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The Practice of "Untouchability" in India: Norm of Seven Decades and Still Counting

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ABSTRACT

This research paper delves into the multifaceted dimensions of untouchability in India, the exploration begins with an elucidation of what untouchability entails. It functions as a societal structure upholding and endorsing discriminatory, degrading, isolating, and exploitative actions against individuals from specific social categories, it entails regarding certain individuals as ritually unclean, to the point where their mere presence or physical contact is believed to bring about impurity. After the passing of untouchability offences act, 1955 the National Crime Records Bureau report shows that there exist still the instances of untouchability leading into an increased crime rate against Dalits. The entrenched nature of untouchability within society persists despite the concerted endeavours undertaken by legislative and judicial bodies through the enactment of distinctive statutes and the establishment of precedents aimed at eradicating inhumane practices like untouchability and untreated manual scavenging.

This research paper focuses on the popular theories regarding the origins of untouchability. Although popular belief frequently links its origins to old Hindu texts, this view is challenged. Rather, it puts forth a different theory that links the origins of untouchability to the work of Herbert Risley during the colonial era, when he divided Indian society into set castes for administrative reasons.

This study explores the continued existence of untouchability after the Untouchability Offenses Act's implementation in 1955. It challenges widely held beliefs about the efficacy of legislative measures to disentangle the intricate reasons for the persistence of discriminatory practices through an analysis of the socio-political environment, legal frameworks, and cultural dynamics.

This research paper emphasizes relationship between untouchability and the rising crime rates in India. By scrutinizing crime statistics and drawing correlations between socio-economic disparities and criminal activities, it aims to highlight the intricate interplay between caste-based discrimination and its contribution to criminal trends in the country.

Keywords*: untouchability, manual scavenging, discrimination, crime rate, Hindu Scriptures.*

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I. INTRODUCTION

From the time immemorial, it has been a part of society through literature and legal illustrations. The creation of new laws and, more importantly, guidelines gave rise to the contemporary notion of untouchability.

Albeit untouchability was outlawed by Art. 17 of the Constitution of India, it is still in place in society today due to improper and ineffective application of the several acts passed by the parliament. Even though the court enforces other code provisions and the SC & ST (POA) Act, 1989, it is insufficient to improve the social status of the SC in the twenty-first century. The rate at which the problem is growing has made both untouchability and conflicts very much possible.

Even the Indian government has been working to reduce poverty and untouchability lately, but their efforts are failing. The more pressing concern is that the government's efforts are going in the right direction, the untouchability as a concept really derives its origin from the Hindu holy scriptures, the increasing problem of untouchability is contributing towards the increased crime rate, whether they are economically exploited like they are been given the lowest-paid jobs and are indulged in menial works like manual scavenging, these all factors are unearthed. So, these factors are taken into consideration when conducting this research.

Having said that, this paper aims to demonstrate that, unlike the myth prevailing in the minds of people, the vital Hindu scriptures do not establish hierarchical divisions of society, such as caste, through categorization.

II. UN-TOUCH-ABLE

Prejudices against different groups based on their class and caste and the work they do is known as untouchability. Untouchability has been a long-standing practice. These sets of customs not only included prohibitions against both groups of individuals, but they were also frequently supported by ideas of purity and similar ideas.

A Commission for SC & ST was established by the President in November 1950 in accordance with Article 330 of the Constitution. It must investigate any matter pertaining to the protections offered by the Constitution, as stipulated in that Article's clause (2), and report on their progress at intervals that the President may designate. Even though untouchability is no longer legal, it must be acknowledged that most villagers and conventional people still adhere to some form of untouchability in their villages because superstitions has permeated these communities and become a deeply ingrained custom[3].

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[3] Charsley, Simon, Untouchable': What Is in a Name? 2 JSTOR 1, 6 (1996).

(A) The Actual Origin Vs. The Perceived Origin Of Untouchability

Before delving deeper into the Hindu social structure, it is necessary to talk about Hinduism before exploring the origins of untouchability. And so, what is Hinduism is to be unearthed, the original form of Hinduism a religion It turns out that Hinduism was not originally a religion. Unlike Islam and Christianity, it has no founder. The term "Hindu" does not appear in any of the classical Indian literature. Our extensive corpus of ancient Indian literature does not even contain the word "Hindu." The people who lived along the Sindhu (Indus) river were given this name by Western invaders and the Persians. They were once referred to as Hindus. In this context, Dr. Sarvapalli Radhakrishnan said, "The region beside the Sindhu River, equivalent to the north-west Province of Punjab, is where its original earliest adherents inhabited." This is why the Hindu civilization got its name.

The Hindu Scriptures that give this era of Indian history its name, the Rig Veda, are the earliest of the holy scriptures of Hindus and contain records of this. Originally, the term "Hindu" denoted territory rather than a particular creed. Given that they were all descended from the same mother, it was implied that native tribes, barbaric and semi-civilized people, the cultured Dravidians, and the Vedic Aryans all lived in a clearly defined geographic area and were Hindus.

The shocking reality that people in India live in divergent communities, worship different deities and gods, and follow distinct rituals was acknowledged by Hindu philosophers. Indeed, Hinduism has managed to embrace a wide range of individuals, including both theists and atheists, sceptics and agnostics, monotheists and polytheists, worshippers of nature and idols, etc. Hinduism welcomed not only the people of India but also the foreign invade. Despite being locals, they went by the name "Hindus." Hindu society was split into four sections from the beginning of time. The Portuguese were the ones who initially referred to Jatis as caste and the system as the system of castes. The four Jatis, or castes, are Brahmins, Kshatriyas, Vaishyas, and Sudras. The Chaturvarna system's initial four castes were these ones. Every caste has its own set of traditions known as the "Dharma of the caste[4]."

Each caste member was required to abide by the traditions, as they were given the tasks and work according to their own skills and wisdom it was not like that any profession is menial or polluting or low-graded, every profession is important and every profession is required to be done religiously, let us say with an example, what if there will be no cleaning of the drainage system, what if there will be no one to make pottery, what if there will no cobbler, what if there

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[4] Sharit K. Bhowmik, Caste and Class in India, 27 JSTOR 1, 12 (1992).

will be no manual scavenger, these are the kind of professions which are the most important for a society to be called as a civilized one, every person want to do a good high-tech job or be an entrepreneur, may be they don't possess the skills which are required to perform the minute tasks, cleaning drainage, cutting hairs, making pottery, cleaning the streets and such other minute detail works requires a lot of patience and stability of mind to be focussed and it also requires that type of practise too[5].

III. DEBUNKING THE MYTH: CASTE SYSTEM ORIGINS AND COLONIAL INFLUENCE IN INDIA

The misconception that the system of caste is an essential component of Hindu society must be dispelled. This mistaken belief is spread by both orthodox Hindu groups and non-Hindu groups who believe it with the sinister goal of converting others. Ironically, despite their differences, both works together to cause a great deal of harm. Additionally, this myth has damaged ties among the lower and upper castes.

"Caste" comes via the "pure" Latin term "Castus." The Portuguese word "Casta," denotes pure stock, race, or lineage. But it was not until the seventeenth century that the word "caste" was used in its Indian sense. Currently, the most popular use is in India, and it has impacted all other uses. Due to the lack of clarity surrounding the Indian concept of caste, this term was used haphazardly in connection with the European hereditary classes they made resembled to the Indian caste and maintained their social identities. The Portuguese used this term to refer to the Indian institution because they believed that the purpose of such a system was to maintain blood purity[6].

One must keep in consideration that the caste system adopted untouchability quite a while later. The system of caste is thought to be relied on birth as well as occupation, and it is regarded as a hierarchical structure that places the lowest echelons of Shudra and the untouchables, or antyajas, at the bottom with multiple disadvantages imposed on them. Surprisingly, a lot of individuals will be surprised to learn that there is no connection between caste and Hinduism.

Herbert Resily's role in caste classification: catalyst for caste evolution and social division

The question that is most pertinent and evident at this point is, "If not the scriptures, then where did the hierarchical caste system evolve from?" This is the debunking of this myth!

As was previously mentioned in this paper, the term "caste," which refers to stratification in

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[5] Amit Thorat Omkar Joshi, The continuing practice of untouchability in India, 2 EPW 1, 10-20 (2020).
[6] Theories of Origin of Caste System, (February 29, 2024, 10:04 AM), https://www.egyankosh.ac.in/bitstream/123456789/26922/1/Unit-28.pdf.

society, is of Spanish as well as Portuguese origin. It directly derives from the pyramidal social order that was common in colonial Europe and that is still evident in European culture today.

Herbert Risley was an imperialist and a British colonial bureaucrat who, in the late 19th century, managed censuses and conducted ethnographies that had a profound effect on India. His work had a major impact on how Indian society was perceived and classified, especially regarding caste and racial issues.

Following the First Indian War of Independence (1857), which almost resulted in the overthrow of British authority, colonial rulers felt compelled to establish structural distinctions within Indian society. Being the brainchild behind the 1901 Census of India and the ensuing publication, "The People of India" (1908), was a crucial turning point in Risley's influence. It was decided that imposing a hierarchical social structure would be a wise and practical way to accomplish this goal. Here, he essentially, recreated Indian civilization based on caste, blaming the invading Indo-Aryans for mingling with the indigenous Dravidians resulting in it. Even after Risley's views were refuted and disproved, their influence may still be seen in modern-day India.

Risley acknowledged that "castes can be separated based on social precedence" in one of his studies. It is impossible to create a classification structure that applies to all of India. It replaced the previous social structure in India, which was founded on the flexible Varna-Jati system, and was enforced by colonial authorities working with missionaries, hence his interpretation about the classification of society is very strict unlike the varna system which was quite flexible.

The fight for affirmative action to the backward sections and the political parties' affiliation with castes are indications of the legacy of Risley's long-lasting influence[7]. We can now enough investigate the relationship over time between Hinduism and the caste system through this thorough understanding of Risley's strict stratification in India.

Now some Hindu Vedic verses are quoted hereinafter, to add on knowledge about caste system's non-existence in the Hindu society. Two of the many verses of 10th Mandala of the Rig Veda comprise the first highlight of the four varnas. Several scholars who have studied the subject in detail assert that the 10th mandala was the last to be created in terms of time. There is widespread agreement that Vedic society did not previously have a caste system.

Purusha Sukta: 10th Mandala

Braahmanno-Asya Mukham-Aasiid Baahuu Raajanyah Krtah |

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[7] SAMARENDRA, PADMANABH, Census in Colonial India and the Birth of Caste, 46 JSTOR, 1, 12 (2011).

Uuruu Tad-Asya Yad-Vaishyah Padbhyaam Shudro Ajaayata ||12||

Neither of the two verses contains any recommendations or prescription. It merely indicates that there is a division of labour, with each varna representing the portion of the primordial Purusha's body that is connected to the work or occupation of that varna. Vaishyas and Shudras are considered to have come from the thighs and feet of the purusha, respectively, because they uphold society via their financial standing or productive labour, without necessarily implying that their labour is of a lower calibre. In a similar vein, as the primary means of Kshatriya combat was the avail of arms. The Brahmans were flowing from the purusha's mouth because the brahmans job was to preserve the Vedas orally and recite them.

Had the two contentious verses been written with the goal of sanctifying a hierarchy, they could as well have said that brahmins emerged from the head of the purusha, which would depict that the brahmin were higher in the society with strict sense of differentiation from other class, nonetheless, there is not one in this instance.

It is argued very often, that three lines in the Gita establish the caste system.

Bhagavad Gita: Chap.- 4, Verse- 13

chātur-varṇyaṁ mayā sṛishṭaṁ guṇa-karma-vibhāgaśhaḥ

Translation for the above is, "I developed the four groups of occupations based on the characteristics and pursuits of individuals. Know that although I made this framework, I am an everlasting non-doer."

This divide humans into four occupational groups based on their natures rather than where they were born. These kinds of jobs are found in every civilization.

This variation is explained in a more scientific way by the Vedic philosophy. According to this, there are three guṇas (modes) that make up material energy, Rajo guṇa, tamo guṇa, and sattva guṇa. It is the form of virtue that predominates among the Brahmins. Their inclinations go toward worship and instruction. Those having a higher proportion of the passion mode and a lower proportion of the goodness mode are known as Kshatriyas. Their inclination is toward management and administration. Those with a combination of ignorance and passion are known as Vaishyas. They so comprise the commercial and agriculture classes. Then there are the Shudras, who are primarily ignorant in their style. The working class is made up of them. It is to be remembered that this categorization was not intended to be fixed or based only on birth. Krishna would have clearly uttered "Jati-karma-vibhagashah" or "janma-karma-vibhagashah" rather than the real phrase "guna-karma-vibhagashah" if he had meant to base his division of

labour on birth.

The similar argument between Krishna and Arjuna where Krishna responds as follows to Arjuna's precise question on how varna is decided,

Na jatih karanam tata

gunah kalyanakaranam

Vritasthamapi chandalam

tarn devah brahmanam viduh

Birth is not the reason, qualities and wisdom are the reason of welfare, even a chandala is regarded as Brahmana when he/she keeps promises.

Tirukkural, an ancient literature written by Tiruvallur and revered by Tamils as the Tamil Veda, has the saying "whoever considers and appraises inequity will be ruined."

Even the renowned Indian historian B.R. Ambedkar laid out in his writings that untouchability is a post-Buddhist trend that resulted from Hindus giving up animal sacrifice and beef consumption, after being influenced by Buddhism. However, they proceeded to such extremes that those who persisted to consume beef were considered untouchable. Regardless of one's stance on Ambedkar's argument of the origins of Shudras and untouchables, experts concur that the birth-based varna system is distinctly a post-Vedic trait, and it is a post-Buddhist occurrence. This suggests that there was no caste system when Hinduism initially emerged[8].

IV. FLEXIBILITY AND MOBILITY IN THE VARNA SYSTEM: DEBUNKING THE MYTH OF STRICT CLASSIFICATION

In contrast to several ideas advocating for the rigid division of society into hierarchical groups based only on birth, the Dharma shastras permitted deviations under the umbrella of "apaddharma," which let those who were unable to support themselves via their own varna to pursue alternative occupations. For instance, Shudras have historically served in the armed forces in addition to their varna-based occupations of manual labour and artisan work, making the line separating them and kshatriyas quite hazy.

Amazingly, numerous rishis sprung from unusual backgrounds. The renowned Vasistha, as well as Valmiki, the writer of the Ramayana, the writer of the Mahabharata and Vedic amasser, were all considered to be of low birth. The greatest of all Sanskrit poets, Kalidasa, was born into a

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[8] Dalit discrimination in Indian Scriptures, (Feb. 28, 2024, 4:00 PM), https://egyankosh.ac.in/bitstream/12345 6789/38711/1/Unit-2.pdf.

very lowly and inconspicuous background.

Therefore, the Upanishads, despite mentioning several social classes and castes, did not propose an extremely rigorous set of rules that would have discriminated against individuals based only on their caste or class.

Furthermore, Vana parva, Chapter 216, Verses 14–15 of the Mahabharata states that even if a Shudra practices restraint, honesty, and righteousness, he shall be, considered as a brahmin, by conduct alone.

Thus, it is undeniable that there was a significant degree of social mobility and due to this mobility, there was disagreement over which caste is inferior to another as each caste saw itself as superior to the other.

To prove they were better than others, they competed with one another in following the norms of purity. As a result, several castes identified as kshatriyas while remaining Shudras in the eyes of the higher castes. They performed the same 'Homas' and pujas as the upper castes to rise in the caste hierarchy. These included upanayanas or the ceremonial of the holy thread. These efforts are referred to as "Sanskritization,", as briefly described by M.N. Shrinivas, and it was through them that many castes finally attained caste rank and, as a result, hierarchy was established by the people themselves.

V. Untouchability: progress since the untouchability offences act of 1955

India's Constitution's Preamble embodies virtuous principles of justice that the country's founders intended for India to become a modern welfare state. India is currently celebrated 77th Independence Day on August 15, 2023.

Seventeen years following the Britishers abolished slavery in 1933, the Caste Disabilities Removal Act,1850 established the very first legal prohibition against discrimination relied on untouchability in British India. Afterwards, the Scheduled Castes (SCs) received additional protections under the Government of India Act 1935. Various Indian States passed 17 different laws to eradicate caste-based disabilities between 1943 and 1950. Nonetheless, up until the Untouchability (Offences) Act, 1955, no national legislation had been passed. The provisions of the Act were tightened in 1976.

Caste prejudice and offenses centred around caste persist all through India and indicate little sign of abating, even after this legislation was passed and special commissions were established to oversee its implementation. They exhibit a consistent upward trend.

Article 17 of the Constitution, aims to treat the symptoms of a medical condition instead of the actual illness! It is possible that the authors of the Indian constitution saw "untouchability" as like slavery in the United States in the 19th century, when it was outlawed by the 13th Amendment to the Constitution, resulting in the legal release of all slaves[9].

Untouchability is a kind of strict endogamous classification or evaluated social division that comes in many shapes and sizes. Hinduism is deeply ingrained in the religious beliefs of the people who go by this name. There are currently roughly 5,000 castes in India, all of which maintain their unique place in the social order and practice varying degrees of untouchability with respect to castes that are viewed as beneath them. Being at the lowest in the societal order, the Dalits, also known as the untouchable castes and referred to as outcasts by the caste-Hindus.

However, they are also separated into numerous (roughly 1,500) castes as well as sub-castes, and all of them do apply some form of untouchability to one another based on their own internal ideas of superiority or sense of inferiority. Stated differently, most people are affected by this scourge of society in one way or another, except for a select few at the very top of the ladder.

Thus, untouchability is a symptom of the caste system's illness, which primarily affects Hindus in India. The originally four-fold varna segregation within society created by older Hinduism are degenerated into casteism, which is comparable to the four-fold divisions of society created and upheld by numerous laws during the National Party's Apartheid system in South Africa from 1948 to 1995 in the previous century. The Apartheid government separated people into "blacks," "whites," "coloreds," and "Indians" according to their skin colour[10].

Staying in cities, being bombarded with "global" ideas, and having a more primal want for sustenance make it simple to pretend you are shielded from India's social injustices, which you may have assumed only exist in small doses. India is ranked 132 out of 191 countries on the Inequality-adjusted Human Development Index (IHDI) by 2021–2022. India's score of 0.633 is well below the average for the world and far lower than the highest scores. India has accomplished improvements in some areas of human growth, but it still faces major obstacles when it comes to of inequality and overall growth. More complex compared to conventional indicators like gross domestic product per capita, the IHDI considers not merely earnings as well as access to fundamental amenities like health care and schooling, but also how these assets are distributed within the population.

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[9] Sidharth Kumar, Dr. Kishori Lal, Overview of Untouchability: A New Perspective, 5 IJCRT 3546, 3548-3550 (2017).
[10] Human Rights Watch, CASTE DISCRIMINATION, (Feb. 20, 2024, 8:09 PM), https://www.hrw.org/reports/pdfs/g/general/caste0801.pdf.

Given that it is below the global average, India's score of 0.633 indicates that there is potential for success. This suggests that inequalities in income, healthcare, education, and other social metrics including untouchability still exist in the nation despite efforts to promote economic development and growth.

India's performance on the IHDI is influenced by several factors. With a significant amount of people continuing to live in impoverishment and others enjoying significant wealth, inequality in income is still a major problem. Inequalities are further exacerbated by the wide variations in access to high-quality healthcare and education among various socioeconomic groups and geographical areas. Furthermore, problems like uneven access to opportunities, prejudice based on caste, and disparities in gender persist in impeding consisting growth in humanity in India, it requires extensive actions and programs targeted at lowering inequality, enhancing access to essential services, encouraging inclusion in society, and guaranteeing equal chances for all its citizens to address these issues and raise its IHDI ranking[11].

Talking about, The Untouchability (Offences) Act, 1955, Article 17 discarded the untouchability, doing same is a criminal offence. It also specifies fines for the application of any untouchability-related disability. The Act stipulated that anyone found guilty of imposing the disadvantages of untouchability on another person would be imprisoned for six months or Rs. 500 fines would be imposed, if it was their first offense. If the offender commits more offenses, they will be sentenced to a jail term and a fine.

The Act covers the following offenses, preventing someone from going into a holy place or other house of worship or another public place; stopping someone from taking drinking water from wells or other holy water bodies; stopping someone from using a "dharmshala," or any other public entertainment venue. But still as we have seen above there persists untouchability, it is a kind of thinking which passes on and is having a hereditary nature. In India, gender inequality is perpetuated by the continued practice of discrimination and impairment based on caste. To address the problems of untouchability and prejudice based on caste, extensive initiatives to advance equality, social equity, and inclusiveness are needed[12].

VI. UNTOUCHABILITY'S ROLE IN INDIA'S RISING CRIME RATE

The SC & ST (POA) Act, 1989 one of the harshest anti-hate crime laws globally, aims to penalize and discourage acts of violence directed towards Adivasis and Dalits. Concerns

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[11]United Nations development programme, INEQUALITY-ADJUSTED HUMAN DEVELOPMENT INDEX, (Feb. 22, 2024, 7:10 PM), https://hdr.undp.org/inequality-adjusted-human-development-index.
[12] Galanter Marc, TEMPLE-ENTRY AND THE UNTOUCHABILITY (OFFENCES) ACT, 1955, 6 JILI 1, 4 (1964).

regarding its effectiveness in addressing past oppression, however, dominate discussion in India and globally. For centuries, the Dalit community in Southern Asia has faced discrimination, exclusion, disgrace, and aggression. And the root cause of this violence is the phenomenon of ancestor-based prejudice. Attacks on Dalits, or former untouchables, have become more frequent lately. In one horrifying clip that went popular on the internet, several men are seen viciously punching and striking a woman as she cries and screams and is surrounded by viewers. Also, a disturbing footage of the brutal occurrence in Uttar Pradesh depicts a Dalit girl having been subjected to severe mistreatment in an open field near a body of water on the pretext that she bathed in the water, defiling it for Hindu elites[13].

For information on crime-related statistics for 2021, the National Crime Records Bureau published an updated edition of "Crime in India." The Report has been examined by the National Coalition for Strengthening SCs and STs. 500 plus Dalit Adivasi civil groups, community flagbearers, and activists are represented on the NCSPA platform. According to the findings, there was a 1.2 percent rise in offenses or acts of violence towards Scheduled Castes in 2021. The state of UP had the maximum number of instances of SC crimes and brutality, resulting for 25.82% cases, next to Rajasthan with 14.7% and MP with 14.1%.

Out of all reported cases, 7.64% of cases involve sexual assault against SC women (including minors), and 15% involve ST women. Additionally, the report includes specific numbers for incidents of rape against Dalits.

The NCPSA feels that even though the amendments became effective in 2016, giving Dalit and Adivasi victims hope for prompt access to justice, the SCs and STs (PoA) Act amended in 2015 is still difficult to put into effect. In accordance with the organization's demands, the Indian government should vigorously enforce and carry out the recently amended SC & ST (POA) Act 1989, as well as forcefully take actions against dominating castes[14].

VII. THE ECONOMIC EXPLOITATION OF DALITS: UNTOUCHABILITY'S IMPACT ON EMPLOYMENT AND WAGES

The exploitation of lower caste members by higher caste members for financial gain has been much prevalent among the people in India, as the NCRB data has already been analysed above, which throws a light upon the very fact that the increasing crime rate in India also has the

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[13] Qura Tul Ain Hafeez, Increase in crimes against Dalits and other scheduled castes in India, Modern Diplomacy (February 12, 2024, 6:50 PM), https://moderndiplomacy.eu/2023/02/12/increase-in-crimes-against-dalits-and-other-scheduled-castes-in-india/.

[14] NEWS Click, NCRB reports shows rise in atrocities towards Dalits and Adivasis, (Feb. 29, 2024, 3:20 PM), https://www.newsclick.in/NCRB-Report-Shows-Rise-Atrocities-Towards-Dalits-Adivasis.

contribution from the crime committed against the Dalits and how they are subjected to do the so called "menial work." Individuals are frequently compelled to perform menial, low-paid occupations and are excluded from greater job possibilities. Additionally, they face a range of economic discrimination practices, including greater costs for products and services as well as denials of loans and other monetary services. We can better understand the exploitation of Dalits in terms of untouchability and wages by taking an example of manual scavenging, before delving deeper into its complexities we first should understand what is manual scavenging, people tend to confuse it with the safai karamcharis but it is something very different.

The term "manually scavenging" describes the hazardous act of manually removing raw unprocessed human waste from pit manholes or from container or other receptacles used as toilets. On the other side, one aspect of managing faecal sludge is the secure and supervised emptying of latrines in pits.

According to Indian law of 1993, a manual scavenger is someone who is hired, before the implementation of this Act or after, by a citizen, government, an organization etc to meticulously clean, transport, dispose of, or handle human waste in latrine which is so unclean, an uncovered pit where the faecal matter from the latrines is dumped of, a rail track, or any other places that any level of the government might designate, before the excreta completely breaks down in a way that may be recommended. The term "manual scavenger" will be understood in this sense.

Three types of scavenging that are performed manually in India are briefly discussed by the International Labour Organization:

1. Removal of human faecal matter from "dry latrines" (urinals without a water seal; not to be confused with dry toilet).

2. infected tank cleaning

3. Gutter sewer washing

Manual scavenging also includes cleaning railway lines by hand of excrement left in train restrooms[15].

Excreta from people and animals is manually removed using brooms, tiny tin plates, and head-borne baskets, the main components of Recommendations on Manual Scavenging - Rastriya Garima Abhiyan class structure is the division of labour according to caste. Under this system,

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[15]International Labour Organization, The ILO, and Manual Scavengers in India: Paving the long way towards the elimination of discrimination based on social origin, (Feb. 29, 2024, 6:20 PM). https://www.ilo.org/global/about-the-ilo/mission-and-objectives/features/WCMS_159813/lang--en/index.htm.

Dalits have been allocated jobs and duties that other caste communities consider ritually unclean, like sweeping, getting rid of dead animals, and leatherworking. Dalits are viewed as "polluted" due to their origins, and as such, the "sweeper" group assigns them the

People confuse safai karamcharis with manual scavengers, they consider both the jobs as same but this myth should be diffused and here is the difference between the two.

1. People who work as "cleaning workers" in private or public offices are typically included in Safai Karamcharis. They could be contract workers who also happen to be employed by these groups (cities, government agencies, and private sector businesses), or they might be employees directly of these bodies. Safai Karamcharis do not constitute manual scavengers in and of themselves, though.

2. Typically, manual scavengers work for themselves or under contract. "Freelance" means a person who, in exchange for payment in kind or cash from the property owners, handles a collection of dry latrines etc. in a specific place. Municipal bodies, other organizations, or an association of homeowners would typically hire contract workers to scavenge from private or public dry latrines[16].

VIII. INTERNATIONAL MANDATES AGAINST MANUAL SCAVENGING IN INDIA

Using only mops, metal cutters, or nothing but your hands to manually remove human waste from sewage tanks and then transporting it to an abandoned area to be disposed of is not only a deplorable but also the grave human rights contravention. It is illegal to manually scavenge under both international and national law. Numerous international agreements require India to discontinue the exercise of manual scavenging in the global context and open sewers where night dirt is disposed of.

Consequently, fair compensation, social security benefits, and dignity and equality for all people are required by Articles 1 and 23 of the 1948, UDHR. The International Convention for Economic, Social, and Cultural Rights' mention that dignity and equity with respectable liveable conditions.

Articles 3, 2, 26, and 6 of the International Covenant on Civil and Political Rights, 1966 advocates for respect of life and liberty, along with eradicating caste and discrimination based on gender, the International Convention on the Elimination of All Forms of Racial Discrimination promotes punitive measures against those who engage in it. Even though India

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[16] *Manual scavenging in India: Literature Review* (Dr. Babasaheb Ambedkar Research and Training Institute, BARTI, Pune 2023)

was among the first countries to sign the UN Committee (CEDAW), we still have not provided women who do manual scavenging with equal treatment, a good quality of life, safety nets, schooling, recovery, and work.

International agencies that have advocated for eradicating this practice involves the World Health Organization, UNDP etc. Furthermore, the International Labour Organization (ILO) and Human Rights Watch have both provided in-depth reports for the problem of scavenging done manually. The elimination of human waste from avenues as well as dry toilets, along with the cleaning of sewage treatment plants, sewers, and downspouts is what the ILO defines as this practice. The Indian government continues to be attempting to address the issue of scavenging done manually and enhancing working environment for those involved in hygiene environment since the country's independence.[17]

IX. UNTOUCHABILITY SCENARIO IN INDIAN MILIEU

Inadvertently, the initial step taken in India to tackle the problem of scavenging done manually was made with the implementation of the Constitution of India, which became the nation's first law in 1950. Strong human rights protections were embodied in Part III of the Constitution, which was shaped to fit the Indian context and was encouraged by the 1948 UDHR. The "lower castes," who were historically shunned by Indian society because they were thought to be involved in "unclean" professions, as also acknowledged by Dr. B.R. Ambedkar.

Part III was therefore designed to provide strong protections against social exclusion resulting from caste-based customs. Articles 15 and 25 guaranteed that the caste identity of an individual would not prohibit them from using public areas and resources such as tanks and water sources, and Article 17 and 26 outlawed the practice of untouchability in its entirety[18]. However, although the Constitution explicitly forbade untouchability, the practice of scavenging done manually which was the basis for societal exclusion was left unmentioned and was consequently permitted to continue. Given that most manual scavengers are members of the underprivileged segment of society, they are eligible for certain special rights as outlined in the Indian Constitution. First, prejudice based on caste is restricted by Article 15, which outlaws' untouchability in all its forms. Article 21, is the most significant one to these articles in terms of how humans' function.

The supreme court expanded the scope of the above article in the historic Maneka Gandhi v.

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[17] Dr. Kusum Chauhan and Dr. Lalit Dadwal, Manual Scavenging in India 6 IJNRD, 1, 3-4 (2021).
[18] Jai Shankar Agarwala, ABOLITION OF 'UNTOUCHABILITY' IN INDIA, (Feb. 29, 2024, 1:55 PM), https://www.academia.edu/10812546/Abolition_of_untouchability_in_India.

Union of India[19] ruling, that this right encompasses the physical right along with the right to live with dignity. Hand scavenging is mankind's most cruel and dehumanizing practice; it is a disgrace to human dignity. It is inconceivable to claim that a member of our society can lead an honourable existence if they regularly handle human waste as part of their job.

These laws offer a comprehensive framework that prohibits the act of scavenging done manually and protects and rehabilitate scavengers. The two laws of the highest court of law in India forbid manual scavenging.

X. SUGGESTIONS

After all these conventions and mandates, India has brought up several laws and regulations regarding the abolition of untouchability in India but still it persists all over the country in some or the other form, works like manual scavenging, street cleaning are regarded as the "menial work" and people tend to not choose these works as their profession, but they seem to be unknown from the fact that these small-small works create a civilized society, if people would not do this, who will come to do? We as a human being must only make our society clean and worth living. Why we always undervalue these professions who are of utmost importance in a civilized society to function smoothly, it is 21st century, people are inventing new AI tools, making the world digitalised by upgrading their minds, the invention of these things was not possible in somewhere around 60s or 70s, because people's thinking was not that up to grade, but now that the society is pretty much evolving and humans are trying to incorporate new things in them, new ideas are contributing towards the great revolution, our thinking regarding the Dalits and Shudras maintains status quo.

Herbert spencer's theory, structural functionalism promotes that the components of society's intricate system help to uphold stability. It asserts that societal structures that are predictable patterns of social conduct shape our lives. It explains the concept that a civilized society is formed by multiple structures exactly like our body is formed of multiple organs and together it functions smoothly, if any of the organs stop working then the whole body would respond negatively, exactly how if any of the structure of the society stops working, the society would not be a civilized one, disruption would occur which would ultimately lead it to fail. Every work from small to big is important in a society to function properly, we can neither disregard any work by saying it as "menial job" nor respect or over-value some work by saying it as "high-profile job" because every work in a society is important to be done.

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[19] Maneka Gandhi v. Union of India, 1978 1 SCC 248 (India).

Giving the manual scavengers, safai karamcharis and other important society-makers low wages, would only lead to the disfiguring of society, calling them "untouchables" and give their caste a tag that this set of class would do these works would only lead to the fragmentation of the society and people would take advantage of the same. It is the up time now that without expecting from government to bring some good norms, people themselves should start thinking rationally and consider every work in the society as important.

XI. CONCLUSION

In conclusion, this research has undergone a multifaceted examination of the untouchability practised in India, addressing various dimensions from historical origins to contemporary socio-economic impacts. First, we erased the myth about the caste system's origins, showing how it differs from Hindu scriptures and stressing the need for dispelling these myths to promote a more accurate understanding of the system's origins.

Second, our examination of the developments in the fight against untouchability uses since the Untouchability Offences Act of 1955 showed both advancements and enduring difficulties. Even with the enactment of legislative measures, full societal integration and equality are still hampered by ingrained cultural attitudes and practices. Furthermore, our research on the connection between untouchability and India's rising crime rate highlighted the intricate relationship between social marginalization and criminal behaviour, emphasizing the need for comprehensive

Additionally, the financial abuse of Dalits was investigated, with a focus on salaries and employment. This investigation exposed widespread prejudice and underscored the pressing need for fair opportunities and inclusive economic policies. Furthermore, by highlighting one of the most demeaning elements of untouchability, our focus on the act of manual scavenging sparked a conversation about the pressing need for broad efforts to end this cruel practice.

Reviewing the global stipulates against the practice of scavenging done manually in India, emphasis was placed for the need for national governments to work together to ensure that these mandates are followed and enforced. Considering these discoveries, we suggest a multimodal strategy to deal with the multimodal problems that untouchability presents. This strategy should include specific measures to end manual scavenging and guarantee everyone has a dignified livelihood, legislative changes to bolster anti-discrimination laws, and educational programs to debunk myths and advance social inclusion.

In the end, even though there has been advancement, there is still a long way to go before there is true justice and equality in India and the repressive untouchability systems are destroyed. To

achieve this shared objective, collaboration between the government, civil society, and the global community at large is essential.

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