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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

A CRITICAL STUDY ON MANUAL SCAVENGING WITH SPECIAL REFERENCE TO HUMAN RIGHTS

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ABSTRACT:

Manual scavenging is a term used to refer to manual cleaning, carrying, disposing or handling of human excreta from dry toilets, pits, or from open areas with the use of hand equipment such as buckets, shovels, etc. This inhuman practice of manually removing night soil is not only diabolic but perhaps the highest degree of human rights violation. This study aims to highlight how the vile caste system plays a major role in this occupation and the legislation brought in our country to stop this inhuman practise. The objective of this study is to understand how manual scavenging is a violation of human rights and is also violative of the right to equality, right to liberty and health. The major findings of this study is that the majority of youth acknowledge that caste system plays a major role in this and many women agree that manual scavenging is a shameful practise which is being continued till this day that unforgivingly exploiting a certain section of the society. Majority of the undergraduates as well as high schoolers agree that manual scavenging is not just a problem of technological and financial assistance but also a problem of social prejudice. The elimination of homemade scavenging is the need of the hour. The state and society need to take an active interest and play a great part to address this issue and look into all possible ways to directly assess and latterly annihilate this inhuman practice.

KEYWORDS: Manual scavenging, inhuman practise, human excretion, legislation, caste system.

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INTRODUCTION:

Manual scavenging is a term used to refer to manual cleaning, carrying, disposing or handling of human excreta from dry toilets, pits, or from open areas with the use of hand equipment such as buckets, shovels, etc. This inhuman practice of manually removing night soil is not only diabolic but perhaps the highest degree of human rights violation. Because the manual scavenger's occupation is dangerous, hazardous, unclean and degrading in nature. Even the present day's mortality rate of manual scavengers is a proof of how certain section of the society has been terribly exploited. The existence of the manual scavenger is linked to the caste system, where the so-called lower castes were obliged to carry out the work. It exploits the marginalized group of society and it's a huge threat to their life. It is also a violation of the Right to Equality as the people who are involved in it are considered to be untouchables and are not accepted by society. They are not allowed to enter the temples or drink water from the same well and the list continues. The problem of manual scavenging has been taking place before the pre-independence era. They are not even provided with safety equipment which leads to many deaths every year and it also violates their human rights. Thus, it became mandatory for our legislature to pass necessary laws and provisions which will protect these workmen against this dirty practice and will save them from continuous exploitation.

Various affirmative steps have been taken to stop this inhumane practice. Such as the Article 252 of the Indian Constitution gives the powers or reins to the parliament to legislate for two or more than two states after seeking their consent and adopting such sort of legislation by any other State, the Government of India has enacted and formulated various laws. The continuance of such discriminatory practice is in violation of the terms of International Labour Organization's Convention number 111 (Discrimination in Employment and Occupation). In 2013, the United Nations Human Rights Chief welcomed the movement to wipe out manual scavenging in India. The central objectives of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013 act are to eliminate unsanitary latrines, prohibit the employment of manual scavengers to dispose faecal matter and the precarious manual cleaning of sewer, pits or manholes, and maintain a survey of manual scavengers for their rehabilitation.

OBJECTIVES:

1. To understand how manual scavenging is not just violation of human rights but is also violative of the right to equality, liberty and health.
2. To study why manual scavenging is a shameful practice.
3. To discuss how the caste system plays a major role in this and the solutions to eradicate this practise.

REVIEW OF LITERATURE:

This article tells the story of how manual scavengers are exploited by their employers as the government and society look away, avoiding seeing, hearing, or coming in direct contact with manual scavengers while benefiting from their labor and exploitation. **(Sheeva Y Dubey 2020)** The present paper analyzes the visible and invisible parts of the manual scavengers in the present scenario of the sanitation work. **(Shaji George 2019)** This article focuses on the life of conservancy workers and highlights the challenges they face through a few narratives of the workers themselves. It is based on the Baseline Survey of Conservancy Workers of MCGM, which was conducted in 2015, and was sponsored by the Tata Trusts. **(S. Darokar 2019)** The article intends to identify these women at the bottom of the Indian society and to understand their historical and current challenges. The poor and marginalized women in India have not just experienced the inequalities of class and gender but also of caste and religion. **(S. Y. Dubey 2016)** Discussions on caste are caught in the binaries of Scheduled Castes and the "General Category." Such binaries see the lower caste as a monolith and leave little space for discussing discrimination among such castes. **(R. Bathran 2016)** Present paper will critically analyze the past, present and future manual scavenging in India; it will highlight the provisions and rehabilitation of manual scavengers. **(Kalpeshkumar Gupta 2015)** Following the core principle of phenomenology as a return to the things themselves, 'Body Matters' attends to the phenomena of bodily afflictions and examines them from three different standpoints. **(J. Aho 2008)** This paper argues that Vidya (education), Veda (religion) and Varna (caste) are interlinked in India. It examines whether, and to what extent, the enrolment of children at school in India is influenced by community norms such as those of religion (Hindu or Muslim) or caste (Scheduled or non-Scheduled). **(V. K. Boorah 2005)** This paper analyzes the recent socio-economic and political changes that have taken place. Caste-based marriage and control over women's sexuality have been crucial for the

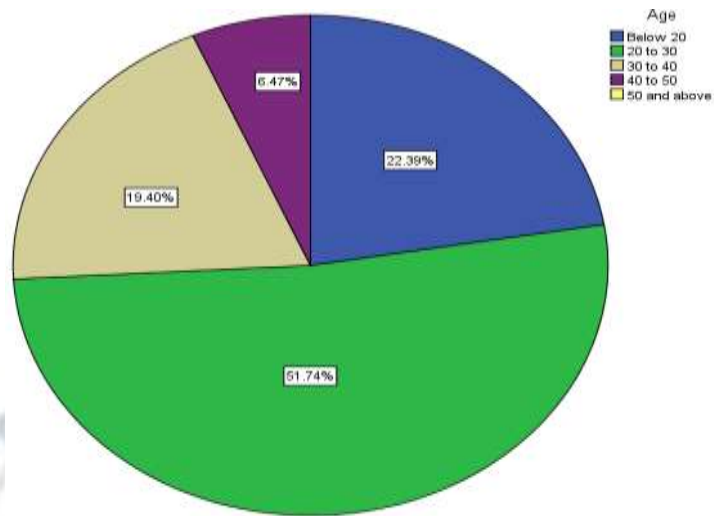
continuation of the caste system in India. (U, **Chakravarthi 2003**) This paper studies the scholar, theologian and philosopher, Martin Buber is one of the twentieth century's most influential thinkers. He believed that the deepest reality of human life lies in the relationship between one being and another. (M. **Buber 2002**) This research has considered unskilled migrant hotel laborers from the informal sector and their work experiences, living and working conditions in their host location, this paper makes a unique contribution by presenting unfulfilled expectations of migrant hotel workers in the Thiruvallur district. (Shaji George, V. **Saravanan 2020**) The present study addresses the manner in which the conditions faced by migrant domestic workers and their nature of work, challenges, constraints, living and working conditions in Thiruvallur district. (Shaji George, V. **Saravanan 2020**) This study has taken into account unskilled migrant street vendors from within the informal sector as well as their nature of work, Constraints, challenges, and living conditions throughout their host location. This paper creates a distinctive contribution by displaying the unfulfilled prospects of the migrant street vendor in the Thiruvallur district. (Shaji George, V. **Saravanan 2019**) This paper highlights the discussions on how castes are caught in the binaries of Scheduled Castes and the "General Category." Such binaries see the lower caste as a monolith and leave little space for discussing discrimination among such castes. (R. **Bathran 2016**) This paper argues that Vidya (education), Veda (religion) and Varna (caste) are interlinked in India. It examines whether, and to what extent, the enrolment of children at school in India is influenced by community norms such as those of religion (Hindu or Muslim) or caste Scheduled or non-Scheduled). (V.K. **Hoorah, S. Iyer 2005**)

METHODOLOGY:

The research method that was followed here is empirical and analytical research. A total of 200 samples have been taken through convenient sampling. The tool used by the researcher to collect the samples were Google forms. The independent variable taken here is age, name, education occupation and income. The dependent variable here is the perception of inhuman practice of manual scavenging and how it's violative of human rights. The statistical tool used by the researcher is graphical representation and pie charts.

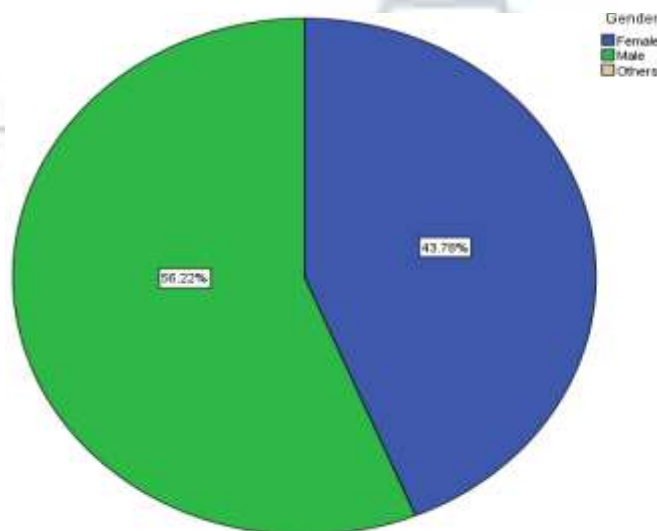
DATA ANALYSIS:

Fig:1



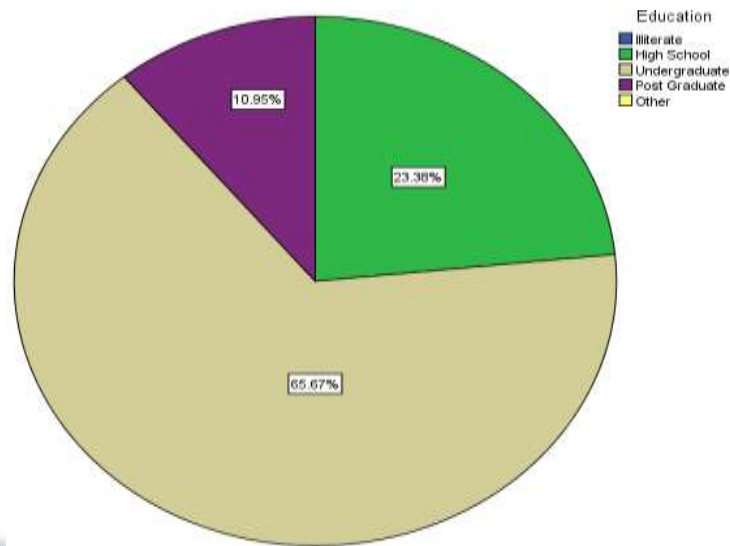
Legend: Fig 1 shows the age distribution of the the respondents

Fig:2



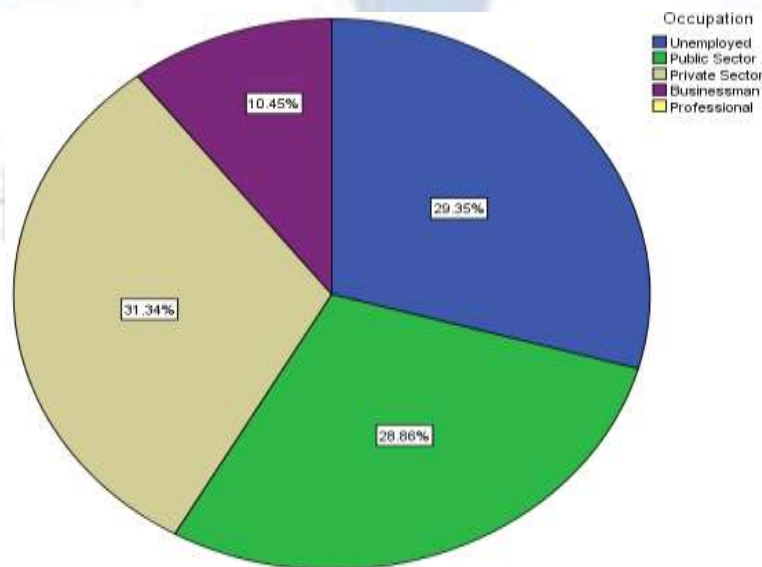
Legend; Fig 2 shows the Gender distribution of the respondents

Fig 3:



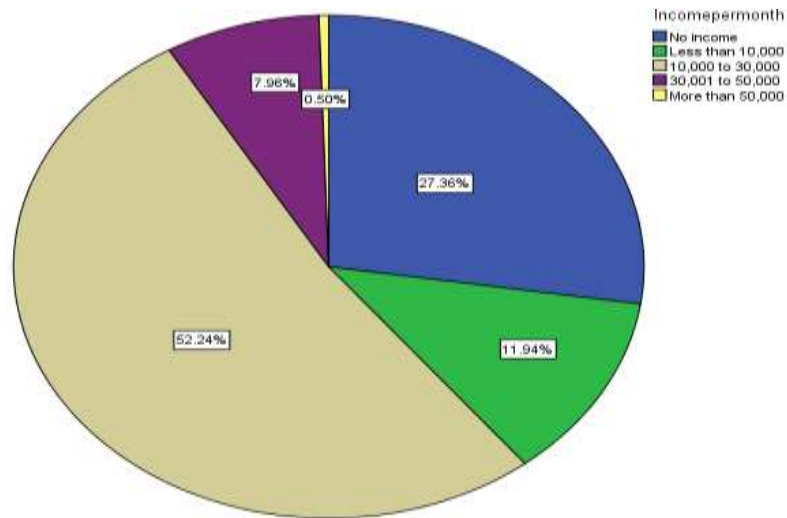
Legend: Fig 3 shows the educational qualifications of the respondents

Fig:4



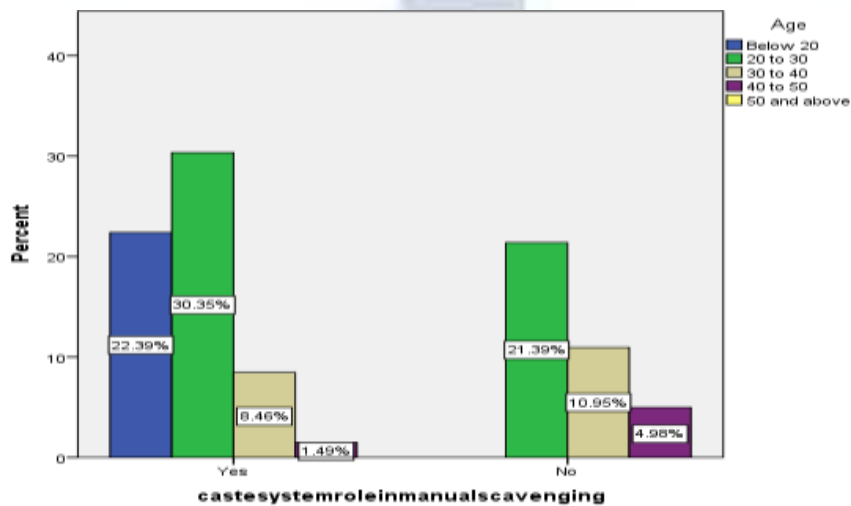
Legend: Fig 4 shows the occupational distribution of the respondents.

Fig:5



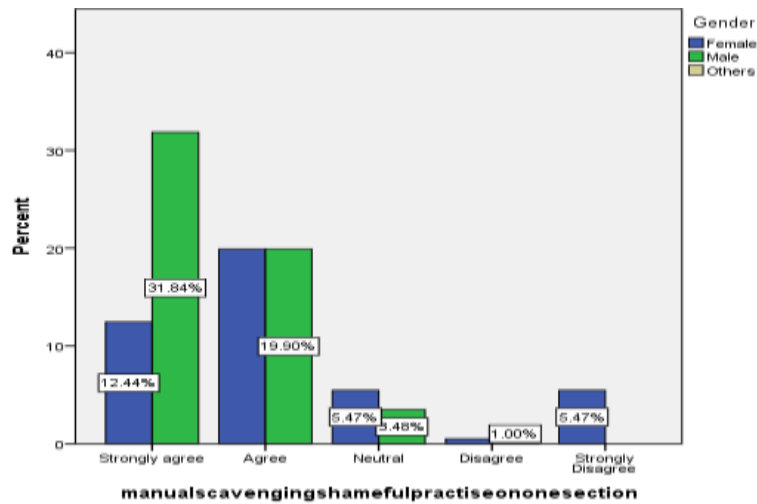
Legend: Fig 5 shows the income distribution of the respondents

Fig:6



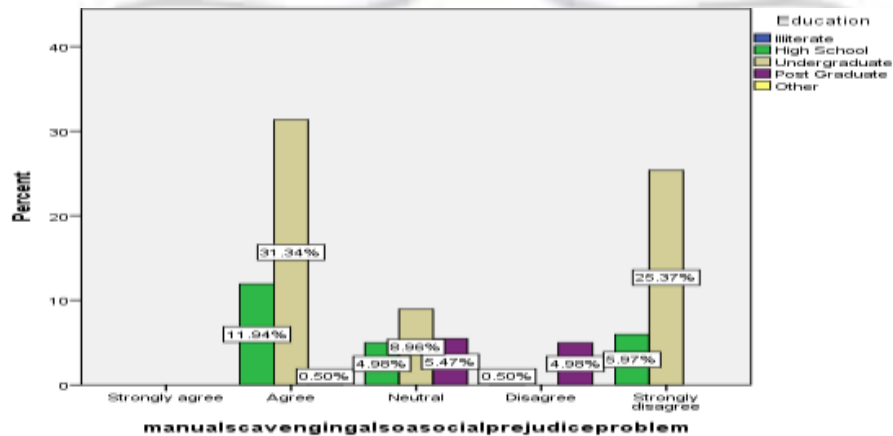
Legend: Fig 6 shows the age distribution of the respondents and their opinion on whether the caste system plays a major role in manual scavenging

Fig:7



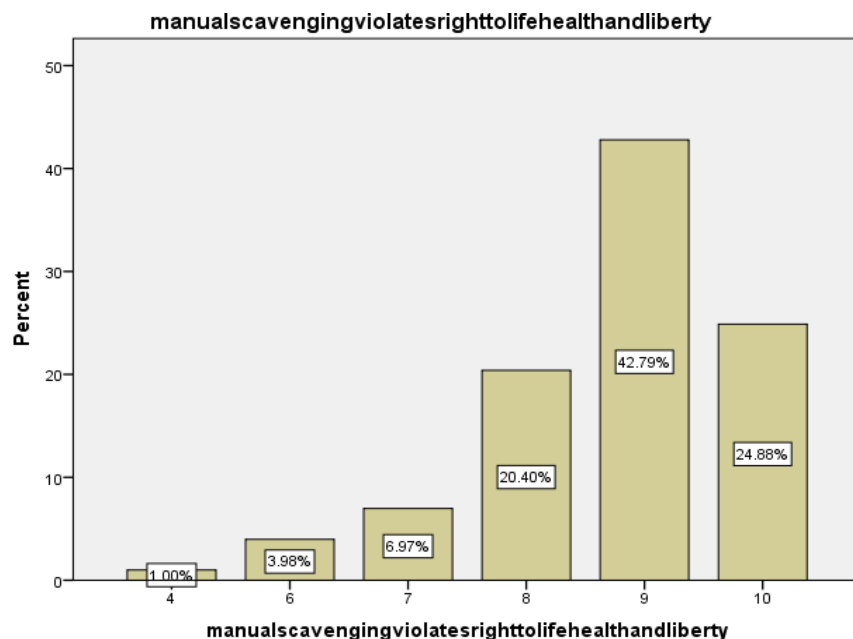
Legend: Fig 7 shows the gender distribution of the respondents and their opinion on whether manual scavenging is a shameful practise targeting a certain section of the society.

Fig:8



Legend : Fig 8 shows the Education distribution of the respondents and their say on whether manual scavenging is not just a problem of technology and financial assistance but also a social prejudice problem.

Fig:9



Legend: Fig 9 shows the respondent's agreeability about whether manual scavenging violates right to life, health and liberty on the rating scale.

RESULTS:

Fig 1: It is found that 51.74% of respondents belong to the age group of 20-30. And 22.39% of the respondents are below 20 years of age. 19.40% of respondents belong to the age group of 30-40. 6.47% of respondents belong to the age group of 40-50.

Fig 2: it is found that 56.22% of the respondents are male and 43.78% of the respondents are females. There are no respondents from other genders.

Fig 3: It is found that 65.67% of the respondents are under graduates. 23.38% of the respondents are high scholars. 10.95% of the respondents are post graduates.

Fig 4: It is found that 31.34% of the respondents work in the private sector. 29.35% of the respondents are unemployed. 28.86% of the respondents work in the public sector. And 10.45%

of the respondents are in the business field.

Fig 5: It is found that 52.24% of the respondents earn between 10, 000-30, 000 per month. 27.36% of the respondents have no income. 11.94% of the respondents earn less than 10,000 per month. 7.96% of the respondents earn between 30,001 to 50,000 per month. And 0.50% of the respondents earn more than 50,000 per month.

Fig 6: It is found that 30.35% of the respondents of age group 20-30, 22.39% of age group below 20 years, 8.46% of the respondents of age group 30 to 40 and 1.49% of the respondents of age group 40 to 50 said yes that caste system plays a major role in manual scavenging. 21.39% of respondents of age group 20 to 30, 10.95% of the respondents of age group 30 to 40 and 4.96% of the respondents of age group 40 to 50 said no to the same.

Fig 7: It is found that 31.84% of males and 12.444% of females have strongly agreed that manual scavenging is a shameful practice targeting one section of the society that is followed in the 21st century. 19.90% of both male and female respondents have agreed. 5.47% of females and 3.48% of males have women stayed neutral. 5.47% of female respondents have strongly disagreed and 1.00% of female respondents have disagreed for the same.

Fig 8: It is found that 31.34% of undergraduates and 11.94% of high schoolers have agreed that manual scavenging is also a social prejudice problem. 25.37% of undergraduates and 5.97% of high schoolers have strongly disagreed. 8.96% of undergraduates, 4.98% of high schoolers and 5.47% of post graduates have remained neutral. And 4.98% of the post graduates have disagreed with the same.

Fig 9: It is found that 32.84% of undergraduates and 3.48% of high schoolers said that rehabilitation and re-integration of manual scavengers is the solution for manual scavenging. 17.41% of undergraduates and 11.44% of high schoolers say that abolishing the stigmatization of community and acknowledging the problem is the solution. 9.45% of undergraduates and 1.00% of post graduates say that more stringent legal provisions should be made. And 9.95% of post graduates and 5.97% of undergraduates say that creating awareness is the solution.

DISCUSSION:

1. The highest number of respondents appear to be of the age group 20-30 and most of them are male and the rest are female (Fig 1). The data analysis also show that the majority of the respondents seem to hold undergraduate degrees and work for the private sector (Fig 3). When the question about whether caste has a major role in the occupation of manual scavenging was asked, majority of the respondents said yes which suggests that a good number of people acknowledge the existence and impact caste system has in assigning certain kinds of labour to certain sections of the society (Fig 6).
2. Majority of them also, irrespective of gender, seem to strongly agree that manual scavenging is a shameful practice which exploits one section of the society that is still being followed in the 21st century and only the least number of people have disagreed with that (Fig 7). When asked the respondents say on whether manual scavenging is not just a problem of technology and financial assistance but also a social prejudice problem, majority of the undergraduates have again strongly agreed which once again suggests that many number of this study's respondents acknowledge the existence and brutal downsides of the caste system because even if technological advancements are made and inventions are found to clean the sewers, it would not be provided as the barrier of social prejudice on the people of so called lower castes(Fig 7).
3. And towards the end, the solution for this shameful, exploiting practice was asked and many of them say rehabilitation and reintegration of manual scavengers is the only way, the next highest number say that abolishing the stigmatisation of the community and acknowledging the problem would be the solution. Subsidiary to the above respondents say that more stringent legal provisions should be made and the least number of respondents say that creating awareness will also help. But all of this has to be taken into consideration to eradicate this dangerous and degrading practice of manual scavenging (Fig 8).

LIMITATION:

One of the major limitations of the study is the sample frame. There is a major constraint in the convenient sampling method, the survey was conducted through questionnaires by google forms to collect responses from the people. Another limitation is the sample size of 200 which cannot be

used to assume the thinking of the entire in a particular country, state or city. Most of the people faced improper network issues.

SUGGESTION:

Manual scavengers are at a double disadvantage. They are members of lower castes and as such, face enormous discrimination in society, and second, are disadvantaged because they are manual scavengers who clean human excreta. The challenge of rehabilitation is urgent, and requires a comprehensive approach that moves beyond expanding income generation or providing loans, to focus on various aspects crucial to secure the future of the next generation of liberated manual scavengers.

CONCLUSION:

It's been 75 years since independence of our country and the mortality rate of people whose cause of death is due to cleaning the feces of his fellow human with their bare hands is an issue to be ashamed of. The elimination of manual scavenging is very much needed. The state and society collectively need to take an active interest and play a great role to address this issue and look into all possible ways to accurately assess and subsequently eradicate this practice. It also requires an engagement of all stakeholders for introducing a complete mechanization and to ensure that it is made available to all those who are forced to involve in this undignified practice. There should also be proper assistance given by the judicial sector too to address this issue. And moreover if the government gets more stringent about the manual scavengers issue this peril targeting a certain section of the society can surely be eradicated.

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