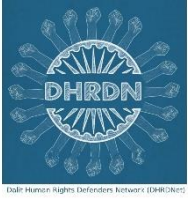


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	560
Land:	Indien
Kilde:	Dalit Human Rights Defenders Network, Hindus for Human Rights, India Civil Watch International, International Commission for Dalit Rights, International Dalit Solidarity Network, Justice For All, Minority Rights Group International, National Council of Women Leaders, North American Manipur Tribal Association, Project Disarmed Childhood, South Asia Justice Campaign, Women in Governance-India, og Youth for Human Rights Documentation
Titel:	Joint NGO Alternative Report on the Situation of Civil and Political Rights in India
Udgivet:	31. maj 2024
Optaget på baggrundsmaterialet:	14. januar 2025



United Nations Human Rights Committee 4th Periodic Review of India

Joint NGO Alternative Report on the Situation of Civil and Political Rights in India

Submitting organisations (in alphabetical order)¹:

Dalit Human Rights Defenders Network
Hindus for Human Rights
India Civil Watch International
International Commission for Dalit Rights
International Dalit Solidarity Network
Justice For All
Minority Rights Group International
National Council of Women Leaders
North American Manipur Tribal Association
Project Disarmed Childhood
South Asia Justice Campaign
Women in Governance-India
Youth for Human Rights Documentation

Submission Date: 31 May 2024

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¹ **Annex 1** to this submission provides further information on the submitting organisations.

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Introduction

1. In its 141st session commencing on 1 July 2024, the Human Rights Committee (Committee) will conduct India's 4th periodic review for compliance with the International Covenant on Civil and Political Rights (ICCPR).
2. This comes after almost 27 years, since India's last ICCPR review in 1997, a significant anomaly.
3. Recommendations made by the Committee to India in its Concluding Observations at 3rd Periodic Review, on 4 August 1997 (3rd Concluding Observations) have mostly not been implemented (See **Annex 3**). On the contrary, as we show in our submission, India's compliance with requirements under the ICCPR has actually deteriorated. India continues not to ratify optional protocols or accept individual complaints procedures under any of the human rights covenants, including the ICCPR.
4. In a context when India's engagement with UN human rights mechanisms is limited, including poor response to communications and alerts by UN Treaty Bodies and Special Procedures and obstructing visits by UN actors to India², its weak engagement with the ICCPR reinforces the deficiencies.
5. This joint submission - by a collective of civil society and human rights organisations, between them covering a broad set of protected groups and themes - seeks to provide an assessment of the gap in India's compliance with ICCPR provisions. The submission relies on publicly available sources including publications from credible media outlets, reports by governmental, non-governmental and inter-governmental organisations and research articles, as well as on-the-ground advocacy by submitting organisations, to provide facts and evidence on the gaps. For easy reference, **Annex 2** provides correlation of our 'Joint NGO Alternative Report' to State Party Report and List of Issues Prior to Reporting (LOIPR).

PART I

Article 1 (Right to self-determination)

6. India's interpretative declaration or reservation to article 1 of the ICCPR states that the right to self-determination does not apply to a sovereign independent state or a section of a nation. A report by the UN Office of the High Commissioner for Human Rights (OHCHR) in June 2018 called on India to "*fully respect the right of self-determination of the people of Kashmir as protected under international law.*"³ However, India has persisted in its refusal to do so. In August 2019, India unilaterally revoked the special autonomy guaranteed to the state of Jammu & Kashmir⁴ under article 370 of the Constitution of India (**Constitution**), which provided a form of quasi-autonomy and protections for the state's indigenous population.⁵ The revocation was upheld by the Supreme Court of India (SCI) in December 2023.⁶ In May 2024 the SCI dismissed petitions seeking review of its December 2023 judgment, extinguishing all legal

² <https://www.ohchr.org/en/press-releases/2024/03/india-un-experts-urge-corrective-action-protect-human-rights-and-end-attacks>

Also see [View Country visits of Special Procedures of the Human Rights Council since 1998](#). For instance, a request from the Special Rapporteur on torture is pending since 1999 despite eight reminders, and a request from the Working Group on disappearances is pending since 2005 despite nine reminders.

³ OHCHR Report on the Situation of Human Rights in Kashmir, 14 June 2018.

⁴ In this submission, Jammu and Kashmir refers to the state administered by India - called Indian Administered Kashmir by the United Nations - which has since been bifurcated into two union territories administered by India.

⁵ AL IND 21/2020, 10 February 2021.

⁶ In Re: Article 370 of the Constitution, Supreme Court of India, 11 December 2023, [Abrogation of Article 370 | Judgement Summary](#), Supreme Court Observer, 11 December 2023.

remedies available under the judicial system.⁷ In August 2019, the state was bifurcated into two union territories (Ladakh and Jammu & Kashmir) under the direct control of the central government, and a number of laws passed by the state's Legislative Assembly were amended or repealed, bringing in changes such as expanding electoral rolls to include non-locals and enabling non-locals to purchase land in the region.⁸

7. India has continued to commit widespread human rights violations in Jammu & Kashmir with complete impunity for perpetrators, particularly the Indian armed forces that are protected by the Armed Forces (Special Powers) Act, 1958 (AFSPA).⁹ This is accompanied by frequent communication shutdowns, curfews on free movement and arbitrary detention of political and religious leaders for extended periods, ignoring repeated appeals from UN Experts and civil society.¹⁰ Preventive arrests and arbitrary detentions have continued in the state since the revocation of statehood and abrogation of Article 370 in August 2019. These include over 5,000 arrests between August-November 2019,¹¹ and the subsequent continuing arrests of Kashmiri journalists and human rights defenders.¹²
8. India's continued brutal use of military force in the region is in direct contradiction to the Committee's recommendation in the 3rd Concluding Observations to use political solutions rather than military force.¹³
9. Article 1(2) recognises the rights of peoples to freely dispose of their natural wealth and resources. Notwithstanding India's reservation to article 1, indigenous peoples globally shelter under this right for natural resources, with the additional protective standard of requiring free, prior and informed consent in expropriating such lands and resources. Despite specific protection provided by fifth and sixth schedules of the Indian Constitution for Adivasis as indigenous peoples, land alienation by corporations continues to displace these communities from ancestral domains without their free, prior and informed consent.¹⁴

PART II

Article 2 (Duty to enforce all rights, including through legislation and providing remedy)

10. ICCPR provisions must be incorporated into domestic law to take effect.¹⁵ While India appears to have a robust legal framework to protect and promote human rights and domestic institutions to seek remedy for violations, a closer look reveals that these are fraught with gaps and structural flaws, which may directly enable violations besides perpetrating impunity for violators. Undermining of the independence of the judiciary, as discussed below means that

⁷ No error: Supreme Court rejects pleas to review its Article 370 order, Indian Express, 21 May 2024.

⁸ Situation Update and Analysis: Jammu and Kashmir After One Year of Abrogation of Article 370, Amnesty International, 2020; [AL IND 21/2020](#), 10 February 2021.

⁹ India: Repeal Armed Forces Special Powers Act, 18 August 2008.

¹⁰ India: UN expert demands immediate end to crackdown on Kashmiri human rights defenders, 24 March 2023; [UN experts urge Indian authorities to stop targeting Kashmiri human rights defender Khurram Parvez and release him immediately](#), 22 December 2021; [UN experts call for urgent action to remedy "alarming" human rights situation in Jammu and Kashmir](#), 4 August 2020; [Kashmir communications shutdown a 'collective punishment' that must be reversed, say UN experts](#), 22 August 2019; [India: Act on UN Rights Report on Kashmir](#), Human Rights Watch, 14 June 2018; [UN experts urge India to restore internet and social media services in Jammu and Kashmir](#), 11 May 2017.

¹¹ Over 5,000 Preventive Arrests In Jammu And Kashmir Since August 5: Centre, NDTV, 27 November 2019.

¹² [Kashmir Journalists Face Forbidding Pattern: Arrest, Bail, Rearrest](#), New York Times, 16 April 2022; [One year in detention: UN experts demand immediate release of Kashmiri activist Khurram Parvez](#), 22 November 2022.

¹³ [Concluding observations of the Human Rights Committee: India](#), UN Human Rights Committee: India, 1997.

¹⁴ Varughese, R., Mukherjee, S. [Development-induced dispossession: Adivasi existence in the milieu of contemporary Indian texts in translation](#). *Humanit Soc Sci Commun* 11, 659 (2024).

¹⁵ [Article 253 Constitution of India](#).

even where strong provisions have been incorporated, they do not serve as effective safeguards to constitutionally enshrined rights.¹⁶

11. Some examples of gaps in the legal and institutional framework are as follows:
 - a. India does not have a comprehensive anti-discrimination law that covers all protected groups. The gap is especially relevant to religious minorities.
 - b. India has not ratified the Convention against Torture and Other Cruel Inhumane or Degrading Treatment or Punishment (CAT) and does not have a law prohibiting torture and providing remedies for victims of torture.
 - c. Discriminatory laws such as the Citizenship Amendment Act, 2019 (CAA) and anti-conversion laws are being implemented, even as challenges remain pending before the SCI.¹⁷ The CAA provides amnesty and fast-tracked pathways to citizenship to non-Muslim refugees from neighbouring countries except Myanmar, who arrived in India before 31 December 2014, in clear violation of article 2(1) of the ICCPR by discriminating on the basis of religion. Implementation of this discriminatory statute began in May 2024, after the SCI refused to grant an interim stay on the rules under the CAA in March 2024.¹⁸
 - d. The Constitution (Scheduled Castes) Order, 1950 excludes religious minorities (Muslims and Christians) from its ambit, thereby excluding Dalits belonging to religious minorities and rendering them more vulnerable to targeted violence, access to services and benefits, and under-representation in decision making bodies and public services.
 - e. Statutory provisions requiring government sanction prior to prosecution make it almost impossible to hold state actors accountable, fostering an environment of impunity for human rights violations (discussed in detail below).

Structural factors that impede effective remedy through independence and impartiality of the judiciary

12. India's judiciary is significantly empowered by the Constitution to check executive excess; the SCI enjoys a reputation as one of the most powerful in the world.¹⁹ However, weaknesses within the judicial structure have raised questions about: (i) the institutional independence of the judiciary, and (ii) the independence and impartiality of individual judges when dealing with sensitive cases with implications for minorities and human rights defenders.
13. The appointment and transfer of judges to the SCI and the state-level High Courts is by a "collegium system", whereby senior judges of the SCI, led by the Chief Justice of India (CJI), themselves have primacy in the process, and are shielded from any executive interference.²⁰ However, the opaqueness of the system, the lack of set procedures, and the vesting of near-

¹⁶ Ahmad, Md. Z., & Wani, S. A. (2023). [Constitutional Morality and Authoritarianism: Percolating Constitutionalism Through Judicial Interpretation](#). *Indian Journal of Public Administration*, 69(3), 624-637.

¹⁷ [Citizenship Amendment Act](#), Supreme Court Observer; [Constitutionality of Anti-Conversion Laws](#), Supreme Court Observer; [Parts Of UP Anti-Conversion Law Seem To Be Violating Article 25 Of Constitution: Supreme Court](#), Live Law, 16 May 2024.

¹⁸ [Citizenship Amendment Act | Supreme Court refuses to stay the CAA rules; directs Union to file responses to interim stay applications](#), Supreme Court Observer; [Centre gives citizenship to over 350 people under CAA: All you need to know](#), Business Standard, 16 May 2024.

¹⁹ [The Supreme Court of India: An Empirical Overview of the Institution](#), Comparative Constitutional Law and Policy, 2019, pp. 43-76; [Rethinking Judicial Independence in India and Sri Lanka](#), Asian Journal of Comparative Law Volume 10 Issue 1, 12 August 2015, p. 100.

²⁰ [Collegium vs NJAC: What Is the Renewed Debate over Appointment of Judges?](#) The Indian Express, 17 December 2022.

unfettered powers with the CJI, including in assigning, prioritising and listing cases, seem to be undermining the system.²¹

14. Legal scholars have reported a sharp increase, in recent years, in the appointment to the SCI, and thus to the collegium, of “theocratic” judges who look at Hindu religious texts too, beyond the Constitution, as sources of law, while deciding cases.²² Examples cited are the SCI’s Babri Masjid or the Ayodhya judgement (2019) as well as the Karnataka *hijab* ban judgement (2022).²³
15. The opaqueness of the system of appointments and transfers of judges can result in a lack of transparency, combined with instances of punitive transfers of judges seen to be contesting executive excess, indicative of a lack of institutional independence.²⁴
16. The practice of senior judges attaining political positions after retirement raises further questions about the independence and impartiality of individual judges.²⁵ Studies have found that judges who author judgements in favour of the government are more likely to receive prestigious post-retirement government jobs.²⁶

Weak accountability of state actors denying effective enforcement of human rights

17. India’s state police forces are governed by a colonial-era law (The Police Act, 1861)²⁷ that is silent on human rights. It mandates primacy of orders issued to police personnel by ‘competent authorities’, implying those occupying higher ranks in the state hierarchy or wielding political power, compromising the independence of the police.²⁸ Police have been rewarded by the government for targeting minorities or political opponents.²⁹ Other enforcement and investigative agencies like the Enforcement Directorate, the Central Bureau of Investigation or

²¹ [How Has the Supreme Court Fared During the Modi Years?](#) The Wire, 12 April 2019; [India’s Top Judges Issue Unprecedented Warning over Integrity of Supreme Court](#), The Guardian, 12 January 2018; [Arnab Goswami Case: Dushyant Dave Writes To SC on “Selective Listing of Matters”](#), The Wire, 10 November 2020; [Interview: Justice A.P. Shah Sees a Clear Decline in SC’s Ability to Protect People’s Rights](#), The Wire, 26 November 2020.

²² [Theocratic Judges Who Give Primacy To Religion Over Constitution Have Sharply Increased: Dr Mohan Gopal](#), LiveLaw, 18 February 2023.

²³ <https://english.mathrubhumi.com/features/specials/sangh-parivar-is-establishing-hindu-rashtra-through-judiciary-prof-mohan-gopal-1.8450902>

²⁴ *In 2020, a High Court judge who ordered police to ensure safe passage to victims during the three-day-long targeted anti-Muslim violence in Delhi and to initiate action against BJP leaders who incited violence, was hastily transferred to another High Court, just before he was to preside over a crucial hearing in the case.* [President Orders Transfer of Delhi High Court Judge Muralidhar Day after He Pulls up Police over Violence](#), India Today, 28 February 2020.

²⁵ [The Practice of Post- Retirement Jobs for Judges: Impact on the Faith in Judiciary](#), 24 October, 2022; [Sealed and Delivered: Ranjan Gogoi’s gifts to the government](#), The Caravan, 1 February 2020; [Second Innings: How Post retirement ambitions imperils judges’ integrity](#), The Caravan 31 January 2021.

²⁶ [Jobs for Justice\(s\): Corruption in the Supreme Court of India](#), Journal of Law and Economics, 2021, p. 480-85. *A notable example is a former Chief Justice of India being nominated to parliament a mere three months after his retirement. As the Chief Justice, he had overseen, among other contentious matters, the controversial National Register of Citizens (NRC) exercise in Assam, during which his conduct in court suggested pre-formed sympathy on the matter, raising doubts about his impartiality, and appeared to be promoting the interests of the government.* [Sealed and Delivered: Ranjan Gogoi’s gifts to the government](#), The Caravan, 1 February 2020; *Another judge, who had – along with four others – delivered a verdict favourable for Hindu nationalists in the controversial Babri Masjid case was appointed as a provincial Governor shortly after retirement.* [Justice S. Abdul Nazeer’s Appointment As The Governor Without a Cooling-Off Period Brings It Under Scrutiny](#), Live Law, 13 February 2023.

²⁷ The implementation of a Model Police Act to replace the 1861 Act remains uneven across provinces, which are constitutionally mandated to uphold law and order. India’s various state police forces continued to be governed by the 1861 Act, or by provincial-level legislation modelled after it.

²⁸ [Indian Police Use Violence as a Shortcut to Justice. It’s the Poorest Who Bear the Scars](#), CNN, 2 December 2020.

²⁹ *In Uttar Pradesh, senior police officers who carried out extra-judicial killings disproportionately targeting Muslims received cash rewards and official felicitations.* [A Chronicle of the Crime Fiction That Is Adityanath’s Encounter Raj](#), The Wire, 24 February 2018; *Others elsewhere have received parliamentary and legislative tickets with the BJP.* [Ex-IPS Officers Help BJP Build “War on Crime” Narrative](#), The Economic Times, 19 January 2022.

the National Investigative Agency have also routinely been reported being used to target political opponents, minorities, and human rights defenders.³⁰

18. Surveys among police personnel confirm alarming levels of approval for custodial torture,³¹ and show endemic levels of anti-Muslim and anti-Dalit sentiment.³² Minority representation in the police is negligible not just at the top level, but also at middle and lower levels.³³
19. The internal oversight system in the armed forces has historically been ineffective in ensuring accountability for human rights violations, and, reportedly marked by “*denial, obfuscation, delay, opacity of investigations and the shelter of the AFSPA.*”³⁴ In addition to Jammu & Kashmir, the AFSPA is applied in several districts in the North-Eastern states of Arunachal Pradesh, Assam, Manipur and Nagaland. Section 4 of the AFSPA enables army officers to use lethal force to the extent of causing death at their own discretion, without safeguards against excessive use of these powers – violating international standards on use of force, and principles of proportionality and necessity.³⁵ Section 6 of the AFSPA protects officers taking such actions, and prohibits prosecution of army officers without the central government’s sanction, which is seldom granted.³⁶
20. The Indian government has persistently overlooked recommendations for the AFSPA to be repealed, made either by a domestic committee,³⁷ civil society groups, the National Human Rights Commission (NHRC) as well as the United Nations.³⁸ The OHCHR’s first-ever report on the human rights situation in Jammu & Kashmir in June 2018 noted that the AFSPA and the Jammu and Kashmir Public Safety Act (PSA) impede accountability for human rights violations.³⁹ However, both laws continue to operate.
21. Constitutional provisions meant to protect state officials from arbitrary dismissal have effectively functioned as “escape clauses” that “permit executive impunity.”⁴⁰ Section 197 of the Code of Criminal Procedure (CrPC) makes state sanction mandatory before prosecuting public servants for any crime, including gross human rights violations. Therefore, hardly any police officers or armed forces personnel are prosecuted for even serious offences. Loopholes within section 46 of the CrPC enable authorities to justify any death occurring during an arrest.⁴¹
22. Moreover, the police are effectively in charge of investigating their own misconduct through departmental inquiries led by senior officials. Historically, these internal oversight mechanisms have done little to ensure accountability particularly for officials who enjoyed political patronage.⁴² This was evident during the targeted violence against Muslims in Delhi and Uttar

³⁰ [A “Caged Parrot” - Indian Judge Describes Top Police Agency](#), Reuters, 10 May 2013.

³¹ [Deaths in Police Custody Rose Sharply Over Last Three Years, Rajya Sabha Told](#), The Wire, 10 February 2023.

³² [Deaths in Police Custody Rose Sharply Over Last Three Years, Rajya Sabha Told](#), The Wire, 10 February 2023; [Status of Policing in India Report 2019](#), Common Cause and Centre for the Study of Developing Societies (n 11) 64.

³³ [Status of Policing in India Report 2019](#), Common Cause and Centre for the Study of Developing Societies (n 18) 112.

³⁴ [Army’s Human Rights Dept Must Be Autonomous. Else, Its Head Will Just Warm the Chair in HQ](#), The Print, 7 January 2021.

³⁵ [The Armed Forces \(Special Powers\) Act, 1958, Act No. 28 of 1958](#), section 4; [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions](#), 26 April 2013, para 22; [OL IND 6/2023](#), UN Special Procedures, 8 October 2023.

³⁶ [The Armed Forces \(Special Powers\) Act, 1958, Act No. 28 of 1958](#), section 6; [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions](#), 26 April 2013, para 23; [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions](#), Philip Alston, p. 176.

³⁷ [Report of the Committee to Review the Armed Forces \(Special Powers\) Act, 1958](#), Part IV, 2005, para. 5, pp.74-75.

³⁸ [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions](#), 26 April 2013, para 22; [OL IND 6/2023](#), UN Special Procedures, 8 October 2023.

³⁹ [India: Act on UN Rights Report on Kashmir](#), Human Rights Watch, 14 June 2018; [Denied: Failures in accountability for human rights violations by security force personnel in Jammu and Kashmir](#), Amnesty International, 2015.

⁴⁰ [Article 311, Constitution of India; The J&K Govt Is Dismissing Govt Employees By Selectively Quoting The Constitution, Article 14](#), 22 November 2021.

⁴¹ [A Safety-Valve for Death: Section 46 of Code of Criminal Procedure and Inadequate Accountability](#), The Daily Guardian, 31 January 2022.

⁴² [Police Accountability in India](#), Commonwealth Human Rights Initiative, 2002.

Pradesh (UP) in 2019-20; police personnel who were accused of complicity and active participation in anti-minority violence faced no meaningful action.⁴³ International experts noted a pattern of victims of violence themselves being subjected to reprisals by police for seeking remedy, which along with widespread procedural irregularities renders the judicial process largely ineffective.⁴⁴

Domestic rights bodies ineffective and susceptible to political influence

23. The NHRC along with other agencies mandated to protect and promote human rights, minority rights, women's rights, and child rights appear instead to target minorities and government critics.⁴⁵ The NHRC in particular has been criticized by democracy watchdogs for failing to comply with international recommendations on, inter alia, composition and pluralism including gender balance and minority representation, and transparency in the selection of members.⁴⁶ Its investigative wing is manned by members of the police forces, creating a clear conflict of interest. In recent years, the NHRC has been accused of allowing several egregious human rights violations, through delays, flawed investigations, and biased findings.⁴⁷ These are some factors that have led the Global Alliance of National Human Rights Institutions (GANHRI) Sub Committee on Accreditation to withhold reaccreditation of the NHRC for two years in a row.⁴⁸
24. The National Commission for Women (NCW), the National Commission for Minorities (NCM), and the National Commission for the Protection of Child Rights (NCPCR) face similar allegations of bias and lack of independence. NCW and NCPCR members are appointed directly by the central government.⁴⁹ In late 2021, the central government further diluted independence of the commissions by amending appointment rules specifically to enable the chairpersons of the NCW and the NCPCR to continue for another term despite having completed one term as members and a second as chairpersons.⁵⁰ Both rights bodies have been criticised for deferring to the BJP-led central government's political agenda and selectively responding to or ignoring violations.⁵¹
25. The National Commission for Scheduled Castes (NCSC) and National Commission for Scheduled Tribes (NCST), constituted in the 1950s as independent constitutional bodies for the protection of Dalits, Adivasis and other marginalised communities, have been weakened by hollowing out their staffing and refusing to address budgetary concerns, making it impossible for them to work. Despite deriving their legitimacy from the Constitution, they have been made subservient to the executive for budget approval. They have no power to act against erring authorities, and can only make recommendations, reducing the bodies to mere post offices,

⁴³ [Delhi Police Participated in February Riots. There Was “deliberate Inaction” by Them: Panel](#), The New Indian Express, 17 July 2020.

⁴⁴ [Report of the Panel of Independent International Experts to Examine Information about Alleged Violations of International Law Committed against Muslims in India since July 2019](#), Centre for Human Rights, University of the Free State, 2022.

⁴⁵ [How Hindutva Hijacked India's Child Rights Body](#), Scroll.in, 2 February 2022; [AAP's Gujarat Chief Detained from NCW Office, Released Later](#), The Indian Express, 13 October 2022.

⁴⁶ [Joint Submission to the Global Alliance of National Human Rights Institutions \(GANHRI\) Sub Committee on Accreditation \(SCA\) along with Endorsees](#), 2022.; [UN-linked body defers NHRC-India accreditation for second year in a row](#), the Hindu, 13 May 2024.

⁴⁷ [Joint Submission to the Global Alliance of National Human Rights Institutions \(GANHRI\) Sub Committee on Accreditation \(SCA\) along with Endorsees](#), 2022.; [UN-linked body defers NHRC-India accreditation for second year in a row](#), the Hindu, 13 May 2024.

⁴⁸ [UN-linked body defers NHRC-India accreditation for second year in a row](#), The Hindu, 13 May 2024.

⁴⁹ [National Commission for Women Act, 1990](#), section 3; [The Commissions for Protection of Child Rights Act, 2005](#), sections 3 and 4.

⁵⁰ [How Modi Govt Tweaked Appointment Rules To Enable Second Terms For Heads Of 2 Powerful Commissions](#), Article 14, 13 July 2022.

⁵¹ [A commission misguided](#), The Hindu, 5 October 2020; [Why The National Commission For Women Is Anti Indian Women](#), Article 14, 22 January 2021; [Child rights panel chief ‘unaware of police brutalities on children’](#), The Hindu, 16 February 2020; [National Commission for Protection of Child Rights needs counselling on own rules: Activists](#), The Hindu, 27 January 2020; [NCW's Rekha Sharma called ‘bigot’, ‘misogynist’ after “love jihad” tweet](#), The Hindu, 22 October 2022.

forwarding complaints from victims to state authorities and *vice versa*.⁵² Concerns regarding direct appointment of members by the central government apply to NCSC and NCST as well.

Article 3 (Equal rights for women and men)

26. Harmful practices, sexual violence and discriminatory stereotypes targeting women and girls remain prevalent, hindering equal enjoyment of ICCPR rights. A disproportionately high number of cases of violence and sexual violence target women from Dalit, Adivasi and religious minority communities. The National Family Health Survey-5 (2019-2021) shows higher rates of sexual violence targeting Dalit (Scheduled Caste) women (7.2%), Adivasi (Scheduled Tribe) women (6.5%) and Muslim women (6.5%), as compared to rates of sexual violence faced by women not marginalised based on caste/tribe or religion (5.6%).⁵³ National Crime Records Bureau (NCRB) data from 2022 indicates that more than 11 Dalit women and minor girls get raped every day, a significant increase from the already unacceptable number of 6 in 2016.⁵⁴ This is despite extreme underreporting of sexual violence targeting Dalit and Adivasi women and girls, and failure to register reported offences under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (SC & ST (POA) Act). Special courts under the SC & ST (POA) Act meant to enable speedy trials completed within two months have not been established in a majority of states; identification of atrocity-prone districts to improve safety is also similarly lacking.⁵⁵
27. A March 2022 study analyzing 50 cases of sexual violence against Dalit women and girls found that they face severe barriers in accessing justice for sexual violence. Barriers include caste-based discrimination, abuse and use of casteist slurs by police and medical professionals, and the continued use of the unscientific “two-finger test” in medical examinations for rape.⁵⁶ The problems are exacerbated by the extreme pressure from communities to “accept” unofficial compromises through various means such as community justice systems like *khap* or *jati* panchayats.⁵⁷
28. Adivasi women in highly militarized areas are at even greater risk; they have, for long, been subject to sexual and physical violence during search and comb operations by security forces, who enjoy almost complete impunity.⁵⁸ As an example, a 2016 investigation reported a testimony of women from a village in the Sukma district of the State of Chhattisgarh being stripped, with their breasts squeezed to check if they are lactating prompted by the assumption that women who are not pregnant or lactating must be insurgents.⁵⁹ Widespread poverty forces Adivasi women and girls to migrate in search of work, rendering them vulnerable to unfair labour practices and sexual violence from contractors and other men.⁶⁰ Adivasi women are also more vulnerable to trafficking.⁶¹

⁵² Jayal, Niraja Gopal. "Promoting diversity and protecting the vulnerable." In *Representing India: Ethnic Diversity and the Governance of Public Institutions*, pp. 71-88. London: Palgrave Macmillan UK, 2006; [Centre for Policy Research, Social Inequality and Institutional Remedies: A Study of the National Commission for Scheduled Castes \(January 10, 2010\)](#).

⁵³ [India National Family Health Survey \(NFHS-5\) 2019-21; Beaten, Molested and Homeless: How Women Became Worst Victims of Delhi Riots](#), News18, 1 March 2020; [Rape as a political tool in India](#), Al Jazeera, 19 April 2018; [Unchecked Tsunami Of Online Sexual Violence By Hindu Right Against India's Muslim Women](#), Article 14, 21 May 2021.

⁵⁴ [2022 Report: Volume II](#), NCRB, December 2023; [NCRB Report](#), Hindustan Times, 4 December 2023.

⁵⁵ Ministry of Social Justice and Empowerment, [Annual Report 2020-21](#).

⁵⁶ [Caste Based Sexual Violence and State Impunity](#), National Council of Women Leaders, Dalit Human Rights Defenders Network, Tata Institute of Social Sciences, March 2022.

⁵⁷ [Caste Based Sexual Violence and State Impunity](#), National Council of Women Leaders, Dalit Human Rights Defenders Network, Tata Institute of Social Sciences, March 2022.

⁵⁸ [Brutalized for resistance: The assault on Indigenous women in Modi's India](#), Survival International, 2022; [Women against Sexual Violence and State Repression, Bearing Witness: Sexual Violence in South Chhattisgarh](#), 2017; [NHRC indicts Chhattisgarh police for sexual violence against Adivasi women in Bastar](#), Countercurrents, 11 January 2017.

⁵⁹ [Brutalized for resistance: The assault on Indigenous women in Modi's India](#), Survival International, 2022; [Report of the Fact-finding team to South Chhattisgarh](#), Delhi Solidarity Group, 2016.

⁶⁰ [Tribal Migrant Workers from MP Harvest Tales of Exploitation, Sexual Abuse](#), Newslick, 23 February 2022.

⁶¹ [Rights Groups Call for Probe Into Trafficking Networks After Rape of Adivasi Migrant Worker](#), The Wire, 2 June 2020.

29. Despite much-needed amendments to laws dealing with sexual offences, marital rape of non-minors is expressly excluded from rape provisions under the Indian criminal law – this continues to be the case in the reformed penal laws that will come into force in India in 2024. Petitions challenging the marital rape exception remain pending before the SCI,⁶² while complaints by married women are dismissed based on this exception.⁶³ This is despite repeated calls by international actors,⁶⁴ civil society⁶⁵ and government committees⁶⁶ for removal of the marital rape exception. A continued presumption of consent in a marital relationship contravenes a woman's right to autonomy, security and bodily integrity.⁶⁷
30. India does not have a law prohibiting Female Genital Mutilation or Cutting (FGM-C) and does not prosecute acts of FGM-C under existing criminal laws. To the contrary, the Indian government publicly denies the existence of FGM-C in India,⁶⁸ despite documentation of incidents by civil society and past acknowledgement by the authorities.⁶⁹
31. There is a grave lack of caste and gender representation among judicial and law enforcement officials in India. Only about 10% of the police force nationally is made up of women,⁷⁰ despite repeated advisories to ensure that at least 33% of police forces are women while recommending special recruitment drives to fill these posts.⁷¹ In the judiciary, only 13% of High Court judges in India are women, and only 30% of judges in subordinate courts are women.⁷²

Articles 4 and 5 (derogation of rights)

32. India has repeatedly and for extended periods of time, derogated from its human rights obligations in Jammu & Kashmir, particularly obligations under articles 6, 7 and 18 of the ICCPR, which are all expressly exempted, citing security or emergency concerns. Such concerns are not clearly articulated, nor are the nature or necessity of the measures taken clarified. In addition to the communication shutdowns, arbitrary detentions and impunity for torture and killings by armed forces, the right to religious observances of Muslims in Jammu & Kashmir is repeatedly violated through closure of mosques, discriminating on the prohibited ground of religion.⁷³ Further, Assembly elections have not been conducted since 2018, and Jammu & Kashmir has remained under President's rule for six years with dates for Assembly elections yet to be announced.⁷⁴ Elections for local government have not been conducted even though the term of corporations, councils and committees elected in 2018 ended in October and

⁶² [Challenge to the Marital Rape Exception](#), Supreme Court Observer.

⁶³ [An Indian woman accused her husband of forcing her to have 'unnatural sex.' A judge said that's not a crime in marriage](#), CNN World, 6 May 2024.

⁶⁴ [CEDAW Committee's General Recommendation 35](#); [Press Release](#), Special Rapporteur for Violence against Women, 3 May 2013; [Press Release](#), Ministry of Home Affairs, 29 April 2015.

⁶⁵ [A Ruling On Marital Rape In India Is Coming Up. Here's Why You Should Be Watching Closely](#), Equality Now, 4 May 2023.

⁶⁶ [Report of the Committee on Amendments to Criminal Law](#), 23 January 2013.

⁶⁷ [NGO Submission to the UPR](#), DHRDNet, 31 March 2021.

⁶⁸ [Lok Sabha Unstarred question No. 4380](#) answered on 19 December 2014; [Lok Sabha Unstarred question No. 466](#) answered on 20 July 2018; [Recent poll by a Foundation on the world's most dangerous countries for women 2018 is not based on data but on perception of unknown persons](#), Ministry of Women and Child Development, Government of India, 27 June 2018.

⁶⁹ [Government will end Female Genital Mutilation if Bohras don't: Maneka Gandhi](#), The Hindustan Times, 29 May 2017.

⁷⁰ [India Justice Report: Ranking states on police, judiciary, prisons and legal aid](#), Tata Trusts, January 2021.

⁷¹ [India Justice Report: Ranking states on police, judiciary, prisons and legal aid](#), Tata Trusts, January 2021.

⁷² [India Justice Report: Ranking states on police, judiciary, prisons and legal aid](#), Tata Trusts, January 2021.

⁷³ [J&K Mosques Stay Closed, Prep For Amarnath Yatra Begins](#), Article 14, 11 July 2020; [Closed Kashmir main mosque belies India's religious freedom claim](#), Al Jazeera, 16 December 2021; [Srinagar's Grand Mosque: Witness to a turbulent history](#), The Indian Express, 3 July 2023; [Srinagar grand mosque 'closed for Friday prayers' amid fears of protests over Palestine deaths](#), The Hindu, 13 October 2023; [Eid Prayers Not Allowed at Srinagar's Jamia Masjid, Mirwaiz 'Under House Arrest' Again](#), The Wire, 10 April 2024.

⁷⁴ [J&K Local Body Polls Won't Be Held Anytime Soon, LG Makes it Official](#), The Wire, 15 November 2023; [No local body representatives in J&K from January 9; no Assembly since 2018](#), The Hindu, 8 January 2024.

November 2023 and of local panchayats in January 2024; new elections have not been announced.⁷⁵

Part III

Article 6 (Right to life)

33. Extra-judicial killings (EJKs) are a common occurrence in India, even in regions that are not categorized as conflict zones, with police officials shooting at suspected criminals or even innocent civilians as a law enforcement tactic, colloquially referred to as “encounters”.⁷⁶ Between March 2017 to September 2023, police in UP killed 190 persons⁷⁷ in ‘encounter killings’ and shot and injured 5,591 persons as part of the government’s policy to be tough on crime.⁷⁸ Between 2017 and 2020, 37% of the 124 people killed in UP in this manner were Muslims, though Muslims account for just 18% of the state’s population.⁷⁹ In Assam, 51 persons were extra-judicially killed by the state police between May 2021 to May 2022, with 22 among them being Muslims.⁸⁰ Despite guidelines laid down by the NHRC in 2003 and 2010 and the SCI in 2014 regarding unbiased investigation into killings by police, studies reveal continued reluctance to prosecute police officials and highlight grave violations of the guidelines. Studies also expose ambiguities and gaps in the SCI’s guidelines, which, in practice, translate into impunity for killings. For instance, ambiguity on FIRs to be registered against the police and the improbable expectation of a fair and independent investigation by state police into crimes by their own colleagues.⁸¹
34. Lynchings by so-called “vigilantes” and mobs result in severe harm and deaths particularly targeting Muslims and Dalits. According to the most recent data, at least 31 Muslims and 1 Hindu were killed by Hindu extremists from January 2023 to February 2024, of which 16 were killed by cow vigilantes.⁸² This shows an increasing trend. 109 such incidents were reported from January 2014 to 31 July 2018.⁸³ In multiple cases of attacks, Muslim men have been reported being assaulted by vigilantes and detained by police on allegations of “love jihad” based on anti-conversion laws.⁸⁴ There have also been numerous cases of lynching of Muslims and Dalits on grounds of “cow protection” , with one study estimating 50 fatalities reported as a result of lynching or mob violence following suspected cow slaughter or trade between 2016 – 2020.⁸⁵ State actors are often complicit in such attacks, either by enabling vigilantes, through creating provisions in laws, for e.g. state cow protection laws, empowering private actors to assist police in search and arrest, or by failing to protect victims and hold perpetrators accountable.⁸⁶ The

⁷⁵ [No sign of local body polls in Jammu and Kashmir; BJP eyeing deferring of the exercise till 2024](#), The Indian Express, 23 October 2023; [Term Of Last Elected Body In Jammu And Kashmir Ends, No Fresh Elections In Sight](#), NDTV, 9 January 2024; [With local body polls not in sight, J&K parties gear up for Lok Sabha 2024](#), Hindustan Times, 14 November 2023.

⁷⁶ [Extra-judicial killings in India: a crisis of justice, faith and public morality?](#) South Asia@ LSE, 2021.

⁷⁷ [183 Criminals Killed In Uttar Pradesh Police Encounters Since 2017](#), NDTV, 14 April 2023; [Since Adityanath Took Over in 2017, UP Police Have Killed 190 People in 'Encounters'](#), The Wire, 22 October 2023.

⁷⁸ [Thokk Do: Five years of Encounter-Raj in Uttar Pradesh](#), Two Circles, 8 January 2022.

⁷⁹ [UP Govt Admits 37% of 'Criminals' Killed in Encounters in 3 Years were Muslims](#), Newslick, 22 August 2020.

⁸⁰ [Assam Police killed 51 people in 13 months, 22 were Muslims](#), Maktoob Media, 24 June 2022.

⁸¹ [Extinguishing Law & Life: Police Killings & Cover Up in the State of Uttar Pradesh](#), Youth for Human Rights Documentation (YHRD), October 2021.

⁸² <https://southasiajusticecampaign.org/ipt2023/>

⁸³ [India: The new Lynchdom](#), Citizens for Justice and Peace, 6 August 2018; [Hate tracker 2022: A list of anti-Muslim incidents across India](#), Siasat.com, 24 December 2023; [NAFRAT KA NAQSHA 2023](#), Citizens for Justice and Peace, 2023; [Lynchistan: Mob lynching cases across India](#), The Quint.

⁸⁴ [‘They cut him into pieces’: India’s ‘love jihad’ conspiracy theory turns lethal](#), The Guardian, 21 January 2022.

⁸⁵ [Cow Protection Legislation and Vigilante Violence in India](#), ACLED, 3 May 2021.

⁸⁶ [Mob lynchings in India: A look at data and the story behind the numbers](#), Newslandry, 4 July 2017; [Explained | States’ lax response to lynching](#), The Hindu, 30 July 2023.

- data on numbers of such deaths is difficult to procure; collection of official data on mob lynching and hate crimes was discontinued after 2017 on the basis that the data was unreliable.⁸⁷
35. Adivasis practising Christianity in Fifth Schedule areas of South Chhattisgarh have faced death threats and assaults. In December 2022, a series of targeted attacks were carried out across 18 villages in Narayanpur and 15 villages in Kondagaon, injuring dozens of people and forcefully driving 1000 Christian tribals from their lands.⁸⁸ State authorities have sanctioned atrocities on Adivasi populations on an unprecedented scale with complete impunity,⁸⁹ for instance:
 - a. Between 2005-2011, Salwa Judum, an armed vigilante group allegedly supported by the state, destroyed hundreds of villages, perpetrating sexual violence and mass killings and displacing several hundred thousand villagers, without facing any consequences despite an SCI directive.⁹⁰
 - b. In 2012, 17 villagers were reported killed in what was termed the biggest “Maoist encounter” by the administration.⁹¹ A judicial enquiry confirmed that those killed were innocent villagers who had gathered to plan a festival.⁹² No action was taken against perpetrators even after the enquiry findings were published.
 - c. From 2013 to date, state forces are alleged to have continued to randomly pick up Adivasis and subject them to detention, torture, rape and brutal killings, only to later present them as Maoists or Maoist sympathizers.⁹³ Reports indicate there were almost a hundred such deaths in 2024 itself, with 29 killed on 16 April 2024.⁹⁴
 36. In September 2023, UN experts expressed concern about the “inadequate humanitarian response” to reports of serious human rights violations and abuses in Manipur.⁹⁵ The conflict between the predominantly Hindu Meitei and the predominantly Christian Kuki ethnic communities has resulted in over 160 confirmed deaths since May 2023, with many more unconfirmed deaths presumed, mostly from the Kuki-Zo tribal community.⁹⁶ In addition, there are reports of over 40,000 people from the Kuki-Zo community being displaced, thousands of homes, churches and villages burnt, and grave incidents of sexual violence. The government response, meanwhile, was “*slow and inadequate... to stem physical and sexual violence and hate speech in Manipur,*” as noted by the UN experts.⁹⁷

⁸⁷ [NCRB stopped collecting data on lynching, hate crime as it was ‘unreliable’, govt tells LS](#), The Print, 21 December 2021; [On Indian Lynching Data](#), Countercurrents, 20 May 2023.

⁸⁸ [Escalating attacks against Christian Adivasis in Chhattisgarh](#), The Hindu Frontline, 12 January 2023; [Forced Gharwapsi, Molestation and Series of attacks: Hundreds of Christian Adivasis leave their villages in Chhattisgarh](#), Outlook, 13 April 2023; [Chhattisgarh HC provides Interim relief to displaced Christian Adivasis in Camps](#), Outlook, 12 April 2023.

⁸⁹ [The State vs. Adivasis: Bastar’s Criminal Justice Apparatus and the Story of Arjun Kashyap](#), Völkerrechtsblog, 27 October 2022.

⁹⁰ [When the state makes war on its own people](#), Peoples Union for Democratic Rights, 2006; [Being Neutral is our biggest crime: Government, Vigilante and Naxalite abuses in India’s Chhattisgarh state](#), Human Rights Watch, July 2008; [Salwa Judum and the Violence on women in Dantewada, Chhattisgarh: Report of a Fact-finding by an All-India Women’s Team](#), CAVOW, 2006.

⁹¹ [Chhattisgarh: Story of another ‘encounter’](#), The Indian Express, 8 December 2019.

⁹² [Indian gov’t report: 17 Adivasi falsely dubbed Maoists, shot dead](#), Al Jazeera, 4 December 2019.

⁹³ [Chhattisgarh: Eight killed in firing in 2013 were unarmed Adivasis not Maoists, finds report](#), Scroll.in, 10 September 2021; [Chhattisgarh: Bastar Police claim Maoist killed, family alleges fake encounter](#), The Times of India, 24 January 2022; [Chhattisgarh: Under-Trial tribal killed in ‘fake encounter’ in Bastar](#), Hindustan Times, 18 August 2016; [Chhattisgarh: Security forces kill six tribals in fake encounters in Bastar, alleges PUCL](#), The Free Press Journal, 18 July 2021; [The Anatomy of a ‘Fake Encounter’: How 10 Adivasis Were Killed in Abujmarh](#), The Wire, 14 May 2019; [Over 2 Years Since Security Forces Killed Jharkhand Adivasi On A Chicken Hunt, Widow Awaits Fresh Probe, Justice](#), Article 14, 18 March 2024.

⁹⁴ [India’s Adivasi Communities Are Facing Brutal Repression](#), Jacobin.com, 1 May 2024; [‘Tribal Killings a Recurring Phenomenon in Bastar’, Say Protestors Marking 9 Years of Sakerguda Massacre](#), Newslick, 30 June 2021.

⁹⁵ [India: UN experts alarmed by continuing abuses in Manipur](#), UN Special Procedures, 4 September 2023.

⁹⁶ [Kuki-Zo community tells tales of brutality, violence](#), Times of India, 9 March 2024.

⁹⁷ [Indian Government Finally Responds to Violence in Manipur](#), Human Rights Watch, 21 July 2023; [Manipur: why is there conflict and how is the government responding?](#) The Guardian, 21 July 2023.

Article 7 (prohibition of torture)

37. Police forces in India commonly use torture as a tool to punish suspects, extract information and confessions, extract bribes, or even simply to target marginalised communities.⁹⁸ Most victims of police torture belong to poor and marginalised sections of the society.⁹⁹ Legal safeguards are insufficient to prevent police torture or ensure accountability in case of violations. Accused persons often do not report mistreatment due to fear of reprisals, and those who do seek accountability often face intimidation.¹⁰⁰
38. Human rights groups have long claimed that deaths due to torture while in police custody are a common occurrence in India. In July 2022, the Union Minister of State for Home Affairs Mr. Nityanand Rai stated in the Parliament that 4,484 custodial deaths were reported between 2020-2022, with UP reporting 952 of these deaths, the highest in India.¹⁰¹ It is claimed that custodial torture accounts for the bulk of these numbers. Changes to the law in 2005 mandated inquiries into custodial deaths by judicial magistrates for more accountability and transparency. However, recent studies have shown reports by judicial magistrates are delayed and frequently echo police versions. Even when cases are registered and police are found culpable, very few are convicted.¹⁰²
39. The SCI has held that the right to life under Article 21 of the Constitution includes a prohibition on torture, and has issued guidelines to prevent and address torture, but efforts to introduce a comprehensive domestic legislation prohibiting torture and providing remedies for victims have been fruitless.¹⁰³ The lack of constitutional or statutory provisions expressly protecting citizens from torture and other cruel, inhuman or other degrading treatment is a key gap in the legal framework.
40. The CrPC prohibits excessive use of force by the police and restricts them from inducing, threatening, or promising the detainee to extract a confession – but in practice, the police frequently violate these rights without any consequences, with the section 197 CrPC requirement of government sanction for prosecuting public servants poses a significant obstacle in pursuing accountability.

Article 8 (prohibition of slavery and servitude)

41. Bonded labour persists in India despite being outlawed for almost 50 years; some workers continue to be forced to work in inhumane conditions.¹⁰⁴ Efforts towards eradicating this exploitative practice are deterred by the reluctance of authorities to acknowledge the existence of bonded labour and difficulties faced in rehabilitation.¹⁰⁵
42. Though “manual scavenging” (cleaning of human waste) is legally prohibited, this caste-designated occupation continues to persist. 97% of manual scavengers are Dalit.¹⁰⁶ The state

⁹⁸ [India Annual Report on Torture 2019](#), National Campaign Against Torture, 26 June 2020; [Custodial Torture Continues Unabated in India Amidst Culture of Impunity: Report](#), The Wire, 8 July 2020; [Indian police use violence as a shortcut to justice. It's the poorest who bear the scars](#), CNN, 3 December 2020.

⁹⁹ [India Annual Report on Torture 2019](#), National Campaign Against Torture, 26 June 2020; [Indian police use violence as a shortcut to justice. It's the poorest who bear the scars](#), CNN, 3 December 2020.

¹⁰⁰ [Getting Away With Torture in India](#), Human Rights Watch, 20 August 2017.

¹⁰¹ [Behind India's Custodial Death Numbers Are 'Brazenly Ignored' Guidelines, Say Experts](#), The Wire, 28 July 2022.

¹⁰² [Continuing Impunity: Deaths in Police Custody in Delhi 2016-2018](#), People's Union for Democratic Rights (PUDR), March 2019.

¹⁰³ [The path for Indian torture legislation: Where are we now and where should we go?](#) Bridge India, 18 November 2023.

¹⁰⁴ [Who are the bonded labourers of India and where do they work?](#) The Hindu Business Line, 8 December 2023; [Captive in a chicken coop: The plight of debt bondage workers](#), NOR, 10 December 2023; [Bonded labour in India — A myth or reality?](#) iProbono, December 2021; [Submission on bonded labour, trafficking and domestic work in India](#), Anti-slavery, September 2016.

¹⁰⁵ [India Will Miss 2030 Target To End Bonded Labour-By 98%](#), India Spend, 2 October 2023; [Who are the bonded labourers of India and where do they work?](#) The Hindu Business Line, 8 December 2023.

¹⁰⁶ [97.25% of people involved in manual scavenging whose caste data is known are SCs](#), The News Minute, 3 December 2021.

itself has entrenched the practice with local governments and municipalities employing manual scavengers without safeguards to secure their health, putting lives of sanitation workers at serious risk.¹⁰⁷ The government has reported over 400 deaths due to manual scavenging in the last five years,¹⁰⁸ though activists assert that this is a gross underestimation.¹⁰⁹

Article 9 (right to liberty)

43. Over 75% of occupants of prisons in India are “undertrial” prisoners, i.e. those in pre-trial detention¹¹⁰ The number of “detenues” i.e. persons placed under preventive detention, too is large, increasing from about 3,500 each in 2020 and 2021 to 4,324 in 2022.¹¹¹ These maladies are compounded by the fact that arbitrary detention for extended periods too is a serious problem in India.¹¹²
44. Procedural safeguards in the Constitution relating to arrest and detention such as the right to be informed of the grounds for the arrest and the right to consult and to have access to a lawyer, do not apply in cases of preventive detention.¹¹³ India’s reservation to article 9 of the ICCPR requires its interpretation to be in consonance with constitutional provisions on preventive detention. However, restrictions imposed by the Constitution on the rights of persons detained under laws such as the National Security Act, 1980 (NSA) are incompatible with the object and purpose of the ICCPR as they undermine core safeguards that protect against arbitrary detention.
45. The domestic legal framework that facilitates arbitrary arrests and detention without following due process as well as impacting fair trial rights is discussed below, along with article 14 of the ICCPR.

Article 10 – 11 (humane treatment of those denied liberty)

46. Convicted prisoners as well as pre-trial detainees are detained in prisons with deplorable conditions including overcrowding, inadequate hygiene, poor quality of food and lack of access to medical care.¹¹⁴ Particular vulnerabilities to human rights violations have been highlighted for pregnant women, young offenders and transgender persons in prison.¹¹⁵ Prison manuals in 11 states continue to contain discriminatory rules requiring segregation of prisoners by caste and religion; and division of labour based on caste.¹¹⁶
47. Detention centres, for those declared foreigners by Foreigners Tribunals, in the north-eastern state of Assam have been reported to have sub-standard prison-like conditions with children

¹⁰⁷ [Cleaning Human Waste: “Manual Scavenging,” Caste, and Discrimination in India](#), Human Rights Watch, 2014; [Annual report, India 2017-2018](#), Amnesty International, 2018.

¹⁰⁸ [Over 400 manual scavengers died in last five years: Centre](#), Deccan Herald, 5 December 2023.

¹⁰⁹ [Union govt says no manual scavenging deaths in 2023, activists slam misleading data](#), The News Minute, 28 July 2023.

¹¹⁰ [2023 Annual Report – India](#), U.S. Commission on International Religious Freedom, ; [Frank R. Wolf FoRB Victims List: India](#), U.S. Commission on International Religious Freedom, March 2024; [Prison Statistics India 2022: Above 75% Prisoners Are Under Trials, Actual Occupancy Of 131% In Indian Prisons; 1.9% Incidence Of Recidivism; Reasons Of 63 Unnatural Deaths In Prisons Un Known](#), Live Law, 7 December 2023; [Prison Statistics India Year Wise](#), National Crime Records Bureau.

¹¹¹ [Prison Statistics India 2022](#), National Crime Records Bureau, December 2023.

¹¹² <https://www.amnesty.org/en/latest/news/2022/06/india-excessive-use-of-force-arbitrary-detention-and-punitive-measures-against-protesters-must-end-immediately/>

¹¹³ The Constitution of India 1949, Article 22

¹¹⁴ [India Annual Report on Torture 2019](#), National Campaign Against Torture, 26 June 2020; [Prison- Conditions, Infrastructure and Reforms](#), PRS India; [Prison Statistics India 2022: Above 75% Prisoners Are Under Trials, Actual Occupancy Of 131% In Indian Prisons; 1.9% Incidence Of Recidivism; Reasons Of 63 Unnatural Deaths In Prisons Un Known](#), Live Law, 7 December 2023.

¹¹⁵ [Prison- Conditions, Infrastructure and Reforms](#), PRS India.

¹¹⁶ [Supreme Court Issues Notice on PIL Filed By The Wire Reporter on Caste-Based Prison Rules](#), The Wire, 3 January 2024; [SC issues notice to several state governments on casteist prison manuals and rules](#), The Leaflet, 4 January 2024.

separated from parents.¹¹⁷ Individuals excluded from the National Register of Citizens (NRC) exercise in Assam are at risk of incarceration in such detention centres.¹¹⁸

Article 12 (freedom of movement)

48. A number of journalists, activists and other vocal critics of the Indian government have been prevented from traveling outside India.¹¹⁹ Reports indicate that authorities suspended passports of dozens of persons in Kashmir, including journalists and political activists, preventing them from traveling abroad and of impounding passports of Kashmiris living abroad, without providing any explanation.¹²⁰

Article 13 (rights of aliens)

49. India is not a signatory to the 1951 Refugee Convention and has not enacted legislation or a policy framework specifically for asylum seekers and refugees. Consequently, asylum seekers, refugees and the stateless are all legally categorised simply as “foreigners” and are subject to the Foreigners Act 1946.¹²¹ Depending on the country of origin of asylum seekers, India has adopted differential policies.¹²² In general, India has demonstrated an acceptance of the principle of *non-refoulement* with regards to most, except refugees with Muslim backgrounds, further evidenced by the religious criteria set out in the CAA. The CAA explicitly provides for an amnesty and fast-tracked pathways to citizenship for non-Muslims fleeing religious persecution in select countries who arrived in India before 31 December 2014. However, for Rohingya refugees facing refoulement to Myanmar where the Myanmar government was actively carrying out clearance operations causing their mass displacement to Bangladesh, the Indian government argued against any limits on the power of the state to conduct deportations of this population to Myanmar, an argument that was accepted by the SCI.¹²³

Articles 14, 15, and 9 (due process rights)

There are several key weaknesses in statutory due process rights:

50. The National Security Act (NSA) allows preventive detention for up to twelve months based on the detaining authority’s satisfaction that detention is “necessary”.¹²⁴ Grounds for detention listed in the NSA are ambiguous and open to interpretation by the detaining authority, with limited possibility of judicial intervention and no access to bail.¹²⁵ Detention orders under the

¹¹⁷ Report on NHRC Mission to Assam’s Detention Centres from 22 to 24 January 2018.

¹¹⁸ [Foreigners Tribunals need new procedures for hearing NRC appeals: Activist Abdul Batin Khandekar](#), The Caravan, 28 November 2019.

¹¹⁹ [Is India's government using agencies to target activists?](#) Deutsche Welle, 4 December 2022; [India criticised over arbitrary travel bans after photojournalist blocked from Pulitzer trip](#), The Guardian, 21 October 2022; [India: Authorities must end alarming rise of arbitrary travel bans on journalists and activists](#), Amnesty International, 19 October 2022 [Indian Govt Stops Kashmiri Journalists From Travelling Overseas, Gives No Reason](#), Article 14, 26 July 2022.

¹²⁰ [‘Security Threat to India’: Passports of 2 J&K Journalists – With No Criminal Cases – Suspended](#), The Wire, 1 August 2023.

¹²¹ Consultation on India’s Regulatory Regime for Asylum Seekers & Refugees: Revisiting the ‘national refugee law’ debate. Development and Justice Initiative, South Asia Forum for Human Rights and India International Centre, New Delhi. 3 September 2022; [Foreigners Act, 1946](#).

¹²² R. Zaidi & M. Uvais, Status of Rohingya Refugees in India: A Critical Analysis (2021) 4(2) *International Journal of Law Management and Humanities* 1301; M Verma, The Plight of Rohingya Refugees in India: Living in Denial (2023) *Asia Review*, 479-499; Khushboo Sandhu and Meryl Sebastian, [Rohingya and CAA: What is India's refugee policy?](#), BBC News, 19 August 2022; [Over 58,000 Sri Lankan & 72,000 Tibetan refugees living in India: MHA](#), Business Standard, 27 April 2022.

¹²³ [Interlocutory Order](#) by the Supreme Court dated 8 April 2021 in WP (Civil) 793 of 2017.

¹²⁴ [The National Security Act 1980](#), section 13.

¹²⁵ [OL IND 6/2023](#), UN Special Procedures, 8 October 2023; [India's 'Extraordinary' Laws Need to Be Revoked, Not Revamped](#), The Wire, 16 February 2020; [National Security Laws in India: The Unraveling of Constitutional Constraints](#), Oregon Review of International Law 17(1), 2015.

NSA often are misused to silence critics of the government or oppress religious minorities.¹²⁶ Law enforcement officials detain Muslims accused of cow slaughter or religious conversion under the NSA, despite the existence of statutes (also critiqued for being discriminatory) specifically for dealing with such incidents because these statutes do not restrict the detainee's rights to the extent that the NSA does.¹²⁷

51. Similar to the NSA, the Public Safety Act (PSA) applicable in Jammu & Kashmir allows for preventive detention without charge or trial for up to twenty-four months, for a wide range of vaguely defined activities. The PSA continues to be used by administrative authorities to evade judicial oversight despite wide-ranging critiques.¹²⁸
52. The Unlawful Activities (Prevention) Act (UAPA) was amended in 2019 to empower the state to designate any individual as a "terrorist" without a trial. This provision is increasingly invoked, particularly in Kashmir, UP, Assam, Manipur and Delhi, and used disproportionately against religious minorities, human rights defenders and journalists, as a means to stifle dissent.¹²⁹ Repressive procedural provisions under the UAPA include extended police and judicial custody for up to 180 days without charges, no bail provisions for foreign nationals, presumption against bail for citizens and reversal of burden of proof.¹³⁰ UN experts have highlighted that such provisions violate procedural requirements under international human rights law as well as guidelines concerning counter-terrorism legal frameworks.¹³¹ Following a March 2023 SCI decision, mere membership in a "banned" organisation, is a punishable UAPA offence.¹³² The arrest of 16 activists in connection with the 2018 Bhima Koregaon-Elgar Parishad case is a glaring example of misuse of the UAPA; 8 of them are still in prison awaiting trial and one died in prison awaiting bail on medical grounds.¹³³ Starting in January 2020, 18 human rights defenders, mostly Muslim, were charged under the UAPA as a reprisal for protesting and speaking against the CAA.¹³⁴ Several of them continue to remain in jail awaiting trial despite the passage of over four years.¹³⁵ This use of the UAPA as reprisal against Muslims protesting against violations and abuses, is gaining frequency.¹³⁶
53. India has enacted three new criminal laws that will come into force in 2024: the Bharatiya Nyaya Sanhita, 2023 replacing the Indian Penal Code, 1860 (IPC); the Bharatiya Nagarik Suraksha Sanhita, 2023 replacing the Criminal Procedure Code (CrPC); and the Bharatiya

¹²⁶ [Gorakhpur's Doctor: Why Is Kafeel Khan Still In Jail On Independence Day?](#) HuffPost, 13 August 2020; [The targeting of Dr Kafeel Khan: A case of vendetta](#), Frontline The Hindu, 1 March 2020; [Day after he got bail, UP govt slaps NSA on Bhim Army founder Chandrashekhar](#), The Hindu, 3 November 2017; [2 booked under NSA in Manipur for FB posts that cow dung won't cure Covid-19](#), Hindustan Times, 18 May 2021; *In 2020, it was reported that in Uttar Pradesh UP alone, the NSA was invoked against 139 people until August that year, of which 76 were Muslims being detained for cow slaughter, while 13 cases were related to protests against the Citizenship Amendment Act. Indian state uses draconian law to detain those accused of killing cows*, Reuters, 11 September 2020.

¹²⁷ [Indian state uses draconian law to detain those accused of killing cows](#), 11 September 2020.

¹²⁸ [WGAD Opinion No. 45/2008 \(India\)](#); [Statement by the UN Special Rapporteur on the situation of human rights defenders](#), 21 January 2011; [India: A 'lawless law': Detentions under the Jammu and Kashmir Public Safety Act](#), Amnesty International, 21 March 2011; [India: Still a 'Lawless Law': Detentions under the Jammu and Kashmir Public Safety Act, 1978](#), Amnesty International, 13 October 2012; [OL IND 6/2023](#), UN Special Procedures, 8 October 2023.

¹²⁹ [The Continuing Threat of India's Unlawful Activities Prevention Act to Free Speech](#), 2 June 2020.

¹³⁰ [The Unlawful Activities \(Prevention\) Act 1967, Section 43D](#); [OL IND 6/2023](#), UN Special Procedures, 8 October 2023.

¹³¹ [India: Terrorism charges are pretext to silence human rights defenders, say UN experts](#), OHCHR, 5 October 2018; [Back to the Future: India's 2008 Counterterrorism Laws](#), Human Rights Watch, 2010; [Back to the future: India's 2008 counterterrorism laws](#), 2010; [Statement by the UN Special Rapporteur on the situation of human rights defenders](#), 21 January 2011; [AL IND 21/2020](#), OHCHR Special Procedures, 10 February 2021; [OL IND 7/2020](#), OHCHR Special Procedures, 6 May 2020.

¹³² [Supreme Court verdict on UAPA is fraught with risk of making it legal for agencies to act lawlessly while claiming to fight terrorism and preserve State's security](#), The Indian Express, 28 March 2023.

¹³³ [Bhima Koregaon 16](#), Amnesty; ['Never Adjusted Your Stand': 9 Elgar Accused Congratulate Anand Teltumbde From Jail](#), The Wire, 5 February 2024; [Bhimia Koregaon Case: The Charges](#), ICWI; [The Bhima Koregaon 16: Which Activists Were Imprisoned For 'Waging War Against Government Of India'?](#) Outlook, 28 July 2023.

¹³⁴ <https://www.civicus.org/index.php/media-resources/news/5561-india-ongoing-targeting-of-18-human-rights-defenders-under-anti-terror-laws-in-reprisal-for-their-protest-against-the-citizenship-amendment-act-2019>

¹³⁵ <https://www.thehindu.com/news/cities/Delhi/hc-denies-bail-to-2020-riots-accused-in-uapa-case/article68098479.ece>

¹³⁶ <https://www.etvbharat.com/en!/state/haldwani-violence-71-more-accused-booked-under-uapa-enn24051301656>

Sakshya Adhiniyam, 2023 which has replaced the Indian Evidence Act of 1872. These new laws have drawn criticism for largely retaining provisions from the previous legal regime with cosmetic changes, and in some cases, further weaponizing the criminal justice system. For instance: new offences such as acts endangering sovereignty, organised crime, mob lynching, terrorism, etc. are worded vaguely, which would give the police unreasonably wide powers of arrest; rather than deleting the problematic provision on “sedition”, it has simply taken a new form; extension of police custody from 15 days to 60 days; retention of the death penalty and barring third parties from filing mercy petitions.¹³⁷

Article 17 (Right to privacy)

54. The Digital Personal Data Protection Act 2023, enables the government to seek information from firms and issue directions to block content, while exempting state agencies from its purview.¹³⁸
55. In a clear violation of the right to privacy, India allegedly used Israeli spyware, Pegasus, to spy on opposition leaders, journalists, activists,¹³⁹ and ranks high in the list of countries that ask social media companies for user data.¹⁴⁰ Investigations in 2021 and December 2023 revealed the likely use of Pegasus spyware by the government on mobile devices of prominent individuals, including journalists.¹⁴¹ Indian police across states use facial recognition and other surveillance software,¹⁴² which has allegedly been used to disproportionately target minority communities in UP.¹⁴³
56. There have been worrying reports about the use of drones for surveillance and for dropping explosives in parts of Bastar, Chhattisgarh. There have so far been five such alleged drone attacks: in April 2021¹⁴⁴, 14th and 15th April 2022,¹⁴⁵ 11th January 2023, 7th April 2023¹⁴⁶ and 14th January 2024,¹⁴⁷ targeting about 20 villages.

Article 18 (Right to freedom of religion or belief)

57. Tightening of anti-conversion laws in multiple states has amplified targeting of religious minorities in recent years. At least 12 states in India have enacted and other states are considering enacting¹⁴⁸ state-level anti-conversion laws (called Freedom of Religion Acts),¹⁴⁹

¹³⁷ [Second Avatar of the Criminal Law Bills: The Key Changes](#), The Wire, 15 December 2023; [New Criminal Laws Are Continuation Of Colonial Logic, Expand Police Powers : Professor Anup Surendranath](#), Live Law, 15 January 2024; [Revised criminal law bills: Key changes explained](#), The Hindu, 18 December 2023; [Legal shape-shifting or reforming criminal justice system?: A comparative analysis of the old and new penal laws](#), Bar & Bench, 3 January 2024.

¹³⁸ [India passes data protection law amid surveillance concerns](#), Reuters, 10 August 2023.

¹³⁹ [Pegasus Project: How Phones of Journalists, Ministers, Activists May Have Been Used to Spy On Them](#), The Wire, 18 July 2021.

¹⁴⁰ [After US, India Makes Most Govt Requests to Meta: What It Means For User Privacy](#), The Quint, 24 November 2022.

¹⁴¹ [Freedom in the World 2023: India](#), Freedom House, 2023; [Snoop List Has 40 Indian Journalists, Forensic Tests Confirm Presence of Pegasus Spyware on Some](#), The Wire, 18 July 2021; [India targets Apple over its phone hacking notifications](#), 27 December 2023; [India: Damning new forensic investigation reveals repeated use of Pegasus spyware to target high-profile journalists](#), Amnesty International, 28 December 2023.

¹⁴² [Status of Policing in India Report 2023](#), Common Cause, 2023.

¹⁴³ [Indian police use facial recognition to persecute Muslims and other marginalized communities](#), Coda Story, 11 October 2022.

¹⁴⁴ [Bastar airstrike: Maoists claim to have shot down 2 ‘attack drones’](#), Times of India, 23 April 2021.

¹⁴⁵ [‘Narrowly Escaped Drone Strike,’ Claim Adivasis in Chhattisgarh’s Bijapur](#), The Quint, 21 April 2022.

¹⁴⁶ [Chhattisgarh: Maoists claim airstrike in Bastar jungles, forces deny](#), The Indian Express, 17 April 2022; [Bastar villagers allege aerial bombing by security forces. What is the truth?](#) Scroll.in, 4 May 2023.

¹⁴⁷ [C’garh: Maoists Accuse Security Forces of Drone Attacks in Bastar Nation](#), Deccan Chronicle, 14 January 2024.

¹⁴⁸ [CM Sawant: May bring new law to curb conversions in Goa](#), Times of India, 15 June 2022; [Will decide on ‘love jihad’ law soon: Maharashtra deputy CM Devendra Fadnavis](#), Times of India, 24 March 2023; [With BJP leaders in attendance, Hindu outfits hold rallies on ‘love jihad’, ‘forced conversion’](#), The Indian Express, 30 January 2023.

¹⁴⁹ Odisha (1967), Madhya Pradesh (1968), Arunachal Pradesh (1978), Gujarat (2003), Himachal Pradesh (2006), Jharkhand (2017) and Uttarakhand (2018), Uttar Pradesh (Ordinance in 2020, law in 2021), Haryana (2022), Karnataka (2022 – repeal decision in 2023).

which purportedly seek to prevent conversions brought about through “forcible” or “fraudulent” means. However, the vague definitions and broad language in these laws are used to target even voluntary religious conversions and prevent interfaith relationships, violating article 18 of the ICCPR.¹⁵⁰ Most offences under these laws are cognizable and non-bailable. Though these laws rarely lead to conviction, they routinely serve as a guise for the police and non-state actors to attack and detain Christian faith leaders.¹⁵¹

58. In March 2022, the Karnataka High Court ruled that educational institutions could prohibit female Muslim students from wearing the hijab, following a number of institutions prohibiting hijab-wearing Muslim students from attending classes or taking examinations¹⁵², violating the Committee’s interpretative guidance in General Comment 22.¹⁵³ In October 2022, a two-judge bench of the SCI issued a split decision on the case.¹⁵⁴ Thereafter, despite repeated reassurances by the CJI that the case would be heard urgently considering that students are barred from taking exams, the SCI has not yet resumed hearing the case.¹⁵⁵ A February 2023 study found that the “hijab ban” has led to over 800 Muslim girl-students in Karnataka dropping out.¹⁵⁶
59. Restrictions continue to be placed on the manifestation of faith by minorities, particularly Muslims and Christians. Prohibitions on congregational prayers and rituals in Jammu & Kashmir have escalated since revocation of its special status in 2019, with major mosques like the Jamia Masjid in Srinagar forcibly closed for both Friday prayers and key festivals like Eid.¹⁵⁷ Even in other states such as UP, Karnataka and Maharashtra, Muslims have been stopped from offering prayers and occasionally charged under criminal laws for trespass and rioting for praying in open spaces.¹⁵⁸ Similar violations are often reported against Christians.

Article 19 (Right to freedom of opinion and expression)

60. Press intimidation has escalated since 2014, stifling free speech, and censoring independent news organisations; India’s ranking in the annual World Press Freedom Index by Reporters Without Borders dropping from 140 in 2014 to 161 in 2023.¹⁵⁹
61. According to the Rights and Risks Analysis Group, 194 journalists were targeted across India during 2022, of which 103 were targeted by state actors; the targeting took the form of arrests and detentions, frivolous criminal charges, murder, physical assault by state authorities and private actors, as well as threats or harassment by public officials including restricting journalists from flying abroad.¹⁶⁰ Journalists and activists critical of the BJP-led government’s

¹⁵⁰ [Issue Update: India’s State-Level Anti-Conversion Laws](#), USCIRF, March 2023.

¹⁵¹ [Arrests, Beatings and Secret Prayers: Inside the Persecution of India’s Christians](#), The New York Times.

¹⁵² [Denying Students Educational Services for Wearing Hijab Is Unconstitutional](#), The Wire, 9 February 2022.

¹⁵³ [CCPR General Comment No. 22: Article 18 \(Freedom of Thought, Conscience or Religion\)](#), OHCHR.

¹⁵⁴ [Judgment in Aishat Shifa v. State of Karnataka](#), Civil Appeal 7095/2022.

¹⁵⁵ [Hijab Case : CJI DY Chandrachud To Take A Call On Urgent Listing To Consider Muslim Students’ Plea To Attend Exams In Govt Colleges](#), Live Law, 22 February 2023; [Hijab Ban- ‘Will List’- Chief Justice DY Chandrachud On Plea To Hear The Case Before Examination Starts](#), Live Law, 3 March 2023.

¹⁵⁶ [Karnataka hijab ban: No interim relief for Muslim girl students with exams due in five days](#), The Leaflet, 3 March 2023.

¹⁵⁷ [BRIEF: Escalation of violations of freedom of religion and belief in Indian-administered Kashmir](#), Kashmir Law & Justice Project, 6 October 2023.

¹⁵⁸ [Section 144 at Lohagad fort after protests against intended Urs](#), The Indian Express, 6 January 2023; [Case against youth for reciting azaan during stir in Karnataka](#), The New Indian Express, 20 March 2023; [After Taraweeh Disruption in Moradabad, Now Ruckus Over Namaz in Greater Noida](#), Clarion India, 28 March 2023; [28 booked for ‘rioting’, ‘trespass’ to offer namaz on govt property in UP](#), Muslim Mirror, 10 April 2023; [Fear Among Muslims After Police Book Over 1,800 People in Kanpur for Offering Eid Namaz on Road](#), NewsClick, 29 April 2023.

¹⁵⁹ [Watch the State: Patterns of Violence Against Journalists in India](#), The Polis Project, 2 November 2021; [India: World Press Freedom Index](#), Reporters Without Borders; [In Modi’s India, Press Freedom Is Curbed and Journalists Are under Threat for Doing Their Jobs](#), Berkley Forum, 14 August 2023.

¹⁶⁰ [India: World Press Freedom Index](#), Reporters Without Borders; [Press Release: 194 Journalists Targeted, Eight Killed During 2022 In India](#), Rights and Risks Analysis Group, 27 June 2023.

policies have been arrested for “anti-state” activities, often under UAPA provisions.¹⁶¹ Independent media voices have been severely curtailed with arrests of journalists and human rights defenders becoming common, and government ignoring concerns raised by external actors.¹⁶²

62. Authorities also rely on draconian criminal provisions such as sedition to crack down on dissent. From 2018 to 2022, 788 people were arrested in cases of sedition and offences against the State, while 8,947 people were arrested under the UAPA.¹⁶³
63. On 4 March 2021, India notified a requirement for “Overseas Citizens of India” (OCI) to seek special permission to undertake certain activities including journalism; journalists critiquing government policies have been denied such permission,¹⁶⁴ and over 100 OCI-holders have been blacklisted between 2014 to May 2023, some due to purported “anti-India activities”.¹⁶⁵

Article 20 (Prohibition of advocacy of hatred)

64. Although India is a state party to the Genocide Convention, hence obligated to enact legislation to give effect to the treaty’s provisions, it has not defined genocide in domestic law.¹⁶⁶ India also does not have a law on hate speech. Instead, section 153A of the IPC criminalizes promotion of “enmity between different groups on the ground of religion” and section 153B affirms that “imputations and assertions prejudicial to national integration” are a crime. Authorities use these provisions not only to deal with hate speech targeting minorities, but often also to prosecute individuals reporting violations or asserting their rights, on the basis that these actions will destabilize society.¹⁶⁷ These provisions are also insufficient for dealing with hate crimes, or hate speech that can give rise to communal riots or lynchings, going beyond mere instances of public disorder or disturbance of peace. Currently, hate-motivated lynchings and vigilante violence are treated like any other murder, without acknowledging the underlying power imbalance.
65. Hindutva (i.e. Hindu supremacist) groups have publicly made numerous inflammatory remarks and baseless allegations about Muslims and Christians with complete impunity. Along with multiple instances of political leaders affiliated with the BJP making inciteful speeches¹⁶⁸ and going unpunished by either state or party,¹⁶⁹ inciteful and mobilizing speeches and clear calls for violence by Hindutva leaders also go unpunished,¹⁷⁰ adding to an ever-increasing atmosphere of fear for minority communities.¹⁷¹ These calls have already led to mass violence and attacks on minority communities by both state and non-state groups.¹⁷² The rhetoric around the right-wing conspiracy theory of “love jihad” has led to calls for violence against Muslim

¹⁶¹ [Anti-State Charges Account for 93% of Journalist Arrests Since 2011](#), NewsClick, 11 October 2023; [India: Arrests, Raids Target Critics of Government](#), Human Rights Watch, 13 October 2023; [India: Government weaponizing terrorism financing watchdog recommendations against civil society](#), Amnesty International, 27 September 2023.

¹⁶² [India: Government rejects international concern over repression of civil society at human rights review](#), FIDH, 21 March 2023.

¹⁶³ [701 sedition, 5023 UAPA cases registered in 2018-22: Govt](#), The Hindu, 6 February 2024.

¹⁶⁴ [How OCI journalists in India are navigating uncertain work permissions amid govt scrutiny](#), NewsLaundry, 31 January 2024.

¹⁶⁵ [How The Modi Govt Is Trying To Silence Critics In The Diaspora By Banning Them From India](#), Article 14, 12 February 2024.

¹⁶⁶ <https://voelkerrechtsblog.org/how-indias-legislation-risks-impunity-for-genocidal-speech/>

¹⁶⁷ <https://www.outlookindia.com/national/understanding-the-supreme-court-order-on-hate-speech-and-how-it-could-play-out-news-284145>

¹⁶⁸ [10 Times When BJP Leaders \(Not Fringe\) Made Anti-Muslim Hate Speeches](#), The Wire, 6 June 2022.

¹⁶⁹ [Why people get away with hate speech in India](#), BBC, 14 April 2022.

¹⁷⁰ [No open calls for genocide of Muslim community made at Dharam Sansad event: Delhi police tell SC](#), The New Indian Express, 14 April 2022.

¹⁷¹ [‘Playing with fire’: how increasing hate speech threatens India](#), The Week, 9 February 2022; [As Officials Look Away, Hate Speech in India Nears Dangerous Levels](#), The New York Times, 8 February 2022.

¹⁷² [Inside Delhi: beaten, lynched and burnt alive](#), The Guardian, 1 March 2020; [Delhi Violence 2020: Chronology of Events](#), The London Story, 1 November 2020.

men and incitement to use rape as a weapon against Muslim women.¹⁷³ Clips of minorities being attacked which are spread on social media, receive jubilatory comments and likes, with neither social media companies nor Indian state offering adequate response or protection.¹⁷⁴

66. A September 2018 report by the UN Special Rapporteur on contemporary forms of racism, xenophobia and related intolerance found that the “*use of inflammatory remarks by Bharatiya Janata Party (BJP) leaders against minority groups*” was linked to incidents of violence against religious minorities.¹⁷⁵ The UN Special Adviser on the Prevention of Genocide expressed concern about the preponderance of “top-level” hate speech in India in 2020, triggering similar calls from other international agencies.¹⁷⁶
67. Extensive disinformation operations in India have spread hate speech targeting religious minorities, particularly Muslims,¹⁷⁷ as well as other Islamophobic and xenophobic content across the world, resulting in inter-communal violence in foreign countries – as was seen in the UK against Muslims¹⁷⁸ and in Australia against Sikhs.¹⁷⁹

Article 21 (Right of freedom of peaceful assembly)

68. Indian authorities routinely invoke section 144 CrPC which empowers authorities to prohibit assembly, in conjunction with localised or blanket internet shutdowns. Since this phenomenon received procedural backing in 2017, India has enforced more shutdowns than any other democracy.¹⁸⁰ India continues to top the list of democracies with the highest number of internet shutdowns for the last six years, earning itself the dubious title of the “Internet shutdown capital” of the world, with internet shutdowns that limit free speech and sharing of information,¹⁸¹ disproportionately affecting vulnerable groups.¹⁸² As of May 2024, Software Freedom Law Center recorded 813 internet shut downs since 2012, a majority of which took place since 2019.¹⁸³ The longest recorded shutdowns have been for 552 days in Jammu & Kashmir following the abrogation of Article 370 and for 200 days in Manipur following the communal violence in 2023.¹⁸⁴

¹⁷³ [India's Hindu extremists are calling for genocide against Muslims. Why is little being done to stop them?](#), CNN, 14 January 2022; [Mahant Bajrang Muni Udasin, Who Repeatedly Called for Rape of Muslim Women, Is a Serial Offender](#), The Wire, 9 April 2022.

¹⁷⁴ [As religious riots grow in India, critics accuse Facebook of fanning the flame](#), Reuters Institute, 1 February 2022; [Experiences of Muslims in India on digital platforms with anti-Muslim hate](#), Centre for Culture-centred Approach to Research and Evaluation, 26 January 2022; [Hate Speech and Incitement in India](#), Global Action Against Mass Atrocity Crimes, August 2021.

¹⁷⁵ [A/73/305](#), United Nations General Assembly, Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pp.9-10.

¹⁷⁶ [Note to Media on India](#), United Nations Special Adviser on the Prevention of Genocide, 18 May 2020, [Risk of Mass Atrocities in India](#), United States Holocaust Memorial Museum, February 2024; [Genocide Watch, India](#).

¹⁷⁷ [How the Indian Far-Right Is Using the Israeli Conflict to Spread Islamophobic Disinformation](#), GNET, 10 November 2023.

¹⁷⁸ [Hindutva in Britain](#), Bridge Initiative, 24 November 2023.

¹⁷⁹ [Violence and Vandalism Erupt between Victoria's Indian Communities as Leaders Call for Calm](#), ABC News, 31 January 2023.

¹⁸⁰ [India, World's Largest Democracy, Leads Global List of Internet Shutdowns](#), CNN, 1 March 2023.

¹⁸¹ [How Internet Shutdowns Wreak Havoc in India](#), Time, 11 August 2023; [Unabashed and unabated: India leads the world shutdown count for sixth year](#), Access Now, 15 May 2024.

¹⁸² [India: Internet Shutdowns Hurt Vulnerable Communities](#), Human Rights Watch, 13 June 2023.

¹⁸³ [Internet Shutdowns: India](#).

¹⁸⁴ [Internet Shutdowns: India](#).

69. Section 144 CrPC has also been used by authorities “in urgent cases of nuisance of apprehended danger”¹⁸⁵ to restrict peaceful public assembly and protests,¹⁸⁶ such as in Delhi,¹⁸⁷ UP,¹⁸⁸ and Jammu & Kashmir,¹⁸⁹ interfering with the right to peaceful assembly or peaceful protest.
70. The mass mobilisation by Muslims and civil society groups, in the form of peaceful public protests across India, against the discriminatory CAA in and after December 2019, was met with police crackdowns in BJP-ruled states of UP, Assam and Karnataka with widespread killing of peaceful protesters, mass detentions, torture and unlawful destruction of property.¹⁹⁰ The revocation of Article 370 of the Constitution was similarly accompanied by mass incarceration, besides a complete communications shutdown for several months in Jammu & Kashmir.¹⁹¹ Protests by farmers across several states against farm laws seen to be anti-farmer and pro-business, were met by violence in Delhi and UP and other states.¹⁹²
71. Colonial-era *Goonda* laws are also used by authorities in BJP-ruled states to violate freedoms of minority groups.¹⁹³ An example is the targeting of anti-CAA protestors in UP, who have faced extra judicial violence,¹⁹⁴ mass arrests,¹⁹⁵ and continue to be deprived of rights and freedoms since 2020.¹⁹⁶

Article 22 (Right to freedom of association)

72. India was among the 38 countries included in the UN Secretary-General’s ninth annual report documenting reprisals and intimidation against civil society.¹⁹⁷ In addition to detention regimes highlighted above, the Indian government has been using the Foreign Contribution (Regulation) Act, 2010 (FCRA), the Prevention of Money Laundering Act, 2002 (PMLA) and income tax laws to crackdown on civil society and restrict the work of NGOs in India. Multiple UN experts have called on India to repeal the FCRA.¹⁹⁸ The BJP-led central government has cancelled FCRA licenses of over 6,600 NGOs since 2019 and over 20,693 NGOs since 2014.¹⁹⁹ The procedures are opaque, and actions arbitrary.²⁰⁰

¹⁸⁵ [‘144 Has Been Imposed’: This Report Indicates How Often Delhi Uses Sec 144 & Why](#), The Quint, 28 March 2023.

¹⁸⁶ [Like Kashmir, Sec 144 Is Being Illegally Used to Stifle Dissent](#), The Quint, 19 December 2019.

¹⁸⁷ [Sec 144 Imposed Near Red Fort Ahead of Anti-CAA Protest March](#), The Quint, 19 December 2019.

¹⁸⁸ [Section 144 imposed in all districts of Uttar Pradesh after Atiq Ahmed, Ashraf shot dead](#), The Economic Times, 17 April 2023.

¹⁸⁹ [Explained: The laws being used to suspend Internet, and what SC laid down](#), The Indian Express, 11 January 2020.

¹⁹⁰ [Fact-finding report from UP: Young Victims of State Violence Narrate Ordeal](#), Newslick, 9 February 2020; [Indian police accused of targeting Muslims over anti-CAA protests](#), Al Jazeera, 22 April 2020; [UN experts urge India to release protest leaders](#), OHCHR, 26 June 2020.

¹⁹¹ [Kashmir Journalists Face Forbidding Pattern: Arrest, Bail, Rearrest](#), New York Times, 16 April 2022; [One year in detention: UN experts demand immediate release of Kashmiri activist Khurram Parvez](#), 22 November 2022; [Kashmir protesters clash with security forces](#), Deutsche Welle, 24 August 2019.

¹⁹² [India: Right to peaceful protest under threat due to mounting restrictions and escalating crackdown on farmers’ march](#), Amnesty International, 14 February 2024; [Tear gas and rubber bullets as Indian farmers march on Delhi](#), Al Jazeera, 14 February, 2024; [Farmers’ protest: March to restart amid tight security at Delhi’s borders](#), BBC, 6 March 2024.

¹⁹³ [Why UP Govt Filed 25 Criminal Cases Against This Dalit Farmer](#), Article 14, 29 December 2020.

¹⁹⁴ [Two Years Since Killing of Anti-CAA Protesters in UP, NHRC Conducts Spot Inquiry](#), The Wire, 29 December 2021.

¹⁹⁵ [Two years on, Uttar Pradesh police invokes Goondas Act against 67 anti-CAA protesters, most of them labourers](#), The Times of India, 7 July 2021.

¹⁹⁶ [22 killed during anti-CAA stir, 322 still in jail, UP government tells Allahabad high court](#), Hindustan Times, 18 February 2020.

¹⁹⁷ [Alarming level of reprisals against activists, human rights defenders, and victims – new UN report](#), UN News, 12 September 2018.

¹⁹⁸ [Analysis On International Law, Standards And Principles](#), UN Special Rapporteur on the rights to freedom of peaceful assembly and of association Maina Kiai, 20 April 2016; [OL OTH 27/2017](#), Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, 9 November 2017; [Bachelet dismayed at restrictions on human rights NGOs and arrests of activists in India](#), OHCHR, 20 October 2020.

¹⁹⁹ [FCRA registration of five NGOs cancelled by MHA for ‘violation’ of laws](#), The Hindu, 3 April 2024.

²⁰⁰ <https://www.amnesty.org/en/latest/press-release/2022/01/india-should-stop-using-abusive-foreign-funding-law/>

Article 23 (Right to family life)

73. A Uniform Civil Code (UCC) to replace community-specific personal laws has been a long-standing Hindu nationalist demand.²⁰¹ Rather than promoting gender justice, the UCC draft texts largely replicate existing Hindu personal laws and retain references to “public order and morality” and problematic provisions such as “restitution of conjugal rights” are included.²⁰² In addition to interfering with the right to enjoyment of family life, such laws also infringe on the right to privacy.
74. A state-level UCC law in Uttarakhand enacted in February 2024 has drawn criticism for its paternalistic provisions criminalising unregistered live-in relationships or marriages and for restricting itself to cis-gender heterosexual relationships.²⁰³
75. India is yet to legalise same-sex marriage, with the SCI, in October 2023, refusing to grant legal recognition to same-sex marriage.²⁰⁴

Article 24 (child rights)

76. Despite enactment of the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 1986 (**Child Labour Act**), child labour continues to be prevalent. The 2011 Census estimating over 10 million working children in the 5-15 years age group.²⁰⁵ The Child Labour Act itself allows employment of children in family-based enterprises and in non-hazardous occupations, including domestic labour and working in roadside eateries.²⁰⁶
77. Though cases are underreported, the NCRB’s 2022 annual report indicated an 8.7% rise in crimes against children, with 162,449 cases registered, primarily relating to kidnapping and abduction or sexual offences under the Protection of Children from Sexual Offences Act, 2012 (**POCSO**).²⁰⁷ Courts under the POCSO have been inadequately established and judges deciding cases are often not subject-matter experts, with delays in the process rendering survivors more vulnerable to intimidation.²⁰⁸
78. Children continue to be impacted by conflict in India not only as forced participants and victims, but also face the psychological effects of witnessing extreme violence.²⁰⁹ The use of schools in the conflict between insurgents and armed forces renders children the first casualty of the conflict.²¹⁰ In the violence that broke out in Manipur in May 2023, at least 15 children were killed and 28 went missing, feared to have been killed; 200 children displaced by the conflict were reportedly taken to Maharashtra by Hindu religious organizations.²¹¹ In 2024 itself, at least 8 children were killed in Chhattisgarh due to cross-fire, IED blasts or mortar blasts.²¹²

²⁰¹ [‘Dog-whistle politics’: Opposition parties slam PM Modi’s UCC remarks in Madhya Pradesh](#), Deccan Herald, 27 June 2023.

²⁰² [Empowerment or exploitation? How UCC will impact women’s rights in India](#), The Hindu Frontline, 27 July 2023; [Why the Uniform Civil Code Falls Short in Advancing Gender Justice](#), The Wire, 13 February 2024.

²⁰³ [Hits and misses of Uttarakhand Uniform Civil Code: What the Bill does, and does not do](#), The Indian Express, 6 February 2024; [Uttarakhand Uniform Civil Code: Testing the Waters?](#) The Hindu Frontline, 19 February 2024.

²⁰⁴ [Plea for Marriage Equality](#), Supreme Court Observer.

²⁰⁵ [National Policy on Child Labour – An Assessment](#), Report by the Standing Committee on Labour, Textiles and Skill Development, 20 December 2023.

²⁰⁶ [Status of Child Labour in India](#), Campaign Against Child Labour.

²⁰⁷ [Crime in India – 2022: Snapshots \(States/UTs\)](#), NCRB, December 2023; [NCRB Report](#), Hindustan Times, 4 December 2023.

²⁰⁸ [Status of POCSO Cases in India](#), Kailash Satyarthi Children’s Foundation, March 2021.

²⁰⁹ [Childhood Disrupted: In Conflict-ridden Manipur, Children Are Witnesses To Extensive Violence](#), Outlook, 25 September 2023; [‘One generation is going to lose out’: Manipur strife is taking a toll on children’s education](#), Scroll.in, 15 August 2023.

²¹⁰ [Bullets On The Blackboard](#), Outlook, 20 January 2023; [Kashmir’s schools, colleges double up as bunkers for military; students forced to depend on tuitions, notes in absence of classes](#), Firstpost, 30 November 2019.

²¹¹ [15 killed, 28 missing, thousands displaced: How kids bear the brunt of ethnic conflict in Manipur](#), Deccan Herald, 7 April 2024.

²¹² [Bastar: Children Caught in the Crossfire Between Maoists and Security Forces](#), The Wire, 25 January 2024; [Intelligence input, trek in dead of night – how security personnel conducted Bastar encounter that killed 29 Maoists](#), The Indian Express,

79. Large residential schools appear to be part of an effort to “Hinduize” Adivasi children, promoting Hindu festivals and Sanskrit prayers, rather than incorporating tribal languages and traditions and alienating Adivasi children from their identity.²¹³

Article 25 (Equal right to participation)

80. Reports of mass deletion of Muslims, Christians and Dalits from electoral rolls in crucial constituencies were uncovered by journalists, ahead of elections in Karnataka in February 2023 and Gujarat, Uttar Pradesh and Delhi in April 2024.²¹⁴
81. Ongoing gerrymandering efforts in Jammu & Kashmir and Assam, both with significant Muslim populations, through carving parliamentary constituency boundaries detrimental to Muslim representation, have the potential to further impact the weak level of Muslim political representation.²¹⁵
82. Representation of Muslims in elected bodies, historically slim, has dwindled further. Muslim representation in the Lok Sabha (Lower House of Parliament) is currently 4.5 per cent.²¹⁶ In December 2020, in the 10 states which account for 80 per cent of the Muslim population, out of 281 government ministers, only 16 (5.7%) were Muslim.²¹⁷
83. Women are extremely underrepresented in elected bodies.²¹⁸ Only 14.5% of Members of Parliament (MPs) in the Lok Sabha are women, with only 75 women MPs in the 515 seats. Of these 75, Dalit women occupy only 12 seats, i.e. 16% of the women MPs and 2.3% of the Lok Sabha membership.²¹⁹ 39 of the 240 Rajya Sabha (Upper House of Parliament) members are women, but Dalit women do not form even one percent of the Rajya Sabha.²²⁰

Article 26 (Equality before the law)

84. India does not have a comprehensive anti-discrimination law. In March 2019, the UN High Commissioner for Human Rights noted, “[W]e are receiving reports that indicate increasing harassment and targeting of minorities – in particular Muslims and people from historically disadvantaged and marginalised groups, such as Dalits and Adivasis.”²²¹
85. The Constitution enumerates the groups that comprise Scheduled Castes (article 341) and Scheduled Tribes (article 342) who are guaranteed various forms of affirmative action benefits and enjoy the protection against hate crimes and discrimination under the SC & ST (PoA) Act.

18 April 2024; [Two children killed in explosion in Maoist-hit Bijapur](#), Times of India, 13 May 2024; [Bastar: लगातार सफलता के बाद अब पुलिस पर फिर उठे सवाल. ग्रामीणों का आरोप: फर्जी है पीडिया एनकाउंटर!](#) Bastar Junction, 13 May 2024.

²¹³ [The Alienation of Adivasis From Our Identity, or How I Unlearned My Hinduisation](#), The Wire, 12 August 2020; [The Travesties of India's Tribal Boarding Schools](#), Sapiens.org, 16 November 2020; [Are mega residential schools wiping out India's Adivasi culture?](#) The Hindu, 16 February 2021.

²¹⁴ [Bengaluru: Thousands of Christian and Muslim Names Removed from Electoral Rolls](#), Asia News; [Gujarat: After their houses were razed, names of 700 fishermen deleted from voters' lists](#), The Indian Express, 7 May 2024.

²¹⁵ [By Redrawing Assam, Kashmir Constituencies, Genie of Gerrymandering Has Been Let Loose in India](#), Scroll.in, 24 July 2023; [Delimitation panel notifies new J&K Assembly constituencies](#), The Hindu, 5 May 2022; [Insight: How India's ruling party is tightening its grip on Kashmir](#), Reuters, 12 January 2023; [The Politics of Delimitation in Assam](#), Economic & Political Weekly, 23 September 2023; [BJP's Gerrymandering of Assam Districts Puts Identity Politics at the Centre of Its 2024 Strategy](#), The Wire, 7 January 2023; [Explained | What is the new delimitation exercise by Assam?](#) The Hindu, 2 January 2023.

²¹⁶ [The Invisible Citizen: Why the absence of Muslims MPs and MLA in BJP is disturbing?](#) The Indian Express, 10 June 2022.

²¹⁷ In general, when the BJP conquers a new state the proportion of Muslim MLAs falls – a dramatic example being Uttar Pradesh in 2017, where the Muslim proportion in the Legislative Assembly decreased from 17% to 6%. Jaffrelot (2021), p417.

²¹⁸ [Women's Representation in India's Parliament: Measuring Progress, Analysing Obstacles](#), Observer Research Foundation, 17 July 2023, [Data: India](#), UN Women.

²¹⁹ [List of Members](#), Lok Sabha.

²²⁰ [List of Members](#), Rajya Sabha.

²²¹ [Bachelet highlights major human rights situations around the world in address to the UN Human Rights Council in Geneva](#), UN, March 6, 2019.

However, inclusion in the Scheduled Castes list is restricted only to Hindu, Sikh and Buddhist groups, effectively denying Muslim and Christian Dalits the opportunity to avail of affirmative action benefits and protection from discrimination. Long-standing efforts to expand the Scheduled Castes list to include Muslim and Christian Dalits have faced resistance from successive governments and yielded no tangible results so far.²²²

86. Crime recorded against Dalits and Adivasis has doubled in the past 20 years, from 32,000 to 67,000 cases per year. Crime rates, i.e., crimes recorded in proportion to population size, against Dalits and Adivasis has consistently increased in the past 5 years, even as overall crime rates are decreasing.²²³ The pendency of court cases has also been steadily increasing from 86% in 2015 to 94% in 2022.²²⁴ Pendency rate at the police level has remained above 25% despite marginal decline over the years.²²⁵ While conviction rates in overall crimes has been steadily increasing, conviction rates in cases of crimes against Dalits and Adivasis have witnessed uneven changes, with no actual improvement.²²⁶ In fact, the gap between conviction rates in overall crimes and in crimes against Dalits and Adivasis has been widening since 2010, with overall conviction rates at 54%, and conviction rates in crimes against Dalits and Adivasis as low as 34% and 28% respectively.²²⁷ The judiciary has also consistently weakened the provisions of the special legislation by setting unreasonable standards of proof beyond the requirement of the statute itself, making it hard to secure convictions.²²⁸ Most administrative mechanisms in place to address such violence are either defunct or witness uniformly poor implementation across the country,²²⁹ and SCI decisions have also been regressive.²³⁰

Article 27 (Rights of minorities)

87. Rather than allowing for self-identification or self-affirmation of gender as set out in the 2014 judgment of the SCI, the Transgender Persons (Protection of Rights) Act, 2019 mandates certification by a District Magistrate after proof of a sex reassignment surgery for a gender identity certificate; it also enforces a minor's right of residence with their natal family, which may not be ideal for the safety of the minor.²³¹ Challenges to this law are pending before the SCI since 2020.²³² Transgender people continue to be targets of crime,²³³ and are at higher risk

²²² [“Scheduled Caste Status Cannot Be Granted To Dalits Who Have Converted To Christianity, Islam...” Centre To SC](#), Outlook India, 10 November 2022; [Supreme Court upholds amendments made to nullify own judgment diluting provisions of SC/ST Act](#), The Hindu, 10 February 2020.

²²³ [High Crime Rate, Low Convictions: A Snapshot of SC, ST Atrocities in 5 Years](#), The Quint, 12 December 2023; National Crime Record Bureau, Crime in India 2022.

²²⁴ Court Disposal of Crime/Atrocities against Scheduled Caste(s)/ Scheduled Tribe(s), National Crime Record Bureau; National Commission for Scheduled Castes, Annual Report 2018-19 and 2019-20; <https://en.themooknayak.com/india/is-deferred-justice-a-denial-suffocating-backlog-of-sc-st-cases-in-indian-courts>

²²⁵ Police Disposal of Crime/Atrocities against Scheduled Caste(s)/ Scheduled Tribe(s), National Crime Record Bureau; National Commission for Scheduled Castes, Annual Report 2018-19 and 2019-20.

²²⁶ Guha, Ayan. "Recent debate on landmark anti-caste legislation in India." *International Journal of discrimination and the Law* 19, no. 1 (2019): 48-63.

²²⁷ National Crime Records Bureau, Crime in India Report from 2010 - 2022.

²²⁸ <https://theleaflet.in/from-transformation-to-dilution-the-weakening-of-the-sc-st-prevention-of-atrocities-act-through-judicial-decisions/>

²²⁹ Dalit Human Rights Defenders Network, Implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules 1995 (June 28, 2023); [Citizens Vigilance and Monitoring Committee, Citizen's Audit of the Union Reports under Section 21\(4\), Scheduled Castes and Scheduled Tribes \(Prevention of Atrocities\) Act, 1989, Implementation Status for the Calendar Year 2021 \(October 2023\)](#)

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²³¹ [‘Transgender Persons \(Protection of Rights\) Act’ of India: An Analysis of Substantive Access to Rights of a Transgender Community](#), Oxford University Press, July 2022; [India's Transgender Rights Law Isn't Worth Celebrating](#), Human Rights Watch, 5 December 2019.

²³² [Challenges to Transgender Persons Act: Swati Bidhan Baruah v Union of India](#), Supreme Court Observer.

²³³ [Why do crimes against trans persons go by undocumented in India?](#) Maktoob Media, 28 July 2022; [Why Safety Is Still A Distant Shore For Transgender Persons In India](#), Outlook, 23 September 2022.

of exclusion from citizenship laws due to estrangement from families and lack of documentation.²³⁴

88. Constitutional provisions relating to the protection of cows have given rise to ‘cow protection’ laws criminalizing the slaughter, transport and sale of cattle to varying degrees. Such laws, which provide a pretext for much of the violence that religious minorities face from non-state “vigilante” actors, currently exist in 24 states and union territories,²³⁵ and punishments under some of these laws extend up to life imprisonment.²³⁶ In states like Haryana and UP, right-wing cow protection vigilante groups work closely with state police to enforce these laws.²³⁷ BJP-ruled states such as Karnataka and Haryana have moved to shield violent ‘cow vigilantes’ from prosecution if they are found to be acting in “good faith”, enabling them to act in a quasi-official manner with support from the state police.²³⁸ Since 2014, these laws have been amended to provide for stricter punishments and have been weaponised by authorities, using Hindutva non-state actors to target Muslims,²³⁹ through vigilante action. In December 2019, Hindu “friends of police” engaged in widespread violence, arson and looting against Muslims across UP during the police crackdown against anti-CAA protesters.²⁴⁰ There is widespread impunity for attacks on Muslims and other minorities by these vigilantes, whilst victims of public lynchings faced punitive action under these laws. Besides violating right to life, they also violate right to access to justice and adequate remedy.²⁴¹
89. Inspired by the mobilization against the Babri Masjid that resulted in its destruction by Hindu groups in 1992, and eventually to the SCI legitimising the Hindu takeover of the Muslim place of worship,²⁴² Hindu groups have laid claim to other historical mosques too, notably Gyanwapi mosque in Varanasi and Shahi Idgah mosque in Mathura, UP.²⁴³ Despite a law enacted after the Babri mosque demolition in 1992 that prevents any claims of conversion of religious buildings, courts have begun entertaining applications to examine the historicity of prominent Muslim places of worship.²⁴⁴
90. There have been consistent efforts by the BJP-led government, when in power, to underplay the plural history and culture of India, particularly to erase the significant Muslim contribution to India’s culture and history, to weaponize real or perceived grievances to foster anti-Muslim and anti-Christian sentiments, and to create a monolithic Hindu identity, based on the majority religion (Hinduism), one language (Hindi).²⁴⁵ Such increasing rhetoric has provided legitimacy to attack minority communities as dangerous outsiders who threaten India’s “Hindu” identity. These efforts include rewriting of textbooks across national and state education boards to delete parts of the nation’s history explaining its multi-religious identity,²⁴⁶ and systematically changing names of places with any hint of “Muslimness”, such as Allahabad (to Prayagraj), Faizabad (to Ayodhya), Ahmednagar (to Ahliyanagar), Aurangabad (to Sambhajinagar), etc. to

²³⁴ [Citizenship laws and transgender subjectivities in new India](#), Open Global Rights, 27 February 2024.

²³⁵ [Over 99% of India’s population lives in areas governed by cow protection laws, finds study](#), Scroll, 14 April 2017; [Cow Slaughter Prevention Laws in India](#), CJP, 2 July 2018.

²³⁶ [Indian State Is Expanding Penalty for Killing a Cow to Life in Prison](#), New York Times, 31 March 2017.

²³⁷ [Operation Gau Rakshak: An Unholy Nexus Exposed! | Confessions Of Cow Vigilantes](#), India Today, 7 March 2023.

²³⁸ [Cow Protection Legislation and Vigilante Violence in India](#), ACLED, 3 May 2021.

²³⁹ [Cow Protection Legislation and Vigilante Violence in India](#), ACLED, 3 May 2021.

²⁴⁰ [Not Just Vigilantes: How Gau Rakshaks like Monu Manesar Fuel Haryana Govt’s Cow Protection Drive](#), The Print, 21 February 2023; [Meet the “Friends” of Uttar Pradesh Police Who Wielded Batons against Muslims Last Month](#), Scroll.in, 20 January 2020.

²⁴¹ [Violent Cow Protection in India: Vigilante Groups Attack Minorities](#), Human Rights Watch, 2019.

²⁴² [Ayodhya Ram Temple Consecration Ceremony From January 14, PM To Be Invited](#), NDTV, 20 June 2023; [Doordarshan Working On A Series On The Ram Temple](#), NDTV Profit, 2 March 2023.

²⁴³ [‘Mughals razed 4 lakh temples to make mosques; they will be returned to Hindus’: UP Minister](#), Firstpost, 27 July 2023.

²⁴⁴ [Gyanvapi: SC Upholds HC Order Allowing Survey, Rejects Mosque Committee’s Plea](#), The Quint, 4 August 2023;

[Gyanvapi Is a Litmus Test for the Sanctity of the Places of Worship Act. Our System Failed It](#), The Wire, 8 August 2023.

²⁴⁵ [Ramachandra Guha: How BJP is distorting Indian history to serve its majoritarian agenda](#), Scroll.in, 7 May 2023.

²⁴⁶ [Amit Shah has a history lesson: Don’t blame others, rewriting it our responsibility](#), The Indian Express, 18 October 2019.

erase their connection to Muslim history in the region. Popular media, including films, are used to depict India's religious minorities especially Muslims, as villains.²⁴⁷

91. There is also a poor regime of monitoring, evidence gathering and assessment of the impact of state's efforts on minorities; official data disaggregated by religious groups, is not available, resulting in the poor showing on socio-economic outcomes. Without data disaggregated by religious groups, it is difficult to estimate how minorities are performing.
92. While the Fifth Schedule has introduced the idea of self-governance for Adivasis in certain tribal dominated areas, the Panchayats (Extension of Protection to Scheduled Areas) Act, 1996 (PESA) facilitates the applicability of a three tier Panchayati system at the village, intermediary and district levels to all Fifth Schedule areas.²⁴⁸ The PESA empowers the Gram Sabha to check the alienation of land held by tribals to non-tribals. The Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act, 2013 allows land acquisition in Scheduled Areas only upon consent given by the Gram Sabha. Further, in relation to forest land, the Forest Rights Act of 2006 requires that all forest rights are settled in an area before it is diverted for any other use, and that the Gram Sabhas give free, prior and informed consent to such diversions. However, all these safeguards are being openly violated in practice. Protests against the use of Adivasi land in this manner have led to armed suppression, even resulting in extra-judicial killings.
93. India has witnessed a sharp rise in extractive and so-called development projects that have caused irreparable damage to the environment and its people.²⁴⁹ While poor implementation of constitutional and statutory safeguards has been a major issue, in recent years, the central government has also intentionally revised laws to deliberately limit the rights of Adivasis,²⁵⁰ including restrictions on public consultations to enable easy access of private corporations to indigenous people's land.
94. On 31 August 2019, the NRC authority in Assam published the final list of Indian citizens living in the state. The list excluded 1.9 million people, mostly belonging to marginalized groups like religious and linguistic minorities, Adivasis, married women, children and sexual minorities, creating an imminent risk of statelessness if these population fail in the final legal battle to prove their historical legacy in Assam.²⁵¹ Foreigner's Tribunals (FTs), quasi-judicial bodies, are the main institution for determining the status of 'suspected foreigner' under the Foreigner's Act 1946. This is an exceptional measure for Assam in the legal standards dealing with the foreigners. Established under the Foreigner's Tribunal Order 1964, FTs have investigated the status of thousands who were 'suspected foreigners' and 'declared as foreigners' residing in Assam. About 70% of FT orders are passed ex-parte, raising concerns about fairness. These FTs have played a controversial role in arbitrarily depriving people of right to nationality, exposing vulnerable individuals to the risk of statelessness.²⁵²

²⁴⁷ Recent films such as *The Kashmir Files* and *The Kerala Story* have used the displacement of Kashmiri Pandits from the valley, and the conspiracy theory of 'love jihad', to fuel Islamophobia by presenting exaggerated, single-sided narratives to incite hostility and violence. [What a disturbing new film reveals about Modi's India](#), The New Yorker, 21 June 2022; [The Kashmir Files: How a New Bollywood Film Marks India's Further Descent Into Bigotry](#), Time, 30 March 2022; [The Kerala Story: Propaganda disguised as drama](#), India Today, 7 May 2023; [How accurate are the claims made by 'The Kerala Story'?](#) The Indian Express, 7 May 2023.

²⁴⁸ PESA Act.

²⁴⁹ [Inclusive development and Forest Right Act 2006: A critical look](#), 1 October 2020; Bhullar, L. (2008). The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006: A Critical Appraisal. *Law, Environment and Development Journal*, 4(1), 20.

²⁵⁰ [India's dilution of progressive land and forest rights regime threatens to hijack democracy](#), The Leaflet, 20 May 2018.

²⁵¹ [Women worst affected by Assam's NRC / Indian citizenship tests](#), HL-sentert Minority Network, 2020; [Designed to Exclude: How India's Courts are allowing Foreigners Tribunals to Render People Stateless in Assam](#), Amnesty International, 2019.

²⁵² [Designed to Exclude: How India's Courts are allowing Foreigners Tribunals to Render People Stateless in Assam](#), Amnesty International, 2019; [Report on NHRC Mission to Assam's Detention Centres from 22 to 24 January 2018, 2018; Indian or foreigner? Doubtful or Bonafide? A Fact-Finding Report by United Against Hate, Raiot, 23 July 2018; Between Hatred And Fear: Surviving Detention In Assam](#), Amnesty International, 25 November 2018.

Recommendations:

95. Accordingly, we call upon the Human Rights Committee to include the following recommendations in its Concluding Observations on India:

International obligations

- Withdraw all its interpretative declarations and reservations, particularly to articles 1, 9 and 13 of the ICCPR.
- Ratify and implement provisions of the CAT, as well as of its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance (CED); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); the UN Convention Relating to the Status of refugees (CRSR, 1951, and its 1967 Optional Protocol; the 1954 Convention Relating to the Status of Stateless Persons (CRSSP); and the 1961 Convention on the Reduction of Statelessness (CRS).
- Make itself party to UN's individual complaints, inquiry, and interstate communication procedures—notably, the Optional Protocols to the CAT, CCPR, CEDAW, CESCRC, CRC and the CRPD, and the individual complaints procedures under the CAT, CED, CERD, CMW.
- Accept requests for visits from UN Special Procedures in line with the standing invitation it has extended, and engage constructively with Special Procedures communications and alerts.
- Submit overdue periodic reports to ICESCR and CRC as well as any others that are pending.

Domestic legislation

- Enact a comprehensive law on torture to give effect to India's obligations under the CAT, and provide for mandatory judicial inquiry into cases of disappearance and death, torture, ill-treatment or rape in police custody.
- Enact legislation on genocide and incitement to genocide, to give effect to India's obligations under the Genocide Convention.
- Enact legislation for dealing with targeted hate crimes, including vigilante violence and so-called "honour killings", and take steps to prevent the propagation of hate-filled rhetoric by political parties and religious leaders aligned to the ruling party, as well as provision for speedy prosecution of such crimes and relief and rehabilitation for victims.
- Adopt comprehensive anti-discrimination laws with the participation of all disadvantaged groups, including women and men from marginalised communities, such religious minorities, as well as Dalits and Adivasis.
- Assess in light of ICCPR provisions, and where necessary revoke in whole or amend relevant provisions of laws including the CAA that has discriminatory provisions; Scheduled Caste' Constitutional Order 1950, that excludes Muslims and Christians from its ambit, and NRC in Assam that contains discriminatory procedures; besides abrogation

of autonomous status Jammu and Kashmir, that takes away rights of indigenous communities and also to representation.

- Assess in light of ICCPR provisions, and where necessary revoke in whole or amend relevant provisions of laws including state Freedom of Religion Acts as well as state cow protection laws.
- Assess and where necessary revoke in whole or amend relevant provisions on preventive detention and anti-terrorism laws including the UAPA, NSA, PSA, and sedition under criminal law to ensure compliance with ICCPR provisions.
- Repeal the AFSPA to ensure accountability for human rights violations perpetrated by members of the armed forces.
- Repeal all legal provisions providing effective immunity to the security forces, including section 197 of the CrPC.
- Adopt effective measures to prevent gender-based discrimination and violence against women and girls and respond effectively to the needs of survivors of such crimes including bringing perpetrators to justice and ensuring formulation and implementation of appropriate compensation schemes for survivors. Ensure that intersectional identities of women and girls are taken into account while framing these measures and that women and girls are consulted and involved in the process.
- Amend criminal laws to remove the marital rape exception and criminalise marital rape in all circumstances.
- Adopt a law criminalizing FGM-C, holding perpetrators accountable and providing justice, protection and support to survivors.

Effective policy and practice

- Establish a truth and reconciliation commissions for Jammu & Kashmir.
- Report on the independence of the judiciary and their ability to uphold the constitutionally enshrined rights free from political interference.
- Ensure justice and accountability for discrimination and abuse faced by religious minorities as well as Dalits and Adivasis, including by the SCI, the NHRC, high courts and lower courts, where appropriate, and independent, effective, and expedient resolution of cases challenging the constitutional validity of laws impacting religious minorities through independent investigation and prosecution of serious human rights violations.
- Ensure effective implementation of the SC and ST (POA) Act.
- Completely eradicate manual scavenging.
- Prevent vigilante groups from committing intimidation and violence and ensure accountability for crimes committed.
- Prevent the misuse of official agencies against civil society organisations, journalists and human rights defenders.
- Prohibit any advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence, in line with international norms and soft law instruments and ensure implementation of this prohibition regardless of the affiliations of the perpetrator.
- Collect and publish crime, policing and prison data, disaggregated by gender, caste, indigeneity/ethnicity and religion, and build a comprehensive prevention, response and redressal strategy accordingly.

- Take steps to ensure that judiciary and law enforcement bodies operate in an independent unbiased manner.
- Ensure that national human rights institutions can function effectively in line with the Paris Principles.
- Ensure that the provisions of the FCRA and the PMLA as well as their implementation do not impede the right to freedom of association.
- Provide human rights training to police and judicial officials on the rights of religious minorities, Dalits, Adivasis and other vulnerable communities.
- Promote proportional representation of minorities and marginalized groups in the government, as well as other elected and decision-making bodies.
- Develop and implement state-level policies to secure child rights during armed conflicts.
- Recognize armed-conflict-induced PTSD in children as a human rights violation and undertake steps to address this issue.
- Engage in dialogue with non-state armed groups on securing child rights and immediately stop the use of child soldiers during armed conflict.

Annexure 1: Information about Submitting Organisations

1. Dalit Human Rights Defenders Network

Dalit Human Rights Defenders Network (DHRDNet) is a coalition of Dalit human rights defenders across India. The main objective of DHRDNet is to create an efficient network of leading Dalit Human Rights Defenders to combat the rights abuses and to ensure that anti-discrimination mechanisms are properly and thoroughly implemented.

2. Hindus for Human Rights

Hindus for Human Rights advocates for pluralism, civil and human rights in South Asia and North America, rooted in the values of our faith: *shanti* (peace), *nyaya* (justice) and *satya* (truth). We work with a broad coalition of partners to educate elected officials and the public about civil and human rights issues in South Asia.

3. India Civil Watch International (ICWI)

4. International Commission for Dalit Rights (ICDR)

5. International Dalit Solidarity Network

The International Dalit Solidarity Network (IDSN) was founded in March 2000 to advocate for Dalit human rights and to raise awareness of Dalit issues nationally and internationally. IDSN is a network of international human rights groups, development agencies, national Dalit solidarity networks from Europe, and national platforms and organisations in caste-affected countries.

6. Justice For All

Justice For All is a Human Rights organization based in Chicago IL, USA. It grew out of advocacy efforts to stop genocide in Bosnia in the early 1990s during the break-up of the former Yugoslavia. Current campaigns include Burma Task Force, Save Uighur, Kashmir Action, Sri Lanka Task Force & Save India From Fascism.

7. Minority Rights Group International

Minority Rights Group is the leading human rights organization working with ethnic, religious and linguistic minorities, and indigenous peoples worldwide. We work with ethnic, religious and linguistic minorities, and indigenous peoples to secure their rights and promote understanding between communities. We are guided by the needs expressed by our worldwide network of over 300 partner organizations in more than 60 countries. Together, we challenge power structures that exclude and silence those who are different.

8. National Council of Women Leaders

The National Council of Women Leaders (NCWL) is a coalition of grassroots women leaders from marginalised communities across India working towards empowering and addressing issues of women and girls in their communities.

9. North American Manipur Tribal Association

10. Project Disarmed Childhood

Project 'Disarmed Childhood' is a non-partisan country-wide campaign launched to secure child rights in armed conflict affected regions of India and is supported by a conglomerate of peace-loving individuals, reporters, researchers, filmmakers, artists, doctors, activists, educationists, human rights defenders, and organizations working around the theme of peace reconciliation. We conduct research for advocacy, strengthen affected communities, negotiate with stakeholders of armed conflicts to secure child rights and support states in framing and implementing policies for upholding child rights during armed conflicts. We have been successfully catalysing the peace negotiations between parties to the ongoing armed conflict at South Bastar region to restore the demolished public educational, health and ICDS infrastructure in the conflict ridden villages.

11. South Asia Justice Campaign

South Asia Justice Campaign (SAJC) is a non-partisan movement calling for the protection of human rights, democracy and diversity in India and the wider South Asia region. Through supporting victims of human rights violations and strong information collection stakeholders on the ground, as well as in-depth factual and legal analysis, we seek to raise awareness about minority rights concerns in India and South Asia, and motivate decision makers and domestic and international institutions, to act in defence of human and minority rights of affected communities.

12. Women in Governance-India (WinG-India) was founded in 2009 and is a network of feminist activists who have been working actively in the North East on issues of security of women and strengthening the capacity of grass root women leaders including Dalit and Adivasi women. WinG-India chapters focus on the implementation of the United Nations Security Council Resolution 1325 (UNSCR 1325) which reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping and post-conflict reconstruction. We publish reports and advocate to advance and protect the rights of women in conflict zones.

13. Youth for Human Rights Documentation

Youth for Human Rights Documentation (YHRD) is a platform consisting of individuals and groups committed to the cause of human rights and social justice. YHRD was consolidated as an autonomous group in February 2020, and consists of young lawyers, researchers, human rights defenders, and public-spirited citizens who believe in using the tools of research, documentation, advocacy, intervention, and education to empower disadvantaged and vulnerable groups.

Annex 2: Correlation of ‘Joint NGO Alternative Report’ to State Party Report and List of Issues Prior to Reporting (LOIPR)

Para No.	Topic addressed in <u>State Party Report</u>	Relevant Paragraphs in <u>Alternative Report</u>
2 and 3	Progress in strong and elaborate legal and institutional framework. (Para 2 LOIPR)	Para 10 to 25
4 and 6	Incorporation of the ICCPR into India’s domestic law. (Para 3 LOIPR)	Para 10 and 11
5 and 7	Training of judges and remedies provided for redressal of violations of rights. (Para 3 LOIPR)	Para 12 to 16
8	Reservations and declarations. (Para 4 LOIPR)	Para 6, 9 and 44
9	Role of NHRC / NCW / NCBC/NCPCR/ NCSC and NCST (Para 5 LOIPR)	Para 23 to 25
10 and 11	Impunity for violations by the armed forces and lack of accountability. (Para 5 LOIPR)	Para 7, 8, 17 to 22
12 to 17	Corruption (Para 6 LOIPR)	-
18 and 19	Legal framework on anti-discrimination (Para 7(a) LOIPR)	Para 84
20 and 21	Independence of judiciary and safeguards (Para 7(b) LOIPR)	Para 12 to 16
22 to 24	Crimes against Scheduled Castes and Scheduled Tribes, and accountability (Para 8(a) and 8(b) LOIPR)	Para 86
25 and 26	Manual scavenging (Para 8(c) LOIPR)	Para 42
27	Constitution (Scheduled Castes) Order, 1950 (Para 8(c) LOIPR)	Para 85
28 to 30	Targeting of the LGBTI community (Para 9(a) and (b) LOIPR)	Para 75 and 87
31 to 35	Gender equality and gender-based violence (Para 10(a) LOIPR)	Para 26 to 31
36 to 39	Political and financial inclusion of women (para 10(b) LOIPR)	Para 83
40 to 43	Personal and customary laws and gender equality (para 10(c) LOIPR)	Para 73 and 74
44 to 59	Harmful practices and violence targeting women and girls (para 11 LOIPR)	Para 26 to 31
60 to 68	Reproductive rights (para 12 LOIPR)	-
69 to 76	Trafficking in persons (para 13 LOIPR)	Para 28
77 to 85	Counter-terrorism and security measures and accountability for human rights violations (para 14, 15 and 16 LOIPR)	Para 17, 18, 19 and 50 to 53
86 to 89	Death penalty (para 17 LOIPR)	-
90 to 95	Torture and right to life (para 18 LOIPR)	Para 37 to 40 & 33 to 35
96 to 101	Due process and fair trial rights (para 19 LOIPR)	Para 50 to 53 & 43 to 45.
102 to 110	Prolonged pre-trial detention (para 20 LOIPR)	Para 43
111 to 114	Conditions in detention (para 21 LOIPR)	Para 46 and 47
115 to 121	Treatment of aliens, including refugees and asylum seekers (para 22 LOIPR)	Para 49
122 to 127	Right to privacy (para 23 LOIPR)	Para 54 to 56, 73 to 75
128 to 131	Freedom of conscience and religious belief (para 24 and 25 LOIPR)	Para 57 to 59

132 to 141	Freedom of expression and peaceful assembly (para 26 and 27 LOIPR)	Para 60 to 63, 68 to 71 & 48
142 to 145	Freedom of association (para 28 LOIPR)	Para 72
146 to 149	Citizenship and prevention of statelessness (para 29 LOIPR)	Para 94, 11(c)
150 to 153	Participation in public affairs (para 30 LOIPR)	Para 80 to 83
154 and 160	Rights of ethnic, religious or linguistic minorities (para 31 LOIPR)	Para 87 to 96

Annexure 3: Summary of Recommendations made by the Human Rights Committee at India's 3rd Periodic Review, dated 4 August 1997

Below is a snapshot of some of the main concluding recommendations made by the Human Rights Committee (HRC) in its 3rd periodic review in 1997, and an assessment of their compliance to date. India was requested to respond to these observations in its next period report, which was due on 31 December 2001. That review, the 4th periodic review, is scheduled for July 2024.

	Key observations	Summary assessment of implementation
1	Take steps to fully incorporate provisions of the ICCPR in domestic law, so that individuals may invoke them directly before the courts, and consider ratifying the Optional Protocol to the Covenant, enabling the Committee to receive individual communications relating to India.	Several provisions not incorporated into domestic law Optional Protocol not ratified
2	Review India's reservations and declarations to articles 1, 9, 13, 12, 19, paragraph 3, 21 and 22 with a view to withdrawing them.	No action
3	Adopt further measures including education programmes at national and state levels, to combat all forms of discrimination against members of scheduled castes and scheduled tribes, as well as so-called backward classes and ethnic and national minorities.	Discrimination against scheduled castes and scheduled tribes, as well as backward classes and particularly against religious minorities has worsened in the past decade - through speeches and actions, including laws, policies and practices, by state actors and agencies.
4	Take further measures to protect women from discriminatory practices and violence, including problems of child marriages, dowry and related violence, foeticide and infanticide of females, preferential treatment to male children and non-criminalisation of marital rape. Make efforts to enable women to enjoy their rights without discrimination and that personal laws should be fully compatible with the ICCPR.	Tardy steps, resulting in poor outcomes.
5	Examine provisions of the AFSPA, PSA and NSA for compatibility with the ICCPR, particularly articles 1, 9 and 25; the Committee endorsed the view that problems in areas affected by terrorism and armed insurgency are essentially political in character and the approach to resolving such problems must also, essentially, be political and compatible with the ICCPR. Closely monitor application of emergency powers and AFSPA to ensure its strict compliance with ICCPR provisions.	No visible effort on the recommendation. National security laws have been further weaponised against human rights, and there is further resort to military means to try to solve political problems.
6	Abolish the death penalty for minors and limit on the number of offences carrying the death penalty to the most serious crimes, with a view to its ultimate abolition.	
7	Abolish the requirement of governmental sanction for civil proceedings against members of security and armed forces acting under special powers and mandatory conduct of judicial inquiries in all cases of death at the hands of the security and armed forces.	Prior sanction continues, and accountability for state actors is a far cry.
9	Enact legislation for mandatory judicial inquiry into cases of disappearance and death, ill-treatment or rape in police custody; Adopt special measures to prevent rape of women in custody; Mandatorily notify relatives of detainees without delay; Guarantee the right of detainees to legal advice and assistance and to a medical examination;	Violations and abuses continue, including those on independent investigation / fair trial rights

	Give priority to providing training and education in the field of human rights to law enforcement officers, custodial officers, members of the security and armed forces, and judges and lawyers, and take into account the United Nations Code of Conduct for Law Enforcement Officials.	
10	Comply with the requirements of article 9 paragraph 2 ICCPR in respect of all detainees. The question of continued detention should be determined by an independent and impartial tribunal constituted and operating in accordance with article 14, paragraph 1, of the Covenant. At the very least, that a central register of detainees under preventive detention laws should be maintained and India should accept the admission of the ICRC to all types of detention facilities, particularly in areas of conflict.	None
11	Take measures to reduce overcrowding of prisons, release those who cannot be given a speedy trial and upgrade prison facilities as quickly as possible.	No evident step. Overcrowding might have increased.
12	Urgently undertake a thorough study to identify the extent of bonded labour and more effective measures should be taken to eradicate it.	Bonded labour persists
13	Comply with ICCPR provisions and other applicable international norms while repatriating asylum seekers or refugees.	None
14	Consider establishing an independent mechanism with effective national powers to monitor and enforce the implementation of laws for the eradication of child labour and bonded labour.	Chil labour continues
15	Take urgent measures to address the problem of violence against children and specific mechanisms should be set up for the protection of children.	Little protection provided. There have been some positive developments though. Some closed and demolished schools have been re-opened in Sukma and Bijapur districts of Chhattisgarh which are ensuring schooling rights to Maoist conflict affected children in the region. Moreover, these re-opened day schools are countering the impacts of residential schools built in the region with malice intentions.