the caste Hindus from touching them by mistake. They were also required to carry, strung from their waist, a broom to sweep away from behind themselves the dust they trod on to prevent the caste Hindu from walking on the same dust. Moreover, they were required to carry an earthen pot hung around their necks wherever they went for holding their spit lest their spit might fall on the earth and caste Hindu might mistakenly trod on it and get polluted. Besides, the untouchables were denied the right to wear proper clothes, jewellery and shoes. They were not allowed to wear silk or eat butter or ghee. (2014)

Such harsh practices discontinued to some extent after passing certain legislations by the Indian Parliament. In contemporary times, however, caste system is thriving and is firm as always. Dalits still face the same problems and are harassed in the same way. We have seen increase in the incidents of violence against Dalits. According to the analysis of economist Sukhdeo Thorat, Indian Dalits are the victims of social boycotts, with many relegated to the status of pariahs, particularly in rural areas, where Dalits are denied access to land, water, housing and places of worship, assaulted, beaten, murdered, raped, paraded naked, threatened and face arson (2017). This shows that only some of the methods of exploitation have changed and have become more sickening. Caste is not an exclusive problem of the Indian society but is present in other societies as well, although, the concept of untouchability can be found only in the Indian society.

Conceptual Framework: Caste system has been studied through multiple perspectives by the Indian as well as foreign thinkers over the years. The most important perspectives include Indological, Socio-Anthropological and Sociological perspectives. Indological perspective or Indology is the academic study of the history and cultures, languages, and literature of India. Indology is also known as a religious perspective. Indologists analyse the origin, purpose and future of the caste system on the basis of ancient scriptures and view caste from the scriptural point of view. They consider division of labour as an essential factor for the emergence of different castes. According to them, the object of the origin of caste was the division of labour but gradually, caste system became rigid and membership and occupation became hereditary. The reason for the rigidity of castes according to them was the belief that karma (deeds) and dharma (duty) were the motive forces behind caste which gave it a religious sanction. They also consider caste as a continuing phenomenon as it has a divine sanction. They justify the superior position of the Brahmins in the society on the basis that they have knowledge of scriptures and the divine right to interpret and administer rules according to the ancient scriptures.

In Socio-Anthropological perspective, Socio-Anthropologists examine caste from the cultural point of view. The exponents of this theory like J.H. Hutton, Herbert Risley, A.C. Kroeber and several others adopted a cultural perspective for explaining the origin, meaning and nature of caste. They used organisational, institutional, structural and relational perspectives to explain their theory. Risley says that, "the origin of caste is due to racial differences" (1915:56).Hutton consider caste as a unique feature of Indian society and a general form of stratification as he based his views on organisational and structural perspectives. Hutten refers to belief in Mana as its origin (Hutten 1961: 184-185). The structural view focuses its attention on the origin of caste, its development and the processes of change in the structure. In structural terms, C. Boungle has explained caste as "hereditarily specialised and hierarchically arranged groups (1958). According to the institutional perspective, caste system is not restricted to the Indian society but is also present in ancient Egypt, medieval Europe and present southern United States. On the other hand, according to the relational perspective, caste is present in army, businesses, factories and other social institutions as there were clear cut divisions in these social units on the basis of caste, although, now caste presence has become obsolete.

Finally, in Sociological perspective, sociologists view caste in terms of social stratification of the society which causes social inequality in the society. While as Culturologists view caste in terms of purity and pollution, notions of hierarchy and segregation. They view caste as a distinct phenomenon. Kroeber defined caste as "an endogamous and hereditary sub-division of an ethnic unit occupying a position of superior or inferior rank or social esteem in comparison with such sub-groups"(Kroeber:1950).F.I.G. Bailey and M.N. Srinivas view "caste as structures" (Srinivas: 1962). According to S.V. Ketkar, "caste is a social group having two features: hereditary membership and endogamy that is; firstly, membership is confined to those who are born of members and includes all persons so born and secondly, those members are forbidden by an inexorable social law to marry outside the group" (1909:

12). Caste system is a social stigma which has been present in the social structure ever since the need to subjugate others for labour arose. Interestingly it is not only the division of labour but is also a division of labourers as is observed by Bhim Rao Ambedkar (2014:233 and Mukherjee 2009: 364). Division of labour is common in every society but gradation of people in the name of labour is found in India only. This compartmentalisation of people in the name of caste has created aversion, ill will and desire to evade towards the underprivileged castes

Manual Scavenging In India: A critical Analysis: The term 'manual scavenging' is mainly used in the Indian context only. Manual scavenging is a caste-based occupation involving the removal of human excreta by bare hands. The practice is officially abolished in India but can still be found in many states. The caste groups involved in this practice are mostly Dalits and within Dalits, manual scavengers are usually from the Hindu Valmiki sub-caste. Valmikis are further sub-divided into regionally named groups such as Chuhada, Rokhi, Mehatar, Malkhana, Halalkhor and Lalbegi and among the Muslims Hela sub-caste. Manual scavenger is a person who is wholly or partially employed or engaged in, for any sanitation work or in manual scavenging. With the changing mode of work, the definition of manual scavengers has also been extended to those who clean septic tanks, open drains or pits and railway tracks along with insanitary latrines. According to the Socio Economic Caste Census, 2011 180 657 households are engaged in manual scavenging for livelihood. The 2011 Census of India found 794000 cases of manual scavenging across India. The state of Maharashtra with 63713 tops the list with the largest number of households working as manual scavengers followed by the states of Madhya Pradesh, Uttar Pradesh, Tripura and Karnataka. Manual scavenging refers to the unsafe and manual removal of raw (fresh and untreated) human excreta from buckets or other containers that are used as toilets or from the pits of simple latrines. Manual Scavenger is defined in Section 2(g) of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Bill, 2013. The official definition of a manual scavenger in 2013 Act is as follows:

Manual scavenger means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of ,or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such a manner as may be prescribed, and the expression 'manual scavenging' shall be construed accordingly.

International Labour Organisation (2011) describes three forms of manual scavenging in India namely:

- Removal of human excrement from public streets and dry latrines
- Cleaning septic tanks
- Cleaning gutters and sewers

Employment of Manual Scavengers and Construction of Dry Latrine (Prohibition) Act 1993 passed by the Indian Parliament bans manual scavenging of household toilets and requires State Governments to rehabilitate the workers. The act stipulated a year's jail and a fine of 2000 rupees for anyone engaging manual scavengers or building dry latrines. The Act left out workers who cleaned manholes, sewage pits, storm drains, and railway tracks. However, another law enacted by the Indian Parliament, Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill 2013 widened the definition of manual scavengers to include the manual removal of excreta from sewers and railway tracks. It also increased the punishment for 5 years. In March 2014, the Supreme Court of India declared that there were 9.6 million dry latrines being manually emptied but the exact number of manual scavengers is disputed. Official figures put it at less than 0.7 million. According to a report submitted to the Supreme Court by Safai Karamchari Andolan, there are 0.794 million open latrines in the country and apart from Uttar Pradesh and Tamil Nadu, Jammu & Kashmir (J&K) is one of the biggest violators in this regard, where 1,78,330 households need manual scavenging. (Safai Karmchari Andolan and Others vs Union of India and Others, 2014).

The Indian Constitution has abolished untouchability. According to the Article 17 of the Indian constitution, "untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law" (Bakshi: 2018). Also, the Protection of Civil Rights Act, 1955 prohibits anyone to practice manual scavenging. Despite making Article 17 a fundamental right, manual scavenging and the caste taboos attached to it remained integral to the Indian society. The failure to prevent the sewer deaths has raised serious questions on the honesty of the government to check this degrading practice in India. Many attempts were made to define the scavenger but no effort was made to uproot this obnoxious practice altogether and honour the Article 17 of the Constitution. Statistical data shows that sewer workers die as young as 40 years after contacting many deadly diseases like cholera, hepatitis, meningitis, typhoid, and cardio-vascular problems. In fact, repeated handling of human excreta leads to many respiratory and skin diseases, anaemia, jaundice, trachoma, and carbon monoxide poisoning. Due to these multiple health issues, many manual scavengers are not able carry on with their works which in turn puts additional financial burden upon their families. According to the noted scholar of law Upendra Baxi, "the issues of the rights of sweepers and scavengers have never entered the mainstream legal consciousness in the country"(1988:173).The Indian legal system has never shown the same seriousness to eliminate this practice as it has shown in other matters concerning Indian society.

Women Manual Scavengers: Gender distinctions are found in social, political, economic and caste-based stratification systems. According to the definition in the Merriam-Webster Dictionary, gender is the state of. being male or female. The characteristics generally associated with the manliness are strength, protection, rationality, aggression, public life, domination and leadership while as the characteristics like weakness, vulnerability, emotion, passivity, privacy, submission, and care are associated with femininity.

This faulty notion of considering women as weak and emotional has encouraged man to claim superiority over woman. This in turn, has made society patriarchal and more discriminatory towards women. Our society being patriarchal and chauvinistic, men consider it their right to control the lives of women. Some women have shown the courage to stand up against this discrimination and some are yet to understand the fact that they are being discriminated because of their gender. The form of discrimination against the women may vary from place to place but most of the time women suffer because of being a woman. In India the problem of discrimination is not confined to gender only but is based on many factors like poverty, illiteracy, poor health care and corruption. The problem becomes more acute in India because of the caste system which forms one of the important factors to determine one's position in the society. The caste system categorises people into various castes and women particularly in the so-called lower caste groups are more discriminated than others. The problem of caste system in India has completely alienated a section of people from the society and Dalit women in particular have been victimised by the dominant castes. Dalit women face double discrimination for being women and also being Dalits. In the contemporary times, the Indian Government is claiming India to be growing as the fastest economy in the world but in reality, Dalit women form 95% to 98% of the India's manual scavenging force which shows the exclusionary nature of the government towards Dalits and their basic human rights. (International Labour Organisation: 2011).

Most importantly in a country where Durga and Kali are revered as goddesses and women are rapidly making their mark on the social and economic fronts, women of untouchable communities continue to work as manual scavengers. Among the manual scavengers working in India, Dalit women form a huge chunk of work force. Since women are paid fewer wages than their male counterparts, women are preferred for manual scavenging. According to the Human Rights Watch Report, on an average woman gets paid as little as between 10 rupees and 50 rupees every month per household. It is much less than men who get paid 300 rupees a day for cleaning sewer lines (2014). Constant efforts are being made by the Indian government to end the practice of open defecation in Indian villages and towns but at the same time there is no structural framework available with the government to replace manual scavenging of thousands of toilets built in place of that.

CONCLUSION

The socio- economic condition of manual scavengers did not see any remarkable change after India got independence. Even now they have to face the same kind of dehumanisation as earlier. The caste-based nature of their work not only restricts their choices of work but also denies them the life of dignity. The inhuman practice of manual scavenging makes the mvulnarable to deadly diseases and injuries in the absence of protective gears. As a result, hundreds of manual scavengers die every year in India. Despite doing the most degrading and difficult job in India, manual scavengers are paid meagre wages for their work. Amongst manual scavengers women are the most preferred choice for this kind of job as compared to men because women have to be paid less. With a patriarchal system in place gender wage difference has remained a reality even after 76 years of India's independence.

India a constitutional democracy provides it citizens right to life and personal liberty under Article 21 of the Constitution which includes right to dignity and livelihood but when it comes to manual scavengers and other depressed communities in India, these rights are available selectively.Large section of our society are yet to gain freedom from caste related jobs like manual scavenging.Even reservation provided by the Indian constitution could not elevate their position although Dalits at large did see some positive change in eduction and employment. It must be acknowleged that Indian government did come up with certain laws to eradicate this practice and made manual scavenging a punishable act but evidently that was not enough. The lack of will on part of the government to oversee the proper implementation of these laws kept the practice alive and thriving. With each passing day, manual scavengers see themselves dying in pits and holes and with them die the spirit of Indian constitution and democracy.

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