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# DATA DENIALISM, DISINFORMATION AND INVISIBILIZATION OF MANUAL SCAVENGING AND HAZARDOUS CLEANING IN INDIA

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## ABSTRACT

Despite statutory prohibition under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act 2013), the practice endures, sustained not merely by enforcement failure but also indirectly endorsed by a systemic apparatus of institutional disinformation, and data denialism that result in its invisibilization even though it is normalized in sanitation governance. Manual scavenging statutorily defined in the context of insanitary latrines, open drain or pit and other premises and hazardous cleaning, in the context of sewers and septic tanks, storm drains and Indian railway tracks, constitute one of the most inhumane and persistent violations of constitutional right to life with dignity in contemporary India. This paper addresses the systemically complex ways in which the practice is actively concealed and explores such invisibilization as not only coinciding to its persistence but constitutive of it. The state reproduces the conditions for the practice's continuation by systematically misrepresenting its scale, misclassifying and underreporting the fatalities, diluting definitions, contractualization of caste-based labour, and omitting socio-legal accountability in policy measures. Through an analysis of official governmental statistics, activist documentation, independent research, media reporting, and legal frameworks, this paper demonstrates how definition and data themselves are turned into an instrument of exclusionary governance and traces the contemporary invisibilization of such caste-based sanitation labour and ensuing exploitation in sanitation governance in India.

**Keywords:** Manual scavenging, Denialism, Structural Invisibilization, Dilution of criminality, Hazardous Cleaning

## **I. Introduction**

Across a country of 1.4 billion people with rapidly rising urban density, across hundreds of municipalities and thousands of kilometres of dilapidated and ageing sewer infrastructure routinely cleaned manually by unprotected workers from intergenerationally marginalized communities, the official record at times reflects zero violations or casualties and drastically contrasting numbers when compared to independent studies and non-governmental report.

Under Indian law, manual scavenging is defined as manually cleaning or handling human excreta from dry latrines. Despite prohibitions, it persists in rural India, where Dalit women are forced to clear waste with basic tools. This exploitation remains prevalent across South Asian countries with deep-rooted caste structures. In urban areas, the practice manifests as the "hazardous cleaning" of sewers and septic tanks. The PEMSAR Act, 2013, uses this term to classify manual clearance within municipal networks and private properties. In 2017, the Madras High Court expanded this scope to include storm-water drains, which are regularly compromised by sewage discharge. The legislature specifically termed this work "hazardous" due to the acute, life-threatening dangers involved. Workers are expected to enter and clean faecal sludge from enclosed, unventilated sewerage system accumulate dense combinations of lethal gases, including methane, ammonia, and hydrogen sulphide. The practice is not only hazardous but also constitutes a routine violation of human dignity of workers engaged.

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 represents India's most recent legislative attempt to prohibit manual scavenging. It prohibits the practice of hazardous cleaning accompanied with many caveats and conditions. Though the law criminalizes employment and engagement of any person for manual scavenging of faecal matter in insanitary latrines, railways, and any pits, and for hazardous cleaning on both regular and contract basis by any public or private entity, the practical implementation is affected by the dilution of criminality within the law, in its implementation and enforcement, disinformation by official authorities and parliamentary bodies, leading to a narrative of denialism and invisibilization while the practice is normalized in lived experience of those engaged in the practice. The persistent mortality within India's sanitation sector highlights a profound contradiction between progressive legislation and ground-level reality. Although manual scavenging was legally abolished under the 2013 Act, empirical data reveals that the state has failed to guarantee the fundamental right to life with dignity guaranteed under the

Constitution of India for its citizens. In 2013, Safai Karamchari Andolan, a scavenging community led social movement and a petitioner in the Supreme Court demonstrated this vast dissonance between court admitted state governments' fact and figures and social reality on the ground by presenting the social movement's data that disproved the false claims of eradication of manual scavenging by many states.

## II. Methodology

This research relies on both quantitative and qualitative methodology drawing facts and figures from both official state records and independent studies by labour rights advocacy organizations, and analyzing them critically by cross-referencing these findings with investigative data contradictory sources. For official sources, the methodology uses official statistics presented in Parliament, accessed through open-access government repositories like Digital Sansad. It also incorporates official press releases from the Press Information Bureau, specifically from the Ministry of Social Justice and Empowerment and the Ministry of Housing and Urban Affairs, and census data. To track execution metrics like worker surveys, monitoring, financing, compensation, and rehabilitation, data is gathered directly from key statutory bodies, including the National Commission for Safai Karamcharis (NCSK) and the National Safai Karamchari Finance and Development Corporation (NSKFDC). To understand and trace the phenomena of data denialism and invisibilization of the practice, the research integrates secondary data from community-led movement, *Safai Karamchari Andolan* (SKA), which provides crucial baseline tracking from within the affected community. This is supplemented by independent research bodies' reports and comparative studies from organizations including WaterAid India, the Centre for Equity Studies, the Association for Rural and Urban Needy (ARUN), the Centre for Law and Policy Research (CLPR), and from digital and print media archives to map out the real-time persistence of hazardous cleaning and manual scavenging deaths across the region.

### **Data denialism and Claims of Systematic Erasure of Manual Scavenging**

Despite persistent media documentation of manual scavengers dying from asphyxiation, the central government of India maintains an official posture of denial regarding the continued existence of the practice. The Ministry of Social Justice and Empowerment's statement on March 17, 2026 delivered as an official response during a parliamentary session in the Lok Sabha declared that a fresh national survey conducted across all districts found 'no manual

scavenger' currently remaining in India.<sup>1</sup> The Ministry maintains that dry latrines have been completely eradicated, and officially reports zero deaths under the narrow classification of manual scavenging. In spite of statutory prohibitions, data from the *Safai Karamchari Andolan* indicates that insanitary or dry toilets remain operational across multiple states, specifically Uttar Pradesh, Madhya Pradesh, Bihar, Jharkhand, and Jammu & Kashmir.<sup>2</sup> Consequently, Dalit women continue to face systemic compulsion to engage in manual scavenging, demonstrating a significant gap between statutory intent and ground-level enforcement.

In context of hazardous cleaning of sewers and septic tanks, any fatalities occurring during what is actually manual cleaning of faecal sludge inside sewers or septic tanks are instead viewed as 'non-observance of safety and operational procedures'<sup>3</sup> due to negligence by private contractors rather than the perpetuation of manual scavenging itself. It is the above-mentioned parliamentary reply from March 17 that directly prompted the national protest at Jantar Mantar, New Delhi.

According to documentation by *Safai Karamchari Andolan* (SKA), 41 workers had already died in the first three months of 2026 by March alone, and official death figures for previous years were significantly lower than those documented by activists.<sup>4</sup> There is a significant divergence between independent civil society tracking and official metrics presented by the Ministry of Social Justice and Empowerment. Print and digital media organizations have been documenting the significant discrepancies between activist and official data, stating that SKA recorded 121 sewer deaths in 2025, whereas government figures recognized only 46 deaths for the same period.<sup>5</sup> Similarly, it was reported widely that 41 sewer workers died within the first

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<sup>1</sup> Lok Sabha Unstarred Question No. 4031, asked by Ms. Iqra Choudhary to the Minister of Social Justice and Empowerment, Regarding Prohibition of Employment of Manual Scavengers (answered on Mar. 17, 2026) (India).

<sup>2</sup> 'Stop Deaths in Sewers & Septic Tanks': SKA Protests at Jantar Mantar, Alleges 'Systematic Erasure of Dalit Lives by Manipulating Data', The Mooknayak (Mar. 26, 2026), <https://en.themooknayak.com/labourer/stop-deaths-in-sewers-septic-tanks-ska-protests-at-jantar-mantar-alleges-systematic-erasure-of-dalit-lives-by-manipulating-data>.

<sup>3</sup> Press Release, Ministry of Social Justice & Empowerment, Rehabilitation of Manual Scavengers, Press Info. Bureau (Mar. 18, 2026), <https://www.pib.gov.in/PressReleaseDetail.aspx?PRID=2241902&lang=1&reg=3>.

<sup>4</sup> 'Don't Kill Us': Unheard Voices of India's Manual Scavengers, Sanitation Workers, NewsClick (Mar. 28, 2026), <https://www.newsclick.in/dont-kill-us-unheard-voices-indias-manual-scavengers-sanitation-workers>.

<sup>5</sup> End Manual Scavenging, Say Safai Workers, HINDUSTAN TIMES (Mar. 26, 2026), <https://www.hindustantimes.com/cities/delhi-news/end-manual-scavenging-say-safai-workers-101774464152857.html>

90 days of 2026 alone, leading activists to accuse the state of systematic underreporting.<sup>6</sup>

In March 2026, a national demonstration led by the SKA, highlighted a critical gap between grassroots human rights documentation and state-level accounting regarding manual scavenging casualties. The divergence indicates a broader structural pattern that the movement claims, reflects a ‘systemic erasure of Dalit lives’<sup>7</sup> and the continuation of the criminal practice, killing citizens by treating them as disposable machines. As per a documentation by Safai Karmachari Andolan, the following figures highlighted this erasure and ‘a national apology’ was demanded via a memorandum submitted to the Prime Minister’s Office:<sup>8</sup>

**Table 1: Deaths of persons engaged in ‘hazardous cleaning’ between 2023 till 2026**

S. No.	Year	SKA Independently Documented Deaths	Official Figures Reported in Parliament
4.	2023	102	49
5.	2024	116	54
6.	2025	121	43
7.	2026	41 (until first 80 days of 2026)	0 (as on 17 March, 2026)

Source: Dataset by Safai Karmachari Andolan’s Memorandum submitted to PMO

By utilizing legislative classifications, institutional data frameworks often obscure the true scale of hazardous and undignified caste-based sanitation labour. While the Union government informed Parliament that 622 sanitation workers had died in sewers and septic tanks since 2017, SKA alleged substantial under reporting which activists argue is unacceptable.

As per official data presented before the Lok Sabha by the Ministry of State for Social Justice and Empowerment, between 2014 and 2025, India recorded a devastating total of 859 fatalities inside sewers and septic tanks, averaging approximately 72 preventable deaths of sanitation workers each year.<sup>9</sup> The

<sup>6</sup> 41 Deaths in 90 Days: Manual Scavengers Demand Accountability, GROUNDZERO (Mar. 26, 2026), <https://www.groundzero.in/2026/03/26/41-deaths-in-90-days-manual-scavengers-demand-accountability-say-prime-minister-must-apologise>

<sup>7</sup> Stop Deaths in Sewers & Septic Tanks, *supra* note 2.

<sup>8</sup> *Id.*

<sup>9</sup> Smt. Satabdi Roy, *Sewers and Septic Tanks Workers*, Lok Sabha Unstarred Question No. 541 (answered on Feb. 3, 2026) (Statement by Shri Ramdas Athawale, Minister of State for Social Justice and Empowerment), <https://nsc.nic.in/>.

sharp 79% escalation in casualties from 2016 (62 deaths) to 2017 (111 deaths), culminating in a crisis peak of 131 deaths in 2019,<sup>10</sup> demonstrates that the mere enactment of a prohibitory law does not automatically translate into safety or dignity for workers. The 69% decline in fatalities observed in 2020 (40 deaths) - down from 131 in 2019 rather than reflecting improved regulatory enforcement was artificially driven by pandemic-induced lockdowns that temporarily reduced broader urban construction and maintenance activities. Notably, even during this period of near-total societal standstill, the mortality figure never dropped below 40. This baseline indicates that hazardous cleaning is treated as an indispensable, high-risk operational function that continues regardless of broader crises. Following the resumption of normal urban activity post pandemic, fatalities climbed back to 88 in 2022, 49 in 2023, 54 in 2024, and 43 in 2025. The fact that the annual death toll has never fallen below 40 across this twelve-year window proves that these fatalities are not isolated accidents or random operational issues. Instead, they constitute a predictable, continuous, and systemic occupational hazard that requires and risks the workers bodies as machines even during a global crisis.

Official data frequently report drastically lower figures than activist organizations and independent media investigations. The official state figures, which often claim 'zero' manual scavengers in various districts, contrast with reports from civil society organizations (like Safai Karmachari Andolan) that identify thousands of active workers. The following table demonstrates the contrasting official figures presented in the Rajya Sabha in 2023:<sup>11</sup>

**Table 2: States/UTs Details of Death of Persons in Sewers and Septic Tanks from 2018 to 2023**

Sl. No	States/UTs	2018	2019	2020	2021	2022	2023
1	Andhra Pradesh	9	0	0	0	3	0
2	Chhattisgarh	1	0	0	0	0	0
3	Delhi	11	10	4	4	6	0
4	Dadra and Nagar Haveli	0	0	0	3	0	0
5	Gujarat	2	14	0	5	4	3
6	Haryana	6	16	0	5	17	0
7	Jharkhand	0	0	3	0	0	1
8	Karnataka	9	7	2	5	0	0
9	Maharashtra	5	17	4	8	15	5
10	Madhya Pradesh	0	1	0	5	0	0

<sup>10</sup> Sewer Worker Deaths Continue Despite Ban and Safety Policies, Dataful Insights (Mar. 19, 2025), <https://insights.dataful.in/articles/sewer-worker-deaths-continue-despite-ban-and-safety-policies>.

<sup>11</sup> States/UTs Details of Death of Persons in Sewers and Septic Tanks from 2018 to 2023, Open Government Data (OGD) Platform India, <https://www.data.gov.in/resource/statesuts-details-death-persons-sewers-and-septic-tanks-2018-2023> (last visited Mar 28, 2026).

11	Odisha	0	0	0	2	0	0
12	Punjab	2	3	0	2	0	0
13	Rajasthan	2	5	0	0	0	0
14	Tamil Nadu	9	15	9	5	13	0
15	Telangana	3	0	0	4	0	0
16	Uttar Pradesh	8	26	0	4	8	0
17	Uttarakhand	0	1	0	0	0	0
19	West Bengal	0	2	0	6	0	0
Total	Total	67	117	22	58	66	9

Source: Rajya Sabha session - 260 unstarred question no 1572. answered on, 2nd August 2023

Furthermore, even the data misrepresented has no information about the data on the longevity of workers' lives engaged in the practice. Data from the Municipal Corporation of Delhi reveals that between 2013 and 2017, approximately 2,400 local sanitation workers passed away before reaching retirement age.<sup>12</sup> While many of these fatalities were linked to health complications outside of direct workplace, workers passed away mid-service due to chronic exposure-linked illnesses (tuberculosis, cholera, chronic obstructive pulmonary disease, and cardiovascular strain) compounded by the severe lack of mechanization. This upward trajectory reveals a significant lag in the implementation of the mechanization mandate and a systemic reliance on hazardous manual entry into functional public sewers and septic tanks by statutory urban local bodies, private contractors, enterprises and households.

### III. Dilution of definitions: 'Manual Scavenging' versus 'Hazardous Cleaning'

While expanding the definition of a 'manual scavenger' in 2013 law to include the 'hazardous cleaning' provision under Section 2(1)(d) of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSRA, 2013), the law also practically diluted its definition. In effect, the Act represents an incomplete effort to end manual scavenging by not adopting an abolitionist language but a prohibitory one which allows the practice with the creation of caveats that qualify the and thereby, dilute its definition and criminality associated with the illegality. Shumona Khanna, the lawyer in the *Safai Karamchari Andolan* case, characterized the law as 'compromised since inception' due to the introduction of 'exemptions, explanations and provisos.'<sup>13</sup> Wankhede points out that the ban on hazardous cleaning is flawed in practice due to this exceptionalism of a 'conditional prohibition'<sup>14</sup> which

<sup>12</sup> Orchie Bandyopadhyay, *Sewer deaths: the harsh reality*, Brit. Safety Council India: Safety Mgmt. News (Nov. 5, 2021), <https://www.britsafe.in/safety-management-news/2021/sewer-deaths-the-harsh-reality>.

<sup>13</sup> Shomona Khanna, *Invisible Inequalities: An Analysis of the Safai Karamchari Andolan Case*, in *Right to Sanitation in India: Critical Perspectives* 311, 315–16 (Philippe Cullet et al. eds., 2019).

<sup>14</sup> Asang Wankhede, *The Legal Defect in the Conditional Prohibition of Manual Scavenging in India*, 13 *Contemporary Voice of Dalit* 234, 235 (2021).

is made contingent upon provisioning of safety equipment. This effectively turns even the incomplete prohibition into an ambiguous, and technical illegality - one that permits the practice under specific terms.

The state can officially claim the practice has been 'abolished' or that 'zero manual scavengers' remain while workers continue to die in sewers and septic tanks. Manual scavenging is defined as the manual handling of human excreta from 'insanitary latrines' before it is decomposed whereas hazardous cleaning is the manual cleaning of sewers or septic tanks without protective gear, cleaning devices and observation of safety protocols.

Although manual scavenging was formally prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSRA), its implementation has remained weak and inconsistent. The practice continues across India under the reclassification of 'hazardous cleaning' enabled partly through statutory loopholes that permit sewer and septic tank cleaning under certain conditions. In practice, private contractors routinely fail to comply with mandatory safety requirements, including the provisioning of protective equipment and cleaning devices in adherence to prescribed operating procedures. The 2013 statute does not define what constitutes 'adequate' protective gear, safety and cleaning devices, this is notified separately in Manual Scavenging Rules, 2013. This gap between legal prohibition and ground-level enforcement has also been recorded by the Centre for Law and Policy Research (CLPR) in Hyderabad where a majority of the 130 participants engaged in manual scavenging were unaware of such statutory entitlements relating to protective gear and cleaning devices under the PEMSRA Rules.<sup>15</sup> As obligation of the employer towards employees engaged in such cleaning of sewer and septic tanks, the 44 types of protective equipment and safety devices and 19 types of cleaning devices and safety precautions to be followed were notified under Section 3 till Section 8 of the 2013 Rules.<sup>16</sup> The persistence of such hazardous working conditions demonstrates the continuing disconnect between formal legal prohibition and substantive protection of sanitation workers.

#### **IV. Safai Karamchari Andolan's evidence against denialism by State Governments, Indian Railways, and PSUs**

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<sup>15</sup> *The Underreporting of Manual Scavenging in India*, Ctr. for L. & Pol'y Rsch.: CAD India Blog (May 13, 2020), <https://clpr.org.in/blog/the-underreporting-of-manual-scavenging-in-india/>

<sup>16</sup> Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013, Rule 4-5, Gazette of India, pt. II Sec. 3(i) (ext.) (Dec. 12, 2013).

From 2003, the Railways for nearly a decade during public interest litigation hearings before both the Supreme Court and the Delhi High Court, the Railways consistently submitted official affidavits claiming it did not employ a single manual scavenger. There was only one brief rupture in this narrative. In 2005, the department momentarily conceded to the presence of manual scavengers within its network, only to quickly retract the admission in subsequent proceedings.<sup>17</sup> Singh notes that this behaviour is not unique to the Railways but rather it reflects a systemic pathology across the entire administrative framework. Instead of mobilizing state power, budgetary resources, and legal authority to systematically dismantle and eradicate this degrading practice, the administrative machinery routinely channels its energy into litigation strategies and bureaucratic evasions designed to shield the state from legal culpability.

The chronic underreporting of modern sewer and septic tank fatalities is directly linked to a broader, historical pattern of data manipulation surrounding manual scavenging. Official national metrics claim that only 58,098 manual scavengers exist across the country, identified during the only two surveys conducted in 2013 and 2018.<sup>18</sup> However, *Safai Karamchari Andolan* expose the vast scale of this statistical erasure, placing the actual figure closer to 7,70,000.<sup>19</sup>

Even in the case of manual scavenging of dry latrines and open drains in rural parts of the country, a baseline survey of only four states of Bihar, Madhya Pradesh, Uttar Pradesh and Jharkhand conducted by Water Aid India, *Safai Karamchari Andolan*, Centre for Equity Studies indicated its wide persistence:<sup>20</sup>

**TABLE 5: Details of Dry Latrines**

S. No.	State	District	Persons Engaged in Cleaning Dry Latrines	Women Cleaning Open Drains	Men Cleaning Open Drains	No. of Dry Latrines
1	Jharkhand	Dhanbad	31	39	6	88

<sup>17</sup> Bhasha Singh, *Unseen India: The Everyday Horrors of Manual Scavenging* 218 (2014).

<sup>18</sup> Press Release, Ministry of Social Justice & Empowerment, Gov't of India, Rehabilitation of Manual Scavengers (Mar. 18, 2026), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2241902>.

<sup>19</sup> Safai Karmachari Andolan, <https://www.safaikarmachariandolan.org/> (last visited Feb 2, 2026).

<sup>20</sup> WaterAid India, Status of Women Engaged in Manual Scavenging: Report Based on a Baseline Survey Undertaken in 2018 in Four States of India 13 (2018), <https://www.wateraid.org/in/sites/g/files/jkxooof336/files/status-of-women-engaged-in-manual-scavenging-report-based-on-a-baseline-survey-undertaken-in-2018-in-four-states-of-india.pdf>.

2	Jharkhand	Bokaro	69	75	0	125
3	Madhya Pradesh	Damoh	188	47	0	513
4	Madhya Pradesh	Panna	67	30	5	269
5	Uttar Pradesh	Farrukhabad	146	0	0	303
6	Uttar Pradesh	Kasganj	178	64	15	434
7	Uttar Pradesh	Meerut	132	0	0	449
8	Uttar Pradesh	Ghaziabad	44	0	0	205
9	Bihar	Buxar	33	1	0	47
10	Bihar	Purnea	41	0	0	44
11	Bihar	Rohtas	18	1	3	18
12	Bihar	Katihar	9	0	0	10
Total			956	257	29	2505

Source: Status of Dry Latrines and Manual Scavenging: Baseline Survey Report (2020) by Centre for Equity Studies, Safai Karmachari Andolan & WaterAid India

The Supreme Court proceedings in *Safai Karamchhari Andolan v. Union of India* brought this pattern of denial for sharp judicial appraisal. Principal secretaries of seven state governments filed affidavits before the Court asserting that manual scavenging did not exist within their respective states. However, these were not casual administrative omissions but formal affidavits made to the Supreme Court of India. They were subsequently disproven by the petitioner, the Safai Karamchhari Andolan, by placing photographic and video evidence before the Court documenting the practice's persistence across multiple states. The gap between what senior state officials were willing to certify under oath and scavenging community led mobilization could document is itself a measure of how deeply institutional denial is embedded in the governance of sanitation in India. Koonan documents this gap vividly by demonstrating how the conduct of Indian Railways denied both the scale of its culpability and the temerity of its legal position. Indian Railways, which has been widely recognised as one of the largest employers of manual scavengers in the country, given the practice of open discharge from railway tracks that has historically required direct manual cleaning, consistently denied this reality. More remarkably, when pressed, Indian Railways advanced the legal argument that no action was required under the 1993 Act as long as workers were not carrying human excreta on their heads. Every other form of direct bodily contact with human excreta, in this formulation, fell outside the scope of legal prohibition and was therefore either irrelevant or

implicitly permissible.<sup>21</sup> It is a deliberate and reductive reading of human dignity that locates the threshold of legal protection at the most extreme and visible form of degradation while permitting everything short of it to continue without accountability. That a public sector institution of the scale and visibility of Indian Railways was able to advance such a position, and to do so in formal legal proceedings, speaks to the depth of institutional contempt for the rights of Dalit sanitation workers that the apparatus of invisibilization both reflects and enables.

This disparity is further contextualised by 2011 Census data. The 2011 Census captured this data under the Houselisting and Housing Census category, specifically counting the absolute number of latrines from which night soil is manually removed by humans or washed into open drains. The exact figure recorded was 7,94,000.<sup>22</sup> The Socio-Economic Caste Census (SECC) 2011 identified over 1.8 lakh (180,000) households as being engaged in manual scavenging for their livelihood. The Socio-Economic Caste Census (SECC) was conducted by the Ministry of Rural Development. It tracked household occupation types based on self-declaration by respondents. The exact baseline data released on July 3, 2015, identified 1,82,505 households<sup>23</sup> in rural India as having at least one member engaged in manual scavenging for their livelihood.

This indicates a massive structural workforce that cannot simply vanish overnight without equivalent, large-scale institutional rehabilitation. When juxtaposed against the structural baselines established by the 2011 Census and the 2011 Socio-Economic Caste Census (SECC), the contemporary longitudinal official tracking in parliamentary responses by the Ministry since 2021 exposes an acute statistical friction. The 2011 Census recorded an absolute volume of 7,94,000 latrines requiring manual extraction, while the SECC identified over 1,82,505 rural households surviving through this caste-relegated labour.

Furthermore, by relying on data that is now 15 years old, the state effectively operates in a statistical vacuum. The massive baseline of 7,94,000 dry latrines and 1,82,505 manual scavenging households from 2011 has never been officially updated through a nationwide house-listing exercise. The institutional landscape is further obscured by the indefinite deference of the 2021 Census. Under normal statutory intervals, a new decennial Census should

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<sup>21</sup> Sujith Koonan, *Manual Scavenging in India: State Apathy, Non-Implementation of Laws and Resistance by the Community*, 5 Indian L. Rev. 149, 152–156 (2021).

<sup>22</sup> Office of the Registrar Gen. & Census Comm'r, India, Ministry of Home Affairs, *Census of India 2011: Houses Household Amenities and Assets: Latrine Facility*, Table HH-8 (2012), <https://censusindia.gov.in/>.

<sup>23</sup> Ministry of Rural Development, Gov't of India, *Socio Economic and Caste Census 2011: Main Source of Income and Employment Data*, R1.1 (2015), <http://secc.gov.in>.

have been executed in 2021 to update the outdated 2011 baselines. However, the Union Government repeatedly postponed the exercise till 2027, leaving the country without comprehensive, state-verified demographic on manual scavenging and sanitation related infrastructural data for over a decade.

## V. Social-legal responsibility and performative narrative in *Swachh Bharat Abhiyan*

Launched in 2014, *Swachh Bharat* Mission (SBM), reframed sanitation as a vital pillar of national development and civic pride. By January 2024, official metrics proudly declared that 729 out of India's 766 districts had been cleared of manual scavenging.<sup>24</sup> Yet, this celebratory narrative is complicated by the state's own policy shifts. Under the urban iteration of the campaign, SBM-Urban 2.0, the government has heavily promoted mechanization initiatives designed specifically to eliminate hazardous manual entry into sewers and septic tanks<sup>25</sup> and reframed sanitation workers as 'champion *safaimitras*'.<sup>26</sup>

While state discourse frames these initiatives around the core values of worker dignity and safety, crucial claims of 'a transformative phase in India's sanitation narrative' and marketing of narratives such as 'the largest behavioural change movement globally',<sup>27</sup> the material transformation and legal accountability of the state and execution lag behind even the limited intent. The structural framework of the *Swachh Bharat* Mission heavily prioritized measurable, front-end milestones, specifically, building physical toilets to achieve rapid 'Open Defecation Free' (ODF) metrics. However, this target-driven paradigm largely ignored the secondary, operational phase of the sanitation cycle. By focusing almost exclusively on construction, the policy framework left the crucial question of who would clean, empty, and maintain these

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<sup>24</sup> Press Release, Ministry of Social Justice & Empowerment, Gov't of India, 729 Districts Out of 766 Districts Declared Themselves as Manual Scavenging Free (Feb. 6, 2024), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2002993>.

<sup>25</sup> Press Release, Prime Minister's Office, Gov't of India, Cabinet Approves the Continuation of Swachh Bharat Mission (Urban) [SBM-U] Till 2025-26 for Sustainable Outcomes (Oct. 12, 2021), [https://www.pmindia.gov.in/en/news\\_updates/cabinet-approves-the-continuation-of-swachh-bharat-mission-urban-sbm-u-till-2025-26-for-sustainable-outcomes/](https://www.pmindia.gov.in/en/news_updates/cabinet-approves-the-continuation-of-swachh-bharat-mission-urban-sbm-u-till-2025-26-for-sustainable-outcomes/).

<sup>26</sup> Press Release, Ministry of Housing & Urban Affairs, Gov't of India, 500 Cities Declare Mechanized Sanitation (Aug. 17, 2022), <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1852690>.

<sup>27</sup> *Swachh Bharat Mission (Grameen)*, Ministry of Jal Shakti, Dep't of Drinking Water & Sanitation, <https://swachhbharatmission.ddws.gov.in/> (last visited Mar 22, 2026).

millions of decentralized containment pits entirely unaddressed.<sup>28</sup>

Despite high-level state commitments to eradicate manual scavenging exemplified by the launch of the *SafaiMitra Suraksha* Challenge across 243 cities to eliminate ‘operational fatalities’, the constitutionally protected right to life and human dignity for sanitation workers remains profoundly compromised.<sup>29</sup> The persistent and preventable loss of lives during manual cleaning of sewers and septic tanks primarily caused by lethal gas asphyxiation demonstrates that the claims fall far behind and marginalized workers are routinely discriminated as citizens and denied dignified work.

There are approximately 4,815 Urban Local Bodies (ULBs) in India and as per the Ministry’s in the Lok Sabha, out of these 4,815 ULBs, only 3,343 bodies have been declared as *SafaiMitra Surakshit Shehar* implying ‘a city safe for sanitation workers’.<sup>30</sup> This initiative launched in 2020 under the Ministry of Housing and Urban Affairs is geared towards achieving zero fatalities and ensuring mechanised design and practice to be put in place to deal with human faecal waste. As of March 2025, over 3000 urban local bodies have been reported having adequate machinery for 100 % mechanized cleaning, under a protocol launched by Ministry of Housing and Urban Affairs. While official discourse increasingly celebrates the success of the *Swachh Bharat* Mission, the achievement of ‘Open Defecation Free’ (ODF) India, declaration of *SafaiMitra Surakshit Shehar*, sanitation workers continue to die in sewers and septic tanks as a matter of routine.

This dual stance exposes a stark institutional contradiction: the administrative declaration of a ‘manual scavenging free’ nation sits uncomfortably alongside the acknowledged, ongoing necessity to stop workers from dying inside underground waste networks. Ultimately, the sanitation infrastructure sustaining these modern civic claims remains deeply dependent upon precarious, caste-enforced manual labour.

Scholars have persistently emphasized the performative nature of *Swachh Bharat Abhiyan* (SBA) or Clean India Movement while completely negating the opportunity for a substantive

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<sup>28</sup> Aarushie Sharma & Vasundhara Jhobta, *Missing in the Discussion on ‘Swachh Bharat’: Who Cleans India?*, The Indian Express (Oct. 4, 2024), <https://indianexpress.com/article/opinion/columns/swachh-bharat-discussion-who-cleans-india-9603470/>.

<sup>29</sup> Press Release, Ministry of Housing & Urban Affairs, Gov’t of India, Launch of SafaiMitra Suraksha Challenge (Nov. 19, 2020), <https://pib.gov.in/PressReleasePage.aspx?PRID=1674062>

<sup>30</sup> Lok Sabha Unstarred Question No. 1537 (Dec. 15, 2022) (statement by Minister of State for Housing and Urban Affairs), <https://pqals.nic.in/annex/1710/AU1537.pdf>.

rights-based discussion of rights of sanitation workers. Koonan examines the missing legal accountability in the policy, its preoccupation with symbolic cleanliness and individual charity<sup>31</sup> to address deep rooted social issues while failing to address the systemic, caste-based reality of manual scavenging are some of the aspects which lead to this invisibilization of the practice. He demonstrates how the mission prioritises infrastructure (toilet construction) over the lived reality of those who must maintain that very infrastructure in rural parts of the country where the practice still persists till date. The official narrative of the policy suggests that building toilets automatically equates to a 'clean India', however, this narrative overlooks the need for a transition to water-borne sewerage systems and mechanised cleaning, and that new toilets and particularly pit latrines, in effect increase the demand for manual scavenging. A significant percentage of the toilets built under SBA are not connected to a formal sewage system, thereby, necessitating manual emptying of pits.<sup>32</sup> Even the framing of policy through charity based 'volunteering' campaigns (with celebrities wielding brooms) deflect away from state's responsibility and masks the legal obligations of the state. Significantly, Koonan highlights that by focusing on cleanliness as a moral virtue, the state evades its duty to enforce the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act 2013). Even such narrativization of '*swachhata*' (cleanliness) is ungrounded and sanitised of its caste roots. Treating sanitation as a general civic duty which is also largely made performative through the campaigns and framing, the state conveniently ignores that specific caste groups are traditionally and systematically forced into hazardous cleaning. This gap between regulatory ambition, claims and ground reality is a result of a deeply entrenched form of caste-based undignified and unsafe labour exploitation.

## VI. Institutional deficiencies, Policy-Implementation Gap & Data Obfuscation

The administrative history of the National Commission for Safai Karamcharis (NCSK) reveals a deeper structural failure such that the very agency legally mandated to evaluate the implementation of the programmes and schemes relating to the social and economic rehabilitation of scavengers, has been rendered structurally ineffectual by the state's refusal to renew its statutory status. When the National Commission for Safai Karamchari Act, 1993, was

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<sup>31</sup> Sujith Koonan, *Swachhh Bharat – Beyond Charity and Symbolism to Legal Rights and Duties*, Kafila (Oct. 20, 2014), <https://kafila.online/tag/caste/page/2/>.

<sup>32</sup> Diane Coffey & Dean Spears, *Where India Goes: Abandoned Toilets, Stunted Development and the Costs of Caste* 72–76 (2017)

permitted to lapse on February 29, 2004, the commission was stripped of its legislative teeth.<sup>33</sup> By downgrading the NCSK to a non-statutory body dependent on periodic government resolutions for survival, the state created an institutional paradox. The commission is expected to rigorously evaluate and hold government bodies accountable for lapses in rehabilitation programs, yet it operates with zero enforcement capacity, subpoena power, or long-term structural autonomy.

Under its statutory mandate, the Commission possesses the authority to requisition information regarding sanitation matters from any government or local body. Additionally, it monitors compliance with the Supreme Court's landmark directive in *Dr. Balram Singh v. Union of India* (2023), which inflation adjusted the compensation of Rs 10 lakh to Rs 30 lakh in case of workers death during 'hazardous cleaning' of sewer and septic tanks. The judgment mandates a substantial increase in financial restitution, raising the compensation for sewer-related fatalities from the legacy 1993 baseline of 10 lakhs to a revised 30 lakhs, payable retrospectively by the responsible state or central agency if prior claims remain unfulfilled. Furthermore, the ruling institutionalises structured safeguards for surviving victims facing disabilities including a strict non-negotiable minimum of 10 lakhs for general injuries, which escalates to a minimum of 20 lakhs in cases where permanent, irreparable or chronic disability for the worker's economic self-reliance.<sup>34</sup>

Scholars argue that state interventions like the National Safai Karamchari Finance and Development Corporation (NSKFDC) operate on a model of 'top-down paternalism'.<sup>35</sup> The literature reveals that while the state offers financial schemes to transition workers out of sanitation, it simultaneously fails to curb the market forces and contractualization that continue to exploit cheap, caste-based informal labour. Consequently, workers are trapped in a legal grey area where the state officially denies the existence of manual scavenging while its municipalities continue to utilize it through informal, third-party contractors.<sup>36</sup>

A major focus of contemporary research is the weaponization of data and survey

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<sup>33</sup> Nat'l Comm'n for Safai Karamcharis, Right to Information: Mandatory Disclosure Under RTI Act 2005, § 4(1)(b) (Apr. 23, 2026), [https://ncsk.nic.in/sites/default/files/Right%20to%20Information\\_23042026.pdf](https://ncsk.nic.in/sites/default/files/Right%20to%20Information_23042026.pdf).

<sup>34</sup> *Dr. Balram Singh v. Union of India*, Writ Petition (Civil) No. 324 of 2020, (S.C. Oct. 20, 2023) (India)

<sup>35</sup> Sonia Saldanha et al., *Between Paternalism and Illegality: A Longitudinal Analysis of the Role and Condition of Manual Scavengers in India*, 7 *BMJ Glob. Health*, no. 7, 2022, at 1, <https://doi.org/10.1136/bmjgh-2022-008733>.

<sup>36</sup> Charu Mehta, *Connecting the Informal: Stakeholder Mapping*, FemLab Res. Series, 2022, at 1, <https://femlab.co/>.

methodologies. Financial assistance and rehabilitation packages managed by entities like the NSKFDC are directly tied to identifying verified beneficiaries. The lack of independent data from a nationwide census makes it harder to identify these individuals, effectively starving the rehabilitation machinery of the data needed to justify larger resource allocations. Researchers note that the NSKFDC's dependency on state-led verification creates an inherent conflict of interest.<sup>37</sup> Municipalities routinely underreport or completely falsify data regarding active scavengers to protect themselves from prosecution under the 2013 Act. The literature underscores that without an autonomous, fully staffed, and independent institutional structure, the NSKFDC is forced to utilize severely flawed baselines, heavily diluting the impact of its rehabilitation budgets. Frustrated by the slow implementation of NSKFDC schemes and structural administrative vacancies, Dalit-led civil society organizations (such as the Safai Karamchhari Andolan) have historically pivoted away from executive channels toward strategic litigation.<sup>38</sup> The literature highlights that landmark judicial interventions such as the Supreme Court's directives on compensation and mandatory mechanization frequently occurred because the executive apparatus failed to proactively execute their designated welfare mandates due to internal administrative paralysis.

## VII. Conclusion

The persistence of manual scavenging and hazardous cleaning in contemporary India exposes a profound conflict between statutory text and the material reality of caste-entrenched sanitation labour. This paper has demonstrated that the ongoing crisis within the sanitation sector is not merely an administrative failure of technology or enforcement. Rather, it is actively sustained by a sophisticated governance apparatus of data denialism, institutional disinformation, and deliberate definitional dilutions. By systematically misclassifying workplace fatalities as isolated operational accidents, utilizing outdated baselines, and neglecting crucial surveys mandated by the law, and making governmental institutions such as the NCSK, and NSKFDC ineffectual, the state transforms data from an objective metric of tracking into an instrument of structural invisibilization.

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<sup>37</sup> Nihal Raj, Manish Tiwari & Suyasha Singh Isser, *From Shadows to Spotlight: Unveiling the Saga of Manual Scavenging in India*, 16 *Rupkatha J. Interdisciplinary Stud. Humanities*, no. 2, 2024, at 1, <https://doi.org/10.21659/rupkatha.v16n2.03g>.

<sup>38</sup> Anushka Kahle & Shailesh Kumbhare, *Mapping Opportunity Structure: Exploring Dalit-Led Litigation on Manual Scavenging*, 55 *Legal Pluralism & Critical Soc. Analysis* 77 (2023).

Despite high-level state commitments, the government's push for 'full mechanization' under the NAMASTE framework and the declaration of over 3,000 '*Safai Mitra Surakshit Shehar*' milestones under SBM-Urban 2.0 function primarily as a rhetorical commitment on paper. This systemic refusal to acknowledge the true scale of hazardous cleaning allows the state to project celebratory, milestone-driven narratives of a modern, 'manual scavenging-free' nation under campaigns like the *Swachh Bharat* Mission. However, scavenging community led movements like *Safai Karamchhari Andolan* and independent advocacy and research organizations' data reveal that the vast gap between infrastructural claims and continued dependence on the precarious, life-threatening labour of intergenerationally marginalized Dalit communities. True eradication demands a fundamental shift away from performative sanitation campaigns and top-down paternalistic approach.

This statistical erasure is further enabled by the contemporary legal design. The 2013 statute carefully distinguishes between 'manual scavenging' (the manual handling of human excreta from insanitary latrines) and the 'hazardous cleaning' of sewers and septic tanks. By introducing caveats and exceptionalism in the language, the law creates a loophole allowing the state to officially claim that manual scavenging has been 'abolished' or that 'zero manual scavengers' remain, even as workers continue to lose their lives to toxic gas asphyxiation inside underground waste networks. By claiming that technology has completely replaced human intervention, the state effectively invisibilize the workers who are still forced to enter sewers manually when machinery fails or cannot navigate narrow urban lanes. However, the constitutional guarantee of the right to life with dignity does not admit any technical thresholds, obfuscation of data, or language of invisibilization under which indignity becomes socially and legally acceptable.