

Public consultation on India's Draft National Report
for the
4th Universal Periodic Review

06 July 2022

The Universal Periodic Review (UPR) is a state-driven peer review mechanism whereby the human rights record of all 193 member states of the United Nations is reviewed once in every four years. The review is conducted by the UPR Working Group which consists of the 47 members of the Council. For this process, one of the documents submitted is the national report prepared by the government of the reviewed State.

India was under review in 2008, 2012 and 2017. The Government of India is in the process of finalizing the National Report for the fourth cycle of the Universal Periodic Review, a draft of which is given below.

Suggestions/ comments on the Report are requested by email to Dr. PR Thulasidhass, Legal Officer/Under Secretary (UNES) at dsune@mea.gov.in by 14 July 2022.

India's DRAFT National Report

Introduction

1. As a seventy-five-year-old Constitutional democracy, India is firmly committed to the promotion and protection of human rights. The Constitution of India guarantees civil and political rights, and provides for progressive realization of economic, social and cultural rights. The sanctity, vibrancy and resilience of the ideals envisaged by the Constitution, including justice, liberty, equality, fraternity and individual dignity within a secular democracy, have stood the test of time. Being a vast country with diverse population, limited resources and developmental challenges, but with a vision informed by the ethos of human rights, India continues to strive for a better society for its people. Internationally, India has been committed in providing developmental assistance and capacity building to needy countries, including by way of grant-in-aid projects across sectors and countries, humanitarian assistance to people in need, medical aid to countries during the pandemic, etc.

I. Process for the preparation of the report

A. Approach

2. This national report has been prepared in compliance with the United Nations Human Rights Council Decision 17/119. Considering the 152 recommendations accepted by India since the previous round of review, this report focuses on the measures adopted, progress made and the challenges encountered in the country's move towards realisation of human rights, taking into account the latest available data.

3. This report has been drafted in line with the informal Guidance Note of the Office of the High Commissioner for Human Rights (OHCHR) on 4th Cycle Universal Periodic Review National Report. While it is a challenge to categorise human rights into watertight compartments, efforts have been made to classify the report in accordance with the internationally accepted thematic categories. However, the report should be considered as an indivisible whole in order to assess the progress made, understand the challenges faced, and appreciate the measures undertaken, both domestically as-well-as internationally, towards the cause of human rights.

B. Methodology

4. India views UPR as an important opportunity to consider and assess country's progress and to discuss, reflect and engage in a constructive dialogue with the international community on the realisation of human rights domestically. Periodic inter-ministerial consultations were held, as a follow-up mechanism, to assess the progress of implementation of the accepted recommendations. Nodal Ministries of the Government provided timely responses and requisite data to prepare the report. Accordingly, a draft of the report was prepared in collaboration with the National Law University, Delhi, after a series of consultations with diverse stakeholders, drawing representatives from the judiciary, national human rights institutions, academia, civil society organisations and the general public. The attendees drew from their experiences at the ground level to highlight the status of human rights in India, to identify challenges and to share their vision to move forward.

II. Implementation of accepted recommendations, voluntary pledges, and other developments

A. Overarching Framework

Equality and Non-Discrimination

(Recommendations 61, 69, 70, 72, 75, 81, 82, 83, 242, 243, 245, 246)

5. Equality across varied social identities, economic conditions, political affiliations and cultural and other contexts is a hallmark of Indian democracy. Principles of equality and non-discrimination enshrined in the Constitution of India have been strengthened by various legislative, executive and judicial

measures. The laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, tribes and other vulnerable populations.

6. Notable constitutional measures include grant of constitutional status to the National Commission for Backward Classes,¹ affirmative action in favour of economically weaker section (EWSs),² and extension of reservation of seats for the Scheduled Castes and Scheduled Tribes (SC/STs) in the Lok Sabha and State Assemblies for a period of another 10 years.³

7. For more stringent and speedy redress in case of atrocities against SC/STs, the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act was amended in 2018 clarifying that neither a preliminary enquiry for registration of an FIR against any person nor an approval for arrest under the Act is required.⁴ The legal framework to combat discrimination against transgender and intersex persons has been established by enacting the Transgender Persons (Protection of Rights) Act, 2019.

8. The principle of equality has been elicited by the Supreme Court of India, through a progressive interpretation and holds that substantive rather than formal equality pervades the constitutional morality. In *Joseph Shine v. Union of India*, the court categorically recognised that “substantive equality is directed at eliminating individual, institutional and systemic discrimination against disadvantaged groups...the primary enquiry to be undertaken by the court towards realisation of substantive equality is to determine whether the provision contributes to the subordination of a disadvantaged group of individuals.”⁵ Further, in *B. K. Pavitra v. Union of India* the court reiterated that “the constitution is a transformative document. The realization of its transformative potential rests ultimately in its ability to breathe life and meaning into its abstract concepts i.e., the evolution of equality away from its formal underpinnings to its substantive potential.”⁶

9. Both indirect and intersectional forms of discrimination are prohibited under Article 15 of the Constitution. In its landmark judgment in *Navtej Singh Johar v. Union of India* the Supreme Court of India rejected the formalistic narrow interpretation of Article 15 and held that “a narrow view of Article 15 strips the prohibition on discrimination of its essential content. This fails to take into account the intersectional nature of sex discrimination, which cannot be said to operate in isolation of other identities, especially from the social-political and economic context.”⁷ The decision has been referred by courts in several foreign jurisdictions.⁸

10. Number of initiatives have been undertaken to operationalise the principle and to establish a *de facto* equality. Allocation for welfare of SCs was stepped up by 30% in 2019-20 as compared to the allocation made in 2018-19.⁹ In December, 2020 government made transformatory changes in the implementation of the Post-Matric scholarship scheme for the SCs, which increased the enrolment of SC students in Post-matric education.¹⁰ *Pradhan Mantri Adarash Gram Yojana* (PMAGY) launched on a pilot basis in 2009 aiming at integrated development of SC majority villages, has been extended as a continuous scheme in 2018-2019. Twenty seven thousand villages are proposed to be covered under the scheme by 2024-25. *Going Online as Leaders* (GOAL), initiative was launched in June 2020 to empower tribal youth through mentorship, leadership training, and digital literacy skills.

11. With the aim of creating an enabling ecosystem for the elderly persons in India, an umbrella scheme called *Atal VayoAbhyuday Yojana* (AVYAY) was launched in April 2021. It includes Integrated Programme for Senior Citizens, State Action Plan for Senior Citizens, *Rashtriya Vayoshri Yojana*, Livelihood and Skilling Initiative, Promoting Silver Economy, Channelizing Corporate Social Responsibility (CSR) funds for Elderly care, and Scheme for Awareness Generation and Capacity Building for welfare of Senior Citizens.¹¹ Also, a toll-free helpline was started for the elderly in October 2021. Senior Able Citizens for Re-Employment in Dignity (SACRED) portal was launched in 2021 to keep senior citizens economically independent after retirement.

B. Cross Cutting Issues

Good Governance (Recommendation 147)

12. India is fully aware that good governance is key to a nation's progress. India is committed to 'Zero Tolerance against Corruption' and has taken several measures to combat corruption and improve probity and accountability of Government institutions. The steps taken by the Government, inter alia, include: (i) systemic improvements and reforms to provide transparent citizen-friendly services, including through e-governance; and (ii) the institution of Lokpal to directly receive and process complaints against public servants under the Prevention of Corruption Act, 1988 (POCA).¹²

13. POCA was amended in 2018 to effectively prevent bribery and corruption. It offers a holistic approach to ensure that the extant legislative framework is in line with the United Nations Convention against Corruption.

Business and Human Rights

(Recommendation 161.90)

14. India has been developing its business responsibility framework to provide an enabling environment for improved participation of businesses in securing basic rights of the citizens. Through incremental but relentless efforts in this direction since 2011, India has revised and aligned the National Voluntary Guidelines (NVGs) on Social, Economic and Environmental Responsibilities of Business¹³ with the UN Guiding Principles on Business and Human Rights (UNGPs) and SDGs in 2019.¹⁴ This also led to the development of the National Guidelines on Responsible Business Conduct (NGRBC) in 2018.¹⁵ Simultaneously, Business Responsibility Reports (BRR) were made mandatory in November 2019 enjoining the businesses to report their actions towards adoption of responsible business practices. In 2021, pursuant to the recommendations of the BRR Committee, The Securities and Exchange Board of India (SEBI) prescribed the Business Responsibility and Sustainability Reporting (BRSR) requirement for top 1000 listed entities (by market capitalisation) on voluntary basis for the FY 2021-22, and on mandatory basis from FY 2022-23 onwards.¹⁶

15. The Government of India initiated the process of developing the National Action Plan on Business and Human Rights and released a Zero-Draft in 2018. The draft has been formulated after elaborate consultations with relevant stakeholders to reaffirm India's commitment to encouraging a socially responsible business ecosystem. Finalisation of the National Action Plan is underway.¹⁷

16. The legislative mandate of Corporate Social Responsibility established in 2013 has enhanced the contribution of businesses towards securing human rights. During 2018-19, INR 119.61 billion was spent on CSR activities by companies listed on the National Stock Exchange. Approximately 65% of that was spent towards poverty alleviation, nutrition, healthcare, education and skilling.

Sustainable Development Goals

(Recommendations 85, 86, 169, 173)

17. India is strongly committed towards holistic, equitable and sustainable development. The National Development Agenda guided by *SabkaSaath, Sabka Vikas, Sabka Vishwas and SabkaPrayas*¹⁸ echoes the 2030 Agenda and is in congruence with the right to development approach.

18. Capturing its continued efforts, progress achieved and challenges faced in its journey towards the realisation of Sustainable Development Goals (SDGs), India submitted its Voluntary National Review in 2017 and 2020. The SDGs India Index & Dashboard has been comprehensively documenting and ranking the progress made by the States and Union Territories towards achieving the SDGs. The third edition released in June 2021 embodies wider coverage of targets and indicators as compared to the earlier versions.¹⁹

19. For facilitating the monitoring of SDGs at national level, the Ministry of Statistics and Programme Implementation has developed a National Indicator Framework (NIF) for SDGs in consultation with the line Ministries/Departments and other Stakeholders. Based on the SDGs-NIF, the Ministry releases the Annual Progress Report on 29th June of every year.

20. India's overall score on the NITI Aayog SDG India Index & Dashboard improved to 66 in 2020-21 as compared to 60 in 2019-20 and 57 in 2018-19, showing progress in India's journey towards achieving

the SDGs. Despite 2020-21 being a pandemic year, India performed well on eight of the 15 SDGs measured by the NITI Aayog SDG India Index.²⁰

Human Rights and Poverty

(Recommendations 162, 163, 164, 165, 166, 167, 168)

21. India has adopted a multipronged strategy for poverty alleviation, employing both short term and long-term initiatives and operationalizing holistic measurement of poverty by developing national multidimensional poverty index (MPI).²¹

22. Fulfillment of basic needs is done through a variety of measures, including, distribution of food grains, employment guarantee, direct transfer of cash to the bank accounts of the beneficiaries etc.²² Under the *Pradhan Mantri Garib Kalyan Yojana* cash relief has been extended to 200 million women account holders to meet the hardship of the lock down during the pandemic. As of April 2020, 381 million accounts have been opened under the *Pradhan Mantri Jan Dhan Yojana*, which enabled such a transfer possible even during the pandemic. To tide over the pandemic, cash transfers were also made to senior citizens, widows and persons with disabilities.

23. Additional measures to facilitate poverty alleviation, including strengthening of the healthcare infrastructure, housing facilities for the poor as well as support systems for 59% of the population dependent on agriculture through *Pradhan Mantri Fasal Bima Yojana* and *Pradhan Mantri Krishi Sinchayee Yojana*, were also undertaken.

24. The Stand-Up India scheme facilitates loans of value between INR 1 to 100 million to at least one SC or ST borrower and one-woman borrower per bank branch for setting up a green field enterprise in manufacturing, services or trading sector.²³

25. The third phase of PMKVY (PMKVY 3.0) was launched in January 2021 to provide industry-relevant skill training benefitting thousands of youth in the country. Similarly, Skill Acquisition and Knowledge Awareness for Livelihood Promotion (SANKALP) scheme was launched in January 2018 to strengthen the short-term skill ecosystem and to address key issues of skilling in the country. Accordingly, new institutions for skill training are being established, number of seats in the existing institutions are being increased, and synergies are being created between the institutional structure and various government programmes and schemes.

26. *Pradhan Mantri Gram Sadak Yojana* (PMGSY) was launched as a part of poverty reduction strategy as connectivity in itself create a lot of other opportunities like employment, access to market, schools, and health facilities. The objective of the scheme is to provide access to the basic services through all-weather roads to population residing in rural areas including persons with disabilities and minorities. By creating a huge network of rural roads, the scheme has helped tremendously towards eradicating poverty and improving quality of life in rural areas as people living in those areas can access quickly and at lesser costs to their work place, market and health facilities.

Human rights and the environment

(Recommendations 91, 92, 93, 94)

27. India firmly committed to continue its efforts to improve the environment and address climate change. The Supreme Court has progressively interpreted the “right to life” to include right to live in a healthy environment.²⁴

28. India submitted its Nationally Determined Contribution (NDC)²⁵ under the Paris Agreement on a ‘best effort basis’ keeping its developmental imperatives in mind.²⁶ By the end of 2019, India was able to bring the emission intensity of GDP down by 21%.²⁷ During the 26th session of the Conference of the Parties (COP26) to the United Nations Framework Convention on Climate Change (UNFCCC), held in Glasgow, India presented the five nectar elements (*Panchamrit*) of India’s climate action, namely: (i) Reach 500GW Non-fossil energy capacity by 2030; (ii) 50 per cent of its energy requirements from renewable energy by 2030; (iii) Reduction of total projected carbon emissions by one billion tonnes from now to 2030; (iv) Reduction of the carbon intensity of the economy by 45 per cent by 2030, over 2005 levels; and (v) Achieving the target of net zero emissions by 2070.

29. India's commitment towards making use of clean and modern energy emerges stronger with its diversification into various renewable energy choices.²⁸ Against the ambitious target of 500 GW of renewable energy generation capacity by 2030, 132 GW has been already installed as of March 2020, a 75 % increase since 2014.²⁹ Further, International Solar Alliance was conceived as a joint effort by India and France to mobilize efforts against climate change through deployment of solar energy solutions, at the Paris Climate Summit in 2015. At present, it is working on several programmes in the nature of Scaling Solar Applications for Agricultural Use, Affordable Finance at Scale, Scaling Solar Mini-Grids, Scaling Rooftop Solar, Scaling Solar E-Mobility and Storage, Solar Parks and Solarising Heating and Cooling Systems. Under the Street Lighting National Programme that was launched in 2015, 11 million Smart LED streetlights were installed and 5.12 million tonnes of CO₂ emission was reduced by 2020.³⁰ Through the *Pradhan Mantri Ujjwala Yojana*, usage of clean fuel in the form of liquified Petroleum Gas (LPG) has increased from 62% in 2016 to 99.8% in 2021.³¹

30. India is also one of the first countries to develop a comprehensive Cooling Action Plan to address the cooling requirement across sectors and list out actions to help reduce the cooling demand.

31. In 2019, India launched a Coalition for Disaster Resilient Infrastructure (CDRI), to promote resilient infrastructure systems to climate and disaster risks, thereby ensuring sustainable development. The CDRI Secretariat is based in New Delhi. A large share of the estimated fund requirements to cover the core costs over the first five years has been invested by India.³²

32. India also adopted 'Climate Smart Cities Assessment Framework' in 2019 for 100 smart cities with 28 climate-relevant parameters to guide cities towards climate actions and to help make them more responsive and less vulnerable to climate change.³³

33. India is ranked among the top ten countries in the Climate Change Performance Index 2020 on account of low levels of per capita emissions and energy use and 'well-below-2 degree C' renewable energy targets.³⁴ Also, India formulated its National Action Plan on Climate Change in 2008.

34. India piloted a resolution on the 'Framework for Addressing Single Use Plastic Product Pollution', which was adopted by the Fourth United Nations Environment Assembly held in 2019.³⁵ Additionally, the Plastic Waste Management Amendment Rules, 2021 is being notified with the ambition of phasing out identified single use plastic by 2022. National Clean Air Programme was launched in 2019 with a target to achieve 20-30% reduction in particulate matter concentration by 2024. The E-AMRIT web portal was launched for creating awareness about electric mobility in India, and to serve as a 'one stop site' for providing all the information related to electric vehicles. As on April, 2022, 759,182 EVs had been registered. 25 out of 28 states in India have notified/drafted state EVs policies and 380 EV manufacturers operate in India.³⁶

35. India has prepared a national Strategy and Action Plan to sustainably manage the mangrove and the coastal ecosystem. These conservation measures have led to an increase of the area under mangroves from 4750 sq. km in 2015 to 4975 sq. km. in 2019. Marine Mega Fauna Stranding Management Guidelines and National Marine Turtle Action Plan were launched in 2021 for reducing threats to marine species and their habitats and advancing scientific research and exchange of information.³⁷ Also, Guidelines for sustainable ecotourism in forest and wildlife areas and guidelines for river Dolphins were released in October 2021.

36. India is the tenth largest country in terms of forest area in the world³⁸ and ranks third in the average annual net gain in forest area between 2010 and 2020.³⁹ The biennial India State of Forest Report (ISFR) 2021 was published by Forest Survey of India. The ISFR 2021 reported an increase in the total forest and tree cover of the country to 24.62 %, from 21.67 % in 2019.

C. Civil and Political Rights

Administration of Justice and Fair Trial

1. Impunity

(Recommendations 99, 100)

37. India does not tolerate any form of impunity for violence against minorities, marginalised communities and other vulnerable groups. For instance, while addressing multiplicity of disadvantages, the Supreme Court of India in *Patan Jamal Vali v. State of Andhra Pradesh* observed that “when the identity of a woman intersects with, inter alia, her caste, class, religion, disability and sexual orientation, she may face violence and discrimination due to two or more grounds...In such a situation, it becomes imperative to use an intersectional lens to evaluate how multiple sources of oppression operate cumulatively to produce a specific experience of subordination for a blind Scheduled Caste woman.”⁴⁰ Similarly, in *Shakti Vahini v. Union of India and Others* the Court laid down preventive and remedial measures to tackle the menace of honour killing; and in *Tehseen S. Poonawalla v. Union of India* the Court laid down measures against cow vigilantism.⁴¹

38. The central government has issued *Guidelines on Communal Harmony* to the state governments which, inter alia, provide for several administrative measures for effective prevention of communal disturbances, control of riots, and protection and relief to the affected persons. The *Guidelines* also envisage setting up of Peace Committees in communally sensitive towns and areas, comprising prominent citizens, community leaders and representatives of political parties, respectable organizations, etc.⁴² The National Crime Records Bureau reports indicate a decline in the number of communal/religious riots in the country since 2018.⁴³

2. *Protection of Transgender persons* (Recommendation 80)

39. India has strengthened its legal framework to combat discrimination against lesbian, gay, bisexual, transgender and intersex persons. The Supreme Court of India in *Navtej Singh Johar v. Union of India* has read down Section 377 of the Indian Penal Code and decriminalized homosexuality among consenting adults in private, removing the unreasonable restriction on freedom of choice and expression of LGBT community.

40. The Parliament has enacted the Transgender Persons (Protection of Rights) Act, 2019 which comprehensively prohibits discrimination against transgender persons in all spheres of life and imposes obligations on the state to secure their inclusion in society by providing social security, education and health facilities.

41. Ministry of Social Justice and Empowerment has launched an umbrella scheme SMILE (Support for Marginalized Individuals for Livelihood and Enterprise) in February 2022, which includes ‘Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons’ and ‘Central Sector Scheme for Comprehensive Rehabilitation of persons engaged in the act of begging’. The scheme consists of various components in the nature of scholarships, Skill development, livelihood, composite medical health, housing, e-services, protection cells for the transgender community. *Garima Greh*, inaugurated in 2022 were established to provide shelter to transgender person with basic amenities like shelter, food, medical care and recreational facilities.

3. *Conditions of detention* (Recommendation 116)

42. The budget allocated for prisons has increased from INR 47.53 billion in 2017 to 67.41 billion in 2020. Almost 50% of the budget was spent on food and the remaining were spent towards medical issues, welfare activities, clothing and vocational/educational trainings.⁴⁴ The actual strength of prison staff and medical staff stood at 61,296 and 2,232 respectively for 2020. The Ministry of Home Affairs issued an advisory in 2021 to address the mental health issues of inmates and staff in prisons and correctional facilities during the pandemic.⁴⁵

4. *Human trafficking and slavery* (Recommendations 117, 118, 119, 120, 121, 122, 123, 124, 125, 229)

43. India committed to take decisive action to combat trafficking in persons and support and protect victims, including implementation of its obligations under the UN Convention on the Transnational

Organized Crime and its Protocols. In this regard, India has an extensive legislative and policy framework to address trafficking in persons, including the Constitution of India, the Immoral Traffic Prevention Act, 1956 and the Indian Penal Code, 1860.

44. The National Investigation Agency (NIA) is authorized to investigate cases of human trafficking and is equipped to investigate offences which have inter-state and international linkages. Increased financial assistance to States and Union Territories (UTs) for setting up new and strengthening the existing Anti Human Trafficking Units (AHTUs) and financial assistance for sensitising police and judicial officers is being provided.

45. Number of schemes focusing on rescue, rehabilitation and repatriation of victims of trafficking have been instituted by the Government of India. The *SwadharGreh* scheme provides shelter, food, clothing health as well as economic and social security for women victims of difficult circumstances. NALSA (Victim of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 provides legal assistance to the victims of trafficking and sexual exploitation at the time of rescue and thereafter during trial. The *Ujjawala* Scheme is for prevention of trafficking, rescue, rehabilitation, re-integration and repatriation of victims of trafficking for commercial sexual exploitation. There are 254 projects including 134 Protective and Rehabilitative Homes established in the country. 5,291 women had benefitted from the scheme till July 2019.

46. Recognising the special vulnerability of child victims of human trafficking specific advisory for rescues and rehabilitation of trafficked child victims have been issued.⁴⁶ The National Commission for the Protection of Child Rights (NCPCR) set up a Quick Response Cell to address the instance of child trafficking.⁴⁷ The Ministry of Railways also increased its Child Help Desks at prominent railway stations to support unaccompanied children who remain vulnerable to trafficking.

47. More recently the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill 2021, was tabled in the Parliament. The Bill seeks to comprehensively prevent and counter trafficking in persons, especially women and children, to provide for care, protection, and rehabilitation to the victims, while respecting their rights, and creating a supportive legal, economic and social environment for them, and also to ensure prosecution of offenders. The bill is in advanced stages of consideration.

48. Internationally, India has signed bilateral Memoranda of Understanding for Prevention of Human Trafficking with the Governments of Bangladesh (2015), UAE (2017), Cambodia (2018) and Myanmar (2020) respectively. Also, India signed the protocol resulting from the Nineteenth Meeting of Prosecutors General of the Shanghai Cooperation Organization Member States in 2021.

5. *Torture and Cruel, Inhuman or Degrading Treatment* (Recommendations 5, 6, 7, 8, 9, 11, 16, 17, 18, 19, 20, 21, 22, 95, 96)

49. India remains committed to dealing with law and order and security situations with minimum use of force, in accordance with principles of legal certainty, necessity and proportionality, and after due consideration of various factors including ground realities. The actions by the Forces are taken in good faith, however, when allegations are made against the Forces law take its course. In *Extra Judicial Execution Victim Families Association (EEVFAM) & Anr. V. Union of India*, the Supreme Court of India observed that “if an offence is committed even by Army personnel, there is no concept of absolute immunity from trial by the criminal court constituted under the Criminal Procedure Code” and “no one can act with impunity.”⁴⁸ In appropriate instances, courts and quasi-judicial bodies in India have granted compensation.

50. To address the issue of custodial death and reporting, the National Human Rights Commission has issued guidelines to all State Governments that within 24 hours of occurrence of any custodial death, the Commission shall be informed of the incident, followed by Post-mortem Reports, Magisterial Inquest Reports, Videography Reports of the post-mortem, etc. India signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in October 1997 and remains committed to ratify the Convention. Since the subject falls under the Concurrent List, the Central Government shall also take into account the opinion of States in this regard. The Law Commission of India has been examining the changes required in domestic law prior to carrying out the ratification process. However, the existing legal framework, such as the provisions under the Constitution of India, Indian Penal Code, and Code of Criminal Procedure among others, guarantees adequate protection against any form of torture and cruel,

inhuman or degrading treatment or punishment. In addition, Human Rights education is an integral part of the induction and in-service trainings imparted to police, security and judicial service personnel. National Human Rights Institutions also impart training to government officials on human rights in general as well as group rights.

6. Administration of justice & fair trial (Recommendations 88, 89, 149)

51. National Legal Services Authority (NALSA) was established to promote an inclusive legal system, which provides free legal aid to the underprivileged, marginalised and vulnerable sections of the society. As on March 2022, 12,976 legal services clinics are operating in India and the workforce comprised of 33,835 lawyers with over 10 years of experience. NALSA also entails creating legal awareness by use of digital media, including TV, radio, webinars, social media platforms such as, YouTube, Facebook and others.⁴⁹

52. India firmly committed to further promote equal access to justice for all and working towards reducing backlog and delays in the administration of cases in courts and providing more legal aid to the poor and marginalised.

53. Centrally Sponsored Scheme for Development of Infrastructure Facilities for Judiciary, is extended till 31st March 2026. The goal is to improve the overall functioning and performance of the Judiciary and continued assistance to *Gram Nyayalayas* (village courts), which will also give impetus to providing speedy, substantial and affordable justice to the common man at his door step.⁵⁰

54. Fast Track Courts have disposed-off approximately 3.33 million pending cases between 2014 and 2020. The Tele-Law programme of Department of Justice, launched in 2017, aims to connect needy and marginalized persons, in need of legal advice, through Para Legal Volunteers (PLVs) with Panel Lawyers via video conferencing/telephonic facilities available at Common Service Centres (CSCs) situated at the Panchayat level.⁵¹ Also, NITI Ayog has formulated an ODR Policy Plan for India to provide conducive environment for alternative mechanism to reduce the pendency of cases.⁵²

7. Name, identity, nationality (Recommendation 150)

55. In India, registration of birth is a right of every child and is the first step towards establishing his/her legal identity. It is compulsory to report births and deaths to the Registrar of Births and Deaths under the Registration of Births and Deaths Act 1969 (RBDA). All registration of births is done under the Civil Registration System (CRS) which is a unified process of continuous, permanent, compulsory and universal recording of vital events such as births and characteristics thereof.⁵³ Public awareness by central and state govts including enabling of online registration.....

8. Freedom of thought, conscience and religion (Recommendations 73, 126, 127, 128, 129, 130, 132, 133, 144)

56. India is home to almost all religions of the world and secularism is a fundamental tenet of the Indian Constitution, characterised by religious tolerance, respect for all faiths and religions and equal treatment of all religious groups. The Constitution of India protects freedom of religion and conscience, and the right of all individuals to freely profess, practice and propagate religion subject to considerations of public order, morality and health. A range of legislations have been enacted to protect freedom of religion, including the Indian Penal Code, which punishes offences such as promoting of enmity between different groups on ground of religion, committing a deliberate and malicious act designed to outrage the religious feelings of any class by insulting its religion or religious beliefs, and doing acts prejudicial to maintenance of national integration and harmony.⁵⁴ National Human Rights Institutions such as the National Human Rights Commission and National Commission for Minorities have the authority to take *suo motu* cognisance of incidents relating to infringement of the right to religion.⁵⁵

D. Economic, Social and Cultural Rights

Right to health and Access to health-care

(Recommendations 87, 175, 176, 177, 178, 179, 180)

57. Over the last decade India has made notable progress in ensuring universal access to affordable healthcare for all. This is primarily owing to adoption of a three-pronged focus, namely universalisation, affordability and enhancing modern medical infrastructure.

58. In keeping with one of the objectives of the National Health Policy, 2017, the Central and State Governments budgeted expenditure on health sector reached 2.1.% of GDP in 2021 – 2022 as against 1.3.% in 2019 – 2020 and 1.2% in 2016-17.⁵⁶

59. *Ayushman Bharat*, a flagship scheme of Government of India and the largest health protection programme in the world, was launched in 2018, with the aim of securing Universal Health Coverage to meet its sustainable development goals and its underlining commitment to ‘leave no one behind’. In 2019, the National Health Authority, was constituted as the apex body responsible for implementing the *Ayushman Bharat Pradhan Mantri Jan Arogya Yojana*, and for designing strategy, building technological infrastructure and implementation of *Ayushman Bharat Digital Mission* to create a National Digital Health Eco-system.⁵⁷

60. To bridge critical gaps in public health infrastructure, especially in critical care facilities and primary care in both, rural and urban areas, the *Pradhan Mantri Ayushman Bharat Health Infrastructure Mission* (PM-ABHIM) was launched in 2021 with a budget outlay of approximately INR 641 billion. It is the largest pan-India scheme for strengthening healthcare infrastructure across the country which focuses on the primary, secondary and tertiary care services.

61. The National Policy for Rare Diseases 2021 aims at lowering the incidence and prevalence of rare diseases based on an integrated and comprehensive preventive strategy and access to affordable health care to patients of rare diseases.

62. India has come a long way in improving maternal and newborn health. In six years of the operation of *Pradhan Mantri Surakshit Matritva Abhiyan (PMSMA)*, 33.6 million women have availed comprehensive antenatal care (ANC) services through the National Health Mission under this scheme (upto June 2022).⁵⁸ To further improve and strengthen this programme, Extended-PMSMA was launched in January 2022 for improving tracking of High-Risk Pregnancies till their safe delivery. The Midwifery Initiatives was launched in 2018 to provide improved quality of care to pregnant women and new born babies and also to promote physiological birthing; and *Surakshit Matritva Aashwasan (SUMAN)* was launched in 2019 which focusses on assured delivery of maternal and newborn healthcare services with respect and dignity which includes wider access to free and quality services, zero tolerance for denial of health services and assured management of complications.⁵⁹ *Anaemia Mukta Bharat* strategy was launched in 2018 to achieve 3% reduction in anaemia prevalence every year.

63. India's response to global pandemic has been pre-emptive, pro-active, graded and based on sound scientific facts and principles. India had already put in place a comprehensive response system at the borders much before WHO declared it as a public health emergency of international concern. During the peak of the pandemic a multipronged approach was followed, involving restrictions/lockdowns; perimeter control; contact tracing; augmentation of health infrastructure; Covid appropriate behaviour, testing, contact tracing, treatment and adoption of the world's largest vaccination programme. India not only supported production of Covid vaccines domestically but ensured free vaccination to its population. Making it a technology driven vaccination program, *Arogya Setu* mobile app was launched to enable people to assess themselves the risk of their catching the Covid infection. Co-WIN 2.0 (along with e-VIN), a unique digital platform, supported the real time vaccination activities viz. registration for vaccine, tracking Covid vaccine status of every beneficiary, stocks of vaccine, storage, actual vaccination process, and generation of digital certificates. India actively supported global efforts by sharing Covid vaccines and pharma products to more than 150 countries on humanitarian grounds. In 2020, amidst the unprecedented surge in covid cases, prisoners who had been granted bail or parole were immediately released pursuant to the directions of the Supreme Court of India.

Education

(Recommendations 181, 182, 183, 184, 185, 186, 187, 188, 189, 244)

1. Right to Education

64. India committed to further promote the children's right to education. India's education policy emphasises the completion of secondary education by all children, guaranteeing equal access to quality and affordable technical and vocational education, while eliminating gender, caste, regional and income disparities and to achieve universal access to quality higher education. The expenditure on education and the consequent share in GDP have consistently increased from 2017-18 to 2020-2021 from INR 4.83 trillion to 6.75 trillion. As percentage share of GDP, expenditure on education has increased from 2.8% to 3.5% during the same time period.

65. A concerted effort has been made to improve enrolment ratios in schools across India. Gross Enrolment Ratio (GER) at elementary and secondary levels was at 91.64 % and 79.6 % respectively in 2018-19. The dropout rates reduced to 2.72 % and 9.74 % respectively at elementary and secondary levels in 2018-19.⁶⁰ Gross Enrolment Ratio (GER) in Higher education, calculated for 18-23 years of age group, is 27.1 %.⁶¹ There has been an appreciable increase in the enrolment of children in India, from 261.63 million children in 2017-18 to 264.45 million children in 2020-21.⁶²

66. Gender parity has appreciably improved with the Gender Parity Index rising to 1.06 at elementary and 1.04 at secondary level. With various scholarships to female students and gender-sensitive physical infrastructure, retention rates among girl students have increased from 68.14 % to 71.38 % at elementary level between 2014-15 and 2016-17. *Beti Bachao, Beti Padhao* (Save and Educate the Girl Child) campaign has spread awareness on the importance of gender parity in education on a pan-India scale. With *Swachh Vidyalaya*, separate toilet facilities for girls have helped to arrest female dropout to a considerable extent.

67. Special attention (e.g. through scholarships; improved teaching learning process; aids, appliances and assistive devices, special educators and their capacity building, etc.) has been given to improve educational access and attainment among specific social groups, such as, Scheduled Caste/ Tribe communities, minority communities as well as children with disabilities/children with special needs.⁶³ By 2019, almost all primary and secondary schools had created the necessary conditions for inclusive education with ramps, special hygiene rooms and required teaching materials. Such efforts have led to an increase in the school attendance of children with disabilities, from 50.5 % in 2001 to 61.1 % in 2011.⁶⁴

68. The *Samagra Shiksha Abhiyan* (National Education Mission) was launched in 2018 and comprises of *Sarva Shiksha Abhiyan* and *Rastriya Madhyamik Shiksha Abhiyan*. The mission focusses on improving school effectiveness measured in terms of equal opportunities for schooling and equitable learning outcomes.⁶⁵ The scheme reaches out to children belonging to Scheduled Caste (SC), Scheduled Tribe (ST), minority communities and transgender and also attends to urban deprived children, children affected by periodic migration and children living in remote and scattered habitations.

69. In 2020 India outlined its roadmap to provide universal access to quality education through the National Education Policy (NEP 2020). It proposes to revise and revamp all aspects of the education structure, including its regulation and governance, to create a new system that is aligned with the aspirational goals of Twenty-first century education, including SDGs, while building upon India's traditions and value systems.⁶⁶ A substantial increase in public investment reaching upto 6% of GDP is envisaged under the NEP 2020.⁶⁷

70. During the Covid-19 pandemic, a comprehensive initiative called PM e-VIDYA was launched to unify all efforts related to digital/online/on-air education to enable multi-mode access to education. The initiative includes DIKSHA, (one nation, one digital platform) nation's digital infrastructure for providing quality e-content for school education in States/UTs and QR coded Energized Textbooks for all grades. To mitigate the effect of the pandemic, INR 8.18 billion was allotted to States/UTs to promote online learning through digital initiatives, and INR 2.69 billion for online teacher training to ensure continuous professional development of teachers.⁶⁸

71. The initiatives 'MANODARPAN' covers a wide range of activities to provide psychosocial support to students, teachers and families for Mental Health and Emotional Wellbeing during the pandemic and beyond. Additionally, the Study Web of Active learning by Young and Aspiring Minds (SWAYAM) an indigenously developed platform of learning was operationalised to bridge the digital divide for students who have hitherto remained untouched by the digital revolution and have not been able to join the mainstream of the knowledge economy.⁶⁹

72. *PadhnaLikhna Abhiyan*, an adult education scheme has been introduced in 2020-21 with financial outlay of INR 1.43 billion with a target to make 5.7 million learners' literate.⁷⁰ A specialized National Initiative for School Heads' and Teachers' Holistic Advancement (NISHTHA 3.0) for the foundational literacy and numeracy covering about 2.5 million teachers at the primary level across all states and UTs was launched in September, 2021.⁷¹ The School Education *Shagun* platform provides single point access to all portals and websites of the Education Department, including information pertaining to more than 1.5 million schools, 9 million teachers and 265 million students can be accessed through this platform.⁷² Government has also approved the 'New India Literacy Programme' for the period 2022 – 2027 to cover all the aspects of Adult Education to align with National Education Policy, 2020.⁷³

73. The concept of climate change has been part of the curriculum/textbooks developed by the National Council of Educational Research and Training (NCERT) for Science, Social Sciences and Geography for classes VII and XII. NISHTHA learning modules for elementary stage also include Environmental Science (EVS) concerns related to environmental protection in the module on EVS. Approximately, 42 lakh teachers have already completed NISHTHA learning modules through offline and online mode.⁷⁴

2. *Human Rights Education* (Recommendation 64)

74. Concepts of Human Rights is deeply embedded in Indian education. NEP 2020 envisages an inclusive school curriculum that will include material on human values such as, *inter alia*, human rights.⁷⁵ Existing curriculum of The Central Board of Secondary Education (CBSE), imparts learning about human rights through the subject called 'Civic' till class 10th and through the Legal Studies course in class 11th and 12th.

Right to Food (Recommendation 153, 154, 168)

75. India has taken steps to eliminate all forms of malnutrition by increasing food security. To ensure the welfare of migrant laborers and to enable seamless inter-State portability of ration, the Government has implemented the 'One Nation One Ration Card system' (ONORC) across 32 States and Union Territories.⁷⁶ The reform allows beneficiaries under the Act to avail ration at any Fair Price Shop (FPS) across the country.⁷⁷ To ensure transparency in access to subsidized food grains through the Targeted Public Distribution System, the Government is taking steps to automate and computerize all FPSs. As of January 2021, more than 92% of all FPSs across the country were distributing food grains through these devices.⁷⁸

76. In 2021, *In Re: Problems and Miseries of Migrant Labourers*, the Supreme Court of India reaffirmed the fundamental right to food and other basic necessities as enshrined in the right to life under Article 21 of the Constitution. The Court also issued various directions to enhance food security, including the establishment of community kitchens for migrant laborers.⁷⁹

77. During Covid-19 pandemic, a special package of 5kg of additional food grains per person per month are being distributed, since April 2020, through the *Pradhan Mantri Garib Kalyan Anna Yojana* (PM-GKAY) free of cost. As of January 2022, the Department of Food and Public Distribution had allocated 759 Metric Tonnes of food grains to 800 million beneficiaries under the National Food Security Act 2013 free of cost.⁸⁰

78. India continues its efforts towards effective implementation of the Integrated Child Development Scheme (ICDS) and the Mid-Day-Meal scheme in schools. Despite the shutdown of schools due to COVID-19 pandemic, the Government strived to provide either hot cooked meals or food security allowances to eligible children to meet their nutritional requirements during the outbreak.⁸¹ Throughout the pandemic, Take Home Ration was distributed by Anganwadi workers for 0-3 years old children, 3-6 years old malnourished children, and pregnant and nursing mothers.⁸²

79. The *POSHAN Abhiyaan*, launched in 2018, focussed on improving nutrition in children (0-6 years' age), pregnant women and lactating mothers and, in particular, to reduce the levels of stunting, under-nutrition, anaemia and low birth weight babies. The mission integrates core program platforms of ICDS and the National Health Mission, so that the health and nutrition interventions can reach households, women

and children in the first 1,000 days of life.⁸³ It consolidates more than 1.2 million registered Anganwadi Centres benefiting more than 90 million people.⁸⁴ As of June 2021, a total of 91 million beneficiaries were availing benefits under the *POSHAN Abhiyaan*.⁸⁵ Further, to improve the nutritional status of women and children in the country various initiatives like *Anemia Mukh Bharat* (AMB), Home Based Newborn Care (HBNC), Home Based care for Young Children (HBYC), Infant and Young Child Feeding (IYCF) and Mothers' Absolute Affection (MAA), Nutrition Rehabilitation Centre (NRC), Intensified Diarrhoea Control Fortnight (IDCF), Universal Immunization Programme (UIP) etc. are also being implemented by the Ministry of Health & Family Welfare (MoHFW).

Right to Adequate Housing

(Recommendations 155, 156, 157)

80. India committed to continue its efforts to implement various schemes and measures to ensure inclusive access to adequate housing and basic amenities.⁸⁶ The *Deendayal Antyodaya Yojana: National Urban Livelihoods Mission* (DAY-NULM) aims to provide shelters equipped with essential services to the urban poor. As on November 2021, 2,367 NULM Shelters for Urban Homeless (SUHs) were functioning under the scheme with a total capacity of 76,433.⁸⁷ Similarly, under the *Rajiv Awas Yojna* (RAY), which envisages a 'Slum Free India', a total of 91,283 Dwelling Units had been completed as of June 2020 and an additional 24,474 were in progress.⁸⁸ The Smart Cities Mission also includes affordable housing and inclusiveness as its core features.⁸⁹

81. The Government continues to implement the *Pradhan Mantri Awaas Yojana-Gramin* (PMAY-G) to provide housing for the rural poor in India. As of November 2021, a total of 17.5 million houses had been completed under the scheme.⁹⁰ Similarly, the *Pradhan Mantri Awas Yojana-Urban* (PMAY-U) continues to be implemented to provide housing for urban poor. As of June 2021, about 11.2 million houses have been sanctioned under PMAY-U, of which 4.8 million have been completed. Through these efforts, PMAY-G aims to achieve 'Housing for All' by the year 2024.

82. To address the Covid 19 pandemic induced reverse migration of the urban poor, the Government launched the Affordable Rental Housing Complex (AHRC) sub-scheme under PMAY-U to provide affordable rental housing to urban migrants and poor, close to their workplace. The AHRC shall give preference to persons belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, widows and working women, persons with disabilities and minorities.⁹¹

Right to Social Security and Just and Favourable Conditions of Work

(Recommendations 158, 159, 160, 171, 172, 174)

83. Fulfilling its commitment to accelerate the process of consolidating existing labour laws, India enacted four labour codes, such as the Wage Code, Social Security Code, Industrial Relations Code, and Occupational Safety, Health and Working Conditions Code in 2019 and 2020. These codes consolidate 29 different Central labour legislations, thereby unifying and simplifying labour laws across the country.⁹² The codes have introduced landmark reforms like introduction of a uniform wage for all workers employed in all sectors,⁹³ extension of benefits under the Employees' State Insurance Corporation (ESIC) to all workers, and 'One Nation, One Ration Card' system to migrant workers and their family members to access the benefit of subsidised food grains from any fair price shop in the country.⁹⁴

84. *Pradhan Mantri Shram Yogi Maan Dhan* (PM-SYM) and National Pension Scheme (NPS) for traders, shopkeepers and self-employed persons was launched in 2019, with the objective to provide social security and assure the monthly pension of INR 3000/- per month to the workers of unorganised sector as well as traders who are not covered under the existing framework.⁹⁵ SAMADHAN (Software Application for Monitoring and Disposal, Handling of Apprehended/Existing Industrial Disputes) an online portal was established on a pan India basis in September 2020 to ease the process of dispute settlement.⁹⁶

85. In light of the Covid-19 pandemic, timely advances were also extended to workers from the Employees Provident Fund (EPF). EPF offices across the country had settled 12.1 million Covid-19 advance claims till November 2021, disbursing a total amount of INR 282.88 billion to claimants. Of these, a total of 1.92 million claims were settled online, in a streamlined manner, using the UMANG app.⁹⁷

86. Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) is a demand driven wage employment programme. Fund allocation under Mahatma Gandhi NREGA at Revised estimate (RE) stage for FY 2021-22 was Rs.980 billion and more than 122 million persons were offered work in FY 2021-22 under the program. The Average wage rate per day per person was INR 208.85 in FY 2021-22 which was INR 200.71 in FY 2020-21. The person days generated under Mahatma Gandhi NREGA in FY 2021-22 was 3.63 billion which was 2.65 billion in FY 2019-20.

87. National Social Assistance Programme provides assistance to eligible families in the form of persons like old age pension, widow pension, disability pension etc.

88. In 2021, e-SHRAM portal was launched for creating national database of unorganised workers furthering optimum realisation of their employability and extend the benefits of the social security scheme to them. It is the first ever database of unorganised workers including migrant workers, construction workers, gig and platform workers, domestic workers etc. As of June 2022, more than 268 million unorganised workers have already registered on the e-SHRAM portal.

89. Taking cognisance of the crisis experienced by the migrant workers during the pandemic the Supreme Court of India issued directions, inter alia, to identify and provide transportation by train, bus or other modes to all stranded migrant labourers who were willing to return to their native places (*Gujarat Mazdoor Sabha v. Union of India*);⁹⁸ quashed a notification that exempted all factories from complying with humane working conditions and adequate compensation for overtime work and held that it is affront to right against forced labour under Article 21 and 23 (*Problems & Miseries of Migrant Labourers, In re*); and various High Courts observed that during these extraordinary circumstances of COVID-19 pandemic, the principle of "no work-no wages" cannot be made applicable by the employers.⁹⁹

Human Rights and drinking water and sanitation

(Recommendation 155, 168, 170)

90. India remains committed to increasing access to safe and sustainable drinking water in rural areas and to improving sanitation coverage, especially for women and girls. In 2019, India launched the *Jal Jeevan Mission* (JJM) to achieve universal access to safe and adequate drinking water by 2024 through fixed household tap connections.¹⁰⁰ Villages with majority of population consisting of Scheduled Castes and Scheduled Tribes and drought-prone villages are given priority under the Mission. As of December 2021, 45% households had access to tap water connections and the National Family Health Survey 2019-21, found more than 94% households had access to improved drinking water sources.

91. The Swachh Bharat Mission (Clean India Campaign), launched in 2014, achieved its goal of 'Open Defecation Free' (ODF) India as all 36 States and Union Territories declared themselves ODF in October 2019.¹⁰¹ Since the launch of the Mission in 2014, more than 108 million toilets have been constructed, marking a 61.24% increase in households with toilets. Consistent with the Sustainable Development Goal of adequate and equitable sanitation and hygiene for all, the Government approved Phase-II of the Swachh Bharat Mission-Grameen (SBM-G) in 2020.¹⁰² India achieved universal sanitization in all 603,175 villages in 2019¹⁰³. Swachhata Abhiyan, a mobile application was developed in 2020 to identify and geotag the data of insanitary latrines and manual scavengers so that the insanitary latrines can be replaced with sanitary latrines and further rehabilitate all the manual scavengers to provide dignity of life to them.

92. The Government remains committed to eliminating manual scavenging in India. In 2013 and 2018, the Government conducted two surveys and 58,098 manual scavengers were identified and provided with assistance and rehabilitation.¹⁰⁴ Further, the National SafaiKaramchari Finance and Development Corporation provides loan facilities of upto 10 lakhs for purchasing mechanised cleaning of sewers and septic tanks.

E. Group Rights

Persons with Disabilities

(Recommendations 239, 240, 241)

93. India committed to ensuring better protection for persons with disabilities to build an inclusive society. As of 2020, persons with disabilities (PwDs) constitute 2.21% of the population in India, 69.5% of

which resides in rural areas with wide variation in type and incidence of disability.¹⁰⁵ To build an inclusive society in which persons with disabilities enjoy equal opportunities and to lead productive, safe and dignified lives the Department of Empowerment of Persons with Disabilities (DEPwD), facilitates the empowerment of persons with disabilities. India submitted its first Report on Convention on the Rights of Persons with Disabilities in September 2019.

94. The access audit under the Accessible India Campaign stands completed in 48 cities, 8 states have completed retrofitting work and others are near completion. All international airports in India and 55 out of 69 domestic airports are provided with accessibility features, approximately 27% of the buses are partially accessible and approximately 6% of the buses are fully accessible. Further, 71% of schools have been made barrier-free for children with special needs.¹⁰⁶

95. Important Government initiatives include: Hackathon for inviting ideas/ innovations for the betterment of PwDs; E-comic cum activity book to instil the importance of accessibility among children and to introduce them to the concepts of barrier free surroundings; Students' Engagement Program to generate community engagement in the sector of accessibility; Early Intervention Centres to provide specialized support and services for children with disability;¹⁰⁷ and *Sugamya Bharat App* to sensitise and enhance accessibility campaign.¹⁰⁸ The National Education Policy, 2020 (NEP 2020) envisions provision of adequate availability of qualified special educators for PwDs.

96. Various other initiatives include the *DeenDayal Rehabilitation Scheme* to provide for financial assistance to voluntary organizations working for rehabilitation of PwDs.¹⁰⁹ *DISHA* to provide for early intervention and school readiness scheme for children in the age group 0 – 10 years that aims at therapies, trainings and provision of support to family members. *VIKAAS* to provide for children above 10 years, to expand the range of opportunities by enhancing interpersonal and vocational skills. *Niramaya* Health Insurance Scheme to provide affordable health insurance to persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities. *Gharaunda*, (Group Home for Adults) Scheme, seeks to provide lifelong group home facility for all Adult PwDs covered under the National Trust Act. *SAHYOGI* (Care Associate Training) Scheme to provide training and create a skilled workforce of care associates to provide adequate and nurturing care for PwDs and their families who require it.¹¹⁰

97. The Centre for Disability Sports was established in 2019 in the State of Madhya Pradesh to provide PwDs the training to enable them to effectively participate in Paralympics, Deaflympics, Special Olympics, etc.,

Women

(Recommendations 59, 65, 66, 67, 68, 102, 103, 190, 192, 193, 194, 197, 198, 199, 200, 201, 202, 204, 205, 207, 208, 210, 211, 212, 213, 215, 222)

98. India attaches highest priority to ensuring safety and security of women and has undertaken various legislative, schematic interventions in this regard. India specifically committed to eliminate all forms of discrimination against women and to ensure their holistic empowerment.

99. Women constitute a substantial section among those benefitting from various policy initiatives. For instance, women accounted for almost half the total number (49.6%) of enrolments under the *Ayushman Bharat Pradhan Mantri Jan Arogya Yojana* in 2019-2021. Women constituted 42% of the total number of beneficiaries who have availed treatment under the scheme till March 2022. 90 million liquified petroleum gas (LPG) cylinders have been released till January 2022 under the *Ujjwala Yojana*, a scheme that envisaged distribution of LPG connections to women below poverty line. Out of 25 million houses that have been built under the *Pradhan Mantri Awas Yojana*, women will have co-ownership rights in 20 million houses. 68% of the beneficiaries of the 320 million loans given under *Pradhan Mantri Mudra Scheme* are women.¹¹¹ As of March 2022, 450 million accounts have been opened under the *Pradhan Mantri Jan Dhan Yojana*, of which more than half (56%) or 250 million belong to women. *Mahila Shakti Kendra* Scheme was launched in 2017 to empower women through skill development, employment, digital literacy, health, nutrition and political participation. Under the NREGA Scheme, in the FY 2021-22, out of total person-days generated, 54.72% were women.

100. The Government of India is running DAY-NRLM which reaches out to the most vulnerable sections of women and promotes community based institutions, Self Help Groups (SHG) etc and ensures

capacity building, financing, skilling and promotion of livelihoods through supporting various self-employment & enterprises based opportunities. In doing so, the programme has benefited the SHG members with capitalization support of INR 173 billion. Cumulatively, more than INR 4,800 billion have been accessed by SHGs since 2013-14.

Women in the Workforce

101. Various steps have been taken to incentivize women's participation in the workforce. The Maternity Benefits Act, 1961 was amended in 2017 to increase the duration of maternity benefits from 12 to 26 weeks¹¹² and to provide 12 weeks of maternity leave to adopting mothers and commissioning mothers.¹¹³ To overcome information asymmetry in the women entrepreneurial ecosystem, a unified access portal called Women Entrepreneurship Platform has been established,¹¹⁴ to seamlessly provide information.

102. The involvement of women in paid economic activity has enhanced over the years. The labour force participation of females has increased from 17.5% in 2017-18 to 22.5% in 2019-20.¹¹⁵ Worker population ratio among females has also risen from 16.5% in 2017-18 to 22.8% in 2019-20.¹¹⁶ Correspondingly unemployment ratio has declined from 5.7% in 2017-18 to 4.2% in 2019-20.¹¹⁷ Political representation of women in Parliament also witnessed a rise from 11.86% in 2014-19 to 15.03% in 2019-24.¹¹⁸

103. Gradual but decisive steps are being taken towards opening up of positions that hitherto excluded women. The foremost measure in this regard has been the recognition and enforcement of equality of opportunity for women as Short Service Commission officers in the armed forces and considering them for the grant of Permanent Commission not only in staff appointments but also in criteria and command appointments. In *Lt. Col. Nitisha v. Union of India* the Supreme Court of India applied the test of indirect discrimination to recognize women's exclusion from permanent commission in armed forces as discriminatory and took the historic step of inclusion of women in a hitherto male bastion.¹¹⁹ The Government of India has also proactively advised the states to increase representation of women in non-gazetted posts in police to 33% and approved the same for the Union Territories in 2015. At least 20 states adopted varying targets for the same ranging from 38% (one state), 33% (nine states) and less than 33% (ten states).

Legislative and Judicial Measures on Gender Justice

104. The Criminal Law Amendment Act, 2018 introduced the measures like enhanced punishment for rape of a girl below the age of 12 years, expeditious investigation, payment of fine by the perpetrator to be given to the victim to meet her medical expenses and secure rehabilitation.¹²⁰ The Muslim Women (Protection of Rights on Marriage) Act, 2019 made the pronouncement of triple *talaq* by Muslim husbands a cognizable offence compoundable at the instance of the married Muslim woman upon whom *talaq* is pronounced.¹²¹

105. The question of constitutionality of legal provisions on marital rape has recently been challenged before the Supreme Court of India. However, in *Independent Thought v. Union of India*, the Supreme Court has already read down the provision by holding that marital rape does not stand as an exception where the wife is below 18 years of age.¹²²

106. Regarding the issue of honour killing, the Supreme Court of India in *Shakti Vahini v. Union of India* held that the "right needs to be protected and it cannot succumb to the conception of class honour or group thinking."¹²³ Also the Court has laid down preventive, punitive and remedial measures to address the menace of honour killing.

Sexual and Reproductive Health

107. The restriction on access to legal abortion after twenty weeks of pregnancy has been revised through the Medical Termination of Pregnancy Amendment Act, 2021. Therefore, legal abortions without any requirement of judicial authorization are now available well upto twenty-four weeks of gestation for vulnerable groups of women, such as minors, differently abled women, victims of violence, etc.

108. Maternal Mortality Rate (MMR) has declined from 122 per 100,000 live births in 2015-2017 to 103 in 2017-2019 (Sample Registration System, ORGI).¹²⁴ Neo-natal Mortality Rate (NMR) has declined from 25 per 1000 live births in 2015 to 22 per 1000 live births in 2019. Infant Mortality Rate (IMR) has declined from 37 per 1000 live births in 2015 to 28 per 1000 live births in SRS 2020.¹²⁵ The latest National Family Health Survey 5 (NFHS-5) has shown significant improvement in institutional births from 78.9% in NFHS-4 (2015-16) to 88.6% in NFHS-5 (2019-21). The coverage of mothers in terms of antenatal check-up, consumption of dietary supplements and postnatal care has improved substantially.

109. Under National Family Planning Programme, a wide array of contraceptives is provided free of cost to beneficiaries in all public health facilities. Contraceptives are also delivered to eligible couple by ASHAs (Accredited Social Health Activists). Comprehensive abortion care services are being strengthened through trainings of health care providers, supply of drugs, equipment, information education and communication, etc. Over 25,000 'Delivery Points' across the country have been strengthened in terms of infrastructure, equipment, and trained human power for provision of comprehensive reproductive, maternal, new born, child and adolescent health (RMNCH+A) services. Also, more than 7,000 Adolescent Friendly Health Clinics (AFHC) are functional all over the country to address the key health issues of adolescent under Rashtriya Kishor SwasthyaKaryakram (RKSK) including contraceptive use and reproductive health. Use of hygienic methods of protection during menstrual period among women age of 15-24 years has increased from 57.6% in NFHS-4 (2015-16) to 77.3% in NFHS-5 (2019-21).

110. The National Health Policy, 2017 duly recognizes the imperative to move away from camp based sterilization services. Assurance Committees have been established across all the states and districts in India to monitor working of the sterilization camps. There has been a decline of 0.55 points and 62.5 points for death and failure rates attributable to sterilizations as compared to the previous year (2017-18).

Efforts to Address Violence against Women

111. Besides strengthening the legal framework, steps have been taken at the operational level to effectively tackle the problem of violence against women. Pan-India Emergency Response Support System provides for dispatch of field resources to the location of distress. One Stop Centres provide integrated service to women affected by violence under one roof. There are 733 such centres that have been approved for 730 districts across the country out of which 704 centres are already operational and have assisted over 450 thousand women.¹²⁶

112. A 24x7, toll free telecom service has been established throughout India to facilitate crisis and non-crisis intervention to women seeking support. National level Investigation Tracking System for Sexual Offences has been established to monitor and track time-bound investigation in sexual assault cases. National level database on sexual offenders was launched in 2018 to facilitate investigation and tracking of sexual offenders across the country by law enforcement agencies. A cyber-crime portal has also been launched for citizens to report obscene content. In order to make public transportation, especially railway travel safe for women, Indian Railways has approved a plan to install Internet Protocol (IP) based Video Surveillance System (VSS) at stations.¹²⁷ Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018 provides for compensation to women victims of identified gender-based crimes and victims of child sexual abuse. She-Box, an online complaint management system has been established, to provide a single window access to every woman for registration of complaints related to sexual harassment at workplace. Various States engaged Mahila Police Volunteers (female police volunteers) to act as a link between the police and the community.¹²⁸

113. India recognises the need for gender sensitisation at the community level. Books published by National Council of Education Research and Training make an effort at the school level. The New Education Policy 2020 aims at removing biases and stereotypes in school curriculum.¹²⁹ Academies for training administrative, police and judicial officers embody gender sensitisation in their induction and in service training programmes. The Supreme Court of India has also emphasised the need for gender sensitization in the law school undergraduate courses, and in the syllabus for Bar-exam and judicial services exam.¹³⁰

Children

(Recommendations 38, 40, 60, 214, 216, 217, 218, 219, 220, 221, 226, 230, 231, 232, 233, 234, 235, 236, 237, 238)

114. India is committed to continue its efforts to protect children from exploitation including sexual exploitation, corporal punishment and child marriage and to enforce minimum marriageable age of 18 years, prohibit child labour and support child victims of sexual offences.

115. The Protection of Children from Sexual Offences (POCSO) Act, 2012 was amended in 2019 to better protect children from offences such as sexual assault, sexual harassment, and pornography. The Protection of Children from Sexual Offences Rules, 2020 (POCSO Rules) were also notified to effectively implement provisions of the Amended Act

116. The Government introduced a scheme in 2019 to set up 1023 Fast Track Special Courts (FTSCs) including 389 exclusive POCSO Courts across the nation for time bound completion of trials relating to sexual offences.¹³¹ As of May 2022, 726 Fast Special Track Courts and 408 e-POCSO Courts have become functional.¹³² The Central Bureau of Investigation has joined the international child sexual exploitation database of INTERPOL to bolster its fight against sex abuse of minors and help in identification of victims and abusers.

117. India continues to implement the Prohibition of Child Marriage Act (PCMA), 2006, which makes child marriage a cognizable and non-bailable offence. Additionally, the Government organizes regular media campaigns and outreach programmes on the detrimental effects of child marriages.¹³³ The NCPCR has also taken active steps to prevent child marriages, by way of directing grassroots-level agencies and officers to take preventive measures, organizing camps on child rights across the country, etc.¹³⁴

118. India has ratified the ILO Minimum Age Convention, 1973 (No. 138); and the Worst Forms of Child Labour Convention, 1999 (No.182). Accordingly, the Government introduced the Child Labour (Prohibition and Regulation) Amendment Act 2016 and the Child Labour (Prohibition and Regulation) Amendment Rules 2017, which completely prohibit employment of children below 14 years; and for those between 14-18 years employment in hazardous occupations is prohibited.¹³⁵

119. In 2018, the Platform for Effective Enforcement for No Child Labour (PENCL) Portal was launched for enabling smooth implementation of the Child Labour Act and the NCLP. Also, a Standard Operating Procedure ('SOP') has been developed for trainers, practitioners, and enforcement and monitoring agencies.¹³⁶

120. Juvenile Justice (Care and Protection) Amendment Act, 2021 was introduced expanding the powers of District Magistrates in providing care and protection to vulnerable children and removing gaps in implementation arising out of difficulties in interpretation. A centrally sponsored Integrated Child Protection Scheme (ICPS) has been introduced under the Act which is implemented by State Child Protection Societies and District Child Protection Units, which cover children in need of care and protection, and children in conflict with law.

121. The National Commission for Protection of Child Rights has formulated the Guidelines for Eliminating Corporal Punishment in Schools, and constituted a Corporal Punishment Monitoring Cell to look into cases of corporal punishment.

Coordination with the UN, NHRIs and other stakeholders

(Recommendation 44, 45, 47, 62)

122. India remains committed to cooperating with International Organisations in promotion and protection of human rights. India has submitted its fourth periodic Report on International Covenant on Civil and Political Rights (ICCPR) to the Human Rights Committee in September 2021 and the Common Core Document (CCD) to OHCHR in March 2022, providing a full account of India's constitutional, legal and policy framework relating to human rights.

123. India has extended a standing invitation to UN Special Procedures mandate holders to visit the country at a mutually convenient time.

124. India is formulating a National Plan of Action on Human Rights (NPAHR). The National Human Rights Commission of India (NHRC) has taken up the responsibility to prepare the NPAHR and has established a Task Force constituting of members of the NHRC and representatives from relevant Ministries.¹³⁷

125. The Government evaluates the available vacancies in International Organizations and takes a policy decision on contesting the election based on criteria such as importance of the position, level of competition, winning prospects etc. Thereafter, the Government nominates candidates on a case-to-case basis, after careful assessment of their professional qualifications, domain expertise and relevant experience, vis-à-vis the requirements of the particular assignment/position.

126. Capacity building and technical assistance are important strands of India's development partnership programme and an important pillar of India's foreign policy. India's Technical and Economic Cooperation Programme covers over 160 partner countries from Asia, Africa, East Europe, Latin America, the Caribbean as well as Pacific and Small Island countries. Recently India has made the annual voluntary contribution of USD 400,000 to OHCHR's Voluntary Funds, including for technical cooperation and assistance. During the COVID-19 pandemic, India provided more than 235 million doses of vaccines to 99 countries around the world as well as to two UN entities since January 2021.

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- ²⁰ Economic Survey of India, p197, <https://www.indiabudget.gov.in/economicsurvey/doc/echapter.pdf>. These included – goal 3 (good health and well-being), goal 6 (clean water and sanitation), goal 7 (affordable and clean energy), goal 10 (reduced inequalities), goal 11 (sustainable cities and communities), goal 12 (responsible consumption and production), goal 15 (life on land) and goal 16 (peace, justice, and strong institutions)
- ²¹ https://www.niti.gov.in/sites/default/files/2021-11/National_MPI_India-11242021.pdf. Developed by the NITI Aayog (in consultation with 12 Ministries and in partnership with State Governments and the index publishing agencies—Oxford Poverty and Human Development Initiative (OPHI) and United Nations Development Programme (UNDP)), it is a major step towards holistic measurement of poverty and for adequate assessment of the progress made with respect to poverty eradication initiatives. It captures the deprivation faced by a household across the three dimensions, i.e., Health, Education, and Standard of Living across 12 indicators. 10 indicators from the global MPI and 2 additional indicators capturing the national priorities of maternal health and financial inclusion. The customized national MPI aims to provide opportunities to the Central and State Governments to understand the multiple factors that are hindering growth and assist them in making interventions more effective, high impact, and durable.
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