

Legal Illusions and Caste Realities: Pseudolaw, Manual Scavenging, and the Law with Impunity in India

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Abstract: This article draws on the conceptualisation of pseudolaw, the conflation of legal form with legal substance, to highlight the alarming persistence of manual scavenging in India. “Despite being banned through successive legislations, most notably the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act” (2013), the practice continues to break out in the country, particularly in urban municipalities and rural sanitation systems. The fact that manual scavenging, predominantly undertaken by Dalits, particularly the Valmiki community, persists not because of a legal void but due to the illusion of legality, where the symbolic enactment of law conceals the systemic failure of implementation, should be a cause for immediate concern. Scholars argue that pseudolaw prospers when legal language and ritual are misused to substitute for actual legal authority and justice. In India, this phenomenon takes the form of law with impunity. In this condition, state actors deploy the appearance of legal reform while enabling caste-based exploitation through negligence, denial, and lack of political will. “The judiciary, while occasionally progressive (e.g., *Safai Karamchari Andolan v. Union of India*, 2014), has not enforced substantive accountability”. “There have been virtually no prosecutions under the 2013 Act” (Shankar, S., & Swaroop, K., 2021), and deaths in sewers continue to be reported without compensation or legal consequence” (NHRC, 2022). This misuse of legal language and ritual is a stark injustice that demands immediate reform. This juridical void, ritualised performance of legality, masks the structural violence of caste and state complicity. Structural violence refers to the systematic ways in which social structures harm or otherwise disadvantage individuals. The State sustains a framework of denial by mimicking the form of justice through declarations, token rehabilitation schemes, and public ceremonies. In this context, legal prohibitions neutralise resistance rather than dismantle oppression. The article concludes that manual scavenging in India exemplifies how the law can become a tool of symbolic governance rather than transformative justice. Therefore, the need for legal reforms that move beyond performative prohibition toward structural accountability, caste annihilation, and radical legal literacy among the marginalised is urgent. These transformative legal reforms can inspire hope and action in the fight against manual scavenging. The central aim of this article is to critically analyse how the Indian legal regime on manual scavenging produces an illusion of justice while failing to dismantle caste-based labour exploitation.

Keywords: pseudolaw; manual scavenging; law with impunity; caste; legal alienation; legal illusion; structural violence; legal literacy

Introduction

This section introduces the problem of manual scavenging and situates it within the broader socio-legal framework of caste and constitutional rights in India. The practice of manual scavenging, the cleaning, carrying, disposing, or handling of human excreta from dry latrines, sewers, or septic tanks by hand, remains one of the most dehumanising and caste-determined forms of labour in contemporary India. Predominantly performed by Dalit communities, especially by the Valmiki and Bhangi sub-castes, this work is not only physically hazardous but deeply entrenched in the symbolic and structural violence of the caste system. It constitutes what can be rightly termed a form of caste-based occupational apartheid. This system persists despite clear constitutional mandates prohibiting such discrimination. Article 17 of the Indian Constitution abolishes untouchability in all forms, and Article 21 guarantees the right to life and dignity. However, the daily realities of sanitation workers, who manually clean dry latrines or enter sewers without protection, starkly contradict these constitutional promises. Furthermore, this article examines the persistence of manual scavenging in India through the lens of pseudolaw, emphasising how legal frameworks like the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013) are crucial for understanding the law's real impact, which can help the audience appreciate the importance of legal analysis in social justice issues. It argues that the continued existence of this caste-based practice reflects not a failure of legal prohibition but the performative functioning of law without substantive enforcement. It aims to demonstrate how legal frameworks, particularly the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013), operate symbolically while enabling structural impunity.

This oxymoron, wherein the law appears to prohibit manual scavenging, yet the practice persists widely and with impunity, demands a deeper interrogation of the role of law itself. What does it mean when laws exist on paper but have little to no bearing on the lived experiences of the most marginalised? Why do formal legal frameworks fail to dismantle caste-based exploitation, even as they profess to outlaw it?

In addressing these questions, “Joe McIntyre's (2025) concept of pseudolaw provides a provocative and insightful analytical framework”. In his article *Pseudolaw and the Illusion of Legal Meaning*, both authors define pseudolaw as using legal form language, rituals, and procedures without legal substance. He writes that a legality performance mimics the law's structure while lacking any actual legal authority or validity. While developed in the context of “sovereign citizen” movements in Australia and elsewhere, this concept resonates strikingly with the Indian state's approach to manual scavenging: a legal regime that outwardly condemns the practice but inwardly tolerates, and even enables, its continuation.

Moreover, it argues that pseudolaw “involves a mistaking of the form of legal argumentation for its substance,” creating an “illusion of legal meaning” which misleads both users and observers into believing that legal justice is being served. In the Indian context, this illusion manifests in the repeated enactment of laws that symbolically ban manual scavenging—such as “the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993 and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013” without the political will or institutional mechanisms required to implement them meaningfully.

“The 2013 Act, addressed as a progressive step forward, explicitly prohibits the employment of persons for manual scavenging and promises comprehensive rehabilitation for those engaged

in the practice”. However, data from the National Commission for Safai Karamcharis (NCSK) and the Ministry of Social Justice and Empowerment reveal a continuing reliance on manual sanitation methods, particularly in urban sewerage systems. Moreover, the Act has rarely led to any punitive action against violators. “For example, by 2020, there had been no convictions under the law, and thousands of sanitation worker deaths in sewers had gone unacknowledged or uncompensated” (NHRC, 2022). The disconnect between the law's performative claims and its negligible impact on ground realities is further evidenced by the lack of proper safety equipment for sanitation workers, the exploitation of informal labour by private contractors, and the state's denial or underreporting of the issue. This reflects the condition and describes the law as ritual, not a remedy. The Indian legal system's engagement with manual scavenging mirrors the staginess that is attributed to pseudolaw. “It describes how pseudolaw often involves using archaic sources and strange rituals, which appear legal but are devoid of real meaning” (McIntyre, 2025).

Similarly, India's anti-scavenging laws are deployed ceremonially—on symbolic days, during awareness campaigns, or in court submissions—while the underlying social structures that demand and perpetuate manual scavenging remain undisturbed. The legal form is enacted, but the social substance—caste hierarchy, economic precarity, and lack of alternative livelihoods—remains intact.

The framework further offers the term “law with impunity”—a condition where legal norms exist in form but are void in substance. In India, this impunity is institutionalised. Municipal bodies routinely employ sanitation workers without safety equipment, private contractors exploit informal labour, and successive governments evade responsibility through denial or underreporting. The state is not only complicit but central to the continuation of this practice, managing to maintain an illusion of reform while perpetuating violence.

This legal performance is not merely accidental or a result of bureaucratic inefficiency; it is ideological. “Ambedkar (1936) argued in *Annihilation of Caste* that the caste system is maintained through custom and state complicity”. In performing the form of reform while refusing to undertake structural dismantling, the state ensures that the status quo remains. Legal acts that promise rehabilitation or dignity without addressing structural inequality are thus instruments of caste preservation, not abolition.

The perpetuation of manual scavenging can be seen as a means of maintaining the social hierarchy and economic exploitation inherent in the caste system. In this light, the judiciary's role is also brought into question. “While the Supreme Court has occasionally taken a progressive stand, as in *Safai Karamchari Andolan v. Union of India*” (2014), where it ordered the identification and rehabilitation of all manual scavengers, there has been little follow-through. Lower courts and administrative bodies have largely failed to hold violators accountable or protect sanitation workers' rights. The disconnect between constitutional morality and institutional practice reveals the same dynamic “McIntyre (2025) identifies in pseudolaw: an illusion of justice created through legal form, lacking substantive outcomes”. The judiciary's failure to enforce its progressive rulings and the lack of effective legal remedies for sanitation workers further perpetuate the practice of manual scavenging.

Another critical insight is on legal alienation. The pseudolaw appeals to those who feel excluded from legal systems, those with low legal literacy, those who face systemic barriers to justice, and those who are desperate for a sense of control or legitimacy. This also applies powerfully to manual scavengers in India. They are not only legally alienated but politically invisible.

“Legal literacy among sanitation workers remains low, and even when rights exist, the pathways to claim them are blocked by casteist institutions and apathetic bureaucracy” (Shankar, S., & Swaroop, K., 2021). The illusion of law is maintained through deception and the systematic denial of access to legal remedy.

To respond to this crisis, it is necessary to dismantle the practice of manual scavenging and the illusion of legality that sustains it. This involves more than enacting laws or declaring bans. It demands structural accountability, holding municipalities and contractors liable for sewer deaths, establishing time-bound rehabilitation with community participation, and ensuring alternative livelihoods that are dignified and secure. It also requires a shift in legal pedagogy and civic education to focus on caste realities, social justice, and enforcement politics.

Moreover, a caste-sensitive legal framework must centre the voices of sanitation workers themselves. Legal reforms must be shaped not by technocratic assessments but by the lived experiences of those who clean India's waste with their hands and bodies. Only then can law move from being a tool of performance to a vehicle of justice.

However, the continued existence of manual scavenging in India despite prohibitory laws exemplifies the notion of pseudolaw, where form triumphs over substance and legal ritual masks systemic injustice. By treating legality as spectacle rather than justice, the Indian state reproduces the very caste violence it claims to oppose. It is time to move beyond the illusion and toward a truly emancipatory legal practice that honours the Constitution in form and transformative substance.

While manual scavenging in India is uniquely structured through caste, comparable patterns of sanitation labour exploitation exist across the Global South, where historically marginalised groups disproportionately perform hazardous and stigmatised waste work. In urban settlements in Brazil and South Africa, for example, sanitation and waste management are often carried out by informal workers operating under precarious and unsafe conditions, reflecting enduring inequalities rooted in colonial labour regimes (Davis, 2006; Meagher, 2017). These examples highlight that legal bans are often symbolic, failing to address the root causes of inequality. As socio-legal scholars argue, law in postcolonial contexts frequently operates as a mechanism of symbolic compliance—projecting reform while deferring substantive redistribution (Merry, 2006). Situating India within this broader comparative frame helps international readers understand manual scavenging not as an isolated anomaly, but as part of a wider pattern in which law struggles to transform deeply embedded systems of social stratification.

Methodology Statement

This article adopts a critical socio-legal analytical framework to examine the persistence of manual scavenging in India. It draws primarily on Joe McIntyre's (2025) concept of pseudolaw to analyse how legal form can operate independently of substantive justice, highlighting the importance of critical analysis to inspire confidence and intellectual engagement. This framework is complemented by the concepts of structural violence (Galtung, 1969) and law with impunity, which together illuminate how legal systems may reproduce inequality despite formal prohibitions. Methodologically, the study is based on qualitative analysis of secondary sources, including statutory frameworks such as the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013), landmark judicial pronouncements such as *Safai Karamchhari Andolan v. Union of India* (2014), government reports (e.g., NCSK, NHRC), and existing scholarly literature on caste, labour, and law (Shankar & Swaroop, 2021; Baxi,

2007). This approach enables a critical interrogation of the gap between legal norms and social realities, situating manual scavenging within broader debates in socio-legal studies and social justice.

Legal Frameworks on Manual Scavenging

This section examines the evolution of legal frameworks addressing manual scavenging and highlights the gap between statutory prohibition and implementation.

India's legislative landscape on manual scavenging stands as a symbol of the country's commitment to eradicating this inhumane practice. It includes multiple statutes aimed at eliminating the practice and rehabilitating those engaged in it.

Chief among them is the “Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989”. These laws articulate a normative legal framework that seeks to criminalise manual scavenging, protect Dalit sanitation workers, and extend reparative measures for their social and economic rehabilitation.

However, as has been widely documented, manual scavenging continues across India, especially in rural areas, peri-urban settlements, and among the informal workforce of municipal corporations. Despite repeated legislative interventions, the persistence of this inhumane labour signals not merely a failure of law enforcement but the operation of what “Joe McIntyre (2025) has termed form-driven legal performance: a theatrical or ritualistic deployment of legal form that lacks substantive impact”. This legal inertia sustains the illusion of justice while doing little to dismantle the underlying structures of caste and economic exploitation.

The Legal Framework of Manual Scavenging: A Narrative of Prohibition

The 1993 Act was India's first national attempt to explicitly outlaw the construction of dry latrines and the employment of manual scavengers. It imposed fines and penalties but was widely regarded as ineffective due to weak implementation mechanisms, a lack of state-level adoption, and the absence of any proactive rehabilitative framework. Recognising these shortcomings, Parliament enacted the 2013 Act, which sought to prohibit the employment of manual scavengers comprehensively and introduced stronger provisions for rehabilitation. The Act mandates:

- Identification of manual scavengers by local authorities
- Immediate cessation of manual scavenging practices
- Provision of alternative livelihood options
- Financial assistance, skill development, and social protection for liberated manual scavengers

In addition, the “SC/ST (Prevention of Atrocities) Act, 1989, applies where manual scavenging intersects with caste-based discrimination, including verbal abuse, humiliation, and denial of access to public services”. In theory, these laws construct a progressive, rights-based

framework. In practice, however, their execution is hollow, piecemeal, and often performative. The form of law exists, but its substance is absent.

A Jurisprudence of Denial and Delay identifies that the gap between legislative promise and ground reality is most evident in the judiciary's periodic recognition of manual scavenging's persistence, "followed by a lack of enforcement mechanisms. In *Safai Karamchari Andolan v. Union of India*" (2014), the Supreme Court acknowledged that sewer deaths continued unabated and mandated compensation of ₹10 lakh for each fatality. It also ordered state governments to conduct a comprehensive survey of manual scavengers and implement the 2013 Act in letter and spirit.

"The Judgment about Legal Recognition and Structural Failure describes the landmark judgment of the Supreme Court in *Safai Karamchari Andolan v. Union of India*" (2014) 5 SCC 547, which marked a critical legal recognition of the persistence of manual scavenging and the state's failure to eliminate it despite constitutional and statutory prohibitions. Filed as a Public Interest Litigation (PIL) by the NGO *Safai Karamchari Andolan* and other human rights organisations, the case sought enforcement of the 1993 and 2013 anti-manual scavenging laws and called for strict action against violations, including the increasing number of sewer deaths across the country.

In its judgment, the Court unequivocally held that manual scavenging is a practice rooted in caste-based discrimination and a violation of the fundamental rights to dignity and life under Articles 17 and 21 of the Constitution. The Court declared that "no one should be allowed to engage in this dehumanising practice," and that the continuance of manual scavenging constituted a failure of the state to enforce its laws. It issued a series of directions, including:

- Identification and liberation of all manual scavengers
- Compensation of ₹10 lakh to families of those who died in sewer or septic tank cleaning
- Effective implementation of the 2013 Act with a focus on rehabilitation and livelihood alternatives
- Accountability of local authorities for any future violations

While the ruling was celebrated as a progressive affirmation of constitutional morality, a sociological analysis reveals deeper tensions between legal recognition and social transformation. The Court recognised the structural oppression inherent in sanitation labour, explicitly linking it to caste and untouchability. However, in practice, the directives remained largely unimplemented, as bureaucracies continued to deny the existence of manual scavengers or delayed compensation payments. The persistence of sewer deaths even after 2014 suggests that legal declarations, while symbolically significant, remain sociologically insufficient when not backed by institutional mechanisms and political will.

"Joe McIntyre's (2025) concept of pseudolaw—the deployment of legal form without substantive legal effect—helps us understand this disjuncture". Pseudolaw refers to the situation where legal provisions and judgments are made, but they do not lead to any real change or impact. The *Safai Karamchari Andolan* judgment exemplifies what may be called performative constitutionalism: a moment where the judiciary acknowledges injustice, but its

rulings become symbolic rather than transformative due to systemic inertia. In this case, the law functions more as a moral declaration than a material instrument of structural change.

From a sociological perspective, this reveals how legal systems can operate within frameworks of caste legitimacy, despite formal prohibitions. “Scholars like B.R. Ambedkar and later Gopal Guru have argued that the law alone cannot dismantle castes unless it is accompanied by a social revolution”. The continued deaths of sanitation workers, despite the 2014 ruling, represent the urgent need for a radical, community-driven approach to justice and the structural violence of caste society and the legal system's failure to rupture the ritual-pollution economy that underpins it.

The case also illustrates how legal victories for marginalised groups are often co-opted by state machinery into symbolic gestures. In the years following the ruling, state governments frequently released reports claiming the "eradication" of manual scavenging or organised events declaring individuals "liberated," even as many continued to engage in the same work, now under informal contracts or as "cleaning assistants." These ritualistic performances of compliance embody the very illusion that McIntyre critiques, where legal and bureaucratic rituals simulate justice without addressing the underlying social relations of domination.

Thus, *Safai Karamchari Andolan v. Union of India*, while a juridical milestone, ultimately highlights the limits of legalism in confronting caste and reinforces the need for a radical, community-driven approach to justice. It also affirms the need to interrogate law with impunity—a condition where laws are enacted and judgments are delivered, but violations are normalised, unpunished, and socially sanctioned. The prevalence of impunity in the context of manual scavenging highlights the urgent need for substantive legal and social reforms to address this systemic issue.

However, these directions have remained mainly unimplemented. A 2021 report by the “National Commission for Safai Karamcharis revealed that at least 482 people died while cleaning sewers between 2016 and 2021, yet prosecutions were negligible” (NCSK, 2022). The Ministry of Social Justice and Empowerment (2023) has consistently underreported the number of manual scavengers, with several states (including Gujarat, Uttar Pradesh, and Bihar) claiming that no such workers exist within their jurisdictions. This blatant erasure not only violates statutory obligations but exemplifies a legal denialism, a refusal to acknowledge the very existence of the victims whom the law claims to protect.

“McIntyre (2025), in his analysis of pseudolaw, describes this phenomenon as a "mistaking of the form of legal argumentation for its substance," wherein rituals of legality—such as filing affidavits, issuing notifications, or conducting surveys are mistaken for actual legal progress”. This analogy is particularly apt in the Indian context, where ministries regularly announce the "eradication" of manual scavenging, even as new sewer deaths are reported almost weekly.

Law with impunity describes the Structural Failures and Caste Complicity. The fundamental problem lies not merely in the text of the law but in the structures of impunity that allow its violation with minimal consequence. Contractors and municipal officials who hire workers for manual scavenging often operate with informal arrangements, enabling them to bypass accountability. Victims and their families, due to poverty, caste hierarchies, and lack of legal awareness, rarely pursue legal recourse. Rehabilitation efforts, when offered, are bureaucratic and delayed.

This condition—where law exists formally but lacks enforcement—can be described, following McIntyre, as law with impunity. “As he explains, this is a state where legal norms exist in form but are void in substance, producing an illusion of legality that ultimately preserves injustice” (McIntyre, 2025, p. 2).

The Indian state, through this hollow legalism, continues to participate in caste-based labour exploitation even while outwardly condemning it. Moreover, the absence of budgetary allocations and trained personnel to implement the 2013 Act further weakens its reach. “As per a 2022 Parliamentary Standing Committee Report, only 37% of the allocated funds for rehabilitation had been utilised, and less than 10% of identified manual scavengers had been given alternate employment” (PSC, 2022). This demonstrates the state's lack of political commitment and administrative capacity to enforce its basic legal promises.

The Gendered Dimension is a missed component of the Discourse in Manual scavenging, which is deeply gendered. A significant proportion of those engaged in the cleaning of dry latrines in rural areas are women, particularly from Dalit sub-castes like the Valmiki community. However, their labour remains invisible, mainly in policy discourse and legal documentation. “The surveys conducted under the 2013 Act rarely account for women workers, leading to their exclusion from rehabilitation schemes and compensation”.

Legal scholar Shekhar, S. and Dwivedi, A. (2024) have argued that the invisibility of Dalit women in sanitation work reflects a double marginalisation: they are excluded by caste and silenced by gender. Their lived realities—of carrying baskets of excreta, facing verbal abuse, and surviving without protective gear—are rarely acknowledged within the formal structures of legal justice. “As McIntyre (2025) would suggest, this reflects not just legal failure but ritualised legalism, wherein laws are enacted and celebrated without creating meaningful inclusion for those most affected”.

Hence, the Rituals of Law vs. Structural Justice describes the failure of the Indian legal apparatus to eliminate manual scavenging, which can also be interpreted as the triumph of symbolic governance over substantive justice. Ceremonial events where sanitation workers are “liberated” and given token gifts or framed certificates serve to mask the continued coercion they face in their daily lives. The language of law—rehabilitation, prohibition, dignity—is deployed performatively while material realities remain unchanged.

“This mirrors McIntyre's observation that pseudolaw often thrives on legal theatre: using legalistic symbols, documents, and rituals to project authority without accountability” (2025). Indian sanitation law, when viewed through this lens, is not merely ineffective—it is actively complicit in constructing an illusion of progress that deflects attention from systemic caste violence.

Therefore, the Indian legal apparatus on manual scavenging exemplifies a deeply troubling form of juridical hollowness. Laws exist, but they are enacted in a manner that privileges form over substance, rhetoric over reality, and appearance over accountability. “This is what McIntyre (2025) terms a form-driven legal performance, where legal processes mimic justice but fail to secure it”. To dismantle this illusion, it is essential to move beyond legal symbolism. Implementation must be strengthened through Strict penalties against violators, including state actors, and independent audits of manual scavenging practices. There should be Gender-sensitive and caste-conscious rehabilitation programs and a legal culture that prioritises lived

experience over bureaucratic ritual. Only then can the law become a site of transformation rather than a performance of denial.

Legal Pseudolaw and the Politics of Impunity

This section analyses the concept of pseudolaw to explain how legal form is maintained while substantive justice is denied.

The persistence of pseudolaw can be better understood through broader socio-legal theory. Pierre Bourdieu's concept of *symbolic power* explains how legal systems derive authority not only from coercion but from their ability to produce legitimacy and recognition, even when they fail substantively (Bourdieu, 1987). Symbolic power refers to the capacity to influence perceptions of legitimacy beyond tangible enforcement. In the case of manual scavenging, the law's symbolic declarations—prohibitions, rights, and rehabilitation schemes—generate an appearance of justice that obscures ongoing structural violence. Similarly, Lon Fuller's theory of the *morality of law* emphasises that legality requires that rules be consistent, publicised, and enforceable (Fuller, 1969). When laws are enacted but not implemented, they violate these principles, leading to a breakdown of legality that pseudolaw exploits. Upendra Baxi's critique of "rituals of rule" highlights how postcolonial states use legal processes as symbolic performances-formal acts that maintain legitimacy without substantive change (Baxi, 2007). These frameworks deepen the analysis of pseudolaw by situating it within broader dynamics of symbolic authority, normative failure, and postcolonial governance, clarifying how pseudolaw sustains itself across different contexts.

"Joe McIntyre's (2025) concept of pseudolaw offers a powerful critique of legal systems that simulate justice without delivering it". In his analysis, pseudolaw is a phenomenon wherein individuals or institutions adopt the language, form, and appearance of legality without engaging its substantive principles. "It creates what he calls an 'illusion of legal meaning', a legal theatre in which the mere appearance of law replaces its function" (McIntyre, 2025, p. 1). The article examines this concept in the context of sovereign citizen movements and individual litigants. The Indian state's response to manual scavenging demonstrates how the state can become a pseudo-law practitioner.

The persistence of manual scavenging in India, despite multiple legal prohibitions and constitutional mandates, exemplifies what can be called structural pseudo-legality. This condition occurs when the state performs legality through declarations, laws, and court orders, without institutional follow-through or genuine enforcement. In such a regime, law becomes a symbolic performance that conceals the continuity of caste-based violence and state complicity.

The legal framework to abolish manual scavenging includes the "Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993) and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act" (2013). These laws prohibit the employment of manual scavengers and promise rehabilitation for those engaged in such work. "Additionally, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act" (1989) criminalises caste-based discrimination and violence, under which manual scavenging-related abuses can be prosecuted. However, these legal instruments fail to translate into tangible protections or structural change. Hence, pseudolaw is characterised by "form-driven legal performance"—the ritualistic use of legal language and processes that substitute for justice. In India, this is reflected in the following threefold structure:

Declarations without follow-through: The Indian state has repeatedly claimed that manual scavenging has been eradicated. “Numerous official reports, especially from states like Uttar Pradesh, Gujarat, and Madhya Pradesh, have declared zero manual scavengers, despite on-ground investigations and media reports documenting the continued use of manual labour in sewer and latrine cleaning” (Shankar, S., & Swaroop, K., 2021). These declarations, however, are not backed by budgetary allocations, staff training, or institutional oversight. Rehabilitation schemes under the 2013 Act often remain underfunded or stalled, revealing the gap between legal proclamation and practical reality (Ministry of Social Justice and Empowerment, 2023)

Punishments without prosecution: “Although the 2013 Act criminalises the employment of manual scavengers and mandates action against violators, there is little evidence of actual prosecution”. A 2022 report by the “National Commission for Safai Karamcharis (NCSK) noted that hundreds of sanitation workers had died in sewers over the past decade, but convictions were virtually non-existent” (NCSK, 2022). This reflects a legal regime where the existence of punishment provisions serves symbolic ends, not deterrent or reparative purposes.

Rights without remedies: The rights guaranteed under anti-scavenging laws, such as the right to dignity, rehabilitation, and alternative employment, are often reduced to procedural checkboxes. Surveys to identify manual scavengers are frequently manipulated or incomplete. “Rehabilitation, when offered, is bureaucratic and lacks substantive outcomes such as secure jobs, housing, or education for workers and their families” (Shekhar, S. and Dwivedi, A. 2024).

The result is a regime of hollow rights that exist in law but remain unattainable in practice.

This disjuncture between law and justice creates a juridical illusion, a legal fiction that masks systemic impunity. The state, by enacting laws it has no intention of enforcing, performs legality while perpetuating caste-based exploitation. This echoes that pseudolaw “produces an illusion of legality which users (and institutions) mistake for actual meaning”.

“The Safai Karamchari Andolan v. Union of India (2014) judgment by the Supreme Court attempted to disrupt this illusion”. The Court mandated compensation for sewer deaths and the comprehensive implementation of the 2013 Act. However, enforcement remains inconsistent, and the Court’s orders have been mainly treated as symbolic gestures rather than binding mandates.

The Indian state’s handling of manual scavenging is emblematic of legal pseudolaw. The State entrenches a politics of impunity by staging the form of justice through statutes, judicial orders, and policy documents, without delivering material relief. Addressing this requires not just legal reform, but a structural reorientation of the legal system toward accountability, caste equity, and democratic inclusion.

While closely related, the concepts of pseudolaw, legal alienation, and impunity must be analytically distinguished to grasp the persistence of manual scavenging fully. *Pseudolaw* refers to the performance of legality through formal rules, procedures, and declarations that lack substantive enforcement or transformative effect (McIntyre, 2025). In contrast, *legal alienation* captures the experiential dimension—how marginalised communities perceive law as inaccessible, deceptive, or irrelevant to their lived realities (Sarat & Kearns, 1993). *Recognising this cycle helps the audience understand how injustice persists, as these concepts reinforce each other.* *Impunity*, meanwhile, denotes the structural condition in which violations of law occur without accountability or sanction, often normalised within institutional practice (Baxi,

2007). These three concepts are interconnected but distinct: pseudolaw produces the illusion of justice, legal alienation reflects the social consequences of that illusion, and impunity sustains the material conditions that allow violations to continue. Together, they form a cycle that sustains ongoing injustice and erodes trust in law.

The dynamics of pseudolaw are not unique to India but resonate with other historical contexts in which law served as a tool of symbolic legitimacy rather than substantive justice. Under apartheid in South Africa, legal frameworks formally institutionalised racial segregation while simultaneously projecting an image of order and legality, masking systemic violence and exclusion (Mamdani, 1996). Similarly, segregation laws in the United States—particularly under the "separate but equal" doctrine upheld in *Plessy v. Ferguson* (1896)—demonstrated how legal systems can legitimise structural inequality while maintaining a façade of constitutional order (Alexander, 2010). These examples illustrate how law's performative role sustains inequality, not just by failing to prevent injustice but by actively normalising it. Such insights deepen understanding of pseudolaw as a socio-legal phenomenon that reinforces social hierarchies and inequality.

Caste, Ritual, and the Symbolic Economy of Law: A Socio-Economic Legal Analysis

This section explores the intersection of caste, economy, and legal performance, showing how sanitation labour is sustained through both symbolic and material structures.

“Joe McIntyre’s (2025) framework of pseudolaw offers a compelling critique of legal systems that replicate the form of legality without its substance”. Pseudolaw succeeds through theatrical performances, rituals, “legalese, and documents that simulate legal meaning while obscuring the absence of justice” (McIntyre, 2025). Applied to the Indian context, especially the legal treatment of manual scavenging, this lens helps expose how the State performs law through ritualistic declarations and symbolic gestures—banning dry latrines, “liberating” scavengers through public events—while the caste economy that sustains such labour remains deeply entrenched.

However, alongside the sociological reading of this phenomenon, an Economic Analysis of Law (EAL) reveals another equally disturbing dimension: the economic rationalisation of caste-based manual scavenging as a cost-saving strategy for the state and private actors. Under the guise of legal abolition, caste-encoded sanitation labour continues to be mobilised as a structurally embedded form of cheap, disposable labour that sustains both urban and rural economies.

“The Economic Logic Behind Symbolic Legalism is an approach, such as those advanced by Posner (1973), that often evaluates laws based on efficiency, incentive structures, and cost-benefit analysis”. Although Posnerian EAL generally focuses on market-oriented societies, its principles can expose how caste labour is economically rationalised despite formal legal bans. “For instance, municipalities across India avoid investing in mechanised sanitation infrastructure, such as robotic sewer cleaners or vacuum-assisted septic tank emptying, precisely because manual scavenging, though illegal, remains economically cheaper” (Shankar, S., & Swaroop, K., 2021). Informal contracts, caste-based social compulsion, and legal non-enforcement enable this cost-saving logic.

The formal prohibition of manual scavenging thus coexists with its informal, caste-based economic reproduction, creating what “McIntyre (2025) would describe as a juridical illusion:

law exists to satisfy public or international demand for reform, while actual institutional practices continue unchanged due to their cost-efficiency and political expedience”. “As Baxi (2007) argues, this constitutes “rituals of rule without transformation”, whereby the State adopts a façade of justice while maintaining exploitative socio-economic relations”. This stark reality of the persistence of manual scavenging, despite legal bans, should be a cause for immediate concern and action.

Manual scavenging can be a subsidy to the State economically and to public sanitation systems. The State routinely underfunded sanitation infrastructure, choosing instead to externalise the cost onto Dalit labour. For example, the “National Urban Sanitation Policy (NUSP) has repeatedly under-allocated funds for technological upgrades and rehabilitation packages, while sanitation work continues uninterrupted via informal labour” (MoHUA, 2021).

This mirrors Gary Becker’s (1968) foundational insight that state calculations about enforcement costs versus perceived benefits shape the enforcement of legal norms. In India’s case, enforcing the law against manual scavenging would require significant expenditure on mechanisation, regulatory oversight, and local-level accountability. “Instead, the State opts for symbolic compliance, relying on surveys, press releases, and ceremonies to simulate legality while actual violations go unpunished” (Ministry of Social Justice and Empowerment, 2023).

Manual scavenging, despite being legally banned, continues to provide marginal utility to both public and private actors. In rural areas, dominant caste households rely on Dalit women to clean dry latrines, thereby avoiding the cost of building proper toilets.

“In urban contexts, municipal bodies subcontract sanitation work to third-party contractors who exploit informal caste-based networks to recruit workers, bypassing safety standards and legal oversight” (Shekhar, S. and Dwivedi, A. 2024).

The marginalisation of these workers is not just social—it is economically calculated. Their legal invisibility enhances their exploitability. Since they are often excluded from official surveys, they are not entitled to rehabilitation, pensions, or healthcare. This stark reality of economic exploitation should evoke a sense of empathy and understanding in the audience. It supports the EAL insight that laws which are expensive to implement but low in political return tend to be honoured in the breach (Becker, 1968; Posner, 1973, cited in Diamond, P. A., 1974).

Judicial Pronouncements and Economic Disincentives can be even progressive judicial interventions, such as “Safai Karamchari Andolan v. Union of India (2014), that face economic disincentives”. The Supreme Court mandated compensation for sewer deaths and rehabilitation of affected families, but compliance remains weak due to fiscal reluctance. “Local governments often manipulate or obscure causes of death in official records to avoid financial liability” (NCSK, 2022). This bureaucratic denial aligns with McIntyre’s (2025) argument that pseudolaw creates a legal form devoid of consequence, where the existence of a judgment serves a symbolic role, not a material one.

Law, Ritual, and Market Externalities from an EAL standpoint, manual scavenging represents a negative externality borne by the Dalit poor to ensure the hygiene and cleanliness of the dominant population. Instead of internalising this cost through mechanisation, protective labour regulations, and inclusive employment, the State externalises it onto marginalised bodies under a symbolic legal regime.

When unaccompanied by meaningful enforcement, legal bans on manual scavenging transfer the costs of state failure to the most vulnerable. “In this sense, the law becomes a tool for maintaining caste hierarchies, even as it performs an outward narrative of reform” (McIntyre, 2025; Baxi, 2007). This lack of meaningful enforcement is a stark reminder of the need for justice and fairness in our legal system.

A combined sociological and economic analysis of India’s legal response to manual scavenging reveals a disturbing synthesis of ritual performance and economic expediency. While the symbolic economy of law creates an illusion of justice, the underlying cost-benefit logic perpetuates caste-based exploitation. To break this ritual-economic nexus, the State must invest significantly in sanitation mechanisation and public infrastructure, and Institutionalise penalties for municipal bodies and contractors violating the 2013 Act. Furthermore, it provides direct compensation and alternative livelihoods to affected communities and holds both bureaucratic and political actors financially accountable for non-compliance. Ultimately, legal reform must align legal form with legal substance, and economic justice with social dignity. Without this convergence, the law will continue to be not a tool of emancipation but a mask for impunity.

Legal Alienation to Political Betrayal

This section examines how marginalised communities experience law not merely as exclusion but as a form of systemic betrayal. “Joe McIntyre’s (2025) concept of legal alienation, the disconnection between ordinary citizens and legal systems, is central to understanding the growth of pseudolaw in liberal democracies”. In contexts where law becomes inaccessible, opaque, or unresponsive, people are more likely to seek power through performative legal rituals that mimic the form of law without its substance. However, in India, the condition of legal alienation takes on a deeper, more violent form when viewed through the prism of caste and manual scavenging. Here, alienation is not only structural but is experienced as political betrayal. Dalits engaged in manual scavenging are not merely excluded from legal protection—they are deceived by a legal system that publicly claims to safeguard their dignity while permitting their continued exploitation.

This betrayal is vividly evident in how Indian law addresses (or fails to address) the everyday realities of manual scavengers. “The Constitution of India guarantees dignity and equality to all citizens” (Articles 14, 17, and 21). Specific legislation, such as the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013), criminalises the practice. It promises rehabilitation, while *Safai Karamchari Andolan v. Union of India* (2014) reinforced the state’s obligation to eliminate manual scavenging and compensate victims of sewer and septic tank deaths. “However, these legal protections rarely materialise for the communities they protect. Instead, symbolic gestures conceal systemic inertia, bureaucratic evasion, and caste-based neglect” (Shankar, S., & Swaroop, K., 2021; NCSK, 2022).

McIntyre (2025) describes pseudolaw as a condition where the form of legality is preserved while its substance is absent, often appealing to individuals who feel excluded from the legal order. In India, this dynamic is inverted: “it is the state itself that engages in pseudo-legal performance, creating a façade of protection while enabling caste-based violence. For Dalit sanitation workers, the law’s failure is not an accident but a technology of impunity” (Baxi, 2007). Legal institutions perform justice through public declarations, survey reports, and symbolic rehabilitation ceremonies, while structurally denying accountability and redress.

The most glaring example of this betrayal is the continued occurrence of sewer and septic tank deaths, despite the Supreme Court's directive in 2014 that families of such victims be compensated with ₹10 lakh. According to the National Commission for Safai Karamcharis, more than 400 sewer deaths occurred between 2016 and 2022, and yet, in "the vast majority of these cases, families received no compensation, no prosecutions were filed, and no officials were held accountable" (NCSK, 2022). This reveals a state that is functionally indifferent to the lives and deaths of its most marginalised citizens. It also illustrates how legal alienation becomes betrayal: a gap between people and law and between law's promise and the state's refusal to act.

The legislative silence on this issue further compounds the sense of betrayal. While Parliament has debated sanitation infrastructure and Swachh Bharat policies, discussions rarely acknowledge the caste-based labour that underpins these efforts. The workers who clean human waste and die in sewers are excluded from the national imagination, even as their labour is central to the functioning of cities. "The symbolic inclusion of sanitation workers in state rhetoric as 'Swachhata warriors' or 'heroes of cleanliness' is not accompanied by legal protections, safety gear, or employment security" (Shekhar, S. and Dwivedi, A. 2024). This kind of legal gaslighting, where workers are publicly praised while being systemically neglected, reflects the paradox McIntyre warns of: legality as illusion, not justice.

This betrayal is not merely institutional; it is historical and structural. For centuries, Dalits have been assigned polluting labour under the logic of ritual purity. Rather than dismantling this caste hierarchy, modern law often replicates it under a different guise: "by failing to enforce prohibitions, denying visibility, and outsourcing sanitation work through informal, unregulated contracts" (Shankar, S., & Swaroop, K., 2021). The performance of legality without substantive change becomes a mode of preserving caste order under democratic rule.

Therefore, the theory of legal alienation exposes how law can become a language of deception in contexts of profound social inequality. For Dalits engaged in manual scavenging, the law does not merely fail it lies. It promises justice while delivering impunity. Breaking this cycle requires more than legal reform; it demands a confrontation with the moral failure of the state, a dismantling of the caste-labour nexus, and a radical reimagining of law as a tool of liberation rather than betrayal.

Legal Realism and Structural Justice: Reimagining Law in the Context of Manual Scavenging

This section proposes a shift toward legal realism, focusing on law's social effects and transformative potential. The critical analysis of pseudolaw highlights the urgent need to swiftly move beyond ritualistic legalism and toward legal realism. This framework evaluates laws based on social effects rather than symbolic articulation. McIntyre argues that pseudolaw is sustained by illusions: the appearance of legal action through ritual, rhetoric, and form, even as substantive justice remains absent. In the Indian context, especially about the legal treatment of manual scavenging, this critique is deeply relevant. The continued existence of manual scavenging despite its legal prohibition demands a radical rethinking of the very function of law in a casteist society.

Dismantling the illusion of legality means confronting the structural conditions that sustain pseudolaw. In the case of manual scavenging, this involves interrogating the legal system's complicity in maintaining caste hierarchies, its reliance on performative gestures, and its failure

to address the material realities of sanitation workers. Legal realism, in this context, must begin with the recognition that law is not neutral—it is embedded in a political economy of caste and labour that shapes its enforcement and interpretation.

Reimagining Law as Redistribution- Not Prohibition

Most legal responses to manual scavenging in India have taken the form of prohibitive statutes—notably, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013). While the Act outlaws the employment of manual scavengers and promises rehabilitation, it frames the issue as one of individual deviance rather than structural inequality. This approach focuses on criminalising behaviour rather than redistributing resources or dignity. “As a result, the burden of compliance falls on vulnerable workers, not on the institutions that sustain caste-based sanitation labour” (Shankar, S., & Swaroop, K., 2021).

A legal realist approach would reimagine law not as a tool of prohibition, but of redistribution—of dignity, employment, education, healthcare, and access to public goods. This aligns with the constitutional mandate under Article 21, which guarantees the right to life and dignity. “It also resonates with B.R. Ambedkar's vision of social justice as a radical restructuring of caste and class relations, not merely granting formal rights” (Ambedkar, 1936).

To implement such redistribution, the state must move beyond token schemes and undertake significant and systemic investments in the mechanisation of sanitation, guaranteed public employment, and land rights for Dalit communities. Law must be a vehicle for transferring not just resources but also symbolic capital, recognising sanitation workers not as subjects of pity but as rights-bearing citizens central to urban and rural hygiene systems.

Moving Beyond Criminalisation Toward Accountability

The criminal provisions of the 2013 Act and related legal frameworks often lack teeth. “There have been negligible prosecutions of employers or officials despite ongoing sewer deaths and continued use of manual labour” (NCSK, 2022). Moreover, these provisions focus on individual liability while ignoring institutional culpability. A legal realist framework calls for accountability mechanisms that trace responsibility to systemic actors: municipalities, urban development authorities, private contractors, and bureaucratic institutions.

Accountability must also be made financial and enforceable. This includes:

- Penalising municipalities that fail to mechanise sanitation
- Cancelling contracts with non-compliant service providers
- Creating independent monitoring bodies empowered to investigate violations
- Guaranteeing time-bound compensation and rehabilitation

Judicial activism, while welcome, is insufficient unless backed by structural enforcement frameworks and social mobilisation. The state must be held liable not only for action but also for omission—for failing to identify workers, for denying deaths, and for bypassing policy mandates.

Legal Empowerment Through Dalit Perspectives and Lived Experience

Legal realism also requires recognising the agency and knowledge of those most affected. Dalit sanitation workers are not simply victims but repositories of lived experience, collective memory, and political insight. Any effort toward structural justice must therefore be rooted in community-led legal empowerment.

This means:

- Supporting grassroots legal literacy programs in Dalit communities
- Encouraging collective bargaining structures for sanitation workers
- Creating public interest legal clinics that pursue structural litigation
- Incorporating Dalit voices in policy drafting, legal education, and judicial training

Such empowerment disrupts the paternalistic model of lawmaking, replacing it with participatory justice. “As Shekhar, S. and Dwivedi, A. (2024) argue, Dalit women in rural sanitation work hold a unique perspective that challenges both caste and gender hierarchies, yet their voices are often silenced in mainstream legal discourse”. Legal reform must therefore be dialogic, not imposed from above but co-created with affected communities.

Transforming the State's Role: From Performer to Dismantler

Finally, the most important shift that legal realism demands is transforming the state's role. “McIntyre (2025) critiques the state as a ritualistic performer, enacting legal symbols without ensuring substance”. In India, this is vividly seen in "liberation" ceremonies for manual scavengers, token compensation events, and declarations of "zero manual scavengers" by state governments (Ministry of Social Justice and Empowerment, 2023). These performances placate public opinion and international observers, leaving caste hierarchies untouched.

A structurally just state must become a dismantler of caste hierarchies, not a manager of their symptoms. This entails:

- Abolishing informal sanitation labour markets rooted in caste
- Ensuring political representation of sanitation workers in local bodies
- Revamping welfare delivery mechanisms to prioritise dignity and autonomy
- Aligning urban planning and sanitation policy with the goals of social equity

This shift also requires retraining bureaucracies and the judiciary to recognise caste not as a "social problem" but as a constitutional violation that demands redress. Legal realism demands vigilance, transparency, and a refusal to be satisfied with the illusion of reform.

The call to dismantle pseudolaw challenges us to rethink law as a structural force, not a ritual, but a transformative practice. Manual scavenging means moving from symbolic prohibition to redistributive justice, from individual blame to institutional accountability, and from

bureaucratic tokenism to community-led empowerment. Above all, it means reimagining the state not as a stage for performance but as an agent of liberation.

Conclusion: From Pseudolaw to People's Law

These theoretical and comparative insights demonstrate that pseudolaw is not merely a failure of implementation but a structured mode of governance that requires both legal and social transformation.

Translating “people’s law” into practice requires clearly defined roles for social work practitioners beyond legal advocacy. Social workers can function as community-based legal facilitators, bridging the gap between formal law and marginalised communities through micro- and mezzo-level interventions. At the micro level, practitioners can conduct legal literacy workshops, assist sanitation workers in documentation and claims processes, and provide psychosocial support to families affected by sewer deaths or occupational hazards (Healy, 2022). At the mezzo level, social workers can act as community organisers, forming collectives of sanitation workers to enable collective bargaining, participatory grievance redressal, and engagement with local governance institutions. Such approaches align with empowerment-based practice, which emphasises strengthening community agency in accessing rights (Adams, Dominelli, & Payne, 2009). Additionally, social workers can facilitate institutional accountability by collaborating with civil society organisations such as Safai Karamchari Andolan to conduct social audits, monitor implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013), and challenge bureaucratic inaction. Recognising the importance of collaboration can motivate social workers and stakeholders to work together effectively to transform legal rights into lived realities.

A shift from pseudolaw to legal realism must be anchored not only in doctrinal reform but in practice-based social work interventions that translate legal rights into lived realities. Legal realism, with its emphasis on law in action, aligns closely with social work’s commitment to empowerment, participation, and structural change (Krishnan, 2006). In the context of manual scavenging, this requires the institutionalisation of community legal literacy programmes that enable sanitation workers to understand and claim rights under the *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013*. Fostering community legal literacy can inspire confidence and a sense of agency among marginalised groups, making rights tangible and attainable (audience: social workers and policymakers). Empirical studies demonstrate that legal literacy significantly enhances access to justice among marginalised communities (Banerjee & Duflo, 2011).

Further, rights-based advocacy models, including public interest litigation and community paralegal systems, have proven effective in bridging the gap between law and enforcement (Gauri & Brinks, 2008). Grassroots organisations such as Safai Karamchari Andolan illustrate how civil society can mobilise affected communities, document violations, and compel the state to account for its actions. Social workers, in collaboration with NGOs, can play a critical role in monitoring the implementation of the 2013 Act through social audits, participatory surveys, and independent reporting mechanisms. Emphasising interdisciplinary collaboration can foster a sense of shared purpose and confidence among professionals working towards justice (audience: social workers, legal scholars, and policymakers).

Such interventions shift law from a symbolic instrument to a transformative social process, embedding accountability within everyday governance. In this sense, legal realism is not merely

an analytical framework but a praxis that demands interdisciplinary engagement between law, social work, and community action (Sarat & Kearns, 1993).

The persistence of manual scavenging in India—despite decades of constitutional mandates and statutory prohibitions—demonstrates a more profound crisis of legal meaning, not a gap in legal frameworks. “As Joe McIntyre (2025) argues, pseudolaw is the replication of legal form without legal substance, a condition where the performance of legality replaces its function”. Indian sanitation law, particularly concerning manual scavenging, mirrors this pseudo-legal condition. It displays all the trappings of a responsive state, legislation, court rulings, compensation orders, and rehabilitation schemes, while enabling the caste-based exploitation it claims to abolish. This is not a problem we can afford to ignore.

“The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013), the directives issued in *Safai Karamchari Andolan v. Union of India* (2014), and repeated governmental surveys and awareness campaigns are examples of legal performance”. These are actions or events that signal reform but rarely translate into genuine transformation. This legal theatre obscures the structural reality that “Dalits, particularly Valmiki and Bhangi communities, continue to clean human excreta and die in sewers not because the law has failed to prohibit it, but because the law has succeeded in disguising caste violence as administrative failure” (Shankar, S., & Swaroop, K., 2021; NCSK, 2022).

This is not legal alienation born of misunderstanding or lack of awareness; it is legal betrayal. “In promising dignity and then denying justice, the law systematically gaslights the most marginalised” (McIntyre, 2025). It provides symbolic recognition while ensuring material exclusion.

More laws or policies reproducing the same symbolic structure cannot resolve this contradiction. What is needed is a radical shift—from pseudolaw to people’s law. This is not just a suggestion, but a necessity for true justice.

A people’s law is rooted in lived experience, not bureaucratic procedure. It centres the voices of sanitation workers in decision-making and implementation. It goes beyond criminalisation to demand accountability from the state, private contractors, and urban institutions. It reimagines the law not as a device to regulate caste labour but as a collective tool to dismantle it. This is a law that we, as a society, can build and uphold together.

To achieve this, the law must be reconfigured as a social justice transformative force, grounded in redistribution, participation, and dignity. “Ambedkar (1936) warned that political democracy without social democracy is hollow”. Legal reform must be accompanied by substantive policies that ensure alternative livelihoods, the mechanisation of sanitation, and guaranteed safety and compensation.

Ultimately, the fight against manual scavenging is not just a fight for legal enforcement—it is a struggle against caste, against impunity, and against the illusion of justice that serves power over people. Moving from pseudolaw to people’s law demands courage, confrontation, and a commitment to transformative justice—anything less risks reproducing the hierarchies the law is meant to abolish.

From a social work and public policy perspective, the findings of this study highlight the urgent need to move beyond symbolic legal prohibitions toward actionable, accountable interventions.

First, rehabilitation policies must be redesigned to ensure time-bound, rights-based delivery of alternative livelihoods, housing, and education, rather than one-time assistance schemes that fail to address structural vulnerability. Second, the mechanisation of sanitation systems must be prioritised through sustained public investment, eliminating the economic reliance on manual labour and reducing occupational hazards. Third, community-based advocacy and participation, led by grassroots organisations such as Safai Karamchari Andolan, should be institutionalised in monitoring the implementation of the 2013 Act through social audits, legal awareness campaigns, and participatory governance mechanisms. For social work practitioners, this involves engaging in legal literacy, rights advocacy, and community mobilisation to build a collective effort toward justice. Without these policy shifts, the legal framework risks remaining a performative instrument rather than a transformative force.

The analysis also calls for gender-sensitive and caste-conscious policy frameworks that explicitly address the invisibility of Dalit women and gender-nonconforming sanitation workers. Recognising potential resistance from policymakers and practitioners, the document emphasises strategies for overcoming institutional inertia, such as stakeholder consultations and capacity-building initiatives. Existing rehabilitation schemes under the 2013 Act often fail to capture the gendered nature of sanitation labour, particularly the disproportionate burden of dry latrine cleaning performed by women (Shekhar & Dwivedi, 2024). Policy interventions must therefore include gender-disaggregated data collection, ensuring that surveys accurately identify women workers and include them in rehabilitation programs. Further, rehabilitation must extend beyond economic assistance to incorporate comprehensive healthcare provisions, including reproductive health services, mental health counselling, and protection from workplace harassment and caste-based violence (Thorat & Newman, 2007). Social work practitioners can play a crucial role in advocating for these reforms and ensuring their implementation through community engagement and participatory monitoring. Without such targeted interventions, legal reform risks reinforcing existing gender and caste exclusions rather than dismantling them.

India's experience is not exceptional but reflective of a broader postcolonial condition, in which law frequently operates as a *performative* rather than a transformative instrument. Across the Global South, sanitation labour, waste work, and other forms of stigmatised labour—often tied to race, ethnicity, or descent—persist despite formal legal prohibitions (Meagher, 2017). In countries such as South Africa and Brazil, for instance, informal sanitation and waste economies remain structured by historical inequalities rooted in colonial governance and racialised labour hierarchies (Davis, 2006). Postcolonial legal systems, while adopting progressive constitutional frameworks, often reproduce structural exclusions through weak enforcement and symbolic compliance. As scholars of law and society argue, such regimes reflect a pattern in which law serves to legitimate the state while deferring substantive redistribution (Merry, 2006). In this comparative frame, India's anti-manual scavenging laws exemplify how legal modernity coexists with deeply entrenched social hierarchies, reinforcing the argument that without structural transformation, law risks becoming a theatre of justice rather than its vehicle.

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