

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 4

2023

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The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013: A Decade of Exclusion

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ABSTRACT

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act was passed in 2013 to eradicate the practice of manual scavenging, which is a form of forced labour imposed on the members of the lowest caste in the hierarchical caste system in India.. An examination of the Act a decade later exposes its exclusionary nature. The rationale behind the framing of the 2013 act is inherently problematic because it imposes homogeneity on a group that is vastly diverse. The act assumes that the typical manual scavenger is a male Hindu Dalit who is engaged in the cleaning of sewers and dry latrines. This assumption pervades the provisions of the act, making it exclusionary towards women, casual manual scavengers who are not employed regularly or on contract-basis, Christian and Muslim Dalits who are engaged in manual scavenging, people employed to clean community and public toilets, schools, households etc who come in contact with faeces, and former manual scavengers who are not successfully rehabilitated. This is because of the restrictive definition, lack of gender-neutral pronouns and the exceptions provided in the act. The research seeks to find out what the act's idea and vision of a manual scavenger is, and thereby prove that the vision is distorted and decontextualized.

Keywords: manual scavenging, exclusionary.

I. INTRODUCTION

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 was devised with the intention of eradicating “the twin evils of insanitary latrines and manual scavenging” on the foundational view that the practice of manual scavenging violates the right to live with dignity as guaranteed by Article 21 of the Indian Constitution. The introduction in the act states that it seeks to correct the historical injustice suffered by manual scavengers and rehabilitate them to a dignified life.² The main aim of the act, then, can be understood to be the rehabilitation of manual scavengers. The success of the act would depend on the effective

¹ Author is a student at National Law University, Delhi, India.

² The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, No 25, 18 September 2013 (India).

curtailing of manual scavenging, and facilitation of resources and opportunity to a dignified life to people who are engaged in this occupation.

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act was enacted on 18th September 2013 and is uniformly applicable throughout the territory of India. It also has an overriding effect with respect to any other laws that legislate on the issue of manual scavenging. Thus, the act replaces the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

When reflecting on the history of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, it is also important to understand why manual scavenging is an inhuman practice. Manual scavenging involves the cleaning of faeces and is a caste-based occupation imposed on the members at the bottom of the caste hierarchy. Scholars have articulated various perspectives of seeing this practice. Some have made a case for manual scavenging to be viewed as a form of forced labour, and even genocide³. It is often accompanied by untouchability and threats of violence⁴. Manual scavengers, in addition to social and physical oppression, are also exposed to various health risks due to the unhygienic nature of their work⁵. Forcing a group of people to do dehumanising work on the reasoning that they are impure or polluted by birth is a gross and serious violation of basic human rights, which is why the existence of manual scavenging is an infringement of Article 21 of the Constitution⁶. This is why it becomes important to ban this practice and rehabilitate manual scavengers.

The question then asked would be regarding the need for a new legislation when an act banning the practice of manual scavenging was already in place. The answer lies in the inadequacies of the 1993 act, namely:

1. The definition of manual scavengers in the act did not comprehensively include all those who come in contact with faeces.⁷
2. The legislation was not enacted uniformly across all the states in India.⁸

³ Shiva Shankar and Kanthi Swaroop, 'Manual Scavenging in India: The Banality of An Everyday Crime' (2021) 2(1) CASTE / A Global Journal on Social Exclusion 67, XXXX <<http://dx.doi.org/10.26812/caste.v2i1.299>> accessed 25 October 2022.

⁴ *Cleaning Human Waste: "Manual Scavenging", Caste, and Discrimination in India* (Human Rights Watch 2014) XXXX <www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> accessed 30 September 2022.

⁵ *Cleaning Human Waste: "Manual Scavenging", Caste, and Discrimination in India* (Human Rights Watch 2014) XXXX <www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> accessed 30 September 2022.

⁶ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, No 25, 18 September 2013 (India).

⁷ Harsh Mander, *Resource Handbook for Ending Manual Scavenging* (ILO, 2014) XXXX.

⁸ Harsh Mander, *Resource Handbook for Ending Manual Scavenging* (ILO, 2014) XXXX.

3. Manual scavenging was viewed mainly as a public health issue rather than a discriminatory caste-based practice.⁹
4. The state government had the power to exempt any area, category of buildings or class of persons from any of the provisions of the act.¹⁰
5. A limitation period of 3 months was imposed for prosecution of offences under the act.
6. The implementation was entirely the responsibility of the local government officials, with no supervision from the higher authorities, which led to non-performance and laxity.

These gaps led to the filing of public interest litigations by nongovernmental organisations and public-spirited individuals such as A Narayanan in 2009¹¹ and the National Campaign for Dignity and Rights of Sewerage Workers and Allied Workers in 2011¹². In both the cases, the respective high courts issued directions to the Chennai Metropolitan Water Supply and Sewerage Board and the Delhi Jal Board on how to deal with sewer cleaners. It is interesting to note that the courts do not entirely outlaw the employment of sewer cleaners, but merely lay out the conditions under which they should be employed.

The lack of significant decrease in the number of manual scavengers as observed in the surveys by independent organisations called for stricter and more comprehensive legislation. When the 2013 act was introduced in the Lok Sabha as a bill, it was faced with collective support. However, the members of the Parliament also pointed out the loopholes in the act. Bhartruhari Mahtab and Rajaiah Siricilla in particular raised many points which will be further expanded upon by the author of this research paper.

Comparison between the 1993 act and 2013 act: which parts are better, what has stayed the same: The 2013 act is conceded to be better than the 1993 act in terms of effectiveness, but it is still susceptible to technical flaws such as:

1. It states that cleaning of faeces with the help of protective gear will not be considered as manual scavenging.¹³

⁹ *Cleaning Human Waste: "Manual Scavenging", Caste, and Discrimination in India* (Human Rights Watch 2014) XXXX <www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> accessed 30 September 2022.

¹⁰ The Employment of Manual Scavengers and the Construction of Dry Latrines (Prohibition) Act, No 46, 5th June 1993 (India).

¹¹ *a narayanan vs chief secretary, tamil nadu, secretariat chennai and others 2009*, Madras High Court (India) XXXX.

¹² *delhi jal board vs national campaign for dignity and rights of sewerage workers and allied workers 2011*, Delhi High Court (India) XXXX.

¹³ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, No 25, 18 September 2013

2. The provision for a limitation period of 3 months is retained.
3. The government continues to hold the power to provide exemption from the provisions of the act.
4. The responsibility and authority is once again, assigned to the local officials, who remain callous and indifferent to the plight of manual scavengers.
5. The unsuccessful rehabilitation of manual scavengers forces them to take up the occupation again.¹⁴
6. The railways and other government offices are the largest employers of manual scavengers.¹⁵

The purpose of this research paper is to identify the imposition of homogeneity made by the 2013 act on the group of manual scavengers and prove that the act is exclusionary in nature. The author seeks to build upon the arguments presented in the existing body of literature and use them to make the case that the 2013 act envisions the archetype of a manual scavenger to be a male Hindu Dalit who cleans sewers and insanitary latrines. This distorted vision of the act does not take into consideration women, who make up 95-98% of manual scavengers¹⁶; casual manual scavengers who are not employed regularly or on contract-basis¹⁷; Christian and Muslim Dalits who are engaged in manual scavenging; people employed to clean community and public toilets, schools, households, storm drains, waste treatment plants etc who come in contact with faeces¹⁸; and former manual scavengers who are not successfully rehabilitated.

A legislation cannot work to effectively improve the condition of its target beneficiaries if it has been framed while keeping in mind only a select few members. The research paper seeks to attribute the exclusionary nature of the act as one of the reasons for the failure of the act. To do this, it is imperative to prove the hypothesis, which is: the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 perceives the typical manual scavenger as a male Hindu Dalit who cleans sewers, insanitary latrines and septic tanks. Therefore it is exclusionary and inadequate to deal with the different problems faced by the various sub-groups within the

(India).

¹⁴ Rajeev Kumar Singh, 'Manual Scavenging as Social Exclusion: a Case Study' (2009) 44(26-27) Economic & Political Weekly XXXX <www.jstor.org/stable/40279798> accessed 20 September 2022.

¹⁵ Harsh Mander, *Resource Handbook for Ending Manual Scavenging* (ILO, 2014) XXXX.

¹⁶ *Cleaning Human Waste: "Manual Scavenging", Caste, and Discrimination in India* (Human Rights Watch 2014) XXXX <www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> accessed 30 September 2022.

¹⁷ Lok Sabha speech, Rajaiah Siricilla, 2013.

¹⁸ 'The Nine Kinds of Manual Scavenging in India' (*The Wire*) <<https://thewire.in/labour/manual-scavenging-sanitation-workers>> accessed 29 September 2022.

broader category of manual scavengers.

II. PROBLEMS WITH THE DEFINITION

Section 2 (g) of the act defines “manual scavenger” as 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 on a 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 manner as may be prescribed.

The act also provides an Explanation which states that:

- (a) “engaged or employed” means being engaged or employed on a regular or contract basis;
- (b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a ‘manual scavenger’;¹⁹

The definition is problematic because:

1. It recognizes only railway cleaners, latrine cleaners and sewer cleaners as manual scavengers. In compartmentalising the work that manual scavengers do, the definition fails to take note of the other sanitation workers who also regularly come into contact with faeces. People employed to clean public and community toilets, schools, domestic households, roads and waste treatment plants also handle human waste²⁰. This is also an issue because manual scavengers, when rehabilitated, are often offered the jobs of safai karamcharis. Hopeful for a hygienic lifestyle, they are often left disappointed due to having to clean faeces from the roads as a result of open defecation²¹. Therefore, they are considered to be rehabilitated, but end up doing the same kind of work they had elected to leave behind. They, and the people who work at toilets, schools and households, basically perform the same work as those who are officially categorised as manual scavengers. Oftentimes, it is also due to the same reasons of caste-based oppression and economic instability. However, they are not provided with the

¹⁹ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, No 25, 18 September 2013 (India).

²⁰ ‘The Nine Kinds of Manual Scavenging in India’ (*The Wire*) <<https://thewire.in/labour/manual-scavenging-sanitation-workers>> accessed 29 September 2022.

²¹ (“For Women Safai Karamcharis, ‘Liberation’ is Manual Scavenging with a Makeover”, n.d., p. XXXX)

opportunity for recognition and rehabilitation due to the narrow definition.

2. The explanation regarding the meaning of ‘engaged or employed’ excludes the manual scavengers who are casual workers, and are not regular or contract workers²². They perform the same work and thus, there is no reason why they should not be treated as manual scavengers solely on the basis of the terms of their employment.
3. The explanation also allows for cleaning of faeces with the use of ‘protective gear’. This is paradoxical as the “protective gear” provided to these workers is most often ineffective and useless. Due to the discomfort in wearing dysfunctional or ill-fitting gear, the people engaged in manual scavenging do not make use of these substandard articles provided to them.²³ Moreover, manual scavenging is a practice that cannot be justified even if protective gear is provided because it is not merely a health hazard but also a visible manifestation of the caste system. It is an occupation forced upon the lower castes to oppress them, and provision of protective gear does not discount the fact that manual scavenging is violative of Article 14, Article 17, Article 21, and Article 23 of the Constitution, and the SC & ST Prevention of Atrocities Act, 1989.²⁴ Article 14 guarantees equality before the law, however the very existence of manual scavenging perpetuates social and economic inequality - which often translate into political or legal inequality due to lack of access to constitutional remedies to those who are severely oppressed. Article 17 criminalises untouchability, yet the prevalence of manual scavenging reaffirms the assigning of ‘impure’ or ‘dirty’ work to those of ‘polluted’ castes. It was determined that article 21 encompasses the right to health and right to livelihood. The occupation of scavenging puts the people who are engaged in it at severe risk of various health problems. It is also seen as a shameful occupation forced upon the socially excluded castes, thereby stripping them of their basic human dignity. It is violative of Article 23 which guarantees the right against exploitation because the very nature of the work presupposes oppression and unfair treatment. The Prevention of Atrocities Act explicitly bans the practice of manual scavenging, yet it continues to prevail.

The definition, therefore, restricts the scope of the act and, in effect, prevents a large number of people who clean faeces from realising the rehabilitative opportunities provided. Who the act

²² Lok Sabha speech, Rajaiah Siricilla, 2013.

²³ Samuel Sathyaseelan, ‘Neglect of Sewage Workers: Concerns about the New Act’ (2013) 48(49) *Economic & Political Weekly*.

²⁴ Lok Sabha speech, Bhartruhari Mahtab, 2013.

defines as a manual scavenger is not the same as who a manual scavenger actually is, and the definition is selective and discriminatory.

III. GROUPS EXCLUDED FROM THE ACT

Several parts of the act, apart from its definition, further promote the sense of exclusivity. It is evident in the language and nuances throughout the legislation. This leads to the act to take on a subtly sexist and communalist character. The nuances and details presented in the statute show a touch of thoughtlessness for the power minorities in the group of manual scavengers.

a. Gender Neutral Pronouns: Does the Act Pay Attention to the Group that Constitutes 95-98%

95-98% of manual scavengers are women²⁵. In certain parts of India, manual scavenging is an occupation passed on from the mother-in-law to the daughter-in-law as 'jagir', meaning a family asset. Dalit women face double-discrimination due to sexism and casteism²⁶. This is amplified in the case of manual scavengers as they are subjected to discrimination even among the Dalit castes²⁷. Thus, it becomes pertinent for the act to take notice of the fact that the overwhelming majority of manual scavengers are women.

Section 13 of the 2013 act, is arguably the most important part as it is concerned with the rehabilitation of the manual scavenger. However, the entire section is rife with masculine pronouns. Not once has 'she'/'her' been used. The act takes it for granted that the person to be rehabilitated is a male.

One could argue that the use of masculine pronouns has been for the sake of simplicity or convenience, but the language used in a legislation is an indicator of the mindset with which the legislators have framed the act. In this case, the assumption of masculinity is evident in the usage of pronouns. The act has been targeted primarily towards male manual scavengers.

Considering that women are the numerical majority but power minority in the category of manual scavengers, the act should have been made keeping in mind the unique problems that female manual scavengers face, especially the family pressure to remain in the occupation. Female manual scavengers are often paid their daily wages in terms of food. This food, although

²⁵ *Cleaning Human Waste: "Manual Scavenging", Caste, and Discrimination in India* (Human Rights Watch 2014) XXXX <www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> accessed 30 September 2022.

²⁶ Anurag Bhaskar, 'Ambedkar, Lohia, and the Segregations of Caste and Gender: Envisioning a Global Agenda for Social Justice' (2020) 1(2) *CASTE / A Global Journal on Social Exclusion* 63, XXXX <<http://dx.doi.org/10.26812/caste.v1i2.208>> accessed 25 October 2022.

²⁷ Paul D'Souza, 'Clean India, Unclean Indians Beyond the Bhim Yatra' (2016) 51(26-27) *Economic & Political Weekly* 22, XXXX.

spoiled sometimes, is the main source of nutrition for the household²⁸. When a woman doesn't work for a day, her family goes hungry. With the threat of prolonged loss of income (due to the difficulty of Dalit women in finding dignified jobs) lurking in the backdrop of their lives, women are forced by their families to hang on to the traditional occupation even though it is inhumane and unhygienic. Moreover, these women come from backgrounds of severe abuse and misogynistic oppression. The act does not address any of these socio-cultural problems because it has been made through a patriarchal lens that axiomatically equates personhood with maleness.

b. Christian and Muslim Dalits: Is the Religion of the Manual Scavenger Pertinent?

A well known myth is that the other religions in the India, Islam and Christianity, do not have a system of hierarchy. But the truth is that people who practise other faiths too follow the caste system²⁹. Christianity and Islam have their own system of castes. And the members of these lower castes are subjected to oppression in the same way that Hindu Dalits are. Often, Christian and Muslim Dalits are members of Hindu lower castes who have converted to other religions to escape the perils of casteism only to find out that society does not let them leave behind their past³⁰.

However, they are then subjected to intersectional discrimination. The government ignores the existence of casteism in Islamic and Christian communities. This is plainly visible in the fact that Muslim and Christian Dalits are not recognized as Schedule castes and are therefore not protected under the Prevention of Atrocities act 1989³¹. They also do not have access to the various reservations to education and employment provided to Hindu Dalits.

Though religion has not been specified in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, this silence per se affirms the existing view of the government.

Chapter 7 of the act expands upon the formation of vigilance committees which shall perform the functions of advising the magistrate on the action to be taken, and overseeing the

²⁸ *Cleaning Human Waste: "Manual Scavenging", Caste, and Discrimination in India* (Human Rights Watch 2014) XXXX <www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> accessed 30 September 2022.

²⁹ Sanober Umar, 'The Identity of Language and the Language of Erasure' (2020) 1(1) *CASTE / A Global Journal on Social Exclusion* 175, XXXX <<http://dx.doi.org/10.26812/caste.v1i1.29>> accessed 25 October 2022.

³⁰ Sanober Umar, 'The Identity of Language and the Language of Erasure' (2020) 1(1) *CASTE / A Global Journal on Social Exclusion* 175, XXXX <<http://dx.doi.org/10.26812/caste.v1i1.29>> accessed 25 October 2022.

³¹ *Cleaning Human Waste: "Manual Scavenging", Caste, and Discrimination in India* (Human Rights Watch 2014) XXXX <www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> accessed 30 September 2022.

rehabilitation etc³². The constitution of these committees has been laid out in great detail, and mandates have been made, for the sake of representation, to include the in-charge of the Scheduled castes welfare of the region. However, as Muslim and Christian Dalits are not considered as Scheduled castes, it becomes doubtful if they will ever be adequately represented in these committees and if their interests will be advanced.

As the act aims to correct the injustice of casteism, it becomes important for the act to be made with inclusivity and information. The manual scavenging act is not just about the actual practice of manual scavenging but also the reason for this practice to exist, which is caste. An effective legislation would address all aspects of caste, and that includes recognition of Muslim and Christian Dalits as Scheduled castes. Religion-caste nexus precludes manual scavengers of Muslim and Christian Dalit castes from equal opportunity to rehabilitation because it does not acknowledge their existence or give them a fair chance to put forth their views. Recognition and representation are two of the most important qualities of a law, especially if it is geared towards the empowerment of minorities. The absence of these two conditions in the case of Christian and Muslim Dalits with regard to the 2013 act sets it up for an inevitable failure to rehabilitate them.

c. Unsuccessfully Rehabilitated: What are Former Manual Scavengers to Do?

A quote by Dr BR Ambedkar comes to mind: ‘In India, a man is not a scavenger because of his work. He is a scavenger because of his birth irrespective of the question whether he does scavenging or not.’ People who are engaged in manual scavenging, even after having left the profession, continue to be severely oppressed due to their caste³³. They face difficulties in finding sustainable employment and income. Because they have dared to remove themselves from their ‘natural’ role in society, they are socially boycotted.

These former manual scavengers lead lives of abject poverty simply because they refused to submit to the societally oppressive practice of manual scavenging. However, they are not given access to the rehabilitation provided under the 2013 act.

Section 15 (2) of the act, regarding the application of manual scavengers for identification, reads ‘On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 14 or when no such survey is in progress, within fifteen days of receipt of such application, so as to ascertain

³² The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, No 25, 18 September 2013 (India).

³³ Paul D'Souza, ‘Clean India, Unclean Indians Beyond the Bhim Yatra’ (2016) 51(26-27) *Economic & Political Weekly* 22, XXXX.

whether the applicant is a manual scavenger.’

Note that the officer is to determine whether the applicant ‘is’ a scavenger. This implies that only people who are engaged in manual scavenging at the time of application would be eligible for rehabilitation. Therefore, former manual scavengers, who had once been forced into this unhygienic practice and have managed to save themselves from continued indignity, are left high and dry by the government that is meant to ensure equal opportunities to all citizens.

IV. THE UNDERLYING ASSUMPTION

The success of an act is determined by the degree of fulfilment of its aims. The primary goal of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 is the economic and social rehabilitation of manual scavengers - to take them out of the oppressive and unhygienic conditions under which they live, and to facilitate a life that is financially stable as well as dignified. The success of the act then would be ascertained with regard to the number and extent to which people engaged in manual scavenging are given a chance at an alternate livelihood.

If the act indeed has made an assumption such as the one the author contends for, would this assumption compromise the achievement of the act’s aim? A reasonable inference would be that the 2013 act is extremely limited in its ability to empower the oppressed category of manual scavengers.

The blatant disregard of the existence of different types of manual scavengers per se defeats the purpose of the act. How can the act liberate those whom it does not even recognise?

Women, and Christian and Muslim Dalits, though they are not outright denied access to rehabilitation under the act, are at a disadvantage as their contextualized problems due to intersectionality (sexism, communalism) have not been considered while framing the act. This is clearly due to the dominance of sexism and communalism. The act is coloured with patriarchy, as is society, and has not given thought to the difficulties faced by women. It also carries the subtle mark of non-secularism in that it maintains a significant silence on the issues of religion.

Manual scavengers who clean schools, households, roads and other areas where they are required to handle faeces on a regular basis, and former manual scavengers who are still struggling to find their place in society, do not have any opportunity to be eligible for rehabilitation. It is nothing short of an injustice that they are not permitted to claim their rights simply because the makers of the legislation have been blinded by their misconception that only

those who clean insanitary latrines, sewers and septic tanks would come into contact with faeces and therefore only they should be considered manual scavengers. The act has also failed to interrogate the context within which a manual scavenger lives, and has thus not been able to recognize the aftermath of leaving the occupation, and how it is still rife with economic instability and casteism.

The assumption of the act certainly precludes its success as it stops the act from identifying various people as manual scavengers, and leaves them without a recourse.

V. CONCLUSION

The hypothesis of the research paper was that the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 assumes that the typical manual scavenger is a male Hindu Dalit who cleans insanitary latrines, sewers and septic tanks. This assumption makes the act exclusionary in nature and facilitates the conditions for its insufficiency in providing rehabilitation. By a close reading of the legislation itself, the author has proven how the act is far from the actual context within which it operates.

The author has substantiated the following statements in furtherance of the proof of the hypothesis:

1. The definition does not satisfactorily cover all those who come into direct contact with faeces in the course of their employment³⁴.
2. The use of masculine pronouns shows the indifferent and decontextualized nature of the act³⁵.
3. The act does not consider religion-caste intersectionality³⁶.
4. The purpose of the act is rendered unproductive when former manual scavengers cannot seek rehabilitation under it.

The act consistently ignores the existence of differences in sex, religion and type of work that the large body of manual scavengers may have. This ignorance has been founded on the assumption of homogeneity. By exposing how the lack of acknowledgement of different types of manual scavengers is reflected in the act, the author has proven the hypothesis and made it

³⁴ 'The Nine Kinds of Manual Scavenging in India' (*The Wire*) <<https://thewire.in/labour/manual-scavenging-sanitation-workers>> accessed 29 September 2022.

³⁵ Lok Sabha speech, Bhartruhari Mahtab, 2013.

³⁶ *Cleaning Human Waste: "Manual Scavenging", Caste, and Discrimination in India* (Human Rights Watch 2014) XXXX <www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> accessed 30 September 2022.

apparent that the act takes it for granted that the archetype of a manual scavenger is a male Hindu Dalit who is engaged in the cleaning of dry latrines and sewers, and that this imposition of homogeneity can be attributed as a reason for the failure of the act to facilitate the rehabilitation of manual scavengers, which is the primary aim of the act.

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