

From a Wretched Past to an Uncertain and Undignified Future: The Open Secret of Manual Scavenging in India

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Abstract

India promises liberty, equality, justice and fraternity with dignity of life through the Constitution to every citizen without any discrimination. However, a particular section of society has been deprived of these promises due to their birth, gender and occupation. This section happens to be part of the generically termed 'Dalits' who are the lowest of the lower castes among the Hindus. They are known as manual scavengers who carry human excreta and clean dry latrines, sewers, and septic tanks more often with bare hands. This practice of manual scavenging is involuntary in nature. The scavengers not only suffer from extreme forms of social exclusion but also gross violations of human rights and dignity. However, ironically, despite several efforts as well as denial of its existence by the government, this inhuman practice still continues to exist in India. In fact, it has given birth to a new subtle form of untouchability which is an anathema to the constitutional promise. Therefore, the main aim of this article is an investigation of the nexus between caste and occupation. This article, in fact, suggests that for the annihilation of this practice, there is the need for an inclusive approach and overall behavioural change.

Keywords

Caste, social exclusion, untouchability, Dalit, manual scavenging

Introduction

'Incredible India', 'Shining India', 'New India', 'Largest Democracy with the longest written Constitution', are the some of the oft-used epithets by which India aspires

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to be known in the world. It also claims to espouse the philosophy of Vasudhaiva Kutumbakam. Be that as it may, India acquired its identity through its modernist living document titled “The Constitution of India” which promised a future based on the values of liberty, equality, justice and above all fraternity, to all citizens. In consequence, it assures the dignity of every individual. This promise has, however, not entirely materialized in the last seventy years of India’s independence as a historically marginalized section of society is being deprived of this constitutional promise because of their birth, occupation, and gender (Chakravarti, 2012). This particular section is known by the rubric ‘Manual Scavengers’.

The practice of manual scavenging is mainly due to the continuation of the hierarchical and hereditary-based caste structure of India, which is involuntary in nature (Government of Maharashtra, 1990). They are discriminated and deprived in every sphere including social, economic, educational, cultural, religious, and political. Their location itself in the mainstream is considered so impure that they are forced to live outside villages, not allowed to go to temples, shops, bathing ghats and access other basic services. Even after death they are not allowed to cremate the body in the graveyard. It can therefore be said that the stigma a manual scavenger faces, begins from his/her mother’s womb and remains even after death. Considering the precariousness of the life condition of these people, any sort of remediation of their life’s situation depends largely on the recognition of who they really are.

Who are the Manual Scavengers?

The answer to the question as to who is a manual scavenger is mainly drawn from official government documents. It took over four decades for independent India to come out with a formal definition of the idea of manual scavenging. For it was only in 1993 that The Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, gave a definition of who is a manual scavenger albeit a narrow definition. As per this Act, a manual scavenger is ‘a person who is engaged in or employed for manually carrying human excreta’ (The Act, 1993). After exactly two decades, this definition was expanded in 2013 with the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act whereby a manual scavenger refers to “a person engaged or employed on a regular and frequent basis by an individual or local authority for disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which human excreta from insanitary latrines is disposed of, or on a railway track, before the excreta fully decomposes” (The Act, 2013). However, as argued above, it is well known that manual scavengers are, invariably, drawn from a group of people popularly known as the Dalits, who were/are considered as the lowest of the low castes within the caste system in India. They are known by different names in different states in India, for example, Bhangi, Balmiki, Mehtar, Hadi, Dom, Thoti, Chachati, etc. (Ravichandran, 2011). In fact, it is in this disgraceful occupation that the ugly intersectionality of caste and gender is prominently noticeable.

The Varna system under the Hindu social order divides Indian society among the Hindus into four categories, namely, Brahmins, Kshatriyas, Vaishya and Shudras and based on their birth into any one of these, an individual is assigned specific duties and roles in it. In other words, in the Indian social structure, occupation forms the core of the social, political, economic and ritual relationship (Singh, 2020). Needless to say, this system authorizes that the Brahmin's job is to conduct prayers, Kshatriyas to be rulers, the Vaishyas to do business and the Shudras responsibility is to provide services to the upper three castes. However, there is a hapless category of people known as the Untouchables or Outcastes or Dalits who fall outside this four-fold categorization of Hindu society. They are assigned the worst and most degrading works like pig rearing, butchering, skinning of dead animals, manual scavenging and other so-called 'dirty works' of society. Thus, it is incontestable that the purely caste-based work of manual scavenging is the most inhumane and degrading activity one can think of. More perniciously, rather than simply remaining an occupation, a social identity is forced upon those who are made to do this humiliating work. Therefore, there remains an inalienable relation between caste and occupation as far as the Dalits doing such demeaning work and thereby making nonsense of the popular claim that there does not really exist caste-based occupation in the India of today.¹ In fact, society itself believes strongly that the Dalits are born to do a large number of unclean occupations despite the Constitution and laws prohibiting caste-based practices. Undoubtedly, due to enormous social and economic compulsions, the Dalit people are compelled to not leave these undignified occupations.

Having said so, however, it needs to be underlined that as far as the work of manual scavenging is concerned, not all the sub-castes that fall under the broader category of Scheduled Castes or Dalits do this work. Manual scavenging, therefore, is a sub-caste based occupation. That is to say, it is fair to say that all the people who are known as the Dalits are not manual scavengers but it is for sure that all those people who do manual scavenging are necessarily Dalits. This certainly is in expected lines considering the truism of the Indian caste system being one based on graded inequality and hierarchy. Therefore, there exists a hierarchy within the different sub-castes that falls under the category of Scheduled Castes as some are engaged in relatively clean occupations like fishing, cleaning clothes, barber, etc., who actually enjoy better social status. On the other hand, there are other sub-castes engaged in so-called unclean works like manual scavenging, skinning of animals, butchery and so on. It may not be wrong, therefore, to say that sub-castes who do these 'dirty' works are exploited not only by the so-called upper castes but they also face the wrath of other sub-castes among the Dalits.

However, despite the existence of data (from both government and civil society) about the number of people engaged in the practice of manual scavenging, yet there is hardly any data available on the specific sub-castes among the Scheduled Castes who

¹It is interesting to note that priesthood is one of the glaring examples of occupations sanctioned by the caste system as it is an occupation which is socially and culturally reserved for the Brahmins.

are engaged in it. In fact, most data about manual scavengers generically mentions them as Dalits without specifying their sub-castes. Additionally, people engaged in manual scavenging have different caste nomenclatures in different states of India. What is common to all of them however is that these communities are regarded to form the lowest strata within the category of Dalit. In fact, the very names of these sub-castes are unabashedly casteist and highly derogatory. For example, in north India, they have different names like Bhangi, Balmiki, Chuhra, Halalkhor, LalBegi, Mehtar, Mazhabi, etc. In east India, they are known as Dom, Har, Hadi, Hela, and Sanei, etc., and Mukhiyar, Thoti, Arundharthiyar, Chachati, Pakay, Dravidar, Relli, etc., are in south India. In west and central India, they are known as Mehtar, Bhangias, Halalkhor, Ghasi, Olgana, Zadmali, Barvashia, Metariya, Jamphoda and Mela, etc. (ILO, 2014).

Patriarchy and Manual Scavenging

Besides caste, patriarchy is also a major factor in manual scavenging. The majority of manual scavengers happen to be women who have no other option but to inherit this despicable job from their mothers/mothers-in-law. Though there is no government data on the number of female manual scavengers, but surveys conducted by different organizations like Human Rights Watch 2014, Rastriya Garima Abhiyan 2011, India Exclusion Report 2019-2020, Sulabha International and others reveal that over 90 per cent are women manual scavengers. Further, this number is high among young married women. In general, households with dry latrines prefer women to clean the excreta. One major reason for the concentration of women in manual scavenging occupation is the traditional Jajmani system, i.e., ownership rights to clean a select number of dry toilets, which ties generations of women to the job of manually cleaning the dry latrines in the village (BARTI). Thus, manual scavenging, where the Dalits and, particularly, women among Dalits are forced to carry human excreta and clean dry latrines, sewers, septic tanks more often with bare hands, is an occupation which has its origin/root from the caste and patriarchy system in India (Chakravarti, 2012).

In general people also prefer to hire women as they find women doing the manual scavenging work at their homes works out to be more convenient and beneficial for them. Their work gets done in exchange for some used clothes, leftover food or a few rupees. In fact, there are numerous instances where women manual scavengers were given as little as Rs. 10-20/- (Singh, 2020). Moreover, these women do not have the option of exercising their agency to refuse the work. If at all they do so, they have had to face the wrath of people, both from their own community as well as outside. In fact, research done by Human Rights Watch (2014) shows that whenever women from these communities refused to do manual scavenging work they have been subjected to hatred, violence and social boycott. As such, there is persistent pressure exerted on these women from their families, village, and community to continue this generational inhuman practice. A study conducted by R. Singh and Ziyuddin (2009) poignantly shares the story of women manual scavengers in Ghazipur, Uttar Pradesh where some women tried to challenge their social and economic status by changing their

jobs. In effect, because of their 'act of defiance', due to a social boycott and lack of support from both private and governmental agencies they were forced to return to their original profession. Also, women who gathered the courage to quit are not left with any other viable livelihood alternative for which they possess the required skill set. In fact, rehabilitation programmes undertaken by the government are also highly gender biased.

In this context, it may not be out of place to mention the gender bias that women manual scavengers face. The gloves and t-shirts that are provided to them are largely useless because these are made keeping mainly men in mind. Therefore, women often use their stoles or a section of their sarees to cover their face while working. The protective gear does not provide substantial protection to the women manual scavengers. As per the report of Rashtriya Garima Abhiyan 2018, this practice is largely responsible for the poor health condition of women manual scavengers. The study observed that they suffer from numerous health problems, e.g. nausea and headache, anemia, diarrhea, vomiting, jaundice, tuberculosis, skin infections, and so on as they are exposed to unhygienic conditions on a regular basis. Hysterectomies (surgical removal of uterus) are high among women manual scavengers, which sometimes, can also lead to the removal of ovaries (Hussain, 2022). Another survey done by the Bundelkhand Dalit Adhikar Manch under the leadership of Kuldeep Baudh also attests to this fact that due to the toxic work environment, hysterectomies are increasingly high among women manual scavengers of Jalaun (Uttar Pradesh).

Reasons for its Continuance

There are several factors held to be responsible for the existence and continuation of the practice of manual scavenging. Inexplicably, some of these factors are rarely discussed either in official documents or in the scant literature pertaining to it. We argue, therefore, that this oversight is partly responsible for the failure in the eradication of manual scavenging in our society. In fact, many of these factors seem to have helped to make manual scavenging 'legitimate' in the eyes of the manual scavengers.

To begin with, it is often not taken into account that in our society it is assumed, more so by the manual scavengers themselves, that they are destined to do scavenging work only. That is, God has given them birth to do this work. Needless to say, this blind assumption is mainly due to prevailing societal norms and beliefs that have acquired a sense of legitimacy with its long-standing robust presence. Due to this societal-made unwritten law, they have also taken for granted that these pathetic conditions are either due to evil work in their previous birth or god's order or wish for them to accomplish in this birth (Parida, 2016). Unfortunately, this factor has scarcely been taken into account at the governmental level. This is where the role of research in policy making comes in. Moreover, partly due to the prevalence of this fatalistic attitude, manual scavengers are scarcely aware of their rights. In fact, more often than not, they consider these laws as simply farcical.

The second reason is the officially recognized one which is to do with the continuation of the existence of dry/insanitary latrines (latrine which requires human excreta to be cleaned or handled manually either in an open drain or pit into which the excreta is discharged or flushed out before the excreta fully decomposes) particularly in rural and urban slum areas (The Act, 1993). As long as dry latrines exist, it is impossible to eradicate the practice. Even today there are many villages in India where we will not find a single sanitary latrine with the modern flush system. In addition to this, a weak drainage system in India also stands in the way to root out the practice of manual scavenging. Contextual to this practice, is the stigma/taboo attached to toilets in our society, wherein toilets are generally kept away from homes at a safe distance. From a hygiene point of view it is understandable but it also strongly correlates to the fact of the presence of dry, insanitary latrines.

Lastly, the above two factors largely depend on the third one which stands in the way to annihilate the practice. It is partially the lack of interest by the government. In fact, one could certainly add the culpability of the myriad number of NGOs, think tanks, academicians, and scholars for being part of this serious neglect to address the issue of manual scavenging by not really devoting the attention it truly deserves. Of course, in no way we are trying to claim here that the government(s) has/have simply not tried to do anything. But the point essentially is that the very existence of manual scavengers today even after more than seven decades of independence does gesture towards an apathetic attitude of the government(s). During the elections, the issues of the Dalits become the 'hot topic' for political parties of every hue but discussions on the occupation of manual scavenging, for some reason, remain to be the least attractive (Mander, 2014).

Many cases of manual scavenging are underreported. The laws that are made for this are also not strictly implemented and followed up. Furthermore, few NGOs are actively working in this field. If at all, the NGOs that are working in this field are mainly centered in urban or semi-urban areas (Nigar, 2018). Of course, there are some NGOs who claim to work in the rural areas as well, but, sadly, they have failed to arrest the act of manual scavenging there.

The above discussion points to the fact that the existence of manual scavenging and its resultant consequences falls squarely foul on the emancipatory scheme of the Indian constitution.

Is the Constitution Panacea to Manual Scavenging?

The practice of manual scavenging which is purely based on exploitation, deprivation, injustice and inequality contradicts the basic provisions of the fundamental law of the land. If this is so, then it is a reasonable question to ask that are not the constitutional provisions themselves, or for that matter, the application of them, both necessary and sufficient to be the panacea of this shameful practice? It is well known that The Preamble to the Constitution of India emphatically promises justice, liberty, equality, fraternity (assuring the dignity of the individual) for all citizens of India. In fact, these

values have been amplified more concretely in the sections on Fundamental Rights and Directive Principles of State Policy of the Constitution. For example, Article 14 proclaims that the state shall not deny to any person equality before the law or equal protection of laws within the territory of India. It means that all are equal in the eyes of the law. However, one tends to believe that this is so only on paper. In fact, the state has (equal protection of laws) failed to protect this particular section of the citizens. According to Article 15, the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them. There should be equal access to shops, public restaurants, hotels, and the use of wells, tanks, bathing ghats, roads and places of public resort without any discrimination. Going against this principle, manual scavengers in many parts of India are not even allowed to enter temples, go to shops, bathing ghats and access other basic services. Their location itself in the mainstream is considered so impure that they are forced to live outside the village. Article 16 declares that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state and no citizen shall be denied this on the grounds only of religion, race, caste, sex, descent or place of birth. One needs proper education in order to get equality of opportunity in the area of employment. In fact, the interplay between caste and occupation stands in its way to making proper use of 'equality of opportunity'. As per Article 17, the practice of untouchability is not only abolished and its practice in any form forbidden, but it is also an offence punishable in accordance with the law. Though the term untouchability has not been clearly defined, but it is understood as that social practice where some people are deprived and discriminated solely on the basis of their birth. Manual scavengers who are untouchables among untouchables are at the receiving end. Further, the practice of manual scavenging as it exists today both in the public and private spheres provides a new, subtle form of untouchability which is an anathema to the constitutional promise. In this context, Guru (2000) rightly argues that in the present context, terms like exploitation, domination and suppression have to be replaced by the term marginalization. This form of marginalization is both social and cultural marginalization. It may safely be argued that it is a new form of the practice of untouchability.

Moreover, though not justiciable under the scheme of the Constitution, it is certainly a fundamental direction to the state in policy formulation, within the Directive Principles of State Policy, Article 46 directs the state to promote with special care the educational and economic interests of the weaker sections of people, and in particular, of the SCs and STs and shall protect them from social injustice and all forms of exploitation. From the above articles it is clear that discrimination and exploitation in any form on the basis of caste is strictly prohibited and also a punishable offence. At the same time, it is directed to the state to protect the weaker section and take different steps for their upliftment keeping in mind the injustices they faced in the past and present forms of discrimination. It is therefore incumbent upon the state to fulfill the constitutional promise and ameliorate the condition of this hapless section of people.

Measures Taken by the Government

Of course, the Government of India has formed different committees and commissions, and also introduced various schemes to address the problem and for prohibition of manual scavenging. Some of these are Malkani Committee, Pandya Committee, Valmiki Malin Basti Awas Yojna, Schemes for Welfare and Rehabilitation of Manual Scavenger, Total Sanitation Campaign, Self-Employment Scheme for Rehabilitation of Manual Scavengers, National Scheme of Liberation and Rehabilitation of Scavengers (Mander, 2014). In fact, the first major legislative step to eradicate manual scavenging was taken in 1993, known as *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993* which came into force from 26/01/1997. Under this act, construction and maintenance of dry latrines and employment of persons to clean them was prohibited (The Act, 1993). But as per the House Listing and Housing Census, 2011, released by the Registrar General of India, about 7 lakhs out of more than 26 lakh insanitary latrines are serviced by humans (Annual Report, 2017-2018). The act of 1993 did not bring much success. To address the problem and make it a serious offence the government of India brought another apparently 'stringent' act in 2013 known as *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013* with three main objectives: a) Elimination of insanitary latrines b) Eradication of manual scavenging and c) Rehabilitation of manual scavengers in alternative occupation (The Act, 2013). In addition, a National Survey of Manual Scavengers in 170 districts of 18 states was conducted by the Ministry of Social Justice and Empowerment, in 2018-19. As per the survey, 34,749 manual scavengers were identified. A total of 49,354 manual scavengers have been identified in the National Survey up to 31/3/2019 (Annual Report, 2018-19). A bitter truth clearly reflected from the data is that this practice is very much in existence in India.

Campaigning to Eradicate Manual Scavenging

There are numerous organizations both at the local and national level that have been campaigning to end the inhuman practice of manual scavenging. The most prominent organizations include the Safai Karmachari Andolana, Maila Mukti Yatra, Dalit Solidarity Network, BhimYatra, Rashtriya Garima Abhiyan (RGA), Sulabha International, and the Social Awareness Society for Youth (SASY). It is through these organizations that we are able to obtain the reality of this practice. The Safai Karmachari Andolana, which covers most states of India, aims to educate those engaged in manual scavenging about their rights and entitlements. Its demand is not only restricted to the elimination of this evil practice but also to modernize and mechanize the sanitation system. In fact, it claims that its demand is for the liberation of manual scavengers rather than their empowerment (D'Souza, 2016). The Mahila Mukti Yatra conducts campaigns in various states where it creates awareness and inspires those engaged in the practice to liberate themselves from this undignified work. The Rashtriya Garima Abhiyan (RGA) is another campaign working since 2000

for the eradication of manual scavenging. Its main objectives are to fight for the dignity of the manual scavengers, create awareness about this socially imposed practice, ensure education for their children, and work for their development. As a result of this campaigning, around 7,000 individuals, of which the majority are women, have quit the practice of manual scavenging (Rashtriya Garima Abhiyan, 2011). The Sulabha International, active since 1970, has been campaigning against this practice. However, it is more focused on the working conditions of women manual scavengers and also emphasizes on strong women economic empowerment programmes with the help of Skill Development Programme. Finally, the Social Awareness Society for Youth (SASY) is an important Dalit Human Rights Organization working in Tamil Nadu, the state where the highest number of deaths of manual scavengers has been reported. This organization focuses largely on matters related to manual scavenging, sewer tank deaths, and incidents of caste-based discrimination against sanitary workers and related incidents in government schools in Tamil Nadu (The Hindu Bureau, 2023). SASY rightly claims that a majority of cases are not recorded properly. In fact, most cases emerge only when a person dies while cleaning septic tanks. Above all, SASY makes the most pertinent point that it is the combination of caste and poverty that is largely responsible for the continuation of the reprehensible practice of manual scavenging.

Are We Genuinely Serious About It?

What is unfortunate is the fact of a ‘politics of denial’ by the Indian State as well as the units/states within India as they claim the non-existence of manual scavenging. In fact, as recently as July 2021, the Union Minister of State for Social Justice and Empowerment has denied in Parliament that any death has taken place in the country due to manual scavenging. On the contrary, Bezwada Wilson (National Convenor of the Safai Karmachari Andolana) has painstakingly pointed out that 472 manual scavenging deaths were recorded in India during 2016-2020 and 26 deaths took place in 2021 (*The Hindu*, 2021).

This persistence of the occupation violates the basic sense of dignity promised by the Constitution, which is premised upon, to use Rawlsian language, the primary good of ‘free choice of occupation against a background of diverse opportunities’ (Rawls, 1971). Further, as argued above, the practice of manual scavenging as it exists today both in public and private sphere provides a new, subtle form of untouchability which is an anathema to the constitutional promise (Guru, 2000). Hence, we need to ask ourselves, as to why this practice continues to exist even after seven decades of Independence. If it is about occupation as Gandhi says, have we ever seen/heard any upper caste person doing scavenging work in the homes of lower caste people? This makes one concur with Ambedkar that it is not only about occupation, in fact, it is more than that which is about ‘purity-pollution’ of the caste system. As per Hindu tradition, there are two sorts of occupations, viz., pure work and impure work. The filthy and unclean occupations (scavenging), which the Untouchables perform, are impure work and are done by the scavengers (Ramaswamy, 2011).

Therefore, it is clear that the fundamental law of the land which itself acts as a charter of social reform has failed to address this issue. This is against constitutional morality and is nothing but a fraud on the constitutional promise. For the scavengers not only suffer from an extreme form of social exclusion but also gross violations of human rights and dignity. Hence, it is necessary to challenge the politics of denial of the state and thereby the blatant violation of the constitutional promise with regard to one of the most disadvantaged sections of Indian society whose past and future happens to be a story of wretchedness, uncertainty and indignity.

In Lieu of Conclusion

The act of both 1993 and 2013 prohibited this practice but this, unfortunately, seems to be on paper only. It is the abdication of both legal and moral responsibility on the part of the government and society respectively. It is unfortunate that there are many villages in India, where people are hardly aware of the laws relating to manual scavenging. Paradoxically, where some people are well aware, they try to hide it. This shows that societal irrational beliefs have been superseding the modernist project of the Constitution. Therefore, as a concluding remark, this article would like to propose that every manual scavenger should be made aware of his/her rights. Of course, knowing about somebody's right is not sufficient until there are alternative modes of occupation and other benefits in order to get rid of the practice of manual scavenging. For this purpose, proper study and surveys need to be carried out in villages with the active involvement of government agencies, civil society organizations, activists, academicians and so on. In fact, committees should be formed in every region comprising Dalit youths of that area. For there is every possibility that these cases may not be reported. Above all, to use the cliché, there is need for proper implementation of laws and stringent punishment for those who violate it. Besides this legal force, the moral responsibility lies on each one of us to make possible 'behavioural change'.

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