

ISSUES OF DALIT WOMEN: UNTOUCHABILITY AND VIOLENCE AGAINST MANUAL SCAVENGERS IN INDIA

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Abstract: Scavengers occupation based on caste system where from schedule caste are engaged from centuries. Even after 67 years of independence of India establishing democratic institution taking a great economic development and aspiring global power. The country still struggles in the clutches of caste system which has denied generation to dalit women. Scavenging Women are considering as lowest rungs of caste system and hence polluting their rights and dignity. Government failed to eradication this caste based occupation from their social stigma and lower status. It is amply that manual scavenging is one of prominent form of discrimination and atrocities that have been taking place with dalit since age which is central violation their human rights. 95% engaged in practice women from schedule caste. Manual scavenging is one of the most inhuman and degrading forms of work performed by Dalit women. Women are suffering discrimination, untouchability, atrocities, health, economic and social issues by only scavenging occupation. The present paper will use explorative method based on secondary data. The paper will find violation of human rights of women scavengers. Secondly present condition of women scavengers in India. In manual scavenging occupation dalits are only victim of all caste issues, discrimination and untouchability.

Key word: Dalit women, scavenging occupation, violence, untouchability

Introduction: Every society in the world is socially stratified, dividing a population into two or more layers, each of which is relatively homogenous and between which there are differences in privileges, restrictions, rewards and obligations (Lundborg G 1968) However, modern societies are not all stratified in the same way or to the same extent. In all societies there is social differentiation based on roles and status. Thus, there are no purely equalitarian societies. Societies differ in the distance between the top and the bottom ranks, and in the number of ranks in between. The institution of caste as graded system of hierarchy (*Varna* ideology) is a unique character of the stratified Indian society. (Beteille Andre 2002)

In the Indian subcontinent, the structuring of society is based on the caste system, which derives its origin from Hindu social philosophy. The original myth describes primeval sacrifice and the emergence of four groups, *Brahmans* (priests), *Kshatriyas* (warriors and aristocracy), *Vaishyas* (cultivators) and *Shudras* (servants), which were subsequently called the four *varnas*. *Jatis* (castes) are not mentioned until the later part of the corpus. (Thapar, R 2002) These castes in turn are divided and subdivided into a variety of sub-castes, which are hereditary occupational groups. The castes in first three *varnas* were considered the *dwija* (twice born castes) and the fourth one i.e. the *Shudras* were *dasas* (Thapar, R 1966) composed of numerous occupational castes were not regarded as untouchables. Entirely apart is the group of Outcastes, called *Panchma*, the fifth major category in which all untouchable castes were placed together. In the caste system the status of the women were more worst. The caste based society was based upon

the exploitation. The women from the lower caste had given the cleaning occupation of society. And people from the lower caste were historical oppressed and depressed caste in the term of rights and dignity. A historical perspective indicates that the traditional caste system entrusted the "untouchables" with service and excluded them from holding any worthwhile assets in land. The hierarchical social structure barred them from the more dignified occupations and bonded them to occupations, which were considered defiling. They were confined to fixed boundaries, ghettoized in space at the outskirts. The religious sphere debarred them from entering the places of worship as they were considered polluting. They were kept away from education (knowledge system). The field of politics and entry into the power structure was not accessible to them. They were subjects only to have an attitude of supplication and subservience to their patrons. The exclusion and marginalization of the subordinated caste communities at the bottom of the hierarchy continued for ages. (Guru G)

Caste in India: Historically, civil, social, and economic life in India has been regulated by the caste system—a system of social stratification that designates ranked groups defined by descent and confined to particular occupations. Caste-based social organization is governed by custom and is enforced socially and economically. Irrespective of the religion practiced by an individual, caste in India is hereditary in nature. A community's caste designation has long had a significant impact on the ability of members of that community to control land and other productive resources, establishing broad congruence between caste and class. (Thorat S. 2013)

Dalits are relegated to the bottom of the caste hierarchy. They have been traditionally limited to livelihoods viewed as deplorable or deemed too menial by higher caste groups— including as manual scavengers, leather workers, and cobblers, among others. Their caste designation also renders them socially “polluted” or “untouchable” and is used to justify discriminatory practices. (HRWR 1999) As a result, in parts of India, Dalit communities are still denied access to community water sources, denied service by barbers, served tea in separate cups, barred from entering shops, excluded from temples, and prevented from taking part in community religious and ceremonial functions. Caste and occupation had stigmatised to lower caste of people and women. Women are the real victim of untouchability and discrimination by the occupation of scavenging and other undignified work. Women are from dalit in social, political, economical, educational are oppressed and depressed. (Jodhaka 2012)

Manual scavenging: Manual Scavenging in India is defines as —lifting and removal human excreta manually, at the private home and toilet maintain by the Municipal authorities. (Pathak B 2006) The practice consists by of gathering the human excreta from individual and the community dry toilet with bare hands, broom are the metal scrapers into woven basket or buckets. This scavengers then carry their heads, shoulder, or against their hips into dumping sites and water bodies. (Singh B 2012) Many scavengers are similarly employed to collect, carry and dispose excreta from sewers, septic tanks, drains and railway tracks. Today this practice continues from all the state those involve in the Manual Scavenging due to the prevailing of dry latrines not only suffers from the inhuman pain of scavenging human faces but also suffer humiliation of the discrimination, occupational hazardous health, untouchability and social exclusion. (Rajiv and Zyauddin 2009)

One of the most oppressed among the most untouchable caste categories as the Schedule Caste throughout India is the caste of sweeper and scavengers, traditionally associate with scavenging and sweeping as their primary activity, the member of this caste traditionally performing disagreeable and depressing function in society. (Gayatri Devi K 2011)

The scavengers in India are known as Mehtar, Bhangi, Balmiki, Meghval, Vinkar, Halalkhor, Lalbegi, Dumars in local and regional language and unclean safai karmachari or manual scavengers in bureaucratic parlance. (Darokar S 2010) They are employed in both public and private sectors of the economy of the state such as cantonment board, Municipal Corporation, Municipal council, Railways, Airport, Government and private Hospitals, Housing

societies, and Commercial establishment. The most inhuman work that is safai karmachari are traditionally expected to engage in includes the carrying of night soil by way manual scavenging. It is most incident, inhuman, and degrading work that the people concern and carry out. The allocation of the occupation on basis of one’s caste being of fundamental tenet of Hindu social order, the ex-untouchable are forced to carry out activities are that so called upper caste consider as most polluting. (pathak B 2006)

The International Labour Organization (ILO) distinguishes three forms of manual scavenging: 1) removal of human excrement from public streets and dry latrines, 2) cleaning septic tanks, and 3) cleaning gutters and sewers.¹⁸ These tasks are subdivided by gender 95 percent of private and village toilets are cleaned by women; both women and men clean open defecation from roads, open areas, and open gutters; and men typically clean septic tanks, closed gutters, and sewers. The exact number of people who continue manual scavenging is disputed, with government estimates significantly lower than those by civil society groups (SC case 2003).

Manual scavenging and women: Manual scavenging is one of the most inhuman and degrading forms of work performed by Dalit women. It is the manual removal of human and animal excreta using brooms, small tin plates and baskets carried on the head or hips. Refusal to perform such tasks leads to physical abuse and social boycott (Marcel M 2003). The perception of dalits as polluting persons by reason of their birth causes them to be separated from the rest of caste society and excluded from social, religious and economic life. Public latrines are cleaned on a daily basis by female workers using broom and a tin plate. The practice of manual scavenging involves manual cleaning of dry toilets, which are no more than a small room in which a hole in the ground opens into a receptacle in a compartment below. Manual scavengers have actually to crawl into the compartment and empty out the receptacle. The excrement is piled into baskets, which are carried on the head or on the waist to a location that is far away from the latrine. At all times, and especially during the rainy season, the contents of the basket drip onto a scavenger's hair, face, clothes and other body parts (HRWR 2014).

Even after 67 years of independence which saw India establishing democratic institutions, taking great strides in economic development and aspiring to be a global power, the country still struggles in the clutches of the caste system which has denied generations of Dalits, considered in the lowest rungs of the caste system and hence polluting, their rights and human dignity. The practice of manual scavenging is prevalent in India from Kashmir to

Kanyakumari; from backward states to developed states and likewise (**Pathak B 1997**).

It is amply clear that manual scavenging is one of the prominent forms of discrimination and atrocities that has been taking place with Dalits since ages and which is central to violation of their human rights. 95% of those engaged in this practice includes women. In India largely two communities continue this inhuman practice – the ‘Valmikis’ (Hindus) and the ‘Haila’ (Muslims). While the Hailas come under the OBC category the Valmikis belong to the scheduled caste and the both are placed in the lowest rung of the Indian society, and therefore – untouchable within the untouchables.(pathak 2006)

In India, there are constitutional and legislative prohibitions on “untouchability” and manual scavenging. However, women and men continue to be engaged in manually cleaning human excrement from private and public dry toilets, open defecation sites, septic tanks, and open and closed gutters and sewers. They usually embark upon manual scavenging because of traditional caste-based roles that leave them few, if any, alternate employment options, a situation perpetuated by poor implementation of laws and policies prohibiting this practice. (Basu D 2007)

Form of discrimination of women: The people from these communities are made to live in locations that are isolated from the rest of the village community. In practice the hierarchy of the society is made visible by the pattern of habitation of the people in the villages, town or cities. It begins with the upper castes occupying the decent locations followed by lower castes and then manual scavengers who are considered untouchables even within their own community. (HRWR 2014) These will be preferred because their work is considered most unhygienic, filthy, unsafe, undignified and inhuman.

The extreme form of exploitation inherent in the caste system has made a mockery of modern India’s labour laws and international conventions on the rights of the workers. Manual scavengers, for example, are paid a pittance. An average manual scavenger earns around Rs.5 to Rs.15 per household per month. (Prasad V 2000)

Health is another issue of prime concern. Manual contact with excreta exposes manual scavengers to various diseases; infection of skin, rotting of fingers & limbs, tuberculosis and nausea are common. Several complain inability to have food due to exposure to excreta. Most women from the manual scavenging communities tend to be addicted to tobacco (Gutka) and men are given to liquor in an attempt to diminish the repulsive nature of their work and beat.

The harassment of these women is also rampant in the form of sexual exploitation when they go to clean up the toilets since they are often teased by the

menfolk. Manual Scavengers belong to the lower most rung in the society and are looked down upon even by the larger society of the dalits who themselves are subjected to untouchability by the upper caste.(hrwr 2014)

Feudal caste based custom: In accordance with the traditional jajmani system, in which service and artisan caste households serve upper caste households or jajmans in the village, women who clean toilets in private households generally “inherit” this practice when they get married, joining their mothers-in-law in the daily rounds of collecting excrement and carrying it in baskets to the outskirts of the settlement. scavenging communities, consistent with traditional housing arrangements, continue to reside in separate enclaves in villages, and even in some urban areas. Women who clean dry toilets in rural areas sometimes receive little or no cash wages, reflecting long-established customary practices, but instead receive daily rations of leftover food, grain during harvest, old clothes during festival times, and access to community and upper caste land for grazing livestock and collecting firewood—all given at the discretion of the households they serve. After collecting and disposing excrement from each household, they still return to each home to collect leftover chapatis or rotis (unleavened bread) as compensation. In areas where untouchability practices are intact, food is dropped into their hands or thrown in front of them. (jan Sahas 2011)

Social and economic pressure: Women engaged as manual scavengers face pressure from the community and family to continue this practice because their households have few other options for livelihoods. (vivek 2000). These are often the poorest and most marginalized communities in India, where even food security is a serious challenge. While men from manual scavenger communities may work as day labourers, their income is unreliable.(SC case 2003) Tradition-bound repressive relationships with in-laws, who depend on the food from manual scavenging, can also prevent women from refusing this practice. Women and men employed as sanitation workers by local government panchayats and municipal corporations also said that they do this work because they have no other livelihood options(HRWR 2014)

Impact on Health: Direct handling of human excreta involved in manual scavenging can have severe health consequences, including constant nausea and headaches, respiratory and skin diseases, anemia, diarrhea, vomiting, jaundice, trachoma, and carbon monoxide poisoning. These conditions are exacerbated by widespread malnutrition and inability to access health services. (RGAR 2013)

Caste Based Discrimination: Dalit women face discrimination in access to a dignified life, to legal

redress to claim what is theirs in principle, to equal wages, to the decision-making process, and to benefits from government initiated programmes targeted at their welfare. Issues of childcare and health are relegated to the background in a struggle for subsistence. The problem of being marginalised and therefore discriminated against is worsened by the practice of untouchability. Out that casteism was practised by people across religions

In a country where sanitation is a scarce facility, and since what is scarce is subject to public disputes, the principle of distribution operates along a caste-class axis. The landless suffer, the dalit landless suffer even more and dalit landless women suffer the most. Dalit women are often forced to use fields that belong to upper castes, leaving them susceptible to physical and mental harassment. (pathak 2006)

Violation Of Laws Against Women: As is amply evident, millions of people – majority of them women – across the country continue to be held captive by the inhuman and degrading tradition of manual scavenging. It is because of this caste-based tradition that they remain deprived of their constitutional and statutory rights to equality, liberty, education and social development. Manual scavenging is virtually a form of modern-day slavery that violates the following.

1. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Bonded Labor System (abolition) Act, 1976.
3. Section 7(a) of the Protection of Civil Rights Act, 1995, which deems anyone forcing another person to engage in bonded labor, manual scavenging or disposing animal carcasses to be committing a criminal offense punishable with 3 to 6 months of imprisonment and fine up to Rs 500.
4. The practice of manual scavenging violates articles 14, 17, 21 and 23 of the Constitution.
5. Vishakha guidelines and Protection of Women from Sexual harassment at workplace.
6. Various provisions of the Universal Declaration of Human Rights and CEDAW which hold all human beings to be equal and to which India is a signatory

Manual scavenging in Indian railway: Indian Railways is an institution in the country where dry latrines exist in great numbers and a large number of individuals are engaged in manual scavenging. Recently Rural Development, Water and Sanitation Minister have also called the Indian railway the world's biggest open toilet. He accepted we are the world's capital for open defecation. 60 per cent of all open defecation in the world is in India. This is a matter of great shame. An Indian railway is really the largest open toilet in the world. 11 million passengers

every day and we all know the state of sanitation in our railway. At present only nine trains with 436 coaches are fitted with bio-toilets, while 4,000 coaches are produced annually which could be fitted with new bio-toilets developed by Defence Research & Development Organisation (DRDO).

Some of the identified gaps in the schemes are as follows:

1. Issue of women: Most of the provisions for rehabilitation under the scheme were not gender sensitive and were addressing men largely. Our experience says that around 95- 98% of the individuals involved in manual scavenging are women. The exploitation of these women on grounds of patriarchy and caste system is very high!
2. Issue of loan: The biggest flaw in this Scheme was that though it was for the rehabilitation of those involved in manual scavenging the key provision was for a loan with some amount of subsidy. According to us; To take a community, which was compelled to take up manual scavenging due to a caste based system and was excluded, socially, politically and economically, out of this system loan cannot be a solution, even if it comes with some amount of subsidy. The key assumption of this scheme was based on loans therefore it could not become successful in addressing its objectives.]
3. Defaulters: Most of the loans under SRMS are through banks and it has been observed that most of these loan sizes are around Rs.25000 out of which 50% or Rs.12500 is the subsidy component. Most of the subsidy amount is spent on taking the loan due to the red tape and the loan amount (apart from the subsidy) is interest chargeable by the bank. Individuals who are not able to pay back this amount therefore become 'Defaulters'.
4. Rural Areas: According to our survey around 60% of those involved in manual scavenging are in rural areas (larger villages and settlements). The focus of the survey and the benefits of the scheme was however skewed more towards urban areas therefore limiting the benefits to those in the urban areas and leaving out the others on a large scale.
5. Corruption: There was large scale corruption involved in preparing the list for rehabilitation by the states. If we talk about Madhya Pradesh alone we found that in districts where more than 165 women are involved in manual scavenging not a single name was included in the list and in districts having 302 such women 2186 names were included. Our surveys say that only 10% of those involved in manual scavenging were actually included in the list and the rest were left out. This has resulted in many eligible individuals not getting the benefits and at the same time many that were not eligible benefiting out of the scheme.

Effort of ending manual scavengers: In 1949, soon after independence, the Indian government began appointing committees to address manual scavenging. The 1955 Protection of Civil Rights Act made it an offense to compel any person to practice scavenging. (Act of 1955) The 1993 Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act criminalized employment of manual scavengers to clean dry latrines. Most recently, on September 6, 2013, Parliament passed The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (2013 Act). The 2013 Act outlaws all forms of manual scavenging, beyond just dry latrines, prescribes penalties for those who perpetuate the practice, protects those who actually engage in it, and obligates India to correct the historical injustice suffered by these communities by providing alternate livelihood and other assistance .

At the time of writing, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, awaits enactment by parliament. Among other provisions designed to strengthen protection for Dalits and tribal groups, the ordinance makes it a crime to make, employ, or permit anyone to do manual scavenging.

On March 27, 2014, a decade after the initial filing, the Supreme Court decision in the case, *Safai Karmachari Andolan v. Union of India*, confirmed that manual scavenging remained widespread and directed that all people working as manual scavengers be rehabilitated.

Understanding the involuntary and coercive nature of manual scavenging sheds light on the barriers individuals face in leaving this practice. According to Coen Kompier, senior labor specialist for the International Labor Organization, manual scavenging can constitute forced labor because entry into this practice is entirely caste-designated, and because people who work as manual scavengers face a “menace of penalty” that prevents them from leaving this work. Consequences for leaving manual scavenging include community threats of physical violence and displacement—and even threats and harassment by local officials mandated by law to end the practice, who instead withhold wages and threaten eviction from home. (ICCPR 1966)

Abuses that Perpetuate Manual Scavenging occupation: The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, prohibit any person, local authority, or agency from “engaging or employing a manual scavenger. Under the act, “every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging.” As a result, any contract or agreement requiring a person to do manual scavenging is void.

While the 2013 Act releases as a matter of law all people from manual scavenging, as a practical matter, active state intervention is needed to end the customary, caste-based practices, discrimination, and social exclusion that bind people to the work. Not only do some local officials fail to intervene to end manual scavenging practices by private employers, but some local village governance councils and municipal corporations also perpetuate discriminatory caste-designated labour by recruiting people from manual scavenging communities as safai karmacharis, or health and sanitation workers—and requiring them to manually clean excrement from dry toilets, gutters, and open defecation areas. The latter authorities are not only failing to enforce relevant laws but also themselves directly violating the law.

The occupations of the manual scavengers in village councils and municipal corporations perpetuate these practices. Many from the manual scavenging caste communities are denied any other jobs, leaving them dependent on manual scavenging for subsistence. Where the government itself employs manual scavengers, there is no hope for effective implementation of the 2013 Act and other laws aimed at ending manual scavenging.

Panchayats themselves hire men and women from communities that traditionally practice manual scavenging as safai karmacharis, or sanitation workers, to manually clean dry toilets and open defecation. These hiring practices replicate discriminatory caste-designated employment and reinforce the perception among people working as manual scavengers that they have no other options. Where families are employed by panchayats to clean dry toilets and open defecation, they are often given government-sponsored housing and wages, and officials sometimes use this as leverage to keep the families engaged in manual scavenging. Replicating customary exploitation, some panchayats deny or delay wages, and worse, threaten to withdraw housing if people no longer continue manual.

Conclusion: Manual scavengers’ occupation continuously exploited to dalit and dalit women. Dalit women are the victim of the caste based discrimination and untouchability. 95% women are engaged in the occupation suffered in term of caste discrimination, dignity, education, safety , rights . The occupations of the manual scavengers are caste based occupation; in this occupation engaged traditionally lower caste belonging to schedule caste or dalits. Government has failed to control over the caste based occupation, and recruitment in the public and private institution. Scavenger communities consider as untouchables and they denied social and economical life in society. Due to the caste and occupation have been face the discrimination and untouchability in the social, economical and cultural

sphere. This continued practice of the scavenging exploited historically. After the independence several committee appointed and enacted the law. But due to poor implementation they did not succeed to end caste based occupation of manual scavenging. The illegal and caste based occupation denied social and economical justice to manual scavenging, which violating the constitutional fundamental right and

human right. Human rights are violating in terms of dignity with life, social and economical exploitation, discrimination, health and education. The occupational statuses of women are preferred because their work is considered most unhygienic, filthy, unsafe, undignified and inhuman.

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