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reports of States parties**

India*

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* The present document is being issued without formal editing.



List of abbreviations

AIDS	Acquired Immune Deficiency Syndrome
ASFR	Age-specific fertility rate
BNI	Bare Necessities Index
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CIC	Central Information Commission
CPI	Consumer Price Index
CRC	Convention on the Rights of the Child
CVC	Central Vigilance Commission of India
DPSP	Directive Principles of State Policy
ECI	Election Commission of India
FII	Financial Inclusion Index
FRs	Fundamental Rights
GDP	Gross Domestic Product
HC	High Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMR	Infant Mortality Rate
INR	Indian Rupee (USD 01 = INR 75.3, as on 15 February 2022)
MMR	Maternal Mortality Rate
MEA	Ministry of External Affairs, Government of India
NCBC	National Commission for Backward Classes
NCERT	National Council of Educational Research and Training
NCM	National Commission for Minorities
NCPCR	National Commission for Protection of Child Rights
NCSC	National Commission for Scheduled Castes
NCST	National Commission for Scheduled Tribes
NCW	National Commission for Women
NHRC	National Human Rights Commission
NRDWP	National Rural Drinking Water Programme
NRI	Non-Resident Indian
NSDC	National Skill Development Corporation
PMAY	Pradhan Mantri Awaas Yojana
RTI	Right to Information Act, 2005
SBM	Swachh Bharat Mission
SCI	Supreme Court of India

SC	Scheduled Caste
ST	Scheduled Tribe
OBC	Other Backward Caste
UDHR	Universal Declaration of Human Rights

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I. Introduction

1. India is pleased to present its Common Core Document. This document is being submitted for the first time and has been prepared based on the Harmonised Guidelines on Reporting under the International Human Rights Treaties including Guidelines on a Core Document and Treaty Specific Documents issued by the Office of the High Commissioner for Human Rights.
2. Data provided in this report are drawn from the Census of India, among other sources. The last decennial Census was held in 2011 and the preparation of the next Census got postponed to 2022 owing to the Covid-19 pandemic. Data and information contained in this report are up to date as of 30 November 2021. Additional information on important aspects is given in the Annexures.
3. The Common Core Document must be read in conjunction with and as forming part of periodic reports under the core United Nations human rights treaties. Together, these documents outline the legislative, judicial, executive, administrative and other measures that implement India's international human rights treaty obligations and commitments.

II. General information

4. India is one of the oldest civilizations in the world with a rich history and unique cultural heritage. It is a Union of 28 States and 8 Union Territories, each with a unique demography, history, culture and language.
5. Located in South Asia, India shares borders with Afghanistan, Bangladesh, Bhutan, China, Nepal, Myanmar, Pakistan and Sri Lanka, covering an area of 32,87,263 sq. km. extending from the snow-covered Himalayan heights to the tropical rain forests of the south. As the seventh largest country in the world, India stands apart from the rest of Asia, marked off as it is by mountains and the sea, which makes the country a distinct geographical entity. Bounded by the Great Himalayas in the north, it stretches southwards and at the Tropic of Cancer, tapers off into the Indian Ocean between the Bay of Bengal on the east and the Arabian Sea on the west.
6. Since independence in 1947, India has achieved all-round progress in socio-economic-political aspects. It has become self-sufficient in agricultural production and is now one of the top industrialised countries in the world and one of the few nations to have gone into outer space.
7. India is a constitutional democratic republic with a parliamentary form of governance. It maintains a robust democratic culture with a multiparty system both at the federal and State levels, and a commitment to hold regular, free and fair elections. Additionally, with the aim of promoting decentralised and participatory form of self-governance, local self-government bodies namely Panchayats, Municipalities and Municipal Corporations were established at the level of villages, towns and large cities, respectively.
8. Values of justice, equality, inclusion, diversity, respect for rule of law and human rights permeate and inform the Indian society.

A. Demographic, economic, social and cultural characteristics of the State

Demographic characteristics

9. India accounts for almost 18% of the world population with 2.4% of the world surface area. The population density is 382 persons per sq. km. and the population decadal growth rate stands at 17.72%. India's population, as on 1 March 2011 stood at 1.21 billion. In absolute terms, the population of India has increased by more than 181 million during the decade 2001–2011. The average annual exponential growth rate stands at 1.64% during 2001–2011.
10. All the five major racial types – Australoid, Mongoloid, Europoid, Caucasian, and Negroid – find representation among the people of India.

Population distribution by gender

11. As per the Census of 2011, population of India is classified under the following categories:

<i>Category (in billion)</i>	<i>Females</i>	<i>Males</i>	<i>Total</i>
Rural Population	0.41	0.42	0.83
Urban Population	0.18	0.20	0.38
Whole Population	0.59	0.62	1.21

12. Sex ratio (number of females per 1000 males) has improved from 949 in 1998–1999 to 1020 in 2019–2021. In rural areas the sex ratio has increased from 957 to 1037 during the same period. The corresponding increase in urban areas has been from 928 to 985. The sex ratio has dropped from 898 in 2014–2016 to 896 in 2015–17.

Population distribution by broad age groups

13. The data on population by age and sex is vital for demographers, health administrators, etc., for planning and evaluation of various developmental and health programmes. The percentage distribution of population by broad age groups to total population by sex and residence in India in 2018 was:

<i>Residence (in percentage)</i>		<i>Sex</i>	<i>0–4 years</i>	<i>5–9 years</i>	<i>10–14 years</i>	<i>15–64 years</i>	<i>65+ years</i>
Rural	Female		8.4	8.9	9.6	67.6	5.4
	Male		8.8	9.3	10.0	67.1	4.9
	Total		8.6	9.1	9.8	67.4	5.1
Urban	Female		6.6	7.4	8.0	72.7	5.3
	Male		6.9	7.8	8.4	71.9	5.0
	Total		6.8	7.6	8.2	72.3	5.1
Total	Female		7.8	8.4	9.1	69.3	5.4
	Male		8.2	8.8	9.5	68.7	4.9
	Total		8.0	8.6	9.3	69.0	5.1

Population distribution by Religion

14. India is home to all major religions of the world. It has the distinction of being the land from where important religions namely Hinduism, Buddhism, Sikhism and Jainism have originated. It is also home to several indigenous faiths including tribal religions which have survived the influence of major religions for centuries. Regional co-existence of diverse religious groups in the country makes it unique and the epithet ‘unity in diversity’ is truly reflected in the Indian society. As of 2011, the following religions were represented in the population of India:

<i>Religion (in million)</i>	<i>Females</i>	<i>Males</i>	<i>Total</i>
Hindu	467.95	498.31	966.26
Muslim	83.97	88.27	172.24
Christian	14.07	13.75	27.82
Sikh	9.88	10.95	20.83
Buddhist	4.15	4.30	8.45
Jain	2.17	2.28	4.45
Other Religions and persuasions	3.99	3.95	7.94

<i>Religion (in million)</i>	<i>Females</i>	<i>Males</i>	<i>Total</i>
Religion not stated	1.40	1.46	2.86

Crude Birth Rate

15. Birth Rate is a crude measure of fertility of a population and is a crucial determinant of population growth. It gives the number of live births per thousand population in a given region and year. The birth rate at all India level has declined drastically over the last four decades from 36.9 in 1971 to 22.5 in 2009 and 20.0 in 2018. The rural-urban differential has also narrowed over these years. However, birth rate has continued to be higher in rural areas in comparison to urban areas. During 2009–2018, it declined in rural areas from 24.1 to 21.6, and in urban areas from 18.3 to 16.7.

Death Rate

16. Death rate is one of the simplest measures of mortality and is defined as the number of deaths per thousand population in a given region and time period. The death rate of India has witnessed a significant decline over the last four decades from 14.9 in 1971 to 6.2 in 2018. The death rate at all India level has declined from 7.3 to 6.2 in the last decade. The corresponding decline in rural areas is 7.8 to 6.7, and for urban areas it is from 5.8 to 5.1. The rate of decline in these years has been higher in rural areas (around 14.5%) than in the urban areas (12.7%). For the year 2018, the death rate for India varies from 5.1 in urban areas to 6.7 in rural areas.

Infant Mortality Rate (IMR)

17. The Infant Mortality Rate (IMR), which is widely accepted as a crude indicator of the overall health scenario of a country or a region, is defined as the infant deaths (less than one year) per thousand live births in a given time period and for a given region. The present level of IMR (30 infant deaths per thousand live births, for the year 2019) is about one-fourth as compared to 1971 (129 infant deaths per thousand live births). In the last ten years, IMR has witnessed a decline of about 38% in rural areas and about 41% in urban areas. The IMR at all India level has declined from 50 to 30 in the last decade. The corresponding decline in rural areas is 55 to 34, and for urban areas it is from 34 to 20.

Maternal Mortality Rate

18. Maternal Mortality Ratio (MMR) is defined as the number of maternal deaths during a given time period per 100,000 live births. It depicts the risk of maternal death relative to the number of live births and essentially captures the risk of death in a single pregnancy or a single live birth. It is heartening that the Maternal MMR of India has declined to 113 in 2016–18 from 130 in 2014–2016.

19. The implementation of the Reproductive, Maternal, Newborn, Child and Adolescent Health (RMNCHA+N) strategy, with interventions across the life stages of women and children, and focus on addressing inequitable healthcare delivery for groups in situations of vulnerability, has had a profound impact on the maternal health situation.

Social and cultural characteristics

20. A distinctive feature of the Indian society is its heterogeneity. It is a melting pot of different ethnicities and cultures, comprising of an array of ethnic strains drawn from people settled in the subcontinent since the dawn of history. It is home to many religions, sects, castes, tribes and linguistic groups. India nurtures and thrives amidst such diversities.

21. A crucial social institution in India that has been in existence for over two millennia is the caste system, which is one of the world's oldest surviving forms of social stratification. For centuries the caste system has dictated almost every aspect of religious and social life in India. The primary determinant of caste is birth. In its earliest phase, the caste system pertained only to the Hindu religion. Gradually it spread to other religions in India including

Christianity, Islam and Sikhism, but arguably, without the same social significance. A major repercussion of caste system in India has been the emergence of an unequal society.

22. Post-independence, the framers of the Constitution of India acknowledged that some of these communities were suffering from extreme social, educational and economic backwardness arising out of age-old practice of untouchability and other forms of discrimination, on account of primitive agricultural practices, lack of infrastructure facilities and geographical isolation, and were in need of special consideration for safeguarding their interests and their accelerated socio-economic development.

23. The Constitution of India, therefore, provides a range of protections including abolition of socially discriminative practices and provision of education and employment opportunities through positive discrimination/ affirmative action to remedy the social, educational and economic backwardness of these communities that fall in the lower stratum of social structure. These communities were notified as Scheduled Castes (SCs) and Scheduled Tribes (STs) as per provisions contained in Clause 1 of Articles 341 and 342 of the Constitution of India respectively. In this regard, the Constitution empowers the President of India to specify the castes, races or tribes or parts of or groups within castes, races or tribes to be deemed as SCs under Article 341 or as STs under Article 342 of the Constitution. The criteria and procedure followed for inclusion of a community or caste in the list of Scheduled Castes is primarily the extreme social, educational and economic backwardness arising out of traditional practice of untouchability. Similarly, the criteria and procedure followed for inclusion of a community or caste in the list of Scheduled Tribes is primarily the indication of primitive traits, distinctive culture, geographical isolation, shyness of contact with community at large and backwardness.

24. Various ameliorative provisions were introduced to correct historical injustices and provide a level playing field to the traditionally disadvantaged castes. The Constitution of India abolished untouchability and discrimination solely on the basis of caste, and introduced one of the most comprehensive affirmative action programmes in the world in an attempt to establish an all-inclusive egalitarian society. Similarly, a separate framework for governance of STs was articulated, which included reservation policies across various sectors. These constitutional protections were supported by a range of legislative initiatives including The Protection of Civil Rights Act, 1955 which prescribed punishment for the enforcement of any disability arising from preaching and practice of untouchability. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to prevent the commission of offences of atrocities against the members of SCs and STs, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences. The Scheduled Tribes and Other Traditional Forests Dwellers (Recognition of Forest Rights) Act, 2006 recognizing rights of STs to forest lands which could not be recorded, was also introduced. The tribal communities also have a different set of customs that are legally protected. As per the 2011 census, the total population of SCs stood around 201.3 million while that of STs stood at 104.5 million. The SCs constitute 18.5% of the total rural population, with a decadal growth rate of 15.7%. Similarly, The STs constitute 11.3% of the total rural population, with a decadal growth rate of 21.3%.

25. There are numerous places of worship for different religions in the country and many educational institutions that impart religious learnings. Festivals on account of different religions are celebrated with pomp and splendour, not just by people practicing the religion, but by people from across the country. Their coexistence forms a rich history and establishes a firm base for the diversities in the present-day society.

26. India is also home to numerous and diverse art and architectural forms that are attractive, vibrant and globally renowned.

Language

27. Language is an important attribute of a population, and has great relevance and significance in a pluri-lingual and pluri-ethnic land like India. India has 22 constitutionally recognized languages in addition to thousands of other languages and dialects. This makes India the country with the highest number of recognized administrative languages in the world. Diversity in languages has also ensured the development of rich literature.

<i>Scheduled languages</i>		<i>Other languages</i>	
<i>Population</i>	<i>Percentage</i>	<i>Population</i>	<i>Percentage</i>
1 171 103 853	96.71	39 751 124	3.29

Freedom of Press and Media

28. Freedom of press forms part of the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution. It has been held to embrace within its scope the freedom of acquisition and dissemination of information, and propagation and exchange of ideas, in turn contributing towards formation of opinions, viewpoints and debate on matters of public relevance. The Supreme Court of India has on numerous occasions held that freedom of press extends to both circulation and content. In this way it has been understood as a bulwark of democratic society and essential for the democratic process for it advances the public welfare by disseminating information in the form of facts and opinions which in turn facilitates responsible decision making by a democratic electorate.

29. Media in India comprises of print, electronic, digital and telecommunication media, which are regulated by a combination of statutory and self-regulation. The Government of India through its various ministries particularly the Ministry of Information and Broadcasting and Ministry of Electronics and Information Technology formulates and administers the regulatory framework for each of them. Each medium has its own regulatory authority. Functioning of press is subject to regulation by the Press Council of India, which is a statutory, quasi-judicial authority functioning as a watchdog of the press set up under the Press Council Act, 1978. Similarly, programme and Advertisement Codes are regularly issued for regulating content broadcast on television under the Cable Television Networks (Regulation) Act, 1995. Recently the News Broadcasters and Digital Association-Professional News Broadcasting Standards Authority and Broadcasting Contents Complaints Council were registered as a Level II self-regulatory bodies for member channels under the Cable Television Networks (Regulation) Act, 1995. Social media in India is primarily regulated under the Information Technology Act, 2000 and rules made thereunder including the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

Health

30. For a country with 1.3 billion people, improving access, affordability and quality of sanitation, nutrition and health services has been a ceaseless endeavour. With a nationwide nudge provided by the Clean India Campaign and the National Nutrition Mission, India achieved universal sanitation in all 603,175 villages in 2019, recording a quantum leap from the 2014 figure of 38% villages with sanitation. Similarly, child and maternal mortality and stunting levels have also sharply reduced.

31. India is committed to ensure universal access to health care. The National Health Policy, 2017 envisions the goal of attaining highest possible level of health and well-being for all and for all ages through a preventive and promotive health care orientation in all developmental policies and universal access to good quality health care services without financial hardship to the citizens. India has had notable achievements since independence in 1947. Various national health initiatives, launched by the Government of India, have also been playing crucial roles in tackling several serious health concerns. While life expectancy at birth has increased, infant mortality and crude death rates have been greatly reduced, and many diseases such as small pox, polio etc. have been eradicated.

32. An area of concern has been the rising cost of health care and treatment in India and it has led to inequity in access to health care services. India spends 1.28% of its GDP (2017–18) as public expenditure on health. Per capita public expenditure on health in nominal terms has gone up from Rs 621 in 2009–10 to Rs 1657 in 2017–18. The Centre – State share in total public expenditure on health by 2018 was 37:63. To address these concerns numerous initiatives have been taken to bolster the health sector, by launching innovative health schemes such as Ayushman Bharat Mission, National Health Protection Mission and Pradhan Mantri Jan Arogya Yojana (PMJAY). *Ayushman Bharat*, which institutionalises universal,

accessible, affordable and quality health care, is the world's largest health protection scheme providing an annual cover of INR 500,000 to 100 million families (approximately 500 million Indians) from economically weaker sections.

33. As per Rural Health Statistics 2019–2020, there are 157,921 (155404 rural + 2517 urban) Sub Centres, 30813 (24918 rural + 5895 urban) Primary Health Centres, and 56449 (5183 urban + 466 rural) Community Health Centres (CHCs) are functioning the country. Since the inception of National Health Mission, there has been 73% increase in Health Facilities available in Tribal areas.

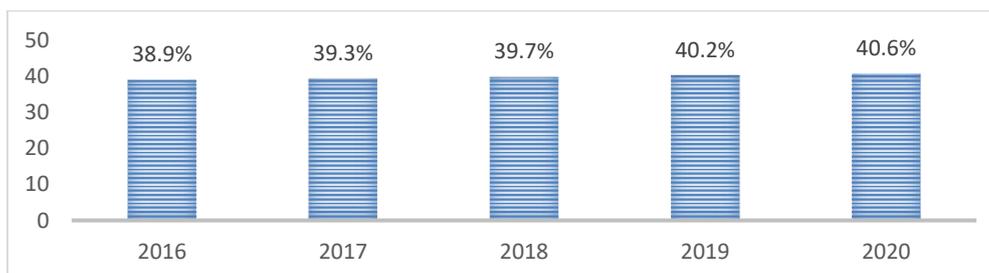
34. In the health sector, India has both government and private health care services. Traditional Indian health forms through Ayurveda, Yoga, Naturopathy, Unani, Siddha, Sowa-Rigpa and Homeopathy coexist with modern medical science. The share of household consumption expenditure on the different aspects of health are as follows:

<i>Category (per case)</i>	<i>Rural</i>	<i>Urban</i>	<i>Total (Average) (in INR)</i>
Hospitalisation	16 676	26 475	20 135
Hospitalisation involving childbirth	5 441	14 455	7 734
Not involving hospitalisation	592	710	636

35. To check the spread of the COVID-19 pandemic, the expedited development of a contact and tracing application called 'Aarogya Setu', is one such outcome of India's efforts to exponentially increase capacity through the use of digital platforms. Within a few weeks of its roll out, more than 100 million Indians have downloaded this application, demonstrating the speed with which digital platforms are being adopted by Indian citizens to access healthcare solutions.

36. As per National Family Health Survey of 2019–21, around 56.5% of married women in India aged between 15–49 years (55.5% in rural and 58.5% in urban), used modern family planning methods, including female sterilisation, male sterilisation, pill, IUD/PPIUD, injectables, male condom, female condom, standard days method, diaphragm, foam/jelly, lactational amenorrhea, and other modern methods. The absolute number of women in India using contraception during this time period was 124 million.

Modern Contraceptive Prevalence Rate in India (mCPR)



37. The National Vector Borne Disease Control Programme leads India's fight against communicable diseases such as polio, malaria, tuberculosis and lymphatic filariasis and has been able to reduce the number of cases under these diseases. The emphasis on water and sanitation, especially through the Swachh Bharat Mission, has had an appreciable dent on the spread of communicable diseases. With non-communicable diseases, India is amongst the first few countries to set specific targets and indicators to bring down this burden by 25% by 2025. India's response to non-communicable diseases has been robust with the expansion of National Programme for Prevention and Control of Cancer, Diabetes, Cardiovascular Diseases and Stroke to the entire country.

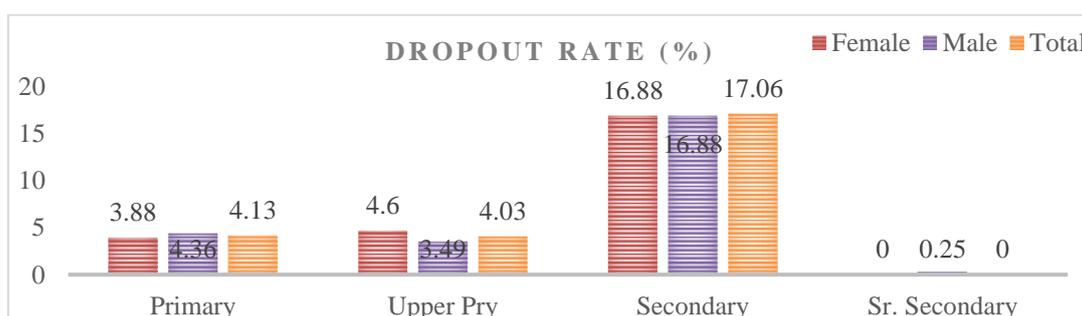
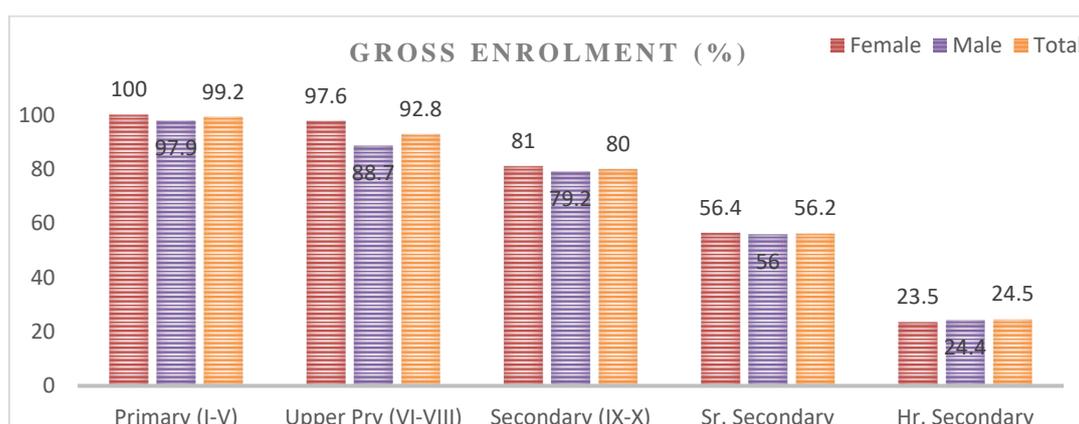
Education

38. The Indian education system is one of the largest in the world with more than 1.5 million schools, and 250 million children enrolled therein from varied socio-economic background. The literacy rate (in percentage) for different groups in 2014 were as follows:

Age Group	Rural (in percentage)			Urban			Rural and Urban
	Male	Female	Total	Male	Female	Total	Total
5+	80.3	62.4	71.4	91	80.9	86.1	76
7+	79.8	61.3	70.8	91.1	80.8	85.9	75.4
15+	75	53.1	64.1	89.7	77.9	84	70.5
All age	72.3	56.8	64.7	83.7	74.8	79.5	69.1

39. Right to Education was given the status of a fundamental right via Article 21A in the Constitution of India in 2002. Ministry of Education formulates National Policy on Education, develops institutions and mechanism to enable educational access and provides financial assistance in the form of scholarships and subsidies.

40. Education in India is provided by public and private institutions and the freedom to attend either school lies at the discretion of the parents/guardians. The Gross enrolment rate (in percentage) in primary and secondary education as of 2015–2016 were:

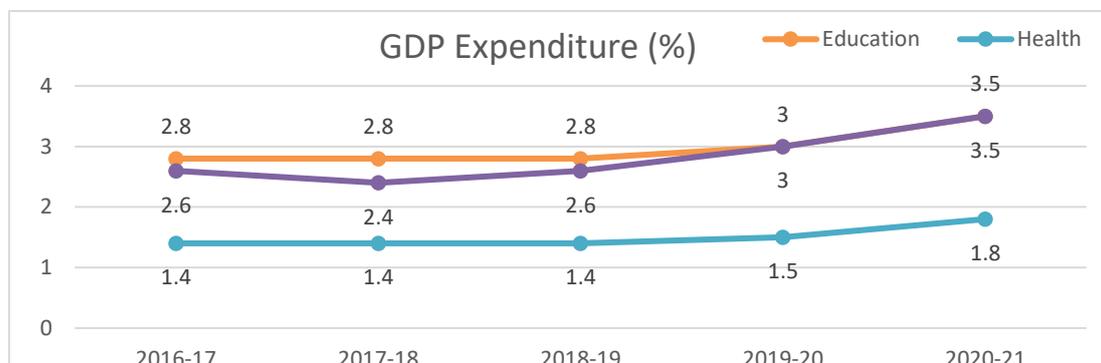


41. In India the Gross Enrolment Rate (GER) is the Total enrolment in a specific level of education, regardless of age, expressed as a percentage of the eligible official school-age population corresponding to the same level of education in a given school-year. Gross Enrolment Ratio (GER) at elementary and secondary levels was at 91.64% and 79.6% respectively in 2018–2019. The drop out ratio for these levels in the same period reduced to 2.72% and 9.74% respectively. GER at higher secondary level was at 58.6% in 2018–2019.

42. Teacher-student ratio in public funded schools for 2015–16 is 23, 17, 27, 37 and 24 for primary school, upper primary school, secondary school, senior secondary school and higher education respectively. Between 2015–2016 and 2017–2018, the proportion of trained

teachers increased from 75.49% to 77.85% and 78.52% to 83.69% in primary and secondary levels, respectively.

43. Between the years 2014 and 2021, the percentage share of expenditure on education, health and other sectors of the GDP were as follows:



44. As is evident, the expenditure on social services and the consequent share in GDP have consistently increased from 2016–17 to 2020–2021. The general economic situation, which was further impacted by the pandemic in 2020 reinforced the idea for ‘Atma Nirbhar Bharat’ (self-reliant India). This vision released a comprehensive package of INR 20 trillion in which INR 4.31 trillion was made available for the social sector including food, housing, health and support to certain sections of workers.

Employment

45. Employment opportunities in India are available both in the organised and the unorganised sector. As of 2018 only about 8% of the total participating labour force was in the organized sector, with around 92% engaged in informal sector activities.

46. The size of labour force in 2018–19 was estimated at about 518 million persons: about 488 million employed and 30 million unemployed. The size of the labour force increased by about 8.5 million between 2017–18 and 2018–19. Out of these, 4.6 million were from urban sector and 3.9 million were from rural sector. The gender composition of the increase in the labour force comprised about 6.4 million males and about 2.1 million female. The size of the workforce increased by about 16.4 million, of which 12.2 million were in rural sector and 4.2 million in urban sector. The gender composition was 9.2 million females and 7.2 million males. Number of unemployed persons declined by about 7.9 million between 2017–18 and 2018–19, largely in the category of females, and in rural sector. The females labour force participation rate increased from 17.5% in 2017–18 to 18.6% in 2018–19.

47. In India, the number of workers for 2018–2019 (all ages, gender and employment) stood at:

2018–2019	Rural			Urban			Total(in million)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Self Employed	139.9	50.5	190.4	48.9	11.4	60.4	188.8	61.9	250.7
Own account worker	117.5	18.4	135.9	43.7	8.3	52.0	161.2	26.7	187.9
Helper in household	22.4	32.1	54.5	5.2	3.2	8.4	27.6	35.2	62.8
Regular wage/salary	34.6	9.3	43.9	59.7	18.1	77.8	94.3	27.4	121.7
Casual labour	69.0	24.8	93.7	18.0	3.5	21.5	86.9	28.3	115.2
Total	243.7	84.6	328.3	126.4	33.1	159.6	370.1	117.7	487.8

48. Unemployment rates at all India level, for all ages, declined marginally to 5.8% in 2018–19 from 6.1% in 2017–18. The highest decline in unemployment rates is seen among those who have received formal vocational/technical training.

49. The nature and type of work from which a household derives its major income is an important indicator of the activity pattern of its members. Percentage distribution of households by household types:

(in percentage)

Household type	Rural		Urban	
	2017–18	2018–19	2017–18	2018–19
Self-employed in agriculture	37.8	36.6	--	--
Self-employed in others	14.3	15.1	32.4	31.8
Causal labour in agriculture	12.1	11.7	--	--
Causal labour in others	12.9	13.4	11.8	11.0
Regular wage/salary	12.7	13.1	41.4	42.8
Others*	10.1	10.1	14.4	14.4

(*Households which do not have any income from economic activities, are classified under 'others'.)

50. Social security schemes and labour laws are in place to support and regulate the employment in different sectors. The Ministry of Skill Development and Entrepreneurship (MSDE) co-ordinates all skill development efforts across the country, removing the disconnect between demand and supply of skilled human-power, building the vocational and technical training framework, skill up-gradation, and building of new skills. Various schemes to promote employment opportunities through enhancement of technical skills have been instituted by the Government of India. The flagship scheme in this regard is the Pradhan Mantri Kaushal Vikas Yojana (PMKVY) under the aegis of the MSDE implemented by National Skill Development Corporation (NSDC). PMKVY is a grant-based scheme, providing free of cost skill development training and skill certification in over 252 job roles to increase the employability of the youth.

51. The first version PMKVY was launched in 2015 to encourage and promote skill development in the country by providing free short duration skill training and incentivizing by monetary rewards to youth for skill certification. The overall idea was to boost employability of youth corresponding to the industrial demand. PMKVY 2.0 (2016–20) was launched by scaling up sectors, geographies and by greater alignment with other missions / programs of Government of India such as 'Make in India', 'Digital India' and 'Swachh Bharat Mission'. PMKVY 3.0 (2020–21) was launched to implement schemes, including but not limited to, National Apprenticeship Promotion Scheme (NAPS), MUDRA loans under Pradhan Mantri MUDRA Yojana (PMMY), Deendayal Antyodaya Yojana-National Rural Livelihoods Mission (DAY-NRLM)/Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM), Mahatma Gandhi National Employment Guarantee Act (MGNREGA) and other similar programs.

52. The NSDC has been set up by the Ministry of Finance as the Public Private Partnership (PPP) model. The Government of India through Ministry of Skill Development & Entrepreneurship (MSDE) holds 49% of the share capital of NSDC, while the private sector has the balance 51% of the share capital. The National Occupational Standard is one of the most significant contributions of NSDC to India's skilling ecosystem – something that was made possible by the Sector Skill Councils, which are national partnership organizations that bring together all the stakeholders – industry, labour and the academia. These Councils were envisaged by the National Policy on Skill Development and Entrepreneurship, 2015. To facilitate employment, Sector Skill Councils have been encouraged to develop their own placement portal and mobile apps. These portals are linked to demand aggregation and are aimed at meeting the skill needs of the industry. The 360-degree interface of the portal

connects candidates and training partners with recruitment firms and potential employers. Some of the SSCs have already started using such portals, while a few others would follow.

53. Additionally, the National Skill Development Mission was developed and approved by the Government of India in 2015 to create convergence across sectors and States in terms of skill training activities. Key focus areas for the mission are (i) Institutional Training, (ii) Infrastructure, (iii) Convergence, (iv) Trainers, (v) Overseas Employment, (vi) Sustainable Livelihoods, (vii) Leveraging Public Infrastructure.

Economic characteristics

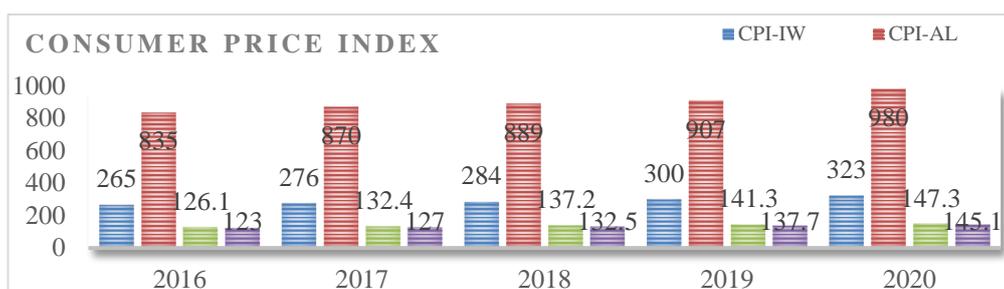
54. Today India is one of the fastest growing economies in the world and is expected to be one of top three economic powers by 2030. India has the sixth largest economy with the third largest purchasing power in the world. While it has witnessed robust economic growth over the past two decades, the global pandemic caused severe economic impact adversely hampering its growth trajectory.

Indicators		2015–16	2016–17	2017–18	2018–19	2019–20
Gross Domestic Product (INR Trillion)	Constant Price	113.69	123.08	131.44	140.03	145.69
	Current Price	137.71	153.91	170.90	188.86	203.51
Gross National Income (INR Trillion)	Constant Price	112.34	121.63	129.98	138.51	144.27
	Current Price	136.12	152.15	169.05	186.84	201.57
Annual Growth Rate of GDP (in percentage)	Constant Price	8	8.26	6.8	6.53	4.04
	Current Price	10.46	11.76	11.03	10.51	7.75
Per Capita Income (GDP) (in INR)	Constant Price	88 616	94 751	10 0035	105 526	108 645
	Current Price	107 341	118 489	13 0061	142 328	151 760
Per Capita Income (NNI) (in INR)	Constant Price	77 659	83 003	87 586	92 241	94 566
	Current Price	94 797	104 880	115 224	125 883	134 186

55. As is evident per capita income has consistently increased in the last ten years. This has enabled India to substantially address basic concerns including that of poverty. Between the years 2011 to 2015 more than 90 million people were lifted out of extreme poverty, which marks a reduction from 21.2% in 2011 to 13.4% in 2015, as measured by the World Bank's International Poverty line. The incidence of multidimensional poverty, as measured by the Multidimensional Poverty Index of OPHI and UNDP, reduced by half to 27.5% between 2005–06 and 2015–16, implying that over 271 million people escaped poverty. Deprivations significantly reduced in all 10 indicators – nutrition, child mortality, years of schooling, school attendance, cooking fuel, sanitation, drinking water, electricity, housing and assets. Poverty reduction in rural areas has outpaced that in urban areas. Improvement among the bottom 40% exceeded that of the total population.

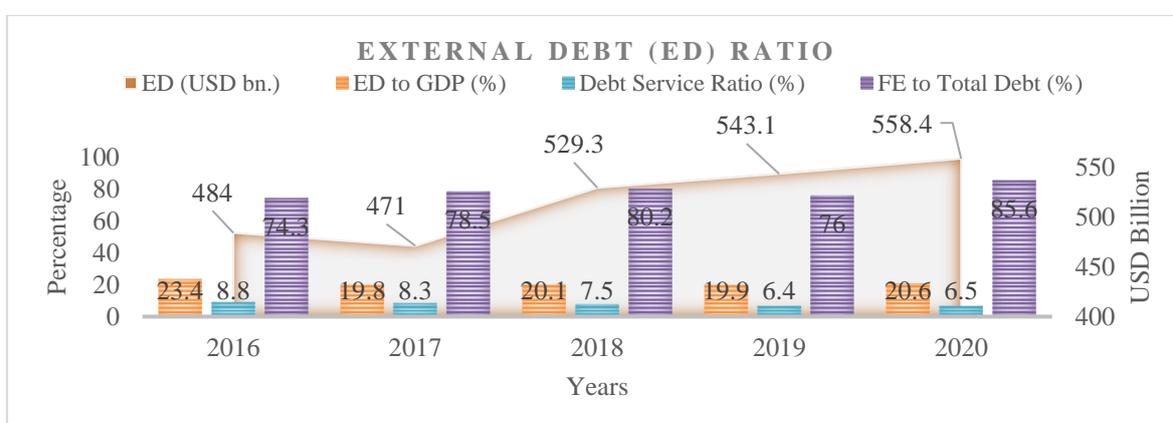
Consumer Price Index

56. In India the Consumer Price Index (CPI) is designed to measure the changes over time in general level of prices of selected goods and services that households purchase for the purpose of consumption. Such changes affect the real purchasing power of consumers' income and their welfare. The CPI measures price changes by comparing, through time, the cost of a fixed basket of commodities. Consumer Price Index (CPI) is compiled separately for rural, urban, and combined sectors on monthly basis with Base Year (2012=100) for all India and States/UTs. In India, segment specific CPIs, namely Consumer Price Index for Industrial Workers [CPI (IW)], Consumer Price Index for Agricultural Labourers [CPI (AL)], Consumer Price Index for Rural (CPI-Rural), Consumer Price Index for Urban (CPI-Urban) are being compiled regularly, catering to the need of specific population group.



External and domestic public debt

57. The external debt indicates the total debt that a country owes to foreign creditors. India's external debt stands at USD 570 billion at the end of March 2021. The debtors can be the Union government, State governments, corporations or citizens of India. The debt includes money owed to international financial institutions such as the International Monetary Fund or World Bank or foreign governments or private commercial banks.



58. Public debt in India is largely funded through domestic savings, using mostly fixed interest rate instruments, and supported by a large domestic institutional investor base. These factors underlie long-term debt sustainability in the Indian context. The long maturity profile of India's debt reduces rollover risk. The composition of public debt comprises of two broad components i.e., internal debt and external debt. Internal debt comprises loans raised in the open market, compensation and other bonds, etc. It also includes borrowings through treasury bills including treasury bills issued to State Governments, Commercial Banks and other Investors, as well as non-negotiable, non-interest-bearing rupee securities issued to International Financial Institutions.

Public Debt		2016-17	2017-18	2018-19	2019-20	2020-21
Total Liability (USD bn)	Internal Debt	57.41	64.01	70.74	80.20	99.36
	External Debt	2.28	2.50	2.69	2.99	3.82
	Public Debt	59.69	66.51	73.43	83.19	103.18
	In percentage of GDP	47.4	45.6	45.8	45.7	--
Share of Public (in percentage)	Internal Debt	87.0	87.6	88.0	87.5	--
	External Debt	6.2	5.8	6.2	5.9	--

Access to Necessities

59. As part of its comprehensive development approach, India has invested heavily in ensuring continuing access to basic necessities including housing, water, sanitation, electricity and clean cooking fuel, to all its citizens. The network of schemes designed to deliver such things to public include inter-alia the Swachh Bharat Mission (SBM), National Rural Drinking Water Programme (NRDWP), Pradhan Mantri Awaas Yojana (PMAY), Saubhagya, and Ujjwala Yojana. These Schemes have been equipped with the usage of modern technology, real time monitoring, geo-tagging of assets, social audit, embedded

digital flow of information, and direct benefit transfers, wherever possible. Such features have improved the transparency in governance and enhanced the efficiency and effectiveness of the schemes.

60. India has developed a composite scale called the Bare Necessities Index (BNI), which measures access to the bare necessities for households in rural areas, urban areas and at the all-India level. These necessities are measured using 26 comparable indicators on five dimensions viz., water, sanitation, housing, micro-environment, and other facilities. The indicators used to capture the availability and quality of housing, access to bathroom, kitchen, toilet, drinking water, waste discharge facilities, clean cooking fuel and disease-free environment, etc. For most of the States, the access to bare necessities for the households in 2018 is significantly better compared to 2012.

Financial Inclusion Index (FII)

61. Greater financial inclusion is crucial for a wider, inclusive and sustainable growth. The FI-Index has been conceptualised as a comprehensive index incorporating details of banking, investments, insurance, postal as well as the pension sector in consultation with Government and respective sectoral regulators. The annual FI-Index for the period ending March 2021 is 53.9 as against 43.4 for the period ending March 2017. The FI-Index will be published annually in July every year.

62. Financial inclusion, the path to promoting social inclusion, was greatly aided by the *Jan Dhan-Aadhaar-Mobile* (JAM) trinity, which provides near-universal access to bank accounts under the Jan Dhan Yojana, bio-metric identity for about 90% of people, and access to mobile phones and internet services to over 665 million people. This has propelled the unbanked, especially over 200 million women, into the mainstream financial system, accelerating their economic empowerment through new avenues of credit, insurance and Direct Benefit Transfers.

B. Constitutional, political and legal structure of the State

Constitutional structure

63. The Constitution of India, which constitutes India as a sovereign socialist, secular, democratic republic lays down the framework for the governance of the country. Being the highest law of the land, it clearly delineates the organising principles of India's constitutional democracy. These organising principles include federal structure, rule of law, separation of powers marked by a system of checks and balances, independent judiciary and fundamental rights. The Constitution also provides for a quasi-federal structure with a broad distribution of powers between the Centre and the States. It is a comprehensive document covering a wide array of issues keeping in mind the size and diversities that the country houses. The Preamble promises its people socio-economic and political justice, liberty of thought, expression, belief, faith and worship, equality of status and opportunity, and fraternity while assuring the dignity of the individual and the unity and integrity of the nation.

64. The Constitution of India provides and protects the fundamental rights to equality, right to life and liberty, right against exploitation, right to freedom of religion, cultural and educational rights and right to Constitutional Remedies and thus incorporates the philosophy of Bill of Rights in Part III. These are inviolable rights of the people enforceable against the State. Any legislation found to be in violation of or abridging any of these rights may be declared unconstitutional by the Supreme Court or the High Courts. However, these rights are not absolute but are subjected to certain reasonable restrictions. Part IV of the Constitution of India contains Directive Principles of State Policy (DPSP) that are fundamental to the governance of the country and it is the duty of the State to apply these principles while making laws. These primarily incorporate social and economic rights. Part IV A of the Constitution of India list the Fundamental Duties that every citizen of India is expected to abide by. However, both the DPSP and Fundamental Duties are not enforceable in Courts of law.

65. The powers and functions of the State are vested in three basic organs of the State viz., Legislature, bearing the power to make law, the Executive having the power to implement the law and Judiciary entrusted with the power to enforce the law including the provisions of the Constitution of India. The Constitution of India clearly defines the structure, functions and powers of each of the organs of the State, qualifications for those who constitute these organs, their terms of office etc. As mentioned earlier, India follows the doctrine of separation of powers between the three organs of the State. Even though the Executive in India, except the permanent executive, is drawn from the Legislature, it has the subordinate rule making power to carry out the legislative intent. Yet the separation of powers is maintained through the system of checks and balances between the institutions and the independent Judiciary ensures that the broad limits of powers and functions are not transgressed. The constitutional Courts through their power of judicial review maintain separation of powers, check violation of constitutional rights of people and uphold the Constitution of India and thereby secure the rule of law in India.

66. The Constitution of India also provides for a three-tier structure of government for the entire country which consists of the Union government at the national level, the State Government at the State level and local government from district, within each State to the villages. The administrative divisions of the Union are of three kinds viz., States, Union Territories and Scheduled Areas. The first two categories are territorial in nature whereas the latter cuts across territories since it consists of regions which are primarily inhabited by STs and thus require a system more conducive for practice and conservation of their traditions and beliefs. This is strengthened through the Fifth and Sixth Schedules to the Constitution of India that provide for administration of scheduled/tribal areas in some States that are predominantly inhabited by tribal groups. Sixth Schedule focuses on the administration of tribal areas specifically in some States in north-eastern India and the Fifth Schedule considers administration and control of scheduled areas and Scheduled Tribes of other States of the country. The two schedules lay down different administrative and legislative framework for the governance of the above-mentioned areas.

67. The Constitution of India establishes single integrated judicial system with two categories of constitutional Courts viz., Supreme Court of India at national capital, New Delhi and High Court in the States in India. Both the categories of Courts are Courts of record also having the power to punish for their contempt. Both the Courts exercise writ jurisdiction and are empowered to uphold the fundamental and constitutional rights of people. Being the highest Court of appeal, the Supreme Court of India has the power to reverse the decisions of High Courts as well as to overrule.

68. Every citizen of India above the age of eighteen enjoys the right to vote and to participate in the parliamentary process of choosing one's political representatives. The Election Commission of India (ECI) is an independent constitutional body which supervises, directs and controls all elections to Parliament, State Legislatures and the offices of the President and the Vice President. The Parliament and the State Legislatures have the primary responsibility for making laws for the entire country or for a particular State respectively.

69. With respect to financial matters, the Constitution of India provides for the establishment of a consolidated fund consisting of revenues received by, loans raised by, money received by the Government of India. The office of Comptroller and Auditor General (CAG) has been established to perform duties and exercise powers in relation to the accounts of the Union and of the States and of any other authority/body. The trade, commerce, intercourse throughout the territory of India is free; subject to restrictions which may be imposed in public interest.

70. The Constitution of India also envisages emergency situations, which may arise due to armed rebellion or external aggression, breakdown of constitutional machinery in the State or financial emergency where the financial stability of the country is threatened. In such situations, there is a temporary change in the executive and legislative functions between Union and States.

71. The Constitution of India embodies provisions of its own amendment under Article 368 which makes it a living document capable of guiding the nation for all times to come. The Parliament of India has the power to amend the Constitution of India through three

procedures: i) simple legislative process, for instance, admission or establishment of new States, retention of certain executive powers in the States and their officers, amendments to schedule relating to salaries and allowances of certain officers in the Constitution of India, increment in the number of judges in the Supreme Court of India, etc.; ii) special majority, for instance amending the DPSP, etc.; and iii) special majority along with ratification by minimum one half of the States, for instance, election and manner of election of the President, Union and State Judiciary, representation of States in Parliament, amendment provisions, etc. Thus, provisions which affect crucial aspects like the federal structure etc. can only be amended through a Bill passed with special majority in both the houses of the Parliament and thereafter it is required to be ratified by minimum one half of the States. However, in spite of this elaborate mechanism for amendment provided in the Constitution of India itself, the basic structure of the Constitution of India, as held by the Supreme Court of India in *Kesavanand Bharti vs. State of Kerala* cannot be altered.

72. The basic structure of the Constitution of India has been interpreted to include a wide array of aspects: the supremacy of the Constitution of India, the secular character of the State of India, the republican and democratic form of government, the separation of powers between the Legislature, Executive and the Judiciary; federal structure; principles of free and fair elections, the rule of law, the objectives specified in the Preamble, parliamentary system of government, judicial review, freedom and dignity of the individual, unity and integrity of the nation, the principle of equality, the concept of social and economic justice, the balance between the Fundamental Rights and DPSP, the independence of judiciary, and effective access to justice.

Political Structure

73. India is a parliamentary democracy with an elected head of the State and federal structure of governance. All the three organs of the State viz., Legislative, Executive as well as Judiciary have been established at two levels – the Union and each of the States. The units referred to as Union Territories are areas governed by the Union directly. Though distinct, in terms of powers and functions, the federal structure has a unitary bias with the Union having precedence in certain matters. Further, the form of organisation of the Executive, Legislative and Judiciary at the Union and at the State level is similar.

74. The executive branch of the State is constituted by the political executive vested with the overall responsibility of government policy and permanent executive consisting of civil servants who are responsible for day-to-day administration. The political executive in India consists of the President who is the formal executive head of the Union and the Prime Minister and the Council of Ministers who run the government at the national level. At the State level the executive comprises the Governor, the Chief Minister and Council of Ministers. India has adopted the parliamentary system of executive for the governments both at the national and the State levels, wherein the President or Governor, the formal executive head of the State, function on the aid and advise of the Council of ministers headed by the Prime Minister or the Chief Minister as the case may be. While the President is elected for a period of five years, subject to re-election, the Governor holds the office during the pleasure of the President. The President of India is elected indirectly by an electoral college following the system of proportional representation through the single transferable vote system. The Electoral College consists of the elected members of both houses of Parliament and elected members of the legislative assemblies of the States. The President and the Governor have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person. However, the power of the Governor in this case only extends to matters to which the executive power of the State extends, whereas the President has wider powers and extends to a wider range of cases including punishment or sentence by a Court martial or of death. The President, through an administrator also administers the eight Union Territories in India, unless a law by the Parliament provides for otherwise.

75. The Legislature in India is bicameral at the level of the Union whereas the States have an option whether to establish either a bicameral or unicameral Legislature. Thus, the Parliament for the Union, consists of the President and two houses: The House of the People known as Lok Sabha and the Council of States known as the Rajya Sabha. The Lok Sabha

consists of representatives directly elected by the citizens of India once every five years. The Rajya Sabha functions primarily as the representative of the States of India in the Parliament. The members of Rajya Sabha are elected by the elected members of the Legislative Assemblies of various States for a term of six years. Rajya Sabha is the permanent House of the Parliament as its members do not complete their terms at the same time. One third of its members complete their term every two years. At the State level generally, the Legislature consists of the Governor and Legislative Assembly. However, six States, Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana and Uttar Pradesh also have a second house, Legislative Council, that forms a part of the Legislature. Freedom of speech is exercised in Parliament and Legislature of every State, which means that no member of Parliament/State Legislature is liable to any Court proceedings for anything said or any vote given by him in Parliament or the State Legislature. In order to ensure the representation of all the sections of society in decision making through the Parliament and State Legislatures, the Constitution of India reserves seats for the SCs and STs in the Lok Sabha and State Legislative Assemblies.

76. Since India is a Union of States, the Constitution of India provides for the ways of operationalisation of federalism. It enlists the subject matters with respect to which the Union and the States have the power to legislate. As per the Seventh Schedule to the Constitution of India, the Parliament and the State Legislature can enact legislations under the Union and State Lists respectively. Items under the Concurrent List can be legislated on, by both Union and States. The residuary powers are with the Union. There are a few situations where the Union Government can enact laws on items enumerated in the State List:

- (a) If the Council of States passes a resolution that it is necessary in the national interest that Parliament should enact law; or
- (b) If the Proclamation of Emergency is in operation; or
- (c) If two or more States by consent decide; or
- (d) To implement any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

77. Apart from the political institutions for making laws, policies and implementing the same at the central and the State levels, India has a vibrant mechanism of local self-government established under the Constitution of India. Though self-governing village communities existed in India from the earliest times and the trend of evolution and recognition of these local institutions of self-governance continued even after independence but the efforts in this direction were sporadic and uncoordinated until 1989 when the Central Government introduced 73rd and 74th amendments to the Constitution of India. These amendments aimed at strengthening the institutions of local governance and to ensure uniformity in their structure and functions throughout India. These amendments promoted decentralised governance where local people resolved local issues, thereby encouraging meaningful participation of people in democratic decision making. The members of these bodies are elected through direct elections by members of the respective territorial areas of Panchayat and Municipality. They are elected for a period of five years, unless dissolved earlier. The Finance Commission constituted by the State Government reviews the financial position of Panchayats and Municipality and suggests ways and means to strengthen the same. The State Government also empowers the Panchayats and Municipalities to levy and collect taxes, duties, tolls and fees.

78. The Constitution of India provides that not less than one-third of the total number of seats filled by direct election in every Panchayat and Municipality shall be reserved for women, including one-third of the seats reserved for Scheduled Castes and Scheduled Tribes. The States are also empowered to provide, by law, for the reservation for women of up to one-third of the total number of offices of Chairpersons in the Municipalities and Panchayats.

79. It is through the State Legislature that Panchayats and Municipalities are endowed with powers and authority to function as institutions of self-government, for devolution of powers and responsibilities with respect to preparation of plans for economic development, social justice and implementation of the same. In India, there are total 738 Districts. There are 660 District Panchayats, 6673 Intermediate (Taluka) Panchayats and 255,357 Village

Panchayats. As of the current data, there are 4766 urban bodies of the local self-governance in India.

80. As of September 2021, eight political parties have been recognised as political parties at the national level and 65 at the State level.

81. India follows the system of universal suffrage under which citizens above 18 are eligible to vote. As per Census 2011, 605.8 million citizens were above the age of 18, which constituted 58.9% of the total population. According to ECI in 2019, 911.9 million citizens of India were eligible to participate in the general elections.

82. Every Indian citizen who has attained the age of 18 years on the qualifying date i.e., first day of January of the year of revision of electoral roll, unless otherwise disqualified, is eligible to be registered as a voter in the roll of the part/polling area of the constituency where he is ordinarily resident. There are 3 categories of electors in India: General electors, Oversees/Non-Resident Indian (NRI) electors and Service electors. Voters having service qualification are known as Service Voters. They are – member of the Armed Forces of the Union; member of a force to which provision of the Army Act, 1950 have been made applicable; member of an Armed Police Force of a State, and serving outside that State; or a person employed under the Government of India, serving outside India. A citizen of India, who is absent from the country owing to employment, education etc., and has not acquired citizenship of any other country are known as Overseas Voters and are eligible to be registered as a voter in the address mentioned in their Indian passport.

83. National and State elections are held in accordance with the schedule laid out by law. During the five-year period of 2016–21, 35 elections were held (34 assembly elections and 1 general election). During the 2019 General Elections, 1037848 polling stations were established and a total of 8054 candidates contested with an average of 15 candidates per constituency. The highest number of contestants in a constituency was 185 and the lowest was 3.

		<i>Female</i>	<i>Male</i>	<i>Third Gender</i>	<i>Total</i>
Participation of Electors	All Electors	438 537 911	473 373 748	39075	911 950 734
	Electors voted at polling stations	294 624 323	317 246 927	5721	611 876 971
	Polling % (excluding postal ballot)	67.18	67.02	14.64	67.1
Number of Contestants	Total contestants	7 322	726	6	8 054
	Elected contestants	465	78	0	543
	Forfeited deposits	6 342	575	6	6 923

* Out of the total of 99844 NRI voters, 25606 participated in the 2019 General elections.

	<i>Women Members</i>	<i>Total Members</i>	<i>Percentage of Women</i>
Lok Sabha	81	540	14.62
Rajya Sabha	29	231	11.25
Total in Parliament	110	771	14.26

Legal Structure

84. Normatively the legal structure of India consists of the Constitution of India which is the highest law of the land, statutes enacted by the Parliament and the State Legislatures, law laid down by the Supreme Court of India and High Courts in the form of judicial precedents and finally customs or usage having the force of law, that fulfil certain conditions of validity. A custom to be valid, it should fulfil certain criteria, which includes that it should not be unreasonable, opposed to public policy or immoral and it should not be contrary to a legislation. There are some customs that have been outlawed through enactment of a

legislation to that effect. Further, personal affairs like marriage, divorce, inheritance, guardianship, adoption etc. are governed by personal laws pertaining to different communities in India. In addition, the Legislature has also enacted secular law pertaining to marriage for those who may wish to marry in accordance with the same rather than in accordance with their personal law. As a secular country India follows the practice of non-interference in personal affairs of any community without its initiative or consent.

85. This normative framework is implemented by the executive and enforced through a network of Courts that is designed to uphold the constitutional values of equality and justice as well as to secure rule of law, separation of powers and supremacy of the Constitution of India. While the legal structure continues to stand by these values, it continuously evolves to meet the changing and growing demands of the society. The legal structure broadly consists of Courts arranged in a hierarchy with Supreme Court of India at the top, followed by High Courts at the State level and subordinate Courts within each State.

86. The Supreme Court of India, High Courts derive their authority from the Constitution of India. The Supreme Court of India currently houses thirty-three judges including the Chief Justice of India, who is the first among equals. It exercises the following jurisdictions: (i) *Original* – only the Supreme Court of India has the jurisdiction on any dispute involving the Government of India or/and any one or more States or between two States; (ii) *Appellate* – Appeals from High Courts and from certain statutory tribunals can lie in civil or criminal matters that raise question of law as to interpretation of the Constitution of India; any judgment or decree or sentence or order in any cause or matter passed or made by any Court or tribunal in India; and (iii) *Advisory* – when it appears to the President that a question of law or fact of public importance has arisen or is likely to arise which requires the opinion of the Supreme Court of India. The law declared by the Supreme Court is binding on all Courts within the territory of India.

87. Out of the 28 States, 25 States have High Courts exclusively for their jurisdiction. Remaining States share their high Court with other States. They have the power to issue writs in the form of Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo-Warranto. Further, they exercise superintendence over all Courts and tribunals throughout the territories within their jurisdiction. Both, the Supreme Court and the High Courts are Courts of records.

88. Another categorisation that the Indian Legal System follows is that on the basis of the nature of cause of action, i.e., civil and criminal. The Supreme Court of India and the High Courts, both deal with civil and criminal cases. Below these Courts, the division of lower Courts is made on the basis of the population residing in that area, under the broad heads of Metropolitan Courts and District & Sessions Courts. In 2013, when the Finance Commission endorsed the proposal for strengthening the judicial system, it included the establishment of 1800 Fast Track Courts (FTCs). 956 FTCs are functional in 24 States/Union Territories.

89. Below the High Courts lie a hierarchy of Subordinate Courts. These Courts have different nomenclatures and jurisdictions on the basis of the valuation and nature of cause of action. There are also various statutory Courts that also aid in dispensation of justice. They are established to adjudicate cases of specific nature. For instance, Family Courts established under the Family Courts Act, 1984 to promote conciliation in and secure speedy settlement of disputes relating to marriage and family affairs; Children's Court established under the Commission for Protection of Child Rights Act, 2005 to provide speedy trial of offences against children or violation of child rights. Gram Nyayalayas, are local courts at village/panchayat level, have been established at the grass roots for the purposes of providing access to justice to the citizens at their doorsteps and to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other barriers.

90. Lok Adalat, which literally means People's Court, is one of the alternative dispute resolution mechanisms to settle/compromise disputes amicably that are pending in courts or at pre-litigation stage. Mobile Lok Adalats are also organised in various parts of the country which travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through this mechanism.

91. Article 323A and 323B of the Constitution of India also provide for the adjudication of civil or criminal matters by tribunals, which are established under statutes. These bodies

are guided by the principles of natural justice, with flexibility and are devoid of technicalities of regular Courts to ensure speedy and affordable justice.

Non-Governmental Organisations

92. India has vibrant, active and independent civil society consisting of many non-governmental organizations (NGOs), which play an important role in the protection and promotion of human rights and maintenance of spirit of democracy in the country. Among many other things, they monitor governmental activities, help individuals obtain redress in cases of violations of their human rights. As per current data, the total number of signed up NGOs in India stand at 122,916. These NGOs work for myriad of issues pertaining to tribal groups, persons with disabilities, women, children, transgenders, religious minorities, rural development, poverty alleviation, legal awareness and aid, to name a few. Article 19(1)(c) and Article 43-B of the Constitution of India provide for formation of associations like NGOs in India. The NGOs in India are mainly categorized as Societies, Trusts and Charitable Companies. Societies are registered under the Societies Registration Act, 1860. The trusts are registered either under the Indian Trusts Act, 1882, or under the concerned State's legislation. Charitable companies are set up according to Section 8 of the Companies Act, 2013.

93. NGOs receive funds in the form of individual donations, foreign funding, and/or aid from different government agencies and private donors. Under the Income Tax Act, 1961, certain contributions or donations made to NGOs are eligible for a tax deduction. The NGOs and charitable trusts, welfare societies, religious institutions, etc. are entitled to tax exemptions. Such benefits are granted to the NGOs keeping in mind their social and charitable purposes.

94. Foreign grants received by NGOs are regulated by the Foreign Contribution (Regulation) Act, 2010 (FCRA). The intent of the Act is to prevent use of foreign contribution or foreign hospitality for any activity detrimental to the national interest. In order to receive foreign funds, an NGO has to register with the Ministry of Home Affairs. It is assigned a unique FCRA registration number and given a registration certificate, which is valid for five years.

Administration of Justice

Crime and Administration of Justice

95. Along with the constitutional Courts as discussed above, police, Court and prison personnel and lawyers in different capacities serve the country in the process of administration of justice. They aid in the administration of justice on the basis of prevailing law and well-established legal principles, including presumption of innocence until proved guilty, the right against self-incrimination, the right to access all evidence relied upon against the defendant, the right to challenge and seek exclusion of evidence, the right to review by higher Courts, the right to counsel whether or not the defendant can afford to pay, the right to fair trial, and protection against double jeopardy. The fair administration of justice in India demands ensuring access to justice to people. In this regard, the Legal Services Authorities Act, 1987 establishes a network of institutions to secure access to justice for people at local, State and national level. It also identifies certain vulnerable sections that are entitled to free legal services under this legislation.

96. Justice administrations statistics are given below:

Backlog of cases in courts

- Supreme Court : 69956 pending cases (2119 cases per judge)
- High Courts : 5,630,000 pending cases (5127 cases per judge)
- District Courts : 40,780,000 pending cases (2279 cases per judge)

Police-Population Ration (PPR)

- 2019 : 195.39 police per 100,000 population
- 2018 : 198.65 police per 100,000 population
- 2017 : 192.95 police per 100,000 population

State/UT expenditure on Police Force

- 2019 : 2.6 million State Police Force with a budget expenditure of INR 1.38 trillion
- 2018 : 2.6 million State Police Force with a budget expenditure of to INR 1.34 trillion

Proportion of budget for police in State budget

- In 2019, INR 1.6 trillion was earmarked for police, out of the State budget of INR 44.59 trillion (3.58% of State budget)

<i>Statistics on prisoners under IPC (as on 31 December 2019)</i>		<i>Convicted</i>	<i>Undertrial</i>
Based on type of offences	Offences affecting the Human Body	107 080	164 945
	Offences against Public Tranquility	341	2 135
	Offences against Property	13 993	74 713
	Offences relating to Documents and Property Marks	283	1 624
	Crimes against Women (other than Human Body, above)	1 342	5 303
	Other IPC crimes	3 361	10 163
Based on Length of Offences	Less than 6 months	6 190	19 060
	6–12 months	4 375	54 140
	1–2 years	6 322	44 135
	2–3 years	8 449	22 451
	3–5 years		14 049
	5+ years	41 231	5 011
	Capital Punishment	400	-

III. General framework for the protection and promotion of Human Rights

A. Acceptance of International Human Rights norms

97. India accords high respect to international norms and in that spirit, is a party to most major international instruments on human rights. India acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 and International Covenant on Civil and Political Rights (ICCPR), 1966 on 10 April 1979; ratified Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965 on 3 December 1968; ratified Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW), 1979 on 9 July 1993; signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984 on 14 October 1997; acceded Convention on the Rights of the Child (CRC), 1989 on 11 December 1992; ratified Optional Protocol to the CRC on the involvement of children in armed conflict, 2000 on 30 November 2005; ratified Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography, 2000 on 16 August 2005; signed the International Convention for the Protection of All Persons from Enforced Disappearance, 2006 on 06/02/2007; ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD, 2006, on 1 December 2007. India has made the following declarations and reservation:

<i>Conventions</i>	<i>Declarations/Reservations</i>
ICCPR	Article 1, 9, 12, 13, 19(3), 21, 22
ICESCR	Article 1, 4, 7(c), 8,
CERD	Article 22
CEDAW	Articles 5, 16(1), 16(2), 29(1)
CRC	Article 32
CRPD	--

98. India has also ratified Convention on the Prevention and Punishment of the Crime of Genocide, 1948 on 27 August 1959, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949 on 9 January 1953, and United Nations Convention against Transnational Organized Crime, 2000 and its Protocols Against the smuggling of migrants by land, sea and air, and to prevent, suppress and punish trafficking in persons, especially women and children on 5 May 2011. India also signed the Slavery Convention, 1926 as amended 1955 on 12 March 1954.

99. With respect to International Labour Conventions, India has ratified the Weekly Rest (Industry) Convention, 1921 (No. 14) on 11 May 1923, Forced or Compulsory Labour Convention, 1930 (No. 29) on 30 November 1954, Labour Inspection Convention, 1947 (No. 81) on 7 April 1949, Equal Remuneration Convention 1951 (No. 100) on 25 September 1958, Abolition of Forced Labour Convention, 1957 (No. 105) on 18 May 2000, Discrimination (Employment and Occupation) Convention, 1958 (No. 111) on 3 June 1960, Equality of Treatment (Social Security) Convention, 1962 (No. 118) on 19 August 1964, Employment Policy Convention, 1964 (No. 122) on 17 November 1998 and Worst Forms of Child Labour Convention, 1999 (No. 182) on 13 June 2017. India ratified the Geneva Conventions I, II, III and IV on 9 November 1950.

B. Legal framework for the protection of human rights at the national level

Constitutional framework

100. Constitution of India, the primary document determining the ecosystem for the protection of human rights in the country, was itself drafted at the time when the international community adopted the Universal Declaration of Human Rights (UDHR). The Constitution of India therefore bears an indelible mark of this path breaking international development, especially when representatives from India, through their contributions in the framing of UDHR, had resonated the values cherished by this newly independent country. Strong parallels can be drawn not only between UDHR and the text of the Constitution of India but also between the later developments in the international human rights law and evolving interpretation of the constitutional text.

101. Part III of the Constitution of India guarantees both individual as well as group rights. The political rights like the equal right to participate in political process, the right to contest elections at various levels and affirmative action within the political domain are secured

under Part XV and Part XVI of the Constitution of India. Civil rights are guaranteed under Part III and most of the economic and social rights are protected and promoted under Part IV of the Constitution of India. While Part III is justiciable in the Court of law, Part IV is not justiciable but consisting of principles fundamental to the governance of the country. Fundamental rights under the Constitution, except Article 19 and 29, are guaranteed to all persons, irrespective of being a citizen or a foreigner.

102. Articles 14–18 of the Constitution of India guarantee the right to equality and non-discrimination, including abolition of untouchability and titles; Freedom of speech, expression, assembly, movement, residence and association are protected under Article 19. Article 21 guarantees the right to life and personal liberty to all persons in India, which has over the years emerged as a source of many specific rights and is buttressed by Article 22 which guarantees protection against ex-post facto criminal laws, double jeopardy and self-incrimination among other safeguards during arrest and detention. Article 21-A guarantees right to education to children between 6 to 14 years of age. Articles 23 and 24 guarantee right against exploitation. Freedom of religion is protected in its varied aspects under Article 25 to 28. Articles 29 and 30 protect rights of linguistic, cultural and religious minorities. Apart from the formidable amalgam of individual and group rights together with special protections for the more vulnerable, Part III of the Constitution of India also offers a framework for affirmative action in favour of vulnerable sections like women, children, SCs, STs, socially and educationally backward classes and economically weaker sections as measures to overcome inequalities.

103. Directive Principles of State Policies (DPSP) recognises the obligation of the State to make provisions for promoting welfare of people, for ensuring adequate means of livelihood, equal justice and free legal aid, secure right to work, to education and to public assistance specifically by providing, just and humane conditions of work, provide for living wages for workers and raise the level of nutrition and public health. Many aspects covered under DPSPs have, over the years, been interpreted by the Supreme Court of India as manifestations of varied aspects of life guaranteed under Article 21 of the Constitution of India. The Supreme Court of India has interpreted many rights of economic nature as falling within the right to life. For instance, right to livelihood, right to health, shelter, timely medical treatment in government hospital, and most importantly the right to live with human dignity have been recognised as aspects of the right to life.

104. While the constitutional framework creates a conducive environment for life and liberty of individuals and groups to flourish, there are certain reasonable restrictions that fundamental rights are subjected to. Some of them are general in their application and are, therefore, permanent; others come into play specifically in situations of emergency and are, therefore, temporary. The general restrictions that are imposed emerge from two requirements:

(a) The need to secure liberty itself, which demands prescribing certain limits to liberty enjoyed by individuals and groups so that it does not interfere with the equal and similar liberty of others. Reasonable restrictions in the interest of public order, defamation, contempt of Court, decency or morality, incitement to an offence, health fall under this category. Even the power of the State to curtail liberty of individuals in case they are guilty of having committed an offence affecting life, liberty, property of others falls under this category and offers a justification for the restriction which Article 21 guaranteeing life and personal liberty of persons is subjected to;

(b) Restrictions also arise out of the need and desire for an organised and peaceful existence as a sovereign nation. Therefore, restrictions imposed to maintain the sovereignty and integrity of India, security of the State and friendly relations with foreign States fall under this category.

105. General restrictions are imposed on the following three fundamental rights:

(a) Protection of certain rights regarding freedom of speech and expression, freedom to assemble peaceably, to form association, to move freely, to reside in any part and practice any profession or carry on any occupation in India;

(b) Protection of life and personal liberty; and

(c) Freedom of conscience and free profession, practice and propagation of religion.

106. Temporarily, specific restrictions emanate from emergencies which pose an imminent threat to the very existence of the country or any part thereof, not just in the form of war or aggression or rebellion (national emergency), but also through constitutional breakdown (emergency on account of constitutional breakdown) or economic breakdown (financial emergency). Emergency provisions as laid down in Part XVIII of the Constitution of India also lay down restrictions to which some fundamental rights may be subjected.

107. Not only does the Constitution of India lay down precise and clear situations under which these emergencies may be imposed but it also provides a strict procedure to be followed to introduce an order of emergency and for it to remain in force. The procedure ensures that the decision regarding imposition of emergency is taken democratically with the participation of elected representatives of the people. Any proclamation of emergency issued by the President is laid before both the houses of Parliament for their approval. Otherwise, it ceases to operate. A similar procedure is followed when the proclamation needs an extension.

108. While the Constitution of India by virtue of Article 51 encourages respect for international law and treaty obligations, in India, treaties and covenants are not self-executing and require specific legislative incorporation for execution in domestic Courts. Therefore, many International treaties have been specifically incorporated into the domestic law through enactment of various laws in the country. There are number of legislations that ensure general as well as group rights of citizens in India. Legislations such as the Protection of Human Rights Act 1993, Right to Education Act 2009, Prohibition of Child Marriage Act 2006, or National Food Security Act 2013 ensure human rights for every citizen; and legislations such as the Transgenders Persons (Protection of Rights) Act 2019, Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, Rights of Persons with Disabilities Act 2016, or Muslim Women (Protection of Rights on Marriage) Act 2019, ensures human rights for specific targeted groups. The list of domestic legislations that incorporates international human rights instruments are provided in Annexure C.

109. While the legislature has been proactive in giving effect to international obligations through enactment of new laws and amendments to the existing laws, judiciary has relied on international human rights instruments for progressively interpreting existing laws. In fact, judicial interpretation of the constitutional and legislative texts has contributed significantly to the evolution of the normative context for the protection of human rights in different ways. The courts have not only limited their reliance solely on the provisions of the treaty but also relied on the elaboration of rights articulated through general comments as well as on the jurisprudence developed by the treaty body through its opinions expressed on complaints considered by it. The Supreme Court of India in its seminal judgment in *Vishaka vs. State of Rajasthan* has held that “any international convention not inconsistent with fundamental rights and in harmony with their spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee.” Thus, to the extent that international norms are consistent with the domestic normative principles, they are now enforceable in the domestic Courts despite the absence of any specific legislative incorporation of the same.

110. The substantive normative framework for the protection of human rights is buttressed by a robust mechanism for redressing violations as well as monitoring and promoting human rights. The mechanism consists of constitutional Courts; tribunals as well as National Human Rights Institutions (NHRIs). The Courts have competence to deal with any human rights either specifically guaranteed in the Constitution of India or incorporated in any legislation in India or falling within the principles embodied in the Constitution of India without being specifically incorporated into legislation. Tribunals have jurisdiction only with respect to specific rights that fall within their mandate. National Human Rights institutions on the other hand have broad jurisdiction and fulfil the mandate of protection and promotion of human rights in diverse ways.

Higher Judiciary

111. The higher Judiciary in India, which comprises of the Supreme Court of India and the High Courts have a constitutional responsibility of enforcement of fundamental and constitutional rights. Articles 32 and 226 empower the Supreme Court of India and the High Courts respectively to issue directions, orders or writs to enforce these rights, which embody the principles enshrined in the international human rights norms. The right to approach the Supreme Court of India in case of violation of any fundamental right itself has been accorded the status of a fundamental right. The right empowers anyone to move the Supreme Court of India by appropriate proceedings.

112. To fulfil its mandate of protecting and upholding the fundamental rights of the most vulnerable and marginalized, the Supreme Court of India has liberalised the rule of locus standi which allowed only the aggrieved party to approach the Court. In early 1980s the Supreme Court of India held that where any person on account of one's ignorance or social and economic condition is unable to approach the Court in case of violation of one's fundamental rights then any public-spirited person may approach the Court on behalf of such person. Over the years the Court has also treated even the letters written to the Court as Public Interest Litigation and provided redress in case of violation of fundamental rights.

113. In addition, the higher judiciary in India has contributed in varied ways to the strengthening of human rights regime in India. Firstly, the Court has been offering comprehensive redress in case of violation. Many statutes like The Bonded Labour System (Abolition) Act, 1976, The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 also entail rehabilitation as a response in case of violation. Secondly, it has issued directions and guidelines to ensure prevention of violations in future, thus normatively contributing to the evolution of the human rights regime in India. It laid down extensive guidelines to be followed by police while arresting a person, guidelines for rehabilitation of bonded labourers, guidelines for dealing with sexual harassment against women at workplace, etc. Thirdly, as mentioned earlier it has further developed the rights regime by specifically recognising hitherto unspecified rights as falling within the ambit of certain broader rights or principles embodied in the Constitution of India. Finally, it has also evolved mechanisms for securing enjoyment and exercise of rights by people by taking cognisance of conditions prevailing in custodial institutions by overseeing enjoyment of rights by the inmates, directing the State to strictly implement its policies to secure right to food, issuing directions to the State transport department for reducing level of air pollution, etc.

114. The rights enshrined in various international human rights treaties have been invoked before the Supreme Court of India not only by the parties but very often the Court itself relies on the prevailing human rights norms for evolving jurisprudence with respect to fundamental rights in India. The Supreme Court has breathed life into Article 21 of the Constitution by declaring that "the right to life is more than mere animal existence and it embraces within itself not only the physical existence but also the quality of life". By such a reading, the Court has judicially recognized within Article 21, inter-alia, the right to privacy, housing and various other rights.

Tribunals

115. Tribunals are institutions established for the purpose of discharging quasi-judicial duties. Tribunals are less formal than Courts and these are often instituted to deal with issues related to a specific subject matter. Since the subject matter is generally technical in nature, tribunals generally also have experts as members performing the role of adjudicators. Some tribunals certainly help in promoting human rights of people. For example, the tribunals set up under The Industrial Disputes Act, 1947 deal specifically with matters of labour law and the National Green Tribunal deals specifically with matters of environmental law. Apart from simplified procedure, the presence of experts means that decisions taken are informed decisions. Moreover, because procedure is relaxed and the Courts have a dedicated subject matter jurisdiction, this usually translates to speedier justice for the parties involved.

C. Framework within which human rights are promoted at the national level

116. The extensive incorporation of the Bill of Rights in the Constitution of India spanning across civil, political and economic, social and cultural rights while also upholding and furthering the rights of marginalised groups like women, children, minorities, etc., offers a broad mandate for the Legislature for operationalising the obligations to respect, protect, fulfil and facilitate human rights. The Legislature in India, at all the levels, from the State to the national has been taking measures in the form of enactment of legislations for protection and promotion of human rights in India. The process of law making which requires discussions and debates in the appropriate Legislature is strengthened by a number of practices that have become part of the legislative process and have in the process further democratised the law making process ensuring peoples' participation in the same. For instance, the ministries have initiated the practice of soliciting opinions of people by floating the drafts of Bills to be introduced in Parliament in the public domain by a process of pre-legislative consultation. Further, even after introduction of a Bill in Parliament, if the Legislature thinks appropriate, the Bill is referred to the standing committee of the Parliament which then undertakes a consultation with various stakeholders, including civil society groups before sending it back to the Parliament for debate and enactment. This process has also secured deeply spirited domestic incorporation of international human rights norms.

117. India has an elaborate mechanism for the protection and promotion of human rights recognised in the international treaties. Apart from specific protection offered by the system of Courts for the enforcement of rights, there is an intricate network of quasi-judicial bodies – i.e., the national human rights institutions – that are entrusted with the task of protection as well as promotion of human rights. Their mandate is broader than that of the judiciary which takes their engagement with human rights beyond enforcement in specific cases to creating a culture of human rights in the country.

118. National human rights institutions are quasi-judicial bodies established to comprehensively protect and promote human rights of individuals as well as groups. Some of the commissions are of constitutional character such as the National Commission for Scheduled Castes, National Commission for Scheduled Tribes, and National Commission for Backward Classes. Apart from these constitutional commissions, certain other commissions are statutory in nature such as the National Human Rights Commission, National Commission for Rights of Child, and National Commission for Women, details of which are discussed below:

National Human Rights Commission (NHRC)

119. NHRC, established in 1993 under The Protection of Human Rights Act, 1993, is an embodiment of India's concern for the promotion and protection of human rights. It has the mandate of enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant. It also studies treaties and international instruments on human rights and make recommendations for their effective implementation to the Government. It is responsible for spreading human rights awareness amongst the masses and encouraging the efforts of all stake holders in the field of human rights literacy not only at the national level but at the international level too. The other activities it is involved in are: (i) to intervene in any Court proceeding involving any allegation of violation of human rights pending before a Court; (ii) to recommend the Government on issues relating to the living conditions of the inmates in jails or similar institutions, effective implementation of safeguards provided by the Constitution of India or law and treaties and other international instruments; and appropriate remedial measures on factors inhibiting enjoyment of human rights. The commission consists of a chairperson, five members (out of which one is a woman) and *ex officio* chairpersons of NCBC, NCM, NCPCR, NCSC, NCST, NCW and the Chief Commissioner for Persons with Disabilities as members. While inquiring into complaints, the commission has all the powers of a civil Court.

120. The Act confers powers upon State Governments to constitute State Human Rights Commission (SHRC) in their respective States. Twenty-five States have established SHRCs to deal with human rights issues within their respective States. Some of these SHRCs also

exercises jurisdiction over adjoining Union Territories. The Act authorises the State Governments to specify, for each district, a Court of Session to be a Human Rights Courts for speedy trial of offenses arising out of human rights violations. In this regard, the State shall also specify a Public Prosecutor or an advocate with experience of not less than seven years, as a Special Public Prosecutor to conduct cases in these Courts.

121. NHRC and SHRCs submits annual reports and special report to the Central Government and State Government, respectively. Upon receipt of the report, the Government shall cause the annual or special reports of the Commission to be laid before each House of the Parliament or the State Legislature, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission or reasons for non-acceptance of the recommendations.

The National Commission for Women (NCW)

122. NCW is a statutory body established in 1992 under The National Commission for Women Act, 1990. The Commission has the mandate of reviewing the constitutional and legal safeguards pertaining to women, recommending remedial legislative measures, facilitating redress of grievances, and advising the Central Government on all major policy matters affecting women. The Commission consists of seven members, nominated by the Central Government – Chairperson, five other members, (at least one Member each shall be from amongst persons belonging to the SCs and STs respectively), and a Member Secretary. The commission enjoys the power of a civil Court. The function of NCW includes the investigation and examination of all matters relating to the safeguards provided for women under the Constitution of India and other laws. It conducts inquiry after receiving complaints or can also take *suo motu* notice of matters which are related to violation of women's rights, non-implementation of laws relating to women, or non-compliance of policies and guidelines or instructions which aim at ensuring welfare of women. It undertakes special studies or investigates atrocities against women, problems that arise out of discrimination, identify the constraints and recommend strategies for their removal.

123. The NCW also undertakes promotional and educational research to ensure due representation of women and their participation in public lives. The commission presents annual and such other reports on working of constitutional and legal safeguards related to women to the Central Government and makes recommendations for the effective implementation of those safeguards for improving conditions of women by the Union and the States. The Central Government lays such reports before each House of Parliament explaining the actions taken or proposed to be taken in this regard. Where the report or any part of it is related to any State Government, the commission forwards a copy of such report to the concerned State Government. The Commission further inspects jails, remand homes, women's institution or other places of their custody for remedial action, if any. It is also mandated to fund litigation involving issues affecting a large body of women. State Women Commissions have also been constituted in different States through respective State enactments. The jurisdiction of such commissions extends to the territory of the concerned State. The Commission has been nominated as the coordinating agency at the national level for dealing with issues pertaining to NRI marriages.

The National Commission for Backward Classes (NCBC)

124. NCBC was initially constituted as a statutory body in 1993 under the National Commission for Backward Classes Act, 1993, and later provided constitutional status in 2018. The commission is an independent body consisting of chairperson, vice-chairperson and three other members appointed under the seal of President of India. It investigates, monitors and evaluates all safeguard measures provided under the Constitution of India or any other law meant for the socially and educationally backward classes. The commission also evaluates their progress, their level of development and submits the annual reports to the President of India who lays down such reports before the Parliament. The commission also makes recommendations on the measures that should be taken by the Union or any State for the human rights protection, welfare and socio-economic development of the socially and economically backward classes. The commission enjoys all the powers that a civil Court.

National Commission for Minorities (NCM)

125. NCM was established in 1993 to preserve secular traditions and to promote national integration that the Government of India attaches the highest importance to. It evaluates the progress of the development of minorities and monitors the working of the safeguards for minorities as under the Constitution of India; recommends effective implementation of these safeguards and measures for the removal of problems arising out of discrimination against the minorities; and looks into specific complaints regarding the deprivation of rights and safeguards of minorities. NCM consists of a Chairperson, a Vice-Chairperson and 5 members. While performing the functions, the commission has all the powers of a civil Court.

Office of Chief Commissioner for Persons with Disabilities

126. The Office of Chief Commissioner for Persons with Disabilities was initially established under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. However, in order to bring the domestic law in consonance with the United Nations Convention on the Rights of Persons with Disabilities, the Rights of Persons with Disabilities Act, 2016 was enacted by the Parliament. The 2016 Act strengthens the Office of the Chief Commissioner for Persons with Disabilities, who shall be assisted by two Commissioners out of which one shall be a person with disability. The office takes steps to safeguard the rights and facilities that are guaranteed to persons with disabilities, ensuring their entitlement provided by the Union, State and local bodies. India has adopted legislative and executive measures to avoid any kind of discrimination against persons with visual, hearing, speech and locomotive disability, intellectual disability, mental illness, multiple disability and any other disabilities. Acid attack victims has been included as a specified disability under the Act, enabling such victims to claim entitlements under the Act including reservations in Government jobs, reservation in seats in Government/Government aided higher educational institution and reservations in poverty alleviation and various developmental schemes. The Chief Commissioner, who is vested with the power of civil court, may take *suo moto* cognizance or act upon the complaints of aggrieved persons relating to deprivation of rights of persons with disabilities. The Office of Chief Commissioner has been pro-active in matters of employment, promotion or service of persons with disabilities. The Rights of Persons with Disabilities Act, 2016 also provides for appointment of State Commissioner for Persons with Disabilities in different States of India.

National Commission for Scheduled Castes (NCSC)

127. The Constitution (Eighty Ninth Amendment) Act, 2003 established the NCSC as a distinct body under Article 338 of the Constitution of India. Before 2003 there was a single Commission established in 1978 pertaining to both the SCs and STs. The commission was established with a view to provide safeguards against the exploitation of SCs and to promote and protect their social, educational, economic and cultural interests. The commission is empowered to take *suo motu* cognizance of the human rights violations of the SCs and is vested with powers of a civil Court. It enquires into specific complaints with respect to the deprivation of rights and safeguards of the SC. It also focusses on participating and advising on the planning process of socio-economic development of SC. The reports on the working of these safeguards may be presented to the President. The commission, in these reports makes recommendations as to the measures that should be taken by the Union or any State for the effective implementation of the safeguards. The commission comprises of one chairperson, one vice chairperson and three members.

The National Commission for Scheduled Tribes (NCST)

128. The Constitution (Eighty Ninth Amendment) Act, 2003 established the NCST as a distinct body under Article 338-A of the Constitution of India. Before 2003 there was a single commission established in 1978 pertaining to both the SCs and STs. The NCST has the power to investigate and monitor all matters relating to STs. It oversees the implementation of various safeguards provided to STs under the Constitution of India or under any other law for the time being in force or under any other order of the government, and evaluates the working of such safeguards. NCST consists of a Chairperson, a Vice-Chairperson and three full time (including one woman) members. To enable STs to achieve equality in all spheres

of life, and fully exercise and enjoy their rights, the commission is vested with powers of a civil Court. It has also been assigned certain additional functions by the Ministry of Tribal Affairs for safeguarding the rights of tribal communities over mineral resources, water resources, forest resources etc. The commission has been quick to take appropriate action in various specific cases related to STs. Any aggrieved person belonging to a ST may approach the head-quarter or regional office of the commission through post or email for grievance redressal. It is also empowered to take *suo motu* cognisance of the human rights violations of the STs. The Union and State Governments consult the commission on all major policy matters affecting the STs.

National Commission for Protection of Child Rights (NCPCR)

129. NCPCR, a statutory body under the Commissions for Protection of Child Rights Act, 2005, functions in cooperation with the Ministry of Women and Child Development and was formed in 2007. The commission also monitors the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Right of Children to Free and Compulsory Education Act, 2009 and Protection of Children from Sexual Offences Act, 2012. The commission consists of a chairperson and six members with experience and standing in child health, care, juvenile justice, child psychology, sociology among other required criteria. The commission is established with the task of ensuring that all laws, policies, programmes related to child rights are in consonance with the UN Convention on the Rights of the Child, 1989 and the Constitution of India. The commission has power to examine, review and submit the reports on situation regarding implementation of child rights in India annually to the Central Government. It also takes care of children in need of special care and protection. The statute also provides for the constitution of State Commissions for Protection of Child Rights.

Central Information Commission (CIC)

130. The Right to Information Act, 2005 (RTI) that enables citizens to access information under the control of public authorities, established the CIC in 2005 to discharge an important role in maintaining transparency in the democratic governance of the country. The CIC is headed by the Chief Information Commissioner (Commissioner) and not more than ten Information Commissioners for the assistance of the Commissioner. The Commissioners are appointed by the President on recommendations of a committee headed by the Prime Minister of India, and having as members the Leader of Opposition in the Lok Sabha, and a Union Cabinet Minister nominated by the Prime Minister. The RTI appreciates an informed citizenry in a democracy and therefore requires every public authority to maintain all records duly catalogued and indexed in a manner that facilitates smooth flow of information on request. The statute therefore bestows the duty on the commission to receive and inquire into a complaint from any person who has not received a response to his request for information within the specified time limit, or who thinks information given is incomplete, misleading, or false and any other matter relating to obtaining information or who has not been able to submit a request for information because of non-appointment of a Public Information Officer (PIO). The CIC can also look into the matter of a person who thinks the fees charged are unreasonable and who was refused information that was requested. It enjoys the power of a civil Court and is entitled to access all the public records during inquiry for examination. It submits an annual report to the Central Government on the implementation of the provisions of this Act. The Central Government places this report before each House of Parliament. State Information Commissions have been also established, at State level, under the Right to Information Act, 2005.

The Central Vigilance Commission (CVC)

131. Two institutions specifically established to check corruption are the CVC and the office of Lokpal. The CVC was set up by the Government of India in February 1964. Subsequently, in 2003, it was given a statutory status under The Central Vigilance Commission Act, 2003. It is an independent body which is only responsible to the Parliament of India. It consists of a Central Vigilance Commissioner, Chairperson; and not more than two Vigilance Commissioners, Members. The mission of CVC includes the creation of credible deterrence against corruption through prompt enforcement of anti-corruption laws

and regulations. It also aims at undertaking preventive measures to minimize the scope of corruption and raising public awareness to inculcate ethical values and reduce society's tolerance towards corruption.

132. The commission has the powers of a civil Court under the Code of Civil Procedure, 1908. It exercises superintendence over the functioning of the Delhi Special Police Establishment, and public servant who is an employee of the Central Government or a corporation established by or under any Central Act, Government company, society, and any local authority (hereinafter referred as government authorities) owned or controlled by that Government in the investigation of offenses related to Prevention of Corruption Act, 1988. The commission also exercises the power of superintendence over the vigilance administration of the various Ministries of the Central Government and public servants of the government authorities. It also tenders advice to government authorities in planning, executing, reviewing and reforming their vigilance work. The CVC produces an annual report which not only gives the details of the work done by it but also brings out the systemic failures which lead to corruption in various Departments/Organisations, system improvements, various preventive measures, and cases in which the commission's advises were ignored, etc. However, matters pertaining to State Governments are not within the powers of the Central Vigilance Commission.

The Lokpal of India and Lokayuktas

133. India has ratified the United Nations Convention against Corruption. The government of India passed the Lokpal and Lokayukta Act, 2013, and created the institution of Lokpal in 2019, to inquire into allegations of corruption. The statutory institution of Lokpal for the Union and Lokayukta for States, is established to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto. They perform the function of an “ombudsman”. The Lokpal consists of a Chairperson and Members not exceeding eight out of whom 50% are Judicial Members. The Chairperson of Lokpal may be a sitting or former Chief Justice of India or a Judge of the Supreme Court of India, or an eminent person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty-five years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management. The Chairperson and the Members are appointed by the President of India. Lokpal enjoys the power of the civil Court.

134. The Lokpal has jurisdiction to inquire into allegations of corruption against anyone who is or has been Prime Minister, or a Minister in the Union government, or a Member of Parliament, as well as officials of the Union government under Groups A, B, and C. It can also exercise jurisdiction over chairpersons, members, officers and directors of any board, corporation, society, trust or autonomous body either established by an Act of Parliament or wholly or partly funded by the Centre. It also covers any society or trust or body that receives foreign contribution above prescribed amount. The Lokpal has the power of superintendence and direction over any central investigation agency including CBI for cases referred to them by the Lokpal. The Lokayukta institution established at the State level functions within the State jurisdictions. The statute provides for the institution of Lokayuktas for States, to be established, constituted or appointed by a law made by the State Legislature to deal with complaints relating to corruption against public functionaries.

Centralised Public Grievance Redress and Monitoring System (CPGRAMS)

135. Centralised Public Grievance Redress and Monitoring System (CPGRAMS) is one of the flagship initiatives for the reformation in governance started by the Government of India to address public grievances. It was created in June 2007 by the Department of Administrative Reforms & Public Grievances. CPGRAMS is an online platform available to the citizens 24x7 to lodge their grievances to the public authorities on any subject related to service delivery. It is a single portal connected to all the Ministries and Departments of the Union Government and the State Governments. Every Ministry and States have role-based access to this system. This platform is also accessible to the citizens through standalone mobile application.

136. The status of the grievance filed in CPGRAMS can be tracked with the unique registration ID provided at the time of registration of the complaint. If the complainant is not satisfied with the resolution of his/her complaint by the Grievance Officer, he/she may go for an appeal. In case of no satisfactory redress of grievance within a reasonable period of time, he/she may seek help of Directorate of Public Grievances (DPG), free of charge. DGP will assess the aspects of complaint and seek comments from the concerned department or organisation, within 15 working days, and inform the petitioner about the action taken. The department or organisation is expected to examine the matter and give a reply within 30 days.

The Police Complaints Authority (PCA)

137. Pursuant to the direction of the Supreme Court of India in *Prakash Singh & Other vs Union of India & Others* in 2006, twenty-seven States have established the PCAs through State Police Acts and executive orders. PCAs have been established at the district level in States to look into complaints against police officers up to the rank of Deputy Superintendent of Police; PCAs at the State level to look into complaints against officers of the rank of Superintendent of Police and above. The district level authority may be headed by a retired District Judge while the State level authority may be headed by a retired Judge of the High Court/Supreme Court.

138. Police Complaints Authority (PCA) has been set up to deal with the complaints of public regarding acts of serious misconduct against Police Personnel, either “suo motu” or on a complaint received from a victim or any person on his/her behalf on a sworn affidavit, or NHRC, among others. “Serious Misconduct” for this purpose shall mean any act of commission or omission of a Police Officer that leads to or amounts to: death in police custody, rape or attempt to rape in police custody, arrest or detention without due process of law, allegations of improper or shoddy investigations, refusal to file FIRs, custodial torture and high-handedness, extortion or land/house grabbing or any other incident involving serious abuse of Authority.

Civil Society Organisations

139. India has a vibrant civil society actively engaged in the task of protection and promotion of human rights in the country. Many NGOs functioning at the grass root level, focus on fulfilment of human rights of individuals and groups and also undertake the task of facilitating access to justice in case of violation of their human rights. There are organisations that focus on capacity building of those working at the grassroots to ensure that their interventions are in accordance with the human rights standards. Certain advocacy groups undertake advocacy work at different levels, viz., advocacy with Legislature, media or people centered advocacy, etc. People centered advocacy involves activities like raising awareness about human rights among individuals and communities as well as conducting human rights training and workshops. Some NGOs also indulge in fact finding with respect to human rights violations or concerns and amplify the voice of people and seek redress from the State with respect to the same.

140. Civil society organisations, together with various National Human Rights Institutions have also been playing a major role in bringing about law reforms geared towards securing and furthering human rights of people. For instance, different civil society groups played a major role in enactment of laws relating to domestic violence, food security, rural employment guarantee, property rights of women at the time of succession, right to information and right to education, rights of forest dwellers, etc. NGOs continue to raise human rights concerns with the judiciary by filing Public Interest Litigations in the Courts in India. Law addressing the issue of sexual harassment of women at workplace is an example of the way the civil society and activist judiciary collaborated to address discrimination against women. Many activists in India have been part of fact-finding commissions constituted by the Supreme Court of India with respect to different human rights concerns. Thus, civil society groups have also emerged as eyes and ears for the State organs, bring issues to light and thus encourage different organs to respond to the needs brought to their notice. Such collaborative efforts between the State and civil society have contributed in different ways in protecting and promoting human rights in India.

D. Reporting process at the national level

141. The Ministry of Home Affairs (MHA) is the nodal agency for overall policy relating to human rights, including NHRC and other institutional arrangements; human rights violations relating to alleged excesses by personnel of police and paramilitary forces; interaction with Human Rights Organisations and other related organisations within the country and coordination with various departments and State Governments; and coordination of policy relating to Human Rights. In addition, the departments concerned with welfare and socio-economic development of specific groups like members of the Scheduled Castes, Scheduled Tribes, women, minorities, children, and bonded labour, are responsible in respect of preservation of rights of the specified groups.

142. Ministry of External Affairs (MEA) is the nodal agency for overall coordination, preparation and submission of periodic reports under human rights conventions. Nodal Ministries like the Ministry of Women and Child Development and the Ministry of Social Justice and Empowerment prepare and submits reports on the Conventions related to their area of work in coordination with MEA and MHA. MEA also coordinates India's engagement with the Human Rights treaty bodies.

143. Information and data for preparing the report is collected, processed and made available by relevant Union and State ministries/departments, responding to issues as required. India's reports therefore include information on measures undertaken by all governments that serve to implement the treaties. Preparation of the reports also benefits from and draws upon submissions by relevant stakeholders, including civil society organisations, academic institutions and national human rights institutions made during consultations.

144. Building upon this preparatory work, MEA in collaboration with independent consultants and academic institutions, prepares the draft report in accordance with guidelines issued by the treaty bodies. The report is finalized in consultation with all stakeholders, which is then scrutinized by the Office of the Attorney General for India, and relevant approvals taken within the Government before submission to the relevant human rights committees.

E. Other related human rights information

145. As the largest democracy in the world, India is deeply committed to protecting and promoting human rights. These fundamental rights have been articulated in the Constitution of India, which are a reflection of basic Indian values and traditions. A crucial human right is the right to development, which puts welfare of people at the centre of the process of development. Yet no measure of development or indeed human rights is attainable in the face of continuing poverty and deprivation. For India elimination of poverty is critical for ensuring a peaceful, sustainable and just society, and it fully subscribes to the global clarion call to end poverty in all its manifestation.

146. In addressing poverty India has adopted the framework of inclusion and empowerment. Efforts in this direction have included direct transfer of benefits; provision funds to the unbanked insurance within the reach of all, expanding social security net, reorienting focus on basic necessities – housing, power, water and sanitation – for all, and leveraging technology and digital capabilities to amplify reach of development schemes.

147. Efforts have also focused on empowering women and meaningfully addressing the gender gaps in political, economic and social participation. India's development is intrinsically linked to survival, protection and empowerment of women, and it begins with a massive programme for celebrating the girl child and enable her education (*Beti Bachao Beti Padao*, which means 'save the girl child, educate the girl child') that has become every family's mission. A joint initiative of Ministry of Women and Child Development, Ministry of Health and Family Welfare and Ministry of Human Resource Development, this programme is being implemented through a national campaign and focused multi sectoral action in 405 selected districts.

148. India recognises that 2030 Agenda for Sustainable Development (SDG) constitutes a fitting framework that calls the attention of every nation, to the challenges of building a

sustainable future for the planet and all its life, while offering an opportunity to seek consensus and collaborative action. Given the enormous geographic, demographic and cultural diversities coupled with significant socio-economic developmental variations, India has developed a robust SDG localisation model. At the subnational level, States and districts drive the adoption of the Global Goals and targets, determine the local means of implementation, and design the monitoring and evolution framework. To coordinate efforts and monitor the progress achieved under the SDG framework, an SDG Vertical has been created within the National Institution for Transforming India Aayog (NITI Aayog). The Vertical works closely with key stakeholders – including the Government, civil society, private sector, academia, think tanks, research organisations, and multilateral organisations – to fast-track the achievement of SDGs in the country. India regularly assesses its achievements on SDGs both at the Union and State level and presents its Voluntary National Review (VNR) to the United Nations High-Level Political Forum on Sustainable Development. The last VNR was submitted by India in July 2020.

149. Numerous initiatives for securing responsible business conduct by companies have been undertaken by various ministries. Additionally, the National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business, 2011 (NVGs) have been revised and released as National Guidelines for Responsible Business Conduct (NGRBC) 2019 to align with United Nations Guiding Principles on Business and Human Rights (UNGPs) and SDGs. Simultaneously, the Securities and Exchange Board of India (SEBI) mandated that the top 1000 listed companies by market capitalisation should make disclosures on business responsibility and sustainability indicators contained in the NVGs since 2012 through Business Responsibility Reporting (BRRs). The characteristics of such disclosures entail that companies report their actions towards adoption of responsible business practices, drawing from the principles of NGRBC. To facilitate the process a Committee on Business Responsibility Reporting was constituted by Ministry of Corporate Affairs to formulate BRR formats for listed and unlisted companies.

150. The Constitution of India guarantees right to life, a crucial component of which is the right to clean and healthy environment. A range of legislations including the Forest (Conservation) Act, 1980, Environment (Protection) Act, 1986, Biological Diversity Act, 2002, etc., have been enacted to safeguard and protect the environment. Policy action in India has evolved on the fundamental premise that development must be ecologically sustainable. To that end, in 2008, India adopted the National Action Plan on Climate Change (NAPCC), which embodied India's vision of ecologically sustainable development and integrated climate action strategies in several sectors, such as energy, industry, agriculture, water, forests, urban spaces and the fragile mountain ecosystems. India is ranked among the top ten countries in the Climate Change Performance Index 2020 on account of low levels of per capita emissions and energy use, and 'well-below-2°C' renewable energy targets. India's unique geography and geology combined with vast climatic diversity, make it vulnerable to a range of climate-induced natural disasters. It has communicated its Intended Nationally Determined Contribution for the period 2021 to 2030 which includes, *inter alia*, reduction of emissions intensity of its GDP to 35% by 2030, installation of 40% cumulative electric power from non-fossil fuel-based energy resources, creation of additional carbon sink of 2.5 to 3 billion tonnes of carbon dioxide by 2030, etc. At the 26th Conference of Parties (COP26) held in Glasgow in November 2021, India further enhanced its targets for the period 2021–2030.

151. India's climate action strategies emphasise clean and efficient energy systems, resilient urban infrastructure and planned eco-restoration among others. With all its 603,175 villages electrified; clean cooking fuel reaching 80 million additional households since 2015; renewable energy installed capacity growing by 75% since 2014, to, 132 GW; energy-saving appliances reducing CO₂ emission annually by 38 million tonnes, India is well-placed on fulfilling its climate action agenda. Globally, India stands third in renewable power, fourth in wind power and fifth in solar power. India launched the Coalition for Disaster Resilient Infrastructure and the International Solar Alliance to leverage global partnerships for climate action and disaster resilience. On the other hand, India has implemented a systematic disaster resilience strategy based on the Sendai Framework to manage its high vulnerability to climate-induced natural disasters and their impact on the poor.

152. The social security net in India covers the vulnerable sections, including the elderly, persons with disabilities, children, women and widows, through multiple targeted pension schemes under the National Social Assistance Programme. Additionally, a sizeable percentage of India's rural population is protected against unemployment to the extent of 100 days of guaranteed wage employment per household in a year under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). 136 million job cards have been issued so far under the MGNREGA Scheme. It had generated 2.64 billion person-days of employment in year 2019–20 which marked an increase of about 12% against 2.36 billion person days generated in 2016–17. More women (54%) have taken advantage of this employment scheme. An additional INR400 billion has been allocated for the benefit of workers in the aftermath of COVID-19.

IV. Information on non-discrimination and equality and effective remedies

Non-discrimination

153. Equality and non-discrimination constitute the bed rock of Indian democratic set up. Cognisant of the social, economic and cultural diversity epitomising Indian populace and the variations together with historical vulnerabilities emanating from the same, the Constitution of India establishes a robust framework for ensuring non-discrimination and equality. Articles 14–18 of the Constitution of India establish a structure consisting of mutually reinforcing values of non-discrimination and substantive equality. All the grounds of discrimination set forth in the international human rights documents stand explicitly or by necessary implication incorporated in these provisions. Guarantee of equality before law and equal protection of law under Article 14 of the Constitution of India checks discrimination on any arbitrary ground based on one's identity, status, opinion or orientation, etc. Article 15 prohibits discrimination on the grounds of religion, race, caste, sex or place of birth whereas equality of opportunity in matters of public employment is guaranteed under Article 16. Articles 15(3), 15(4), 15(5), 15(6) and 16(4), 16(4-A), 16(4-B), 16(6) provide for affirmative action in order to achieve equality. In the peculiar Indian context, Article 17 not only abolishes but also penalizes untouchability, a historical practice ostracizing people belonging to specific castes. Conferment of titles except those pertaining to military or academic distinction is also prohibited.

154. Apart from the provisions directly guaranteeing equality and prohibiting discrimination, enabling provisions reinforcing the plural culture and respect for difference seek to strengthen the framework for equality. Freedom of religion and the right to conserve one's language, script or culture are protected under Articles 25 and 29 of the Constitution of India respectively. Diversity is further nurtured through the recognition of special rights of linguistic and religious minorities to conserve their language, script and culture and the right of religious and linguistic minorities to establish and administer educational institutions under Article 30 of the Constitution of India. With a view to secure substantive equality, the guarantee of formal equality embodied in Article 14 of the Constitution of India is fortified by a constitutional framework for affirmative action for many vulnerable sections including women, children, SCs, STs, socially or educationally backward classes, economically weaker sections. The affirmative action spans the domain of constitution of the Legislature, public employment, education and includes creation of various other enabling conditions to achieve substantive equality. Building on the equality jurisprudence in India the Supreme Court of India in *Jeeja Ghosh vs. Union of India* has held that equality implies "embracing the notion of positive rights, affirmative action and reasonable accommodation".

Gender equality

155. Many forms of gender-based violence (including violence against transgender persons) are specifically penalised and victim centric civil remedies are also provided by law for various offences. As affirmative measures to promote gender equality, the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA) mandates one-third of the beneficiaries under the scheme to be women; the Code on Social Security, 2020 incorporates the enhancement of the duration of paid maternity leave from 12 weeks to 26

weeks as well as mandates the provision for crèche facility by any establishment employing fifty employees. Even though the minimum participation of women secured under the MGNREGA is 33%, yet in the years 2018–2019 and 2019–2020, 54.56% and 56.87% women participated in the same. Similarly, Passport Rules and Permanent Account Number rules have been amended to allow applicants to provide the name of only one parent and not both which enables children with single mothers to procure these documents. Introduction of paid paternity leave in 1997 is also a measure that challenges gender stereotypes.

156. India has also strengthened its legal framework to combat discrimination against lesbian, gay, bisexual, transgender and intersex persons. The Supreme Court of India through its decision in *Navej Singh Johar vs. Union of India* decriminalized homosexuality among consenting adults in private, removing the unreasonable restriction on freedom of choice and expression of LGBT community. Further, the Parliament has enacted the Transgender Persons (Protection of Rights) Act, 2019 which comprehensively prohibits discrimination against transgender persons in all spheres of life and imposes obligations on the State to secure their inclusion in society by providing social security, education and health facilities.

157. Successive education policies have made steady progress towards bridging gender gap. The National Council of Educational Research and Training (NCERT) has developed syllabus and textbooks across the subjects to promote gender sensitization in the school curriculum. With a view to liberate human beings from the existing inequalities of gender, the National Curriculum Framework developed by NCERT in 2005 made far reaching contribution by identifying ways for epistemic, pedagogical and linguistic shifts in this direction. Taking the approach forward, the National Education Policy, 2020 recognizes gender sensitivity as an integral part of education at all levels. The NCERT has also been organizing training programmes for teachers, principals as well as teacher educators on gender issues in education. Even beyond formal education, gender sensitization programmes are regularly organized for officials in police and judiciary so that such attitude becomes integral part of their work culture. The Supreme Court of India has reiterated the need for gender sensitization for judges, public prosecutors, standing counsels and gave directions for mandatory foundational courses for judges on gender sensitization, inclusion of the same in the law school undergraduate courses, and in the syllabus for Bar-exam and the judicial services exam.

158. Legislative efforts in this regard have, among others, focused on improving gender diversity in the management boards of corporations in India. Every listed company, every public company having either paid up share capital of INR 1 billion or more, or a turnover of INR3 billion or more except for Section 8 companies, are required to have at least a woman director on its board under Section 149, Companies Act, 2013. From 2015–2020, 68% of the total beneficiaries under the *Pradhan Mantri Mudra Yojana* have been women. Women are also the largest beneficiaries under the *Pradhan Mantri Jan Dhan Yojana*, one of the biggest financial inclusion initiatives in the world which also provides access to direct benefits under various welfare schemes, credit and insurance services. As of August 2020, out of 400 million accounts opened under *Pradhan Mantri Jan Dhan Yojana*, 55.2% are owned by women.

Intersectional equality

159. The anti-discrimination legal framework in India is conscious of and responsive to not just direct but indirect and intersectional forms of discrimination at both horizontal and vertical levels. Being determined by multiple identities and characteristics of individuals, the notion intersectional discrimination finds incorporation into those statutes that pertain to vulnerable groups as well as case law pertaining to discrimination. On the other hand, since indirect discrimination is context and outcome specific the assessment of its existence depends on facts and circumstances of each case and therefore its incorporation into the legal framework has primarily emerged through case law.

160. Intersectionality has encouraged development of separate statutory framework even for actions already dealt with in general law on account of the distinct implications it has when the victim is from a particular vulnerable or marginalized group. For instance, section 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 redresses the offence of outraging the modesty of a woman belonging to either of these groups specifically, despite there being a general provision for the same in the Indian Penal

Code, 1860 (IPC). The Supreme Court of India in *Vidyadharan vs. State of Kerala* recognised that it is the caste identity of the woman that distinguishes this offence from that of offence of assault (for outraging the modesty) penalised under section 354 of the IPC. Adopting the intersectional approach, the Supreme Court of India observed, “experiences of assault are different in the case of a woman who belongs to a SC community and has a disability because the assault is a result of the interlocking of different relationships of power at play.”

161. In *Navtej Singh Johar vs. Union of India* the Court declared that Article 15, recognizes that the true operation of discrimination intersects varied identities and characteristics. It further upheld that discrimination based only on sex, “whether direct or indirect ... is prohibited by Article 15 ...” Its observation that prohibition of discrimination under Article 15 “is to be assessed not by the objects of the State in enacting it, but by the effect that the provision has on affected individuals and on their fundamental rights” captures the essence of indirect discrimination which has recently been reaffirmed by the Court in *Lt. Col. Nitisha vs. Union of India*. This case, along with many others, establish that within the legal system the understanding of discrimination spans all forms of direct, indirect as well as intersectional discrimination. It therefore, clarifies that the Indian Constitution of India embodies the internationally nurtured understanding of discrimination as enshrined in international human rights norms. The normative structure in India has not remained uninfluenced by the further development of norms within the dynamic human rights regime. For instance, recognition of gender-based violence as a form of discrimination by the CEDAW committee in its General Recommendation 19 was domestically incorporated into the law in India through embodiment of the same by the Supreme Court of India in its decision in *Vishaka vs. State of Rajasthan*.

Remedies

162. Part III of the Constitution of India which prohibits discrimination and secures equality and protection of civil liberties also guarantees the right to directly approach the Supreme Court of India in case of violation of any of the rights enshrined in this part. The power of the Supreme Court of India to issue writs and other orders or directions constitute effective remedy for the violation of rights, especially because the Supreme Court of India has been sensitive to the social context in forging specific remedies to comprehensively address violation. The constitutional guarantees of non-discrimination and equality are further buttressed by the international legal obligations assumed by India along with the legal framework developed for the realization of these principles in varied spheres through statutes and case law. Specific statutes prohibiting discrimination provide an elaborate institutional mechanism for enforcement of the protection guaranteed and specific remedies depending on the nature of violation.

163. The administrative bodies are also bound by the principles of non-discrimination, equality and principles of natural justice while deciding matters and offer remedies suited to particular situation. In the absence of specific statutory prohibition or remedy, the powers of the Court under Articles 32 and 226 are invoked and the Courts have been providing remedies specific to the petitioner as well as more general remedies in terms of standard setting for matters not elaborately dealt with by the statutory framework. Extension of the Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018 which provides for compensation to women victims of identified gender-based crimes is the case in point. In the absence of any such scheme for victims of child sexual abuse, the Supreme Court directed the extension of the scheme to child victims as well.

164. In addition to the remedies available under the Constitution, criminal laws provide for punitive action against violation of rights of minorities, women, children, etc. For instance, Protection of Children from Sexual Offences Act 2012, Prohibition of Child Marriage Act 2006, and Child and Adolescent Labour (Prohibition and Regulation) Act 1986 provides for safeguards against the violation of rights of children. Similarly, Immoral Traffic (Prevention) Act 1956, Dowry (Prohibition) Act 1961, Indecent Representation of Women (Prohibition) Act 1986, Commission of Sati (Prevention) Act 1987, Protection of Women from Domestic Violence Act 2005, and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, etc. provide effective remedy under criminal law against violation of rights of women. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, 1989 punishes the acts of caste based discrimination and atrocities. In addition, the Indian Penal Code, 1860 provides punishment for Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

165. India has adopted a multipronged strategy to eradicate deep rooted gender stereotypes that perpetuate discrimination against women. The measures aimed at bringing about attitudinal change span the domains of law, education and training as well as include proactive measures in the form of administrative practices, schemes and programmes to overcome specific impediments to gender equality and provide enabling conditions for enjoyment of rights under the Covenant. A range of acts manifesting varied forms of gender-based violence prevalent in India were specifically recognized as cognizable offences through an amendment to the IPC in 2013. Significantly, by defining consent in the context of the offence of rape, the law foregrounds the autonomy and agency of women in the very conception of the offence of rape. Special laws pertaining to domestic violence, sexual harassment of women at workplace, child marriage and sex selective conception and abortion enacted or amended in the new millennium unequivocally augment gender equality as the organizing principle of law itself.

166. The strong anti-discrimination legal framework embodied in the Constitution of India has dynamically evolved over the years through legislations enacted to operationalize the anti-discrimination stance and a spirited interpretation of the Constitution of India by the Supreme Court of India. The statutory anti-discrimination framework furthers the constitutional mandate by penalizing discrimination as done under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, where abuses, insults and undignified treatment, etc. are penalised. In order to revitalise the enforcement of the law and better secure the rights of SCs and STs far reaching amendments were introduced in the aforementioned legislation through Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The amendment enhances the number of offences recognised under the Act from fifteen to twenty-nine. Duties of public servants under the Act have been clearly and more extensively delineated. The amendment imputes the knowledge regarding the caste or tribal identity of the victim on to the accused if the accused has personal knowledge about the victim or his family and thus strengthens the accountability for offences under the Act. Chapter IV-A has also been inserted into the Act recognising rights of victims and witnesses. The Supreme Court of India in *National Campaign on Dalit Human Rights vs. Union of India* called upon the Central Government and the State Governments to “strictly enforce the provisions of the Act,” and directed the National Legal Services Authority (NALSA) to prepare scheme to spread awareness and provide free legal aid to the members of the SCs and STs. The Amendment Act of 2015 provides for establishment of exclusive special Courts by the State Government for the speedy trial of offences. Timeline of sixty days has been set up for completion of investigation and filing of charge sheet in the Court.

167. Advisory issued by the Ministry of Home Affairs also recommends conduct of well-structured training programmes for raising awareness among police personnel, regarding crimes against SCs and STs, and sensitisation programmes to be included in the syllabi of various police training centres and academies. Further atrocity-prone areas are to be identified for taking preventive measures to save life and property of the members of the SCs and STs.

Annexure-A

List of States in India

1. Andhra Pradesh
 2. Arunachal Pradesh
 3. Assam
 4. Bihar
 5. Chhattisgarh
 6. Goa
 7. Gujarat
 8. Haryana
 9. Himachal Pradesh
 10. Jharkhand
 11. Karnataka
 12. Kerala
 13. Madhya Pradesh
 14. Maharashtra
 15. Manipur
 16. Meghalaya
 17. Mizoram
 18. Nagaland
 19. Odisha
 20. Punjab
 21. Rajasthan
 22. Sikkim
 23. Tamil Nadu
 24. Telangana
 25. Tripura
 26. Uttarakhand
 27. Uttar Pradesh
 28. West Bengal
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List of Union Territories in India

1. Andaman and Nicobar Islands
2. Chandigarh
3. Dadra and Nagar Haveli and Daman & Diu
4. The Government of NCT of Delhi
5. Jammu and Kashmir
6. Ladakh
7. Lakshadweep
8. Puducherry

Annexure-B

Acceptance of international human rights norms

India has made the following Declarations and Reservations to the Core international human rights conventions and protocols:

ICCPR and ICESCR

Declarations:

Article 1

With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words ‘the right of self-determination’ appearing in [this article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation – which is the essence of national integrity.

Article 9

With reference to article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of article 22 of the Constitution of India. Further under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

Article 13

With respect to article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

Articles 4 and 8

With reference to articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, and articles 12, 19 (3), 21 and 22 of the International Covenant on Civil and Political Rights the Government of the Republic of India declares that the provisions of the said [article] shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

Article 7

With reference to article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said article shall be so applied as to be in conformity with the provisions of article 16(4) of the Constitution of India.

CERD

Declaration:

Article 22

The Government of India declare that for reference of any dispute to the International Court of Justice for decision in terms of Article 22 of the International Convention on the Elimination of all Forms of Racial Discrimination, the consent of all parties to the dispute is necessary in each individual case.”

CEDAW*Declaration:*

Article 5 and 16

With regard to articles 5 (a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent. “ii) With regard to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy.”

Reservation:

Article 29

With regard to article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this article.

CRC*Declaration:*

While fully subscribing to the objectives and purposes of the Convention, realising that certain of the rights of child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international co-operation; recognising that the child has to be protected from exploitation of all forms including economic exploitation; noting that for several reasons children of different ages do work in India; having prescribed minimum wages for employment in hazardous occupations and in certain other areas; having made regulatory provisions regarding hours and conditions of employment; and being aware that it is not practical immediately to prescribe minimum wages for admission to each and every area of employment in India – the Government of India undertakes to take measures to progressively implement the provisions of article 32, particularly paragraph 2 (a), in accordance with its national legislation and relevant international instruments to which it is a State Party.

Optional Protocol to the CRC:*Declaration:*

Pursuant to article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, the Government of the Republic of India declare that: (i) The minimum age for recruitment of prospective recruits into Armed Forces of India (Army, Air Force and Navy) is 16 years. After enrolment and requisite training period, the attested Armed Forces personnel is sent to the operational area only after he attains 18 years of age; (ii) The recruitment into the Armed Forces of India is purely voluntary and conducted through open rally system/open competitive examinations. There is no forced or coerced recruitment into the Armed Forces.

Annexure-C

Legislations incorporating the core international human rights instruments

ICCPR	Civil Liability for Nuclear Damage Act, 2010
	Fugitive Economic Offenders Act, 2018
	Juvenile Justice (Care and Protection of Children) Act, 2015
	Lokpal and Lokayuktas Act, 2013
	Maternity Benefit Act, 1961
	Medical Termination of Pregnancy Act, 1971
	Muslim Women (Protection of Rights on Marriage) Act, 2019
	Prohibition of Child Marriage Act, 2006
	Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
	Protection of Children from Sexual Offences Act, 2012
	Protection of Human Rights Act, 1993
	Protection of Women from Domestic Violence Act, 2005
	Repatriation of Prisoners Act, 2003
	Rights of Persons with Disabilities Act, 2016
	Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989
	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
	The Representation of the People Act, 1951
	Transgender Persons (Protection of Rights) Act, 2019
	Whistle Blowers Protection Act, 2014
ICESCR	Child Labour (Prohibition and Regulation) Act, 1986
	Contract Labour (Regulation and Abolition) Act, 1970
	Employees' Compensation Act, 1923
	Employees' Provident Funds & Miscellaneous Provisions Act, 1952
	Employees' State Insurance Act, 1948
	Environment (Protection) Act, 1986
	Epidemic Diseases Act, 1897
	Factories Act, 1948
	Hindu Marriage Act, 1955
	Industrial Employment Act, 1946
	Industries (Development and Regulation) Act, 1951
	Infant Milk Substitutes, Feeding Bottles, and Infant Foods (IMS) Act, 1992
	Mental Healthcare Act, 2017
	Minimum Wages Act, 1948
	National Food Security Act, 2013
	Payment of Gratuity Act, 1972
	Payment of Wages Act, 1936
	Right to Education Act, 2009

Legislations incorporating the core international human rights instruments

	Special Marriage Act, 1954
	Trade Unions Act, 1926
CERD	Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
CEDAW	Prohibition Child Marriage Act, 2006
	Protection of Women from Domestic Violence Act, 2005
	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
CRC	Juvenile Justice (Care and Protection of Children) Act, 2015
	Prohibition Child Marriage Act, 2006
	Protection of Children from Sexual Offences Act, 2012
	Right to Education Act, 2009
CRPD	The Rights of Persons with Disabilities Act, 2016
	The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999
	Rehabilitation Council of India Act, 1992

Case laws incorporating the core international human rights instruments

CESCR	<i>Ahmedabad Municipal Corpn. vs. Nawab Khan</i> (1997) 11 SCC 121
	<i>Association of Medical Superspeciality Aspirants vs. Union of India</i> (2019) 8 SCC 607
	<i>Avinash Mehrotra vs. Union of India and Others</i> (2009) 6 SCC 398
	<i>CESC Ltd. vs. Subash Chandra Bose</i> (1992) 1 SCC 441
	<i>Chameli Singh vs. State of UP</i> (1996) 2 SCC 549
	<i>Christian Medical College Hospital Employees Union vs. Christian Medical College Association</i> (1987) 4 SCC 691
	<i>Daily Rated Casual Labour vs. Union of India</i> (1988) 1 SCC 122
	<i>Gurbachan Lal vs. Regional Engineering College</i> (2007) 11 SCC 102
	<i>J.P Ravidas vs. Navyuvak Harijan Utthapa</i> (1996) 9 SCC 300
	<i>Kapila Hingorani vs. State of Bihar</i> (2003) 6 SCC 1
	<i>Orissa Mining Corporation Limited v Ministry of Environment & Forests</i> 2013 6 SCC 476
	<i>PG. Gupta vs. State of Gujarat</i> 1995 Supp (2) SCC 182
	<i>People's Union for Civil Liberty vs. Union of India and Others</i> (2019) 1 SCC 941
	<i>Rajive Raturi vs. Union of India</i> (2018) 2 SCC 413
	<i>Sarika vs. Administrator, Shri Mahakaleshwar Mandir Committee</i> (2018) 17 SCC 112
	<i>State of Jharkhand vs. Harihar Yadav</i> (2014) 2 SCC 114
ICCPR	<i>Anuradha Bhasin vs. Union of India</i> (2020) 3 SCC 637
	<i>Devender Pal Singh Bhullar vs. State (NCT of Delhi)</i> (2013) 6 SCC 195
	<i>K. S. Puttaswamy and Another vs. Union of India</i> (2017) 10 SCC 1
	<i>Kuldip Nayar and Others vs. Union of India and Others</i> (2006) 7 SCC 1
	<i>Re: Inhuman Conditions in 1382 Prisons</i> (2016) 3 SCC 700
	<i>Siddharam Satlingappa Mhetre vs. State of Maharashtra and Others</i> (2011) 1 SCC 694

Case laws incorporating the core international human rights instruments

	<i>T. M. A. Pai Foundation and Others vs. State of Karnataka and Others (2002) 8 SCC 481</i>
	<i>Union of India vs. Association for Democratic Reforms and Another (2002) 5 SCC 294</i>
	<i>Vinod Solanki vs. Union of India and Another (2008) 16 SCC 537</i>
CERD	<i>National Campaign on Dalit Human Rights & Others vs. Union of India & Others (2017) 2 SCC 432</i>
	<i>Safai Karamchhari Andolan and Others vs. Union of India and Others (2014) 11 SCC 224</i>
CEDAW	<i>Aparna Bhat & Others vs. State of Madhya Pradesh & Another 2021 SCC Online SC 230</i>
	<i>Charu Khurana and Others vs. Union of India and Others (2015) 1 SCC 192</i>
	<i>Githa Hariharan and Another vs. Reserve Bank of India and Another (1999) 2 SCC 228</i>
	<i>Madhu Kishwar and Others vs. State of Bihar and Others (1996) 5 SCC 125</i>
	<i>Valsamma Paul vs. Cochin University and Others (1996) 3 SCC 545</i>
	<i>Z vs. State of Bihar and Others (2018) 11 SCC 572</i>
CRC	<i>Bachpan Bachao Andolan vs. Union of India and Others (2017) 1 SCC 653</i>
	<i>Nipun Saxena and Another vs. Union of India and Others (2019) 2 SCC 703</i>
	<i>Sheoli Hati vs. Somnath Das (2019) 7 SCC 490</i>
CRPD	<i>Accused 'X' vs. State of Maharashtra, (2019) 7 SCC 1</i>
	<i>Deaf Employees Welfare Association and Another vs. Union of India and Others, (2014) 3 SCC 173</i>
	<i>Justice Sunanda Bhabdare Foundation vs. Union of India and Another, (2017) 14 SCC 1</i>
	<i>Pranay Kumar Podder vs State of Tripura and Others, (2017) 13 SCC 351</i>
	<i>Purswani Ashutosh vs. Union of India and Others, (2019) 14 SCC 422</i>
	<i>Sambhavana vs University of Delhi, (2013) 14 SCC 781</i>
	<i>State of Kerala and Others vs Leesamma Joseph, (2021) 9 SCC 208</i>

Legislations incorporating other international human rights instruments

Convention on the Prevention and Punishment of the Crime of Genocide, 1948	The Code of Criminal Procedure, 1973
Slavery Convention, 1926	The Bonded Labour System (Abolition) Act, 1976
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949	The Immoral Traffic (Prevention) Act, 1956
United Nations Convention against Transnational Organized Crime, 2000, and its Protocols Against the smuggling of migrants by land, sea and air, and to prevent, suppress and punish trafficking in persons, especially women and children	The Juvenile Justice (Care and Protection of Children) Act, 2015

Legislations incorporating ILO Conventions

Weekly Rest (Industry) Convention, 1921 (No. 14)	The Weekly Holidays Act, 1942 Beedi and Cigar Workers (Conditions of Employment) Act, 1966
Forced or Compulsory Labour Convention, 1930 (No. 29)	The Bonded Labour System (Abolition) Act, 1976
Labour Inspection Convention, 1947 (No. 81)	The Coal Mines Labour Welfare Fund Act, 1947 The Factories Act, 1948 The Minimum Wages Act, 1948 The Employees' State Insurance Act, 1948
Equal Remuneration Convention 1951 (No. 100)	The Equal Remuneration Act, 1976
Abolition of Forced Labour Convention, 1957 (No. 105)	The Bonded Labour System (Abolition) Act, 1976 The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	The Bonded Labour System (Abolition) Act, 1976 The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
Equality of Treatment (Social Security) Convention, 1962 (No. 118)	The Personal Injuries (Emergency) Provisions Act, 1962 The Seafarers Provident Fund Act, 1966 The Public Provident Funds Act, 1968 The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 The Pension Fund Regulatory and Development Authority Act, 2013
Worst Forms of Child Labour Convention, 1999 (No. 182)	The Child Labour (Prohibition and Regulation) Act, 1986
