



Untouchability And Its Historic Emergence

Who Are The Untouchables

Why Did They Become Untouchables

When Did They Become Untouchables

Institutionalisation Of Untouchability

Ambedkar's Fight Against Untouchability

The Constitution And Untouchability

Untouchability And Safaikarmacharis

Untouchability Mapped



Untouchability and the Manusmriti

Religions and cultures all over the world have purification ceremonies and rituals. There are occurrences, materials and persons that are considered to be source of impurity. Untouchability is outcome of such theology of purity and pollution. But untouchability in India is a class by itself. It has no parallel to other forms of untouchability seen around the world. In India particular communities are deemed to be permanently polluting and untouchable by birth till death. It is hereditary and intergenerational. Particular communities are deemed to be untouchable and isolated and segregated. They are kept in occupations, considered to be dirty, unclean and polluting. The most visible untouchability in India is manual scavenging that occurs in its different forms by the practice of engaging a person from a particular (untouchable)

community to clean human excreta with bare hands from latrines, open drains, railway tracks, open defecation, septic tanks and sewerage drains.

Untouchability in india is due to the caste system and is based on the impurity of a person by birth into a particular caste. The Hindu religious literature – vedas and smritis have detailed and established the varna (caste) system, giving a lot of focus on purity, impurity and pollution for the three twice born castes.

The Manusmriti also known as the Manava - Dharma- Shastra, is a code of laws for the Hindus in Sanskrit between the second and first century BCE. It is said to be the words of Manu (considered to be the hindu law giver). It explains the birth of people into the four castes of brahmin, kshatriya, Vaisya and Shudra. The manusmriti also details the obligations, rules

and regulations for the four castes, men and women. The manusmriti is set in verse in 12 sections that pertain to the Hindu way of life with a strong emphasis on purity and pollution.

Verse 5.84 of the manusmriti states, “After having touched the Cāndāla, the menstruating woman, the outcast, the woman in child-bed, the dead body, or toucher thereof—one becomes pure by bathing” “chandala” is a Sanskrit term for a person who disposes corpses and animal carcasses and does physically or ritually polluting work.

Section 10 of the manusmriti details the castes, sub castes, their duties and functions. It names the four castes, their ‘purely legitimate progeny’ and the mixed castes.

Verse 10.3: “the brahmana is the lord of the castes on account of his distinctive qualities, of the superiority of his origin, of his observance of restrictive rules, of the peculiar character of his sanctification” This explains the caste system that is prevalent even in the present day and places the brahmin male at the top of the social hierarchy.

Verse 10.4: “The brahmana, the kshatriya and the Vaisya are the three twice born castes; the fourth is the one caste, sudra; there is no fifth caste (pancamah)” The manusmriti categorically denies a fifth caste. But, in the same section, the manusmriti also prescribes names and rules for persons by the birth of mixed castes.

Verse 10.12: “from the Shudra and the brahmana maiden are born the chandala- the lowest of men”

The same section in the following verses state that the progeny of the mixed castes with the four castes and their own mixed castes are aliens and details their habitation, dress and other functions.

Verse 10.51: “the dwelling of candalas and svapacas shall be outside the village, they shall be made APapatra and their wealth shall consist of dogs and donkeys

Verse 10. 52: the clothes of dead bodies shall be their dress; they shall eat in broken dishes; their ornaments shall be of iron, and they shall be constantly wandering

Verse 10.53 one who follows the law shall not seek intercourse with them; their transactions shall be among themselves and their marriages with their equals

Verse 10.54: their food should be given to them, through others, and in a broken dish; they shall not wander about in villages or cities during the night.

Modern scholarship has pointed out, that different manuscripts of the manusmriti have been discovered in India and that they do not correlate with each other. However, the caste system, untouchability and segregation that Dalits especially the safaikarmacharis are experiencing even today matches with the description in the Manusmriti.



Dr. B.R. Ambedkar's writings:

The untouchables who were they and why they became untouchables

Ambedkar's ideology of equality, liberty and fraternity is evident in all his writings and speeches. In the mission of his life to annihilate caste and eradicate discrimination he undertook extensive research and study on untouchability. He studied discrimination and untouchability through the lens of his own lived experiences of untouchability. He studied, reviewed and analysed the vedas and shastras of the hindu religion, the ancient and primitive cultures around the world and the books of several authors on the subject, and wrote the book 'The Untouchables Who Were They and Why they Became Untouchables'.

In his book he links the theories, facts and evidences found in his research of the various literature and puts forth a new theory on the origin of untouchability.

At the outset he states the basis of untouchability as the "notion of defilement, pollution, contamination and the ways and means of getting rid of that defilement".

He examined and found that primitive societies across the world, believed in the notion of defilement and held the sources of pollution to be:

- The occurrences of events of birth, initiation, puberty, marriage, cohabitation and death. "The worst form of pollution being death".
- Contact with certain things – Ambedkar has given the example of the toda tribes who secured the ceremonial purity of the sacred buffalo and the vessel containing its milk can only be touched by an ordained person.

- Contact with certain persons – Ambedkar uses the example of African tribes and the ceremonial purity of the tribal chief who should not be touched by an inferior.

Along with the notion of defilement primitive society had developed purificatory ceremonies to remove pollution and impurity with blood or water or transfer by touching another already defiled person.

From his survey of the ancient societies of Egyptians, Greeks, Romans and Hebrews, Ambedkar finds that though there were differences in the sources of pollution and purification ceremonies, the pattern of pollution and purification in both primitive and ancient societies were the same. He concludes that there were “no people primitive or ancient who did not entertain the notion of pollution”.

From his study of untouchability among Hindus, Ambedkar states, ‘in the matter of pollution there is nothing to distinguish the Hindus from the primitive or ancient peoples’. Manu has laid out both physical and notional pollution in the Manusmriti. Hindus believe in pollution and Hindus hold birth, death and menstruation to be the sources of pollution.

Ambedkar’s points out that

the Manusmriti states that the king (kshatriya), is exempt from impurities along with those he chooses to be exempted. But Manu sets the brahmin man above all as the supreme and ever pure. Only Brahmins can be polluted in ways that non brahmins cannot be. Moreover, the pollution is both real and notional. It makes even the food from a polluted person to be polluting and has a prescribed duration of a pollution period. The hindus believe in three kinds of pollution – Physical pollution, notional

or phsycological pollution and ethical pollution (evil thoughts), the last of which is purified with warnings. Water, earth, cow urine, grass and ash is prescribed for the purification of physical and notional pollution. Like the ancient people of other parts, the hindus also follow territorial and communal purification. Ambedkar narrates the purification

ritual of the annual jatra in every village.

“A he buffalo, is purchased on behalf of the village. The animal is taken round the village and is sacrificed, the blood is sprinkled round the village and towards the end the meat is distributed among every Hindu. Every brahmin even though he may not be a beef eater is bound to accept his share of the meat. This ritual is not in the smritis but it has become a custom which for the hindus overrides the law”.

Every brahmin even though he may not be a beef eater is bound to accept his share of the meat. This ritual is not in the smritis but it has become a custom which for the hindus overrides the law

But the untouchability among the hindus differs from the ancient and primitive societies in the “hereditary untouchability of certain communities”. Ambedkar gives the list of the schedule of 429 communities issued by the government of india in 1935 deemed to be the untouchable communities. He found untouchability among hindus unparalleled in the world with such a large section of the population being made untouchables.

The differences in the untouchability among Hindus found by Ambedkar:

1. “Untouchability among non-hindus is not rational but restricted to isolation during certain events of birth, death and menstruation. Among hindus there is no cause or reason for this untouchability and isolation.
2. Pollution and untouchability in the primitive and ancient societies was temporary for a period and removed with purification ceremonies. But for the untouchables the impurity is permanent from birth till death. “The Hindus who touch them and become polluted thereby can become pure by undergoing purificatory ceremonies. But there is nothing which can make the Untouchables pure. They are born impure, they are impure while they live, they die the death of the impure, and they give birth to children who are born with the stigma of Untouchability affixed to them”.
3. Non-Hindu societies with belief in



pollution, isolated the individuals and those closely connected with the affected person. But the Hindus isolated and segregated entire communities of persons.

4. Non-Hindu societies only isolated the affected individuals. But the Hindu societies have segregated entire communities with different living habitats denying any sort of social or physical interaction with them. “It is not a mere stoppage of social intercourse for a temporary period. It is a case of territorial segregation” even using a wall to cordone off the untouchables. Every Hindu village has a colony (ghetto) where the untouchables live.

Having established that though there is some form of pollution and ritual purification in all societies – primitive, ancient, non-hindus and hindus, Ambedkar goes on to analyse the features of untouchability among the hindus and the timeline when untouchability emerged.

Who are the untouchables and when did they become untouchables



A passage in the manusmriti reads that “there are only four castes and there is no fifth caste”. Ambedkar interprets it as settling a controversy of a fifth class. With this passage, manu excludes a fifth class from the varna system. But since the manusmriti does not explicitly narrate or describe untouchability, it can be assumed that untouchability had not yet emerged at this time.

Ambedkar points to an important ‘epoch making event’ in history to set the time of the manusmriti. In 185 BCE the brahmin commander in chief Pushyamitra Sunga murdered the last Mauryan king Brihadritha Maurya and establishes the brahmin Sunga kingdom. Ambedkar sees this as a bloody political revolution engineered by the brahmins to overthrow the buddhist kings. “Triumphant Brahmanism wanted a sacred text, infallible in its authority, to justify their transgressions. A striking feature of the Manu Smriti is that it not only makes Chaturvarnaa the law of the land, it not only makes animal sacrifice legal but

it goes to state when a Brahmin could justifiably resort to arms and when he could justifiably kill the King” So the manusmriti became the new smriti to strengthen and justify the deed of Pushyamitra. “This interconnection between Pushyamitra and the new thesis propounded by Manu shows that the Manu Smriti came into being some time after 185 B.C”

Ambedkar uses the dates of the visits of the Chinese buddhist scholars to India to determine the date when untouchability emerged. He observes that FaHien came to India in 400 AD but his memoirs only describe the chandalas as wicked people living outside the village. Fahien’s narration does not describe the conditions of untouchability but that of extreme impurity imposed by the brahmins. Ambedkar observes that this was the period of the revival of the Brahminism under the Gupta kings. But Xuanzang’s writings of his visit to India in 629 AD states, “Butchers, fishermen,

public performers, executioners, and scavengers have their habitations marked by a distinguishing sign. They are forced to live outside the city and they sneak along on the left when going about in the hamlets". Ambedkar concludes with the observation,

"Fa-Hian's description refers to the Chandalas only while the description given by Yuan Chwang applies to communities other than the Chandalas.. It is, therefore, just possible that when Yuan Chwang came to India, Untouchability had emerged. On the basis of what has been said above we can conclude that while Untouchability did not exist in 200 A.D., it had emerged by 600 A.D."

Ambedkar states that beef eating is the root of untouchability. He points out that Manu did not prohibit the killing of the cow and beef eating. In the reference to the 52 claim of rights that mahars made to the king of Bidar including the right to a dead animal indicates that beef eating was common. The settled community were wealthy with agriculture and cattle. It was a common practice to kill cattle for food. They made products with skin and the bones from a dead cow. But the broken men had no wealth or cattle. They could not afford fresh meat and had to depend on the settled community for their livelihood and food. Since part of their work in return for food and shelter was to carry away the carcass of a dead animal, they ate the meat of the dead cow as it was the only means for their sustenance.

The struggle for supremacy between the buddhism and Brahminism is a part

of Indian history. Buddhism was a major religion in India during the period of Ashoka and Brahminism was weak. The ahimsa philosophy of Buddhism against animal sacrifice in general, was honored and respect among the people, but they did not pass a law against it. The strategy to gain supremacy and public favour was to counter and better the buddhism philosophy and actions, with alternate actions along the same lines. So, the brahmins took to vegetarianism and made the cow sacred.

All the smritis have that the killing of a brahmin as a major sin. The Gupta kings in the 4th century were patrons of Brahminism and made killing of the cow a capital offence. From this point killing a cow came to be on par with killing a brahmin. Beef eating was outlawed as a sin. Ambedkar states that it is evident from the hindu literature that at one time beef eating was common to all. When the Gupta kings made the killing of a cow an offense, it became a sacrilege to eat beef. Beef eating which was a secular matter till then became a religious sacrilege. Untouchability got established, when the broken men continued to eat beef, as they ate the meat from a dead animal which they would have removed from the village as part of their duty, without having killed it.

Ambedkar determined that, "Untouchability was born some time about 400 A.D. It is born out of the struggle for supremacy between Buddhism and Brahmanism which has so completely moulded the history of India"

Why do untouchables live outside the village?

Ambedkar's theory is that untouchables always lived outside and when the stigma of untouchability developed they were prohibited from living inside the village. Next, he analysed from sociological studies that when primitive tribal society evolved to a modern territorial society, nomadic communities became settled communities owning land and cattle. In the process of the evolution the nomadic communities faced confrontations, with already settled communities. There were conflicts and war over 1) stealing cattle, 2) stealing women 3) grazing of cattle in the pastures of other tribes. The defeated tribe was broken, divided and scattered. The members of such defeated tribes became the broken men. At some point an arrangement developed between the broken men and the settled communities, that the broken men will live at the periphery of the village formed by the settled tribe and guard them against raids by hostile tribes in return for food and shelter. Since the broken men belonged to different tribes and different blood, they were considered to be aliens and not allowed into the area occupied by the settled tribe. They were made to live in isolated, separate spaces outside the village. Ambedkar made inquiries and learnt that the totems of the untouchables



are different from the totems of the Hindus in the same village. He determined that untouchables were previously broken men who belonged to a tribe different from the 'settled' tribe in the village.

Ambedkar studied the parallel cases of broken men in Ireland and Wales. He realised that in all other parts of the world the broken men became part of the settled tribe and the separate quarters disappeared. This is due to the fact that in the process of evolution, intermarriages over several generations resulted in integration and the broken men got absorbed into the settled tribe.

This did not happen in India. The notion of untouchability created a permanent difference between the tribesmen and non-tribesmen as touchables and untouchables. Ambedkar illustrates with the mahars in Maharashtra. "Mahar lived outside the wall of every village claiming 52 rights from the Muslim king of Bedar in exchange for guarding the village. The most important of these were – 1. Right to collect food from the village, 2. Have corns from each village after the harvest, 3. Consume villager's dead animals' flesh etc. Ambedkar's research had shown that the broken men belonging to another tribe lived at the periphery being declared as untouchable and remained untouchable forever".

Institutionalisation of Untouchability

When the East India Company came as a trading company in 1600, the caste hierarchy and untouchability were firmly established with segregated habitats and occupations. The East India Company expanded their trade with factories and established courts in areas where they had factories. The British relied on ancient texts like the Manusmriti to compile the laws and codes. Courts supported caste groups to claim exclusiveness and restricted temple entry to particular castes. Courts even gave damages to conduct purificatory ceremonies of 'polluted' spaces. It became a criminal offense if a person of lower caste knowingly polluted a temple by his presence.

"William Jones, appointed judge of the Supreme Court at Calcutta in 1784 was a translator of Indian Sanskrit texts into English. He translated the Manusmriti into English. The English translation titled "Institutes of Hindu Law or the Ordinances of Menu", was published after his death in 1796 with an introduction that the "Manusmriti or laws of Manu is an important statement of Hindu law..... and

Courts even gave damages to conduct purificatory ceremonies of 'polluted' spaces. It became a criminal offense if a person of lower caste knowingly polluted a temple by his presence.

important (and somewhat controversial) source of information about the caste system and status of women". This translation version of the Manusmriti influenced the legal system of the East India Company.

The census of India, under the British rule, has collected and published every 10 years from 1870 the social and religious information of the population. There was a column for population by religion by Hindu, Muslim, Christian, Sikh etc. But in 1910 it divided the Hindus into 3 categories: (i) Hindus, (ii) Animists and Tribal, and (iii) the Depressed Classes or Untouchables based on the following 10 statements

- 1) Deny the supremacy of the Brahmins.
- 2) Do not receive the Mantra from a Brahmin or other recognized Hindu Guru.
- 3) Deny the authority of the Vedas.
- 4) Do not worship the Hindu gods.
- 5) Are not served by good Brahmins as family priests.
- 6) Have no Brahmin priests at all.
- 7) Are denied access to the interior of the Hindu temples.
- 8) Cause pollution (a) by touch, or (b) within a certain distance.
- 9) Bury their dead.
- 10) Eat beef and do no reverence to the cow.

Institutionalising Manual scavenging



During the British period, the administration established official positions/posts for manual scavenging at institutions of national significance, hence institutionalising and formalising this practice among the Dalit community. The entities included under this framework consist of municipalities, the military, railway systems, civil tribunals, and industrial establishments, which specifically engaged the services of individuals belonging to the Valmiki or Mehtar communities for this purpose. The Kolar gold fields, located in present-day Karnataka, were among the first sites to use dry latrines by the British. In order to carry out the cleaning tasks, migrant scavengers from Andhra Pradesh, who were of Telugu descent, were engaged in this inhumane profession (Ramaswamy, 2005a). During this period, J. H. Hutton calculated the total number of scavengers from all castes in India while conducting the survey for the 1931 census. In total, 19,57,460 scavengers were found out of which 9, 18,782 and 10, 38,678 belonged to the category of women and men

respectively (Hutton, 1931)'

(source: *From Shadows to Spotlight: Unveiling the Saga of Manual Scavenging in India*. Rupkatha Journal, Volume 16:2 2024)

In recent surveys taken by Safai Karmachari Andolan it was found that the persons engaged in sanitation work currently, are all from the scheduled caste communities. Their forefathers from three to four generations before, either migrated due to distress or were brought from their villages by the government to the municipalities and corporations for manual scavenging. Their children and grandchildren and great grandchildren now live in the same houses in the urban slum settlements on land owned by the governments – cantonment land, municipal and corporation land. These slums are segregated with the stigma of untouchability. All the adult members in these slums are employed by the local government either through contract or daily wages. A negligible few have permanent employment with the government. All those who were killed in septic tanks and sewer holes are from these slums.

Dr. B.R.Ambedkar's fight a



- ▶▶ In 1919 during the drafting of the Government of India Act, Ambedkar argued before the committee for separate electorates and reservations for the untouchables
- ▶▶ In 1920 he started the Mooknayak weekly paper and published his views and stand on the freedom, equality, evils of untouchability and education of the untouchables.
- ▶▶ 1927 – Ambedkar led many rallies against untouchability for opening public water sources to the untouchables and temple entry.
- ▶▶ On December 25, 1927 he publicly condemned the manumriti at a



t against untouchability

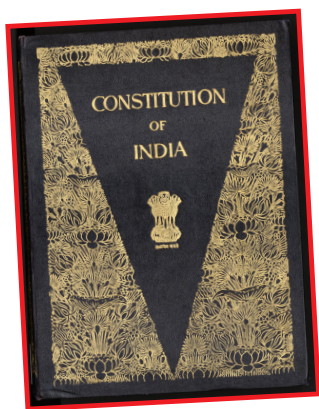
mass meeting, for its ideology on caste and untouchability, and ceremoniously burnt copies of the hindu text. Every year, 25 December is celebrated as Manusmriti Dahan Din (Manusmriti Burning Day) across India.

- ▶ On March 3 1930 Ambedkar led the largest protest action of 15,000 outside the kalaram temple in Nashik to demand entry. The Bombay government imposed Article 144 of the Code of Criminal Procedure around the temple to restore public order
- ▶ On 9 April 1930, Ram Navami day, the dalit protesters tried to stop the

temple ratha yatra. A fight began between the caste groups and the Dalits. Ambedkar and other protesters suffered minor injuries. This Kalaram Temple satyagraha as it is called today continued till 1935.

- ▶ On 24 september 1932 Ambedkar signed the poona pact that negotiated for 147 electoral seats reserved for the scheduled castes after a long and bitter struggle with Gandhi who went on a fast against the communal award that extended separate electorates to the depressed classes.
- ▶ “I will not die as a person who calls himself a Hindu” Ambedkar said in a speech in Yeola, India on October 13, 1935.
- ▶ In 1948 as the chairman of the Constitution Drafting Committee, Ambedkar ensured that the Constitution of India banned the practice of untouchability with article 17: Prohibition of untouchability
- ▶ On 14th October 1956 Ambedkar led a ceremony for more than four lakh supporters converted to buddhism and adopted 22 vows renouncing Hinduism and faith in Hindu Gods and to believe in the equality of all men and establish equality.





The Constitution of India.

Article 17. Abolition of Untouchability.

“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law”.

As the Chairman of the Drafting Committee, Dr. B. R. Ambedkar ensured that the Constitution guaranteed justice, liberty, equality, and fraternity for all citizens. Above all and most importantly, he ensured the Abolition of Untouchability as a constitutional guarantee.

Draft Article 11, for the abolition of untouchability (Article 17, Constitution of India 1950) was debated on 29 November 1948 in the Constituent Assembly. One member proposed an amendment to clarify the definition of the term, explicitly making it applicable to caste and religion-based untouchability. Another member supported the amendment, stating that the Draft Article could be interpreted as prohibiting the government from regulating the quarantine of individuals with communicable diseases if the term “untouchability” was not properly defined. Despite these concerns, the Assembly rejected the proposed amendment, and the Draft Article was adopted on the

same day. The Assembly unanimously supported the Draft Article.

During the course of the debate two dalit members of the assembly raised the following points:

Dakshayani Velayudhan: “The working of the Constitution will depend upon how the people will conduct themselves in the future, not on the actual execution of the law. So I hope that in course of time there will not be such a community known as Untouchables and that our delegates abroad will not have to hang their heads in shame if somebody raises such a question in an organisation of international nature”

Mono Mohan Das: “Last of all, I cannot resist the temptation of saying a few words about our great and eminent Law Minister and Chairman of the Drafting Committee, Dr. Ambedkar. It is an irony of fate that the man who was driven from one school to another, who was forced to take his lessons outside the class room, has been entrusted with this great job of framing the Constitution of free and independent India, and it is he who has finally dealt the death blow to this custom of untouchability, of which he was himself a victim in his younger days”.



The Fundamental Rights to Equality and Freedom

14. Equality before law.

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—
- (a) access to shops, public restaurants, hotels and places of public entertainment; or
 - (b) the use of wells, tanks, bathing ghats,

roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

16. Equality of opportunity in matters of public employment.

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

17. Abolition of Untouchability.

“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

21. Protection of life and personal liberty.

No person shall be deprived of his life or personal liberty except according to procedure established by law.

21A. Right to education.

—The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.] 22. Protection against arrest and detenti

Laws enacted against Untouchability

Protection of Civil Rights Act 1955
(Untouchability Offenses Act amended)

The Untouchability offenses act which was limited in defining the offenses was amended in 1976 and renamed the Protection of Civil Rights Act 1955. In the 1976 amendment, discrimination on the basis of untouchability was also brought under this Act

“An Act to prescribe punishment for the 2 [preaching and practice of “Untouchability”] for the enforcement of any disability arising therefrom and for matters connected therewith”

This act prescribed punishments for the following offenses

1. Enforcing religious disabilities: prevention religious places and services
2. Enforcing social disabilities: Preventing access to shops, hotels, entertainment, livelihoods, education etc
3. Refusing to admit person to hospitals
4. Refusing to sell goods or render services.
5. Other offences arising out of “untouchability” – causing physical, verbal injury including boycott and insults .
6. Unlawful compulsory labour when to be deemed to be a practice of “untouchability” : Whoever compels any person, on the ground of

“untouchability”, to do any scavenging or sweeping to remove any carcass or to flay any animal, or to remove the umbilical cord or to do any other job of a similar nature shall be deemed to have enforced a disability arising out of “untouchability”.

The act prescribed punishments of one to six months imprisonment and fine of one hundred to five hundred rupees. It also prescribed the cancellation and suspension of any grants, awards and licenses made by the government.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (POA)

The parliament of India passed a new legislation in 1989 to explicitly prevent offences against the scheduled communities by members of non-scheduled communities, that would set up speedy justice, monitoring, accountability, relief, and rehabilitation mechanisms. The 1989 Act and 1995 rules underwent substantial amendments in 2013, 2014, 2015, 2018, and 2019 to include vigilance and monitoring committees, enhance relief and rehabilitation and expand the definition of atrocity. Manual Scavenging is defined as an atrocity under the act

The Prohibition of Employment As Manual Scavengers & Their Rehabilitation Act, 2013

The Preamble states,

“An Act to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto.

Where as promoting among the citizens fraternity assuring the dignity of the individual is enshrined as one of the goals in the Preamble to the Constitution;

And whereas the right to live with dignity is also implicit in the Fundamental Rights guaranteed in Part III of the Constitution;

And whereas article 46 of the Constitution, inter alia, provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation;

And whereas the dehumanising practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging;

And whereas it is necessary to correct the historical injustice and indignity suffered by the manual scavengers, and to rehabilitate them to a life of dignity”.

“manual scavenger” means a person engaged or employed 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, and the expression “manual scavenging” shall be construed accordingly.

The Act mandates

1. Local authorities to survey insanitary latrines and provide sanitary community latrines.
2. Prohibition of insanitary latrines and employment and engagement of manual scavenger.
3. Identification of manual scavengers in urban and rural areas and their rehabilitation
4. Implementing authorities
5. Procedure for trial
6. Vigilance committees
7. Every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of excreta in the process of their cleaning.

Safaikarmachari communities and untouchability

Segregation and Isolation: safaikarmachari communities live in segregated and isolated habitats in slums, ghettos and bastis. Their settlements have lesser access to water, sanitation, health care, education, market and other public services. Their settlements are marked with names of their occupation or community. Eg: thoti colony, bhangi colony, balmiki colony etc.

The habitations of safaikarmachari communities are next to and very close to the garbage dumps or sewage drains of the city or towns. Their homes are filled with the stench all the time.

Denied entry into temples, Residences and hotels: Safaikarmacharis are not permitted into temples and private hotels and residences. Safaikarmacharis have expressed in surveys and interviews that when they go to clean latrines or clear garbage, they have to use separate entrances.

Served with separate vessels for water and food: If safaikarmacharis ask for food and water in the course of their work they are given water or food in separate vessels that is either disposable or have to leave it at a distance which is then taken back after the ritual sprinkling of water.

Avoiding physical contact: Safaikarmacharis are identified by their clothes (uniform) and the general population avoids contact with them. When they walk on the street the other people cross over to the other side to avoid them. This was expressed by the safaikarmacharis in focussed group discussions

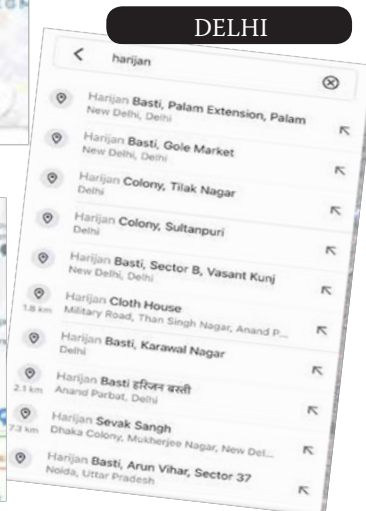
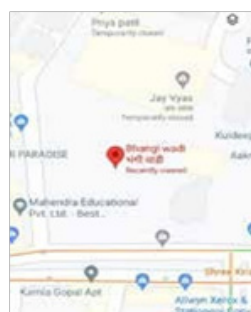
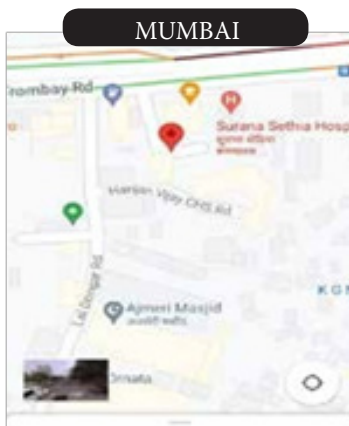
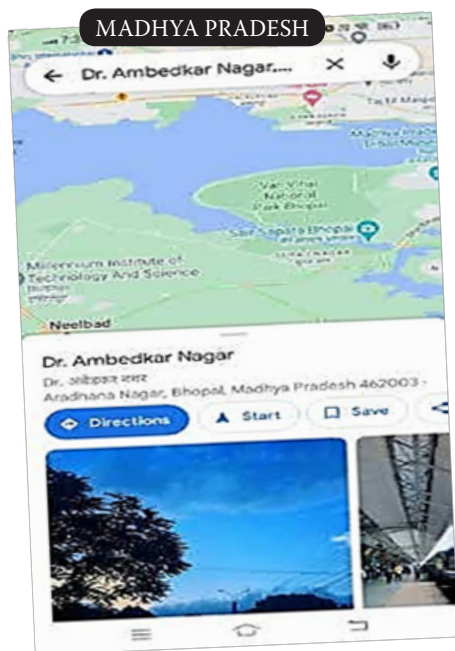
Sanitation work is by descent: In the surveys it was found that the respondents are third or fourth generation in the same occupation

Perpetrator impunity: There are laws and fundamental rights prohibiting manual scavenging. But till date there is zero implementation of the laws and fundamental rights.

Social and economic boycott: Any efforts to seek employment or livelihoods other than scavenging is met with stiff resistance. There are government advertisements for sanitation workers or sewerage workers only from the particular designated community by the caste system. When women try to initiate alternate livelihoods with selling food they are boycotted

Death due to occupational causes: life expectancy of the safaikarmacharis is much lesser than the national average. The causes of death are asphyxiation in sewer and septic tanks, respiratory diseases like TB, gastro intestinal diseases like cholera etc. linked to their physical contact with human excreta.

It is an irony that using the same modern and global technology we are putting the shame of untouchability on the map.



Untouchability Mapped

The derogatory term, - ‘Scavenger’ was the name used in India by the government, for persons in ‘unclean occupations’ even after independence and the abolition of untouchability. This derogatory term is still commonly used by the general population. The derogatory names in the local language are thoti and paaki in the south and bhangi in the north and still widely used by dominant caste population, in local languages in different parts of the country. All persons engaged in sanitation work (scavenging) across the country are scheduled castes (Dalits/ untouchables). They live in segregated slums and bastis marked by the

names – thoti colony, bangi street, scavenger colony etc. or they are called by particular names that indicate the outcaste status or the scavenging occupation of the inhabitants – balmiki, harijan, mehtar, Ambedkar, SC, municipal quarters, cheri etc. Every village in India is segregated. The scheduled caste communities live separately on the outskirts of villages and in bastis/ slums in urban areas. The segregation is also the occupations of the community. The dominant caste population of the city, town or village do not have any social, economic or cultural interaction with the communities living in these segregated habitats.

This publication was produced with co-funding from the European Union. Its contents are the sole responsibility of Safai Karmachari Andolan and do not necessarily reflect the views of the European Union.

The Vision

“We shall struggle and build solidarity to reclaim our dignity, equity and human personhood. Through eradicating manual scavenging we will break the link imposed by the caste system between birth and dehumanizing practice”

SAFAI KARMACHARI ANDOLAN



सफाई कर्मचारी आंदोलन

36 / 13, ग्राउंड फ्लोर, ईस्ट पटेल नगर, नई दिल्ली ☎: 011-25863166
www.safaikarmachariandolan.org skandolan@gmail.com



European network on
debt and development