



THE THEORY OF INTERSECTIONALITY: AN APPROPRIATE LENS FOR UNDERSTANDING THE STATUS OF WOMEN SANITATION WORKERS

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Abstract

Examining the experiences of women working in sanitation through the lens of intersectionality, this research reveals the kind of discrimination that makes working in the shower more dangerous and permits thinking that such a thing can exist. It permits attaching a woman's worth to how well she can clean a toilet without recognising her circumstances. "Sanitation," Kimberlé Crenshaw writes, "is not just about cleanliness; it is also about social justice." They hope their findings do more than report on challenges. They want the report to serve as a tool that might make fundamental changes possible for women when using what can so easily be dismissed as a simple right to access a clean and safe toilet. It does not claim that women's lives are improved by anything currently in place. On the contrary, it is a stark mirror to a disconnected and unjust society. The author concludes that the only way forward is to mix in some community justice with the rights often associated with occupational health and safety rights that work in ways both seen and unseen to render women's lives more secure.

Keywords: Intersectionality, Marginalisation, Sanitation Workers, Women's Rights

Introduction

Intersectionality acknowledges that sexism, racism, and ableism affect how people interact. They make discrimination more complicated, and for good reason. Discrimination comes wrapped in layers, like an onion skin.² It's different when a woman of colour faces it compared to a white woman. It is different when a woman who is able-bodied encounters it compared to a woman with a disability and it is different across cultures and conditions. A world of difference makes a difference in how women experience sexism. Not to mention class or power relations among women.³ These are all intersectional issues that sanitation workers, mostly female, face. Even though their voices may be somewhat subdued, they still tell beautiful stories of resilience, determination, and an undying pursuit of dignity in the face of hardship.⁴

With this backdrop, it becomes even more urgent to bring into focus the lives of our women sanitation workers. Their experiences, far from singular, intersect

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2. Alice Abrokwa, "When They Enter, We All Enter": Opening the Door to Intersectional Discrimination Claims Based on Race and Disability, 24 Mich. J. Race & L. 15 (2018).
3. Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, in *Living with Contradictions: Controversies in Feminist Social Ethics* 39 (Alison M. Jaggar ed., 1994).
4. Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 Stan. L. Rev. 1241 (1991).

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with a host of issues that affect not just them but us all.⁵ When we probe into the complex business of their lives, we uncover astonishing stories of survival that compel us to respect and revere those who undertake this thankless task. Behind their work are deep-rooted societal norms and systemic inequalities that marginalise certain types of people.

Women sanitation workers in India confront gender inequity, caste discrimination, and economic vulnerability. These women face a crossroads where gender, caste, and socio-economic status worsen their issues and limit their options.⁶ Despite playing a role in upholding public health standards through sanitation work, these women are often marginalised within society, dealing with working conditions, low wages, social stigma, and exclusion. While their voices may be muted at times, they echo tales of resilience, determination, and an unwavering quest for dignity amidst adversity⁷. Given this context, it is crucial to delve into and shed light on the intertwined experiences faced by women sanitation workers in India.

By exploring the complexities of their lives, we uncover the layers of obstacles that shape their existence. Through this investigation, we aim to highlight the challenges and unfair structures that hinder their ability to thrive and stay healthy. This study seeks to illuminate the path toward gender equality, justice, and human rights for sanitation workers in India, serving as a beacon for advocacy and comprehension.

Theoretical Underpinning

In examining the intersectional experiences of women sanitation workers in India, several legal theories intersect to provide a comprehensive framework for understanding the complexities of their marginalised position within society. Here, the author will analyse how

legal theories such as critical legal theory, feminist legal theory, and human rights theory provide insight into the topic.

The idea of compounded bias and inequality is often linked to activists in the USA during the 1980s and early 1990s. Kimberlé Crenshaw coined the term “intersectionality” to shed light on how anti-discrimination laws fall short of addressing the challenges faced by women.⁸ Academics and activists have long argued that societies at various crossroads of power and privilege have long neglected the voices of those from marginalised gender backgrounds.⁹ These societies have clearly been remiss in looking to the directions of our intersectional identities, the unique combinations of where our caste, class, race, gender, or sexual orientation place us. Various experts have compounded our understanding of the unfairness and bias experienced by marginalised communities worldwide. These unique encounters compound one another in unpredictable ways, with unfortunate results for individuals whose experiences of discrimination can always be layered on top of one another. Caste acts as a force of suppression and bias that layers on top of other individual identities, amplifying their vulnerability.¹⁰

If we are indeed a society that respects the rule of law, then we must have a legal system based on fairness. When our legal framework looks the other way, it directly reinforces our power dynamics and individual inequalities, suppressing those we should uplift.¹¹ When our framework also looks the other way on rights for those from various gender backgrounds, the number of individuals we should be uplifting only grows.

Critical legal theory posits that laws and legal systems reinforce and perpetuate societal power dynamics and individual inequalities. This theory explains how legal systems can support gender bias and caste discrimi-

5. Pilar de los Reyes, *Working Life Inequalities: Do We Need Intersectionality?*, 8 Soc’y, Health & Vulnerability (2017).
6. Women’s Empowerment Principles, *Understanding Intersectionality: Targeting All Forms of Discrimination in the World of Work* (2021), <https://www.weps.org/sites/default/files/2021-09/WEPS%20GUIDANCE%20%20Anti-Discrimination%20FINAL%20FINAL.pdf>.
7. Shreya Chakravarty et al., *Intersectional Approaches to Promote Gender Equality*, ThinkTwenty (T20) India (Aug. 7, 2023), <https://t20ind.org/research/intersectional-approaches-to-promote-gender-equality/>.
8. Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 Stan. L. Rev. 1241 (1991).
9. Supra note 7
10. Pallavi Narayan, *Annotated Bibliography: The Intersecting Norms of Gender and Caste in South Asia* (2021).
11. Supra note 3

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nation, especially when it comes to female sanitation workers in India. For instance, regulations regarding workers' rights and workplace safety may inadequately address the challenges encountered by female sanitation workers due to their diverse identities.¹² Critical legal theory advocates for reevaluating how laws can be modified to challenge institutions that endorse reforms prioritising the welfare and rights of underprivileged populations.¹³

Feminist legal theory examines the impact of legislation on women's rights and gender equality. This perspective emphasises the interaction of gender norms and societal divisions that sustain discrimination and exclusion, particularly regarding female sanitation workers in India.¹⁴ The regulations governing jobs, discrimination, and violence against women might not be enough to keep these workers safe. Feminist legal theory posits that reforms must prioritise women's experiences, ensuring their equality, dignity, and freedom from discrimination.¹⁵ Lastly, human rights philosophy says that it's vitally important to preserve everyone's rights, no matter who they are, what caste they are, where they come from, or how much money they have.

In India, female sanitation workers have the right to working conditions, decent pay and protection against discrimination and violence. Upholding human rights principles emphasises the importance of laws safeguarding marginalised groups' rights, like women in sanitation work.¹⁶ It advocates for changes to guarantee treatment, address human rights abuses and hold those responsible for discrimination and unfairness accountable. Examining these concepts shows how institutional obstacles and societal inequalities impact female sanitation workers in India. The use of critical legal theory,

feminist legal theory, and human rights theory for the critical analysis of existing legal frameworks helps in picking out their gaps and shortcomings in the law and advocates for legal reforms in furthering the cause of gender equality, social justice, and human rights of all individuals, including the women sanitation workers.¹⁷

This is how an interdisciplinary approach to the subject plays a significant role in solving complex intersectional issues that a marginalised community faces concerning the law. Critical legal theory, feminist legal theory, and human rights theory are some aspects of legal jurisprudential thought that crisscross the issue of women sanitation workers in India.

The brief examination of how these theories relate to and interact with the legal realist, post-colonial legal theory, and socio-legal studies as one helps to explore the abode of the women sanitation workers in India in contemporary times. It is not the concept of law or legal principles that legal realism is interested in; instead, it focuses on how law functions. In the case of women sanitation workers in India, legal realism prescribes a situational inquiry into how the law, its norms, procedures, courts, and so on are applied and enforced in their lives. Legal realism thereby discloses that formal legal rights do not necessarily mean protection in the real lives of these women sanitation workers from the various ills that they are exposed to, and hence mandates a contextual legal analysis that takes into account the social, economic, and political factors that shape the lives of marginalised people.¹⁸

Post-colonial legal theory focuses on how colonial continuities have evolved and are perpetuated within legal systems and structures in countries suffering from

12. Evaline Lwamba et al., *Strengthening Women's Empowerment and Gender Equality in Fragile Contexts Towards Peaceful and Inclusive Societies: A Systematic Review and Meta-Analysis*, 18 Campbell Systematic Revs. (2022).
13. Sukhadeo Thorat & Int'l Lab. Org., *Challenges and Policies to Address the Persisting Problems of Sanitation Workers in South Asia, Background Note to the Workshop on Decent Work for Sanitation Workers in South Asia* (2021), https://www.pseau.org/outils/ouvrages/ilo_challenges_and_policies_to_address_the_persisting_problems_of_sanitation_workers_in_south_asia_2021.pdf.
14. Cynthia B. Lopez et al., *Redefining Human Rights Lawyering Through the Lens of Critical Theory: Lessons for Pedagogy and Practice*, 18 Geo. J. on Poverty L. & Pol'y 337 (2011).
15. U.N. Off. of the High Comm'r for Hum. Rts., *Women's Rights Are Human Rights* (2014).
16. Anupama Alvares et al., *Women's Rights in India* (2023).
17. Nicola Lacey, *Feminist Legal Theory and the Rights of Women*, in *Gender and Human Rights* 13 (Karen Knop ed., 2004).
18. Ilze Steenkamp, *Employment Equity Act in South Africa: An Analytical Review from 1998–2022*, Parallel Session 4 (Labour Rights: Assessing Effectiveness and Performance), RDW Conf. (July 1, 2023).

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colonisation. In India, the impacts of colonialism have their deep roots in the very fabric of the system, be it in matters of caste relations, gender norms, and socio-economic inequalities. Women in sanitation work, many of them from the most oppressed and exploited caste communities, have to bear the burden of historic injustices perpetuated by the policies and practices of the colonial era.¹⁹ post-colonial legal theory calls for the decolonisation of legal systems toward the legacies of colonialism. It considers the legal reforms that must be adopted on the principles of equality, justice, and empowerment of the marginalised.²⁰ It is the sub-discipline of studies that looks at the dynamic interaction of law and society: how, on the one hand, legal rules and institutions influence social behaviour and, in turn, how they are influenced by it on the other. Such studies can identify the socio-economic factors due to which women sanitation workers are marginalised: poverty, lack of opportunity for education and health, and social stigma. Socio-legal studies show how legal frameworks interact with broader social structures and power relations to determine the lived experiences of women sanitation workers.²¹ It shows the necessity for a unified approach to the reform that deals with all the facets of law reform and empowers marginalised communities.

Reading these legal jurisprudential dimensions in present-day terms, one may find struggles for the rights and dignity of women sanitation workers amidst new social, economic, and political landscapes. Globalisation, technology, and political ideologies have changed over time. Still, the issues and challenges confronting women sanitation workers continue to remain, and they call for innovative legal responses that are alive to the problems of intersectionality and derived from justice and equality. In bringing together legal realism, post-colonial legal theory, and socio-legal studies with criti-

cal legal theory, feminist legal theory, and human rights theory, this chapter would enable the development of nuanced strategies for legal advocacy and reform that are perhaps sensitive to the complex realities of women sanitation workers in contemporary India. It is thus multi-disciplinary and reflective of how legal scholarship seeks to engage with social justice issues in the 21st century.

Intersectionality and the women's workforce

The decrease in Indian women's labour force participation (LFP) has followed the same pattern as the general decline in workforce participation during the last twenty years. The manufacturing and service sectors face structural barriers, which, together with incorrect policy focus, have limited growth potential in the informal economy that employs 90% of the workforce.²² Women experience the worst position in the occupational hierarchy because gender prejudice combines with caste-based discrimination to exclude them from all opportunities.²³ The dual disadvantage forces them to work in agriculture or dangerous, informal jobs because they lack access to stable or professional employment opportunities. The economic state of families determines which patterns will emerge. Women who belong to privileged castes have always received better educational opportunities, which have led to employment in the formal sector.²⁴ Paradoxically, however, labour participation rates among upper-caste women remain the lowest in the country. The female labour force participation rate shows significant growth when moving down the caste system because lower-caste families experience extreme economic difficulties. All adult members of these families must work to survive because they need every available income, which

19. Natasha Williams, Book Review, 70 Occupational Med. 690 (2020) (reviewing Caroline Criado Perez, *Invisible Women: Exposing Data Bias in a World Designed for Men*).

20. James (Sákéj) Youngblood Henderson, *Post-colonial Indigenous Legal Consciousness*, 1 Indigenous L.J. 1 (2002).

21. *Id.*

22. R. Remya Varghese, *Intersectionality of Gender and Caste in Women's Participation in the Labour Force*, The Hindu (May 28, 2024), <https://www.thehindu.com/news/national/intersectionality-of-gender-and-caste-in-womens-participation-in-the-labour-force/article67766632.ece>.

23. *Id.*

24. Sasmita Pattnaik & Firdous Parween, *Unfolding Unpaid Domestic Work in India: Women's Constraints, Choices, and Career*, 6 Palgrave Commun (2020), https://ideas.repec.org/a/pal/palcom/v6y2020i1d10.1057_s41599-020-0488-2.html.

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forces women to take dangerous jobs even though they find the work extremely difficult.

The existing social norms about gender create additional challenges for people to handle. The cultural mandates require women to do household chores and child care, but they consider working outside the home to be unacceptable for women. Women who want financial freedom face official obstacles because many workplaces have laws that ban women from working night shifts under the pretence of safety, but actually restrict their employment choices. In the unregulated non-farm informal sector, the focus of this analysis such legal prohibitions carry little weight. Women enter this field because they need to do so rather than because they want to. Women who head households or live without male providers must work in unstable, low-paying jobs because their families need to survive. These jobs may offer meagre earnings and no protections, yet they remain preferable to complete economic dependence or destitution.²⁵ The combination of caste status, class position, and gender identity creates a self-reinforcing pattern where restricted access to education leads to job segregation and insufficient income maintains poverty, and social discrimination continues to keep people out.²⁶ The cycle needs both policy changes and a complete transformation of how India distributes labour rights and dignity and citizenship benefits to its socially divided population.

Informal sector

A significant share of the country's economy is estimated to be around 90 per cent, including activities not regulated by the government and not subject to taxation; hence, it is broadly an unregulated and ignored

segment of the workforce.²⁷ This unregistered workforce significantly contributes to the Indian economy, and according to the National Sample Survey Office (NSSO), women's participation in the informal sector increased from 42.5% in 2009-10 to 46.5% in 2015-16.²⁸ A report by the International Labour Organisation (ILO) estimates that the contribution of women to India's GDP through the informal sector is between 20% and 50%.²⁹ However, the exact figure is complicated to estimate due to the lack of official data. Even other data sources are insignificant; hence, gathering a complete picture is a demanding and uphill task. However, post the 'Invisible Women' in data realisation. Fortunately, attention has been drawn to mainstreaming gender metrics in research and evaluations.³⁰ This area needs more government, philanthropy, and private sector awareness, investment, and action. Despite women's significant contributions, they face numerous challenges. They are often engaged in low-paying and precarious work, and their working conditions are sub-standard. An ILO report states that women in the informal sector earn 40% to 50% less than men in the same industry. The formal sector also doesn't fare much better in this case. According to the United Nations, on average, women in the labour market continue to be underpaid by 23% and make 77 cents for every dollar men earn. With no job security, women in the informal sector miss benefits like paid and sick leave, which both men and women can access in the formal sector.³¹ Most of the women working in the informal sector are self-employed or on daily wages, and this precarious nature leaves them open to exploitation and harassment. A study done by the National Commission for Women (NCW) found that nearly 70 per cent of women working in the informal sector are, in one way or another,

25. Gita Nair & Natalie G. Hofman, *Middle-Class Women and Domestic Work in India and the United States: Caste, Race and Patriarchy*, 71 Soc. Bull. 24 (2022).
26. Sanjay Shankar & K. Swaroop, *Manual Scavenging in India: The Banality of an Everyday Crime*, 2 CASTE / Glob. J. on Soc. Exclusion 67 (2021).
27. Era Dabla-Norris et al., Int'l Monetary Fund, *Causes and Consequences of Income Inequality: A Global Perspective* (2015), <https://www.imf.org/external/pubs/ft/sdn/2015/sdn1513.pdf>.
28. *Dalit Women in India*, Int'l Dalit Solidarity Network (2024), <https://idsn.org/key-issues/dalit-women/dalit-women-in-india/>.
29. Sisay T. Tolera et al., *Occupational Diseases Among Sanitary Workers Worldwide: Systematic Review* (2023).
30. Natasha Williams, Book Review, 70 Occupational Med. 690 (2020) (reviewing Caroline Criado Perez, *Invisible Women: Exposing Data Bias in a World Designed for Men*).
31. T. Sarvesh, R.S. Singh & T. Alam, *Dalit Women in History: Struggles, Voices, and Counterpublics*, 22 J. Int'l Women's Stud. 91 (2021).

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harassed or abused at the workplace.³² The women working as domestic workers, street vendors, and construction labourers are those whose exploitation is on the rise. The work setting gives them little chance to access social security benefits like health insurance, a pension, etc. According to the NSSO, just 27 per cent of women working in the informal sector enjoy some form of social security benefit; the remaining 73 per cent have little capacity to fight contingencies such as sickness or disability because they cannot have savings.³³

Also, the more prominent part of these women is found in the occupations of agriculture, construction, and domestic work. Agriculture is very labour-intensive and, along with construction, hazardous. In agriculture, as is pointed out in a report by ILO, the problems of “access to credit, land ownership, and market opportunities multiply because, apart from the rural setting being a more significant challenge for women to move around in the sheer absence of even basic things, like transportation, of course, awareness and access come following it, far more in the construction sector, women are exposed to health hazards related to dust, noise, and toxic chemicals.³⁴ Although the laws for safety are in place, the cases of penalties or action imposed on identifying malpractices are few between cases and, more often than not, remain elusive to women specifically and, overall, to the sector. Women in the informal sector are backed and empowered by several private and public systems through several programs. Nongovernmental organisations support women in the informal sector by providing financial, social, and legal support.³⁵ It gives capacity-building training to women and helps them access credit, insurance, and other social security benefits. As of now, SEWA has 2 million members in India. Several government programs

have been launched under the aegis of the Ministry of Women and Child Development to empower women in rural areas through skill-building training and employment opportunities, besides financial aid, thus aiming at reaching out to over 100 million rural women in India. Undoubtedly, earnest efforts need to be made by both the private and the public sectors to improve the plight of women in the informal sector. In some instances, the public and private sectors have even collaborated to provide skill-building training and capacity-building programs to women in the informal sector. “Public and private institutions, especially banks and financial service-providing companies, have worked together to create an enabling environment for easy access to credit for women in the informal sector.³⁶ This intersectional discrimination does exist in India, too, and the ones at the receiving end, for the most part, are Dalit women. In a high-caste patriarchal society, the marginalisation of these women is to be accounted for both on the grounds of gender and on account of social discrimination against Dalits. These multiple levels of discrimination combine and increase the vulnerability of Dalit women. “Their experiences create a chain of never-ending violence on different levels. These levels start from the first instance of violence that occurs on them, be it either verbal, physical, or sexual violence”.³⁷ It then proceeds to difficulties with the police filing complaints against upper-caste perpetrators and, eventually, a lack of judicial action against them. For example, “a study conducted by the International Dalit Solidarity Network of 500 Dalit women shown in Figure 1 across India who experience violence indicates that 62.4% of them have faced one or more incidents of verbal abuse, 54.8% have faced physical assault, 46.8 % have faced sexual harassment and assault, 43% of them faced domestic violence, and 23.2% were victims of rape”.³⁸

32. *Supra* note 22.

33. Vikash Raaj, *Social Security for Unorganised Workers in India*, ActionAid Hub Citizens (2019).

34. Int'l Lab. Off., *Empowering Women in the Rural Economy*, Decent Work in the Rural Economy Pol'y Guidance Notes 1 (2019).

35. *Id.*

36. *The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)*, Nat'l Safai Karamcharis Fin. & Dev. Corp., <https://nskfdc.nic.in/en/content/revised-srms/self-employment-scheme-rehabilitation-manual-scavengers-srms> (last visited Apr. 19, 2025).

37. Tulika Sarvesh et al., *Dalit Women in History: Struggles, Voices, and Counterpublics*, 22 J. Int'l Women's Stud. 91 (2021).

38. Siddhant Kumar, *Intersectional Discrimination: Understanding the Indian Perspective*, Nyaaya (July 2, 2024), <https://nyaaya.org/guest-blog/intersectional-discrimination-understanding-the-indian-perspective/>.

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Fearing further discrimination at the hands of the police or a lack of judicial action, many of these cases go unreported; hence, it is difficult to ascertain the true magnitude of this Problem.

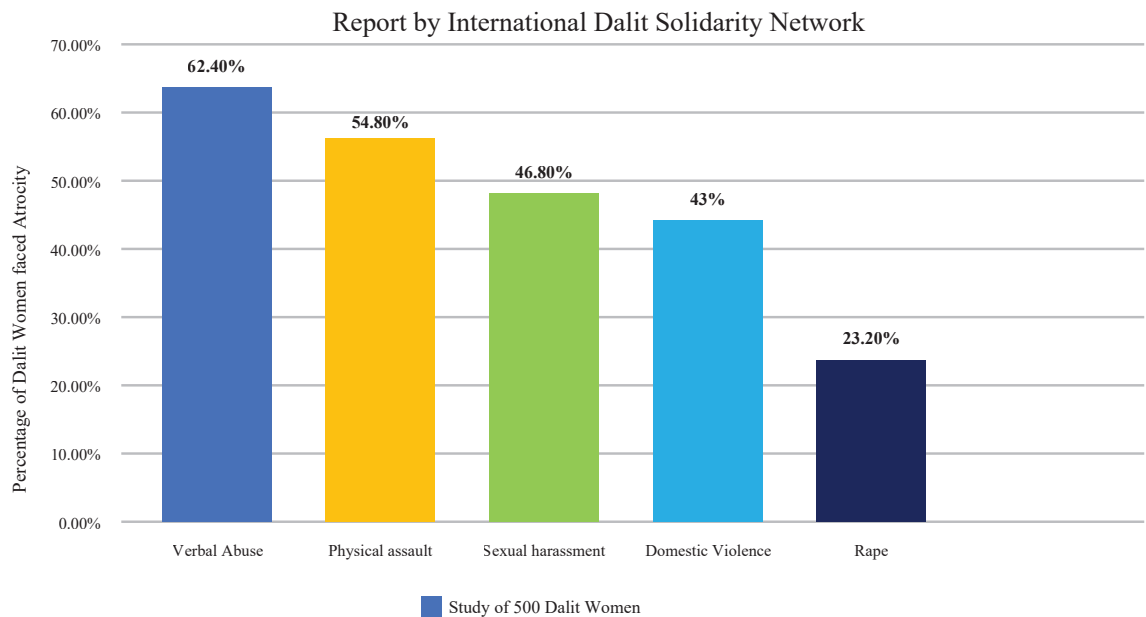


Figure 1-International Dalit Solidarity Network, 2018

The human rights group states that other accounts show that “only 1% of the cases filed by Dalit women have ended in convictions. The conviction rate for rapes against Dalit women is below 2%, whereas the conviction rate for rape cases filed by all other women in the country is about 27%”.³⁹ Even the violence that Dalit women are subjected to is horrific and atrocious. They face extreme filthy verbal abuse, naked parading, dismemberment, being forced to drink urine and eat faces, branding, proclaiming witchcraft and murdering for it, etc. “Being forced into the devadasi system, rape threats and sexual assaults by the members of upper castes and even from members of their communities make up a fair percentage of the violence as well”.⁴⁰ India, indeed, has a varied set of laws when it comes to providing safeguards to women and prosecuting crimes committed against them. However, the drawbacks in understanding the multiple layers of discrimination have often resulted

in continued persecution of Dalit women. The present legal framework includes the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, providing certain safeguards to women in these categories. The law establishes sexual contact with women from scheduled castes or tribes as a criminal offense when done intentionally without their consent. Using words, acts or gestures of a sexual nature towards these women is also a punishable offence. Thus, given that ‘slut-shaming’ of a woman to justify sexual assault has been historically prevalent, this law clearly describes that the sexual history of the woman has no bearing on the implied consent or on diluting the crime in any manner, including with the same rapist.⁴¹ Though the inbuilt protections have existed, in practice, there is still so much stigma regarding only being women of lower castes that drags their ability to access justice to such

39. Vignesh Radhakrishnan & Naresh Singaravelu, *In 2019, 56% Cases Involving Dalit Victims Chargesheeted, 32% Recorded Conviction*, The Hindu (Oct. 7, 2020), <https://www.thehindu.com/data/data-in-2019-56-pc-cases-involving-dalit-victims-chargesheeted-32-pc-recorded-conviction/article32831534.ece>.

40. Comm. Against Dalit Atrocities & Marginalization (CADAM), *Research Study on Violence against Dalit Women in Different States of India (2001)*, <http://ncw.nic.in/sites/default/files/ViolenceagainstDalitWomen.pdf>.

41. Amanda High, *Sexual Dignity in Rape Law*, 33 Yale J.L. & Feminism (forthcoming 2021), <https://dx.doi.org/10.2139/ssrn.3868571>.

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levels. For any visible change from this, the intersectional perspective must be critical.

Intersectionality and Women Sanitation Workers

The sanitation sector is deeply intertwined with a social structure rooted in the caste system, dating back 4000 years. Predominantly, workers in this sector come from the Dalit community, which is positioned at the lowest tier of the Hindu caste hierarchy. The Varna system not only categorises caste groups along a continuum from high to low but also enforces occupational segregation based on caste, adhering to traditional norms of pollution and purity. Those same ideas? They end up spawning untouchability and similar customs.⁴² Caste still decides who cleans the latrines; therefore, isn't it essentially a modern untouchability? Moreover, sanitation workers (Safai Karamcharis) perform many tasks across the entire sanitation chain, keeping the city moving. First, they sort and separate waste. Then they manage the whole dump: clean septic tanks, scrub sewers, fix maintenance holes; moreover, they keep toilets tidy, even the dry latrines in homes, schools, hospitals, public places and alongside railway lines. Old customs hold them tight; therefore, they stay stuck. The same job rolls from parent to child over and over most people who clean sewers, septic tanks and toilets. Moreover, a fair share of the waste pickers and sorters are Muslim. Therefore, the caste system goes beyond temples; it shows up in school gossip and hiring offices. Because job roles are handed down by caste, some groups end up shut out, labelled bad and mistreated; therefore, the cash gap in their neighbourhoods only grows. Even though they're a core part of the essential services

chain, these workers stay unseen and marginalised and risk their health and lives. COVID-19 arrived, therefore exposing how fragile they are; they stay on the front lines while health danger climbs. Therefore, to really understand what today's sanitation workers go through, we must examine how caste, job and gender overlap many unfair ways they are treated become obvious.⁴³ Most women here are from Hindu Dalit groups (Valmiki, Bhangi, Mehtar, Dom); therefore, those names pop up often. Some follow Islam or Christianity – caste and faith together, they get tougher bias. They moved to the city for better work; therefore, hopes rose; still, their caste follows them, shaping every job interview and every new friendship. Caste, class and gender bias still stick around; therefore, the fact that they are migrants puts women in tighter traps.⁴⁴ A widowed mother in a rural village who heads her household gets trapped in a never-ending grind of class, caste, gender and work bias; therefore, each day feels like a fight she can't win—switching jobs?⁴⁵ It's still a big hurdle; therefore, the same stigma lives on, hopping from mother to daughter and even to the daughter-in-law.⁴⁶ Sadly, the community gets less respect and dignity; therefore, old caste and gender bias (still around for ages) gets passed from parent to child like an unwanted heirloom. From 1999 to 2011, there were significant changes in how people worked. For example, mechanisation went up by 32 per cent, and women's use of labour in agriculture went down by 22 per cent.⁴⁷ Also, the industry has a long-term wage gap, with women always making less than men, even when they do the same manual work. This systematic disparity highlights the need for rigorous analysis and innovative strategies to elevate this vulnerable population.⁴⁸ In India, manual scavenging,

42. Aakanksha Malipatil, *Intersectional Invisibility: Indian Women Manual Scavengers*, Ox. Hum. Rts. Hub (May 29, 2024), <https://ohrh.law.ox.ac.uk/intersectional-invisibility-indian-women-manual-scavengers/>.
43. Sujith Koonan, *Manual Scavenging in India: State Apathy, Non-implementation of Laws and Resistance by the Community*, 5 Indian L. Rev. 149 (2021).
44. Saurabh Yadav, *Dying Scavengers and Recurring Amendments*, SSRN Elec. J. (2021), <https://dx.doi.org/10.2139/ssrn.3812517>.
45. S.M. Patil, *Gender Equity and COVID-19: Dalit Standpoints*, 56 Econ. & Pol. Wkly. (2021).
46. Saurabh Yadav, *Dying Scavengers and Recurring Amendments*, SSRN Elec. J. (2021), <https://dx.doi.org/10.2139/ssrn.3812517>.
47. Farzana Afridi, Monisankar Bishnu & Kanika Mahajan, *Gender and Mechanization: Evidence from Indian Agriculture*, 105 Am. J. Agric. Econ. 52 (2023).
48. Anweshaa Baruah, *The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013: A Review*, 1 Space & Culture, India 9 (2014), <https://www.spaceandculture.in/index.php/spaceandculture/article/view/41/28>.

which is the manual removal of human waste, is an evil type of caste discrimination. This practice is made worse by the widespread impact of patriarchy, which puts people like Dalit women in a position of double marginalisation.

Women in Manual Scavenging

In the Case of *Safai Karamchari Andolan vs. Union of India* (2011), during the hearings, the Supreme Court reviewed the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act 2013 (PEMSRA), slapping it into law midway.⁴⁹ The Court called PEMSRA a crucial step toward ending the Problem; therefore, it lines up with Article 17, which bans untouchability, and also aligns with Article 21 of the Constitution of India, which says every person has a right to life and liberty. Therefore, the Court didn't adopt an intersectional perspective; it stuck with caste problems and completely missed how gender also influences things. PEMSRA, therefore, comes together with the Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS). There's a glaring gap in Section 2(g)'s definition of manual scavenging; it only picks up people already doing the work when PEMSRA started, or those who slipped into it right after.⁵⁰ Therefore, the rule slams harder on women – they form most of the workforce here, yet keep hitting wall after wall when they try to climb upward.

SRMS provides a one-time cash grant of INR 40,000 to just one family member if the woman already has a bank account. Therefore, the cash streams straight to husbands or brothers; no one asks why, so women are denied the money, leaving them financially sidelined. Because PEMSRA and SRMS fall short again, we must craft policies that see the Problem from several sides and actually lessen the real hardships women endure while doing manual scavenging. Mahatma Gandhi National Rural Employment Guarantee Act 2015

promises each family an adult a hundred days of paid manual work. Yet, the built-in caste and gender walls still shove lower-caste people and women onto the most challenging jobs for almost no money. In each village, the councils called panchayats decide who may sign up for the scheme; that's how it gets decided. This power lets panchayats keep the old caste-and-gender fences intact; so women end up barred, either told their caste disqualifies them or that there's simply no work for a girl. While men can head to towns for new work, women usually stay back in their villages; tradition tells them to handle all the housework, so they rarely leave home. In those villages, women work generally for affluent upper-caste households, and they get only about 25-30 INR a month, so the indifference toward Dalits and women is apparent.⁵¹ Their paycheck doesn't stretch far enough for rent and groceries, so the money squeeze grows. Moreover, this law outlawing work as manual scavengers completely skips health safeguards; women end up lugging dirty piles of waste, then choke on toxic fumes, and the omission never gets corrected.⁵² Women doing manual scavenging not only battle daily aches and fevers because of the work, but they also endure serious pregnancy problems; therefore, the toxins that cling to the waste poison their reproductive system. Even the news of women losing pregnancies under exhausting work conditions it isn't just about safety; it screams a dual cast-and-gender bias still alive.⁵³ To wipe out manual scavenging, we must smash the rules keeping women from gigs like market stalls, dump the paperwork that blocks tiny loans they need for a home-cleaning business, and finally put their voices on every survey instead of letting them disappear. Therefore, programs can't just look at income and jobs; they also need to think about women-specific health issues like prenatal pain or heart trouble.⁵⁴ Therefore, lawmakers need to see that so-called gender-neutral statutes often miss Dalit women, and instead of helping they can even make their situation tougher.

49. *Supra* note 49.

50. *Id.*

51. *Supra* note 48

52. P.K. Datta, *Gender Quota and Women's Participation in Rural Local Bodies in India: The Context, Constraints and Consequences*, 69 Indian J. Pub. Admin. 832 (2023).

53. Saurabh Yadav, *Dying Scavengers and Recurring Amendments*, SSRN Elec. J. (2021), <https://dx.doi.org/10.2139/ssrn.3812517>.

54. Siddhant Kumar & Priyanka Preet, *Manual Scavenging: Women Face Double Discrimination as Caste and Gender Inequalities Converge*, 55 Econ. & Pol. Wkly. (2020).

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Comparative Analysis of Legal Framework of Manual Scavengers of Brazil, India, South Africa, the UK and the USA

Therefore, by looking at rules from many countries, we get a clear picture of how to give Indian women sanitation workers more protection. India has the 2013 Manual Scavengers Rehabilitation Act and the 1989 SC/ST Atrocities Act; therefore, the laws are on the books, but enforcement? it doesn't happen. Meanwhile, places like South Africa and Brazil have stronger laws and social safety nets; therefore, the work for people on society's edge gets way better.⁵⁵

The 1998 Employment Equity Act in South Africa has complex anti-discrimination rules; therefore, companies must adopt affirmative action. A fair share? Moreover, employers must ensure that women, like those from Appalachian coal towns, are fairly represented. Unlike India's rules that often ignore the hardships of street cleaners, South Africa's law forces companies to give safety gear and pension plans. Also, it bans the bias you see when a cleaner is turned away from a job interview, so real support shows up in Cape Town market lanes. The country also makes sure that the law is enforced by the Employment Equity Commission; therefore, workers can go to Court if they face discrimination. South Africa's sanitation workers receive fair wages, must use PPE and have health insurance; moreover, India's largely unregulated informal sector leaves most cleaners, especially women, without safety gear or proper pay. Brazil gives a new example: pulling sanitation workers into the regular job market, so it's helping folks earn steady wages. Therefore, whether you're cleaning a classroom, fixing a truck, or serving coffee, the Brazilian CLT guard every worker right; even the night-shift clerk is covered. Moreover, it's set a floor on hourly pay say \$7.25 for a fast-food worker and also hands out pension checks for retirees.

Therefore, the government has set up programs all across the country to try giving informal workers unem-

ployment insurance, maternity benefits, and paid leave, thus, this makes the economy stay stable. Yet India's 2008 Unorganised Workers Social Security Act only partially covers women sanitation workers; many still lack basic security benefits.

On the other hand, Brazil's way, giving workers more formal protection, stop them being taken advantage of and therefore the economy's open for all. Therefore, the UK and the US show why anti-discrimination laws and safety rules are key to shielding workers at risk. According to the UK's 2010 Equality Act, you can't fire someone at work simply for being a woman, for belonging to a low-rank caste, or for coming from a poor neighbourhood; therefore, such bias is illegal.⁵⁶ As such, women sanitation workers have a legal shield; they can finally push back against workplace bias. OSHA enforce strict safety rules; thus sanitation workers aren't exposed to dangerous situations. The Indian government does not regulate sanitation jobs, especially those of informal street workers. In the case of United States, the government forces strict health and safety rules leading to workplace danger to reduce dramatically.

India's labour laws barely protect women sanitation workers, while South Africa, Brazil, the UK and the US do better.⁵⁷ Employment Equity Act (South Africa's affirmative action) pushes for more diverse staff and tighter safety rules; therefore, you'll see better representation and stronger protections. Following the Brazilian model can help sanitation workers get social security and fair wages and tightening anti-discrimination laws (like the UK's Equality Act) allows workers to push back on exploitation.

Women sanitation workers in India sit at the very bottom of the caste hierarchy. Bias, gender bias, and daily money worries keep them there. The system fails to give lasting protection or any real chance to rise, even when the law steps in. A comparative look shows India lags behind South Africa and Brazil in protecting labour rights.

55. Ilze Steenkamp, *Employment Equity Act in South Africa: An Analytical Review from 1998–2022*, Parallel Session 4 (Labour Rights: Assessing Effectiveness and Performance), RDW Conf. (July 1, 2023).
56. Evaline Lwamba et al., *Strengthening Women's Empowerment and Gender Equality in Fragile Contexts Towards Peaceful and Inclusive Societies: A Systematic Review and Meta-Analysis*, 18 Campbell Systematic Revs. (2022).
57. Rachana H. Patel & Daniel D. Davis, *Occupational Safety and Health Administration Rules That Affect Healthcare*, *StatPearls* (2023), <https://www.ncbi.nlm.nih.gov/books/NBK592392/>.

The Way Forward

The various obstacles that Indian women sanitation workers face because of their caste status, gender, and class position, and their dangerous work environment, require a complete reform strategy that addresses all these factors simultaneously. The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act of 2013 (PEMSRA) and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 provide essential protection. Still, their implementation remains weak, lacking gender awareness and sufficient reach. The process of dismantling deep social inequalities requires legal reforms to adopt critical legal theory and feminist jurisprudence, as well as human rights principles, through comparative analysis of South Africa, Brazil, the United Kingdom, and the United States. The following section outlines a detailed plan addressing dignity and equity through legal, economic, institutional, socio-cultural, and transnational approaches with evidence-based strategies.

Legal Reforms: Embedding Intersectionality in Statutory Frameworks

The core element of transformative change requires PEMSRA to undergo modifications to solve its current gender-neutral provisions and execution problems. The Act defines manual scavengers in Section 2(g) through specific criteria that fail to include most women who perform sanitation work, including septic tank cleaning and waste sorting, because these roles comprise more than 80% of the informal sector workforce.⁵⁸ The definition needs expansion to include all dangerous sanitation work while adding intersectional elements that would identify multiple factors that increase risk.

The National Sanitation Workers Oversight Commission must perform independent monitoring activities to enhance deterrence and accountability through INR 500,000 fines and up to five years of imprisonment for violators. The commission of Dalit women's organisation representatives, labour union members, and occupational health specialists would perform regular

assessments through mobile tribunals to handle complaints from disadvantaged court users.

The Unorganised Workers' Social Security Act of 2008 needs expansion to establish a digital national portal that must register all sanitation workers. The system would provide maternity benefits, pensions, and accident insurance protection similar to Brazil's Consolidation of Labour Laws (CLT) framework while offering financial assistance for premium payments to women in the Scheduled Castes.

The 1989 Atrocities Act requires fast-track courts to handle all cases of workplace violence against Dalit women through feminist legal theory interpretation of "atrocities" which includes sexual harassment because of caste-based occupational discrimination.

Economic Empowerment: Transitioning from Precarity to Sustainability.

Women sanitation workers face economic exploitation because they receive 40 to 50% lower wages than male workers who perform similar work.⁵⁹ The economic solution requires a comprehensive approach, which starts with skill development programs for MGNREGA expansion. The program should reserve 50% of its guaranteed workdays for women to perform non-manual tasks, including eco-friendly waste management, healthcare assistance, and entrepreneurial activities to protect their health and create career advancement opportunities.

The Microfinance mechanisms based on Self-Employed Women's Association (SEWA) models must provide zero-interest loans amounting to INR 100,000 for new income sources, which should focus on supporting widowed and single-headed families.

The government should establish tax incentives supporting private sector collaborations for skill development, digital literacy, and green technology and tailor programs to create formal employment opportunities that protect 90% of workers from informal sector instability.⁶⁰ Establishing economic zones for former manual scavengers with recycling unit facilities would create respectful employment opportunities, which would

58. Int'l Lab. Org. [ILO], *The Future of Work in the Sanitation Sector: Challenges and Opportunities for Women Workers* 22 (2022).

59. Int'l Lab. Off., *Women and Men in the Informal Economy: A Statistical Picture* 45 (3d ed. 2021).

60. *Supra* note 11.

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help workers achieve financial self-sufficiency while fighting against their assigned caste-based work roles.

Institutional Strengthening: Health, Safety, and Participatory Governance

The priority for institutional reforms should be to protect occupational health because women develop most of their reproductive and respiratory problems from toxic substances at work. Municipal bodies need to enforce a national occupational health protocol requiring workers to undergo medical checks every six months, receive personal protective equipment, and maintain clean facilities.

The UK Equality Act 2010 protects against indirect discrimination through its provisions, which should serve as a model for our protocol. The establishment of dedicated clinics for sanitation workers under Ayushman Bharat would solve the gender-related problems that sanitation workers face because of their dangerous work environment and their need for menstrual hygiene care. Participatory governance functions as a vital mechanism that allows people who are not represented to share their views. Creating Sanitation Workers' Advisory Councils at the panchayat, municipal and state levels with 70% female membership would allow policy development through diverse perspectives.

Labour unions working with socio-legal studies should use their power to establish collective bargaining agreements that protect workers through minimum wage standards that match the cost of living (urban areas have a daily minimum wage of INR 178 according to NSSO data).⁶¹ Socio-Cultural Interventions: Dismantling Stigma through Education and Awareness

The Swachh Bharat Mission needs to run nationwide campaigns to present sanitation work as vital public service to fight against the negative stereotypes labeling sanitation workers as “dirty.”

The implementation of intersectionality modules in school curricula starting from primary levels should teach students about caste-gender relationships, and community theatre and media programs should showcase women workers' stories of strength.

The combination of legal literacy drives with NGOs would teach workers about their rights, decreasing the number of unreported workplace abuse cases (70% of informal sector harassment cases, according to the National Commission for Women).⁶²

Transnational Collaboration and Monitoring

The organisation should establish global partnerships with the ILO and UN Women to acquire best practices supporting funding pilot programs in states with high prevalence rates such as Uttar Pradesh and Bihar.

The Sanitation Workers' Impact Assessment Commission must function independently to release annual reports presenting detailed statistics about caste and gender distribution and health outcomes. The proposed route requires a complete transformation of drug control systems from punishment-based approaches to active support for drug users through legal frameworks that integrate economic and social equity principles.

Conclusion

The research has exposed how women sanitation workers in India face multiple forms of discrimination because their social position combines caste status with gender, economic class and dangerous working conditions. The research applies Kimberlé Crenshaw's intersectional analysis to demonstrate that existing frameworks do not safeguard individuals who experience multiple forms of discrimination.⁶³ The majority of women working in this sector face dangerous work conditions and minimal pay while dealing with discrimination, health risks and continuous violence because their cases for atrocities receive less than 2% conviction rates. Research studies between South Africa and Brazil, and the UK and the US demonstrate that India lacks effective law enforcement because PEMSRA and other laws remain unenforceable against caste-based discrimination and do not deliver meaningful rehabilitation programs. The research confirms intersectionality as an essential analytical tool that reveals how gender-neutral policies create additional disadvantages for Dalit women who perform manual scavenging work. The need for reform becomes urgent because of three empirical findings,

61. *Id.*

62. Nat'l Comm'n for Women, *Annual Report 2020–21* 56 (2021).

63. Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, 1989 U. Chi. Legal F. 139.

The Theory of Intersectionality: An Apposite Lens for Understanding the Status of Women Sanitation Workers

which show declining female workforce participation, 90% informal sector employment and health emergencies during COVID-19. The study examines how colonial legal frameworks maintain untouchability through their present-day operational framework while working to establish legal systems that grant full citizenship to all people.

The proposed solution, including legal changes, economic transformation, institutional protection, social and cultural evolution, and international partnerships, will lead to justice. Implementing these measures needs judiciary and legislature and civil society and inter-

national bodies to work together to remove obstacles while protecting worker dignity. Empowering women sanitation workers leads to more than job changes because it addresses fundamental social issues that support gender equality, eliminate caste systems and defend human rights in India. Society needs to listen to its enduring voices because this will create an equal world that respects sanitation work instead of discriminating against it, while recognising that women should not lose their value because of their cleaning duties for others. The academic concept requires immediate action because it represents a moral and social necessity for creating fundamental transformations.