



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined twentieth and twenty-first periodic
reports submitted by India under article 9 of the
Convention, due in 2010^{*}, ^{**}**

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



I. Preliminary Observations

1. India is strongly committed towards the goal of elimination of racism and racial discrimination. India's fight to end racism in the world stems from the significant contribution of its great leaders, like Swami Vivekananda, who spoke of universal brotherhood more than a century ago. Mahatma Gandhi's tireless struggle against the abhorrent crime of racism, racial discrimination, xenophobia and other related intolerance is historic and significant.
2. Issues pertaining to Scheduled Castes (SC) and Scheduled Tribes (ST) have been included in the responses to the List of Issues Prior to Reporting (LoIPR). In this regard, the Government of India reiterates its position that caste cannot be equated with race or covered within descent under Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as 'the Convention'). Consequently, nothing in this report should be taken to mean or equate caste with race though effort has been made to provide adequate information on the rights relating to SC/ST purely in a spirit of transparency and out of courtesy, and there exists no obligation under the Convention to do so. India has always maintained that members of the SC and ST are of the same racial and ethnic origin as other Indians.
3. While the Convention specifies descent as one of the five grounds of racial discrimination, the term 'descent' only refers to discrimination such as that faced by people of Asian and African descent. This is clear from the official UN records of the discussions during the drafting of the Convention in 1965 that show that the term 'descent' had actually been introduced by India to clarify the term 'national origin' that was being objected to by various countries owing to the ambiguity relating to the word 'national.' The term 'descent' instead captures separately the notion of 'previous nationality or geographical region of an individual or of his ancestor.' While one of the delegates to the drafting of the Convention had sought to ascribe this understanding to the term 'national origin', it had been met with reservations from other countries. As shown by the records of deliberations, at no stage was there any reference by any delegate from any country to use the term 'descent' to cover caste. By introducing General Recommendation No. 29, that expands the meaning of the term 'descent' to include caste-based discrimination, the Committee has ignored the Convention's drafting history.
4. The Constitution of India, adopted 15 years before the Convention, treats race, caste and descent as distinct from each other. For instance, Article 16(2) provides 'No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.'
5. People of different castes in India belong to the same race and ethnic stock. In fact, the reference to the word 'caste' was made only twice during the drafting of the Convention and that too by the Indian delegation in the context of discussions on special measures for advancement of some sections of society. The purpose of the Indian delegation was to protect the Constitutionally sanctioned measures adopted by India in 1950 for the under-developed sections of the Indian society. These discussions eventually took shape of Article 1 (4) of the Convention that states that "Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination."
6. The current report is to be read in conjunction with the Common Core Document (CCD) submitted by India in March 2022. Annexures to this report contain disaggregated data on the composition of SC/ST population in India (Annexure I), glossary of government initiatives and welfare schemes for vulnerable sections (Annexure II), and list of abbreviations (Annexure III).

II. General information

Reply to paragraph 1 of the list of issues

7. Prevention of discrimination is an important component of the spirit of equality, which is the essence of democracy and a basic feature of the Constitution of India. It expressly prohibits discrimination on the grounds of race and guarantees ‘fundamental rights’ and ‘fundamental freedoms’ and enjoins certain duties on the State through its Articles 14–17, 19–30, 32–35, 38–39A, 41–47 and 51A. Relevant constitutional provisions on the elimination of discrimination have been elaborated in the earlier reports.

8. India is committed to securing all the rights recognised in the Convention especially the right to life, liberty and dignity. It has enacted several legislations since the last periodic report in 2006, preventing discrimination on the ground of race. These include, inter alia, Information Technology (Intermediaries Guidelines) Rules, 2011, which requires the intermediaries to follow due diligence not to host, display, upload, modify, publish, transmit, update or share any information that are racially or ethnically objectionable; Foreign Contribution (Regulation) Act 2010 whereunder an applicant shall be ineligible for grant of certificate of recognition or prior permission on the grounds that acceptance of foreign contribution by the applicant is likely to affect prejudicially the harmony between religious, racial, social, linguistic, regional groups, castes or communities; the Regional Centre for Biotechnology Act, 2016 which provides that the Regional Centre or any institution recognised by it shall be open to persons of either sex and whatever caste, creed, race, ethnicity, nationality or class; and National Sports University Act, 2018, which provides that the University shall be open to persons of any sex and of whatever caste, creed, race or class.

9. India has also developed a strong and elaborate institutional framework for the promotion and protection of human rights and to facilitate the realisation of varied rights of people. This includes, the National Human Rights Commission (NHRC), State Human Rights Commissions (SHRCs) and the national human rights institutions (NHRIs) for women, children, minorities, persons with disabilities, etc. Detailed information on these human rights institutions has been included in the CCD.

Reply to paragraph 2 of the list of issues

10. The term ‘Minority’ is defined under Section 2(c) of the National Commission for Minorities Act, 1992, as a community notified as minority by the Government of India. No separate category of ethnic minorities has been notified.

11. The population of SCs and STs as per Census-2011 is 201.4 million (16.6%) and 104.5 million (8.6%) respectively (for details refer Annexure-I).

12. As of January 2021, there were 58,843 Sri Lankan refugees, and 72,312 Tibetan refugees in India. Relief assistance to Sri Lankan Tamil refugees staying in camps includes monthly cash assistance, subsidised rice, free clothing materials, utensils, cremation and shradh (last rites) grants, and infrastructural facilities in camps. In 2021–22, the Government of India allotted INR 800 million for the welfare of Sri Lankan Tamil refugees staying in camps. Long Term Visas (LTVs) are granted to refugees based on existing guidelines after due security verification, which permits them for facilities at par with other foreigners, such as, employment in the private sector, or undertake studies in any academic institution.

Reply to paragraph 3 of the list of issues

13. India signed the Convention on 02 March 1967 and ratified it on 03 December 1968. The Constitution of India, which is the largest written constitution in the world, expressly prohibits racial discrimination in all forms and guarantees ‘fundamental rights’ and ‘fundamental freedoms’ to people under Article 14–30 and provides remedies against infringement of such rights and freedoms under Articles 30–35. It also enjoins crucial duties on the State under Articles 38–39A, 41–47 and 51A for progressively establishing equality

in the society. Several domestic laws give effect to the Constitutional mandate of eliminating discrimination, guaranteeing fundamental rights and freedoms, and stipulating remedies in case of their infringement or violation.

14. The provisions of the Convention, specifically the rights and obligations provided under Part-I, are fully covered under the domestic legal framework, including the Constitution of India and the Indian Penal Code 1860 (IPC). Such laws are directly enforceable in domestic courts.

15. While the Constitution of India by virtue of Article 51 encourages respect for international law and treaty obligations, in India, treaties/conventions are not self-executing and require specific legislative incorporation for execution in domestic courts. However, through its seminal judgment in *Vishaka v. State of Rajasthan* (1997) the Supreme Court of India 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 enforceable in the domestic courts despite the absence of any specific legislative incorporation of the same.

Article 1

Reply to paragraph 4 of the list of issues

16. India reiterates its earlier stated position on General Recommendation No. 29 as regards the understanding of the term ‘descent’ under Article 1 of the Convention. For further information on the issue, refer paragraph 2–5 of this report.

17. The Constitution of India provides a comprehensive framework to prevent discrimination and promote equality among all citizens. This framework is primarily enshrined in Part III of the Constitution of India, which guarantees fundamental rights to individuals. Articles 14–30 of the Constitution of India establish a structure consisting of mutually reinforcing values of non-discrimination and substantive equality. They form the cornerstone of the Indian legal system and provide a strong basis for promoting justice and fairness in the country. Non-discrimination and equality irrespective of one’s religious or other identities is also reinforced by explicit recognition of freedom of religion and by specifically protecting interests of linguistic and cultural minorities. Apart from the amalgam of individual and group rights together with special protections for the more vulnerable, the Constitution of India also guarantees the right to directly approach the Supreme Court of India or the High Courts in case of violation of any of the basic rights enshrined in it. The legal framework also prohibits both horizontal as well as vertical discrimination. In *Jeeja Ghosh v. Union of India* (2016) the Supreme Court of India held that equality implies “embracing the notion of positive rights, affirmative action and reasonable accommodation.”

18. Directive Principles of State Policies (DPSP) in Part IV of the Constitution of India recognises the obligation of the State to make provisions for promoting the welfare of people, ensuring adequate means of livelihood, promoting equal justice and free legal aid, securing right to work, to education and to public assistance. DPSP requires the State to provide for just and humane conditions of work, living wages for workers, and to raise the level of nutrition and public health. Over the years, many aspects covered under DPSPs have been interpreted by the Supreme Court of India as manifestations of varied aspects of life guaranteed under Article 21 of the Constitution of India. In *Bandhua Mukti Morcha v. Union of India* (1983) the Supreme Court of India had observed that “This right to live with human dignity, enshrined in Article 21 derives its life breath from the Directive Principles of State Policy.” In keeping with this principle, it has interpreted many rights of economic nature as falling within the ambit of right to life, such as right to livelihood, right to health, shelter, timely medical care and treatment in government hospitals, etc.

19. Article 46 of the Constitution of India expressly provides, *inter alia*, that the State shall protect the vulnerable sections from injustices and all forms of exploitation. In this

regard, various statutory and legal provisions, such as those of the IPC and others, prohibit incitement or promotion of racial hatred and discrimination in any form. Sections 153-A, 153-B and 505(2) of the IPC criminalise incitement of hatred on various grounds, including race. The Anti-Apartheid (United Nations Convention) Act, 1981 (AA Act 1981) enacted in connection with the International Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention), makes apartheid an offence in India punishable with death, imprisonment for life or imprisonment for a term up to ten years, and is also liable to fine. Organisations functioning in India are forbidden from promoting or inciting racial discrimination. Violation of these provisions attracts prosecution and punishment under enactments mentioned above.

20. The administrative bodies are also bound by the principles of non-discrimination, equality and natural justice in their actions and decisions. In the absence of specific statutory prohibition or remedy, the powers of the judiciary under Articles 32 and 226 can be invoked. Additional references to specific legislation have also been made in response to paragraph 6 of the LoIPR.

Reply to paragraph 5 of the list of issues

21. The framers of the Constitution of India took note of the fact that certain communities in the country were suffering from extreme social, educational and economic backwardness arising out of the ancient practice of caste division, primitive agricultural practices, lack of infrastructure facilities and geographical isolation. Accordingly, special consideration was given for safeguarding the interests of such communities and provide for their accelerated socio-economic development. These communities were notified as ST as per provisions contained in Article 342 of the Constitution of India. The Constitution (Scheduled Tribes) Order, 1950, specifies the tribes and tribal communities which are granted the status of ST. The criteria presently followed for specification of a community as a ST are: (i) indications of primitive traits, (ii) distinctive culture, (iii) geographical isolation, (iv) shyness of contact with the community at large, and (v) backwardness. The Government of India has also formulated the modalities for determining the claims for inclusion in, exclusion from and other modifications to the Orders specifying lists for STs. According to these modalities, only those proposals that have been recommended and justified by the concerned State Governments and concurred with by the Registrar General of India (RGI) and the National Commission for Scheduled Tribes (NCST) are considered.

22. The Government of India has also given specific attention to the development of Particularly Vulnerable Tribal Groups (PVTGs). The PVTG communities are covered under other schemes of Government of India which are (i) directed generally towards all eligible persons; (ii) are targeted towards the tribal populations under the various schemes of the Central and State Governments under the ST component; and (iii) the main schemes of Ministry of Tribal Affairs (MoTA). In addition, MoTA implements a Centrally Sponsored Scheme (CSS) called 'Development of Particularly Vulnerable Tribal Groups.' The schemes make provision for 100% Central assistance to 18 States and the Union Territory (UT) of Andaman & Nicobar Islands where 75 communities identified as PVTGs reside. Funds in the scheme are released under two major components of Grant-in-Aid and Creation of Capital Assets. This scheme operates as a gap filling intervention targeted specifically for upliftment of such communities. As part of the same, State Governments undertake projects that are tailored to cater to sectors like education, health and livelihood schemes for the PVTGs.

23. MoTA is the designated nodal Ministry charged with overall policy planning and coordination of programmes for development of STs. It covers all tribal people and all areas with tribal population across the country, and focuses on social security and social insurance to the STs, tribal welfare including planning, project formulation, research, evaluation, statistics and training; promotion and development of voluntary efforts on tribal welfare; development of STs, and monitoring of STs welfare grants. The programmes and schemes of MoTA are intended to support and supplement the efforts, primarily of other Ministries of the Union Government, the State Governments, and partly of voluntary organisations and to fill critical gaps within institutions and programmes, taking into account the situation of STs. MoTA supplements their efforts by way of various developmental interventions in critical

sectors through specially tailored schemes. The total budgetary allocation of MoTA is as under:

(INR in billion)

Year	2019–20	2020–2021	2021–22	2022–23	2023–24
Allocation	68.94	74.11	75.24	84.52	124.61

24. Government of India through its Union Budget 2023–24 announced the *Pradhan Mantri PVTG Development Mission* to secure the welfare of PVTGs. The Mission aims to saturate the PVTG families and habitations with basic facilities such as safe housing, clean drinking water and sanitation, improved access to education, health and nutrition, road and telecom connectivity and sustainable livelihood opportunities. Grants of INR 150 billion will be allocated over the next three years for implementation of this scheme for the socio-economic development of PVTGs.

25. Further, during the Budget, the Government has announced that a programme to eliminate *Sickle Cell Disease* from India by the year 2047 will be started in a mission mode. Diagnostic tests will be conducted in all endemic areas covering about 70 million people. Creation of awareness will be done for maximising voluntary participation and engagement of all stakeholders including the State Governments and the Community based organisations. The programme will comprehensively cover diagnosis treatment, management and counselling of people.

26. Scheduling of Tribes for the purpose of the Constitution of India is done as per Article 342(1). As of now more than 700 tribes have been scheduled. The population of these Scheduled Tribes as per Census 2011 was over 104 million, which was 8.6% of the country's total population. The proposals of tribes that claim to be scheduled are examined through a prescribed process, by which the State Government concerned submits a proposal, giving ethnographic details, which are examined by the Registrar General of India and then by the National Commission for Scheduled Tribes. The criteria being followed for specification of a community as a ST are: (i) indications of primitive traits, (ii) distinctive culture, (iii) geographical isolation, (iv) shyness of contact with the community at large, and (v) backwardness. The Government policy in respect of tribal development and welfare follows Constitutional and Statutory provisions, protective legislations, special development schemes for Scheduled Tribes.

27. Welfare measures for tea plantation workers are implemented by the concerned State Governments in line with the provisions of the Plantation Labour Act, 1951 which mandates the tea estates to provide basic welfare services and amenities including housing, medical and primary education, water supply, sanitation etc. to tea plantation workers. Moreover, the workers of the tea industry are covered by all social security legislations like the Employees' Compensation Act, 1923; the Payment of Gratuity Act, 1972; the Employees' Provident Fund and Miscellaneous Provision Act, 1952; the Payment of Bonus Act, 1965; the Maternity Benefit Act, 1961; the Payment of Wages Act, 1936; the Equal Remuneration Act, 1976; Factories Act, 1948; Industrial Employment (Standing Order) Act, 1946; Industrial Disputes Act, 1947; the Assam Tea Provident Fund, Pension Fund and Deposit Link Insurance Fund Scheme Act, 1955 (only in Assam). The Plantation Labour Act, 1947 has been subsumed in the labour code on Occupational, Safety, Health and Working Conditions, 2020 and Social Security Code, 2020 to make it more useful, unambiguous and welfare oriented. The Code envisages giving the option to plantation owners to enroll their workers as member of the Employees State Insurance Corporation (ESIC). The ESIC provides multiple benefits like sickness benefits, maternity benefit etc., besides medical benefits to its members.

Article 2

Reply to paragraph 6 of the list of issues

28. Article 17 of the Constitution of India abolished ‘untouchability’, forbade its practice in any form and made enforcement of any disability arising out of ‘untouchability’, an offence punishable in accordance with law. Accordingly, an Act of Parliament namely the Protection of Civil Rights Act, 1955 (PCR), was enacted which prescribed punishment for enforcement of any disability arising from the practice of ‘untouchability’. Similarly, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA), was enacted to prevent atrocities against members of SCs and STs.

29. A CSS for the implementation of PCR and PoA is in force to provide admissible Central assistance to States/UTs, including for: (i) functioning and strengthening of the SC/STs Protection Cell and Special Police Stations; (ii) setting up and functioning of exclusive special courts; (iii) relief and rehabilitation of atrocity victims; (iv) inter-caste marriages where one of the spouses is a member of a Scheduled Caste; and (v) awareness generation and publicity. In the last four financial years, Central Assistance of approximately INR 22.1 billion has been released under the scheme.

30. A Committee has also been constituted to devise ways and means to curb offences of untouchability and atrocities against members of SCs and STs, and effective implementation of PCR and PoA. The committee is headed by the Minister for Social Justice and Empowerment, with members drawn from the Ministries of Home Affairs, Tribal Affairs, and Law and Justice, NCSC, NCST and three non-official members (two from SC and one from ST). The committee has so far held twenty-six meetings wherein implementation of the two Acts in States and UTs has been reviewed.

31. The Government of India understands that women at the intersections of class and caste remain the most vulnerable. In 2016, it launched ‘*Mission Shakti*’, an integrated women empowerment programme as umbrella scheme for the safety, security and empowerment of women. The scheme is aimed at enabling and strengthening women-led development by addressing issues affecting women on a life-cycle continuum basis and by making them equal partners in nation-building through convergence and citizen-ownership. The scheme seeks to make women economically empowered, exercising free choice over their minds and bodies in an atmosphere free from violence and threat. It also seeks to reduce the care burden on women and increase female labour force participation by promoting skill development, capacity building, financial literacy, access to micro-credit etc. ‘*Mission Shakti*’ has two sub-schemes, ‘*Sambal*’ and ‘*Samarthya*’. While the ‘*Sambal*’ is for safety and security of women, the ‘*Samarthya*’ sub-scheme is for empowerment of women. The components of ‘*Sambal*’ sub-scheme consist of schemes relating to One Stop Centre (OSC), Women Helpline (WHL), *Beti Bachao Beti Padhao* (save the girl child, educate the girl child) and *Nari Adalats* (alternative grievance redressal mechanisms for women), a women’s collectives to promote and facilitate alternative dispute resolution and gender justice in society and within families. The components of ‘*Samarthya*’ sub-scheme consist of schemes of *Ujjawala*, *Swadhar Greh* and Working Women Hostel. Additionally, the existing schemes of National Creche Scheme for the children of working mothers and *Pradhan Mantri Matru Vandana Yojana* under the umbrella Integrated Child Development Scheme (ICDS) have now been included in ‘*Samarthya*’ scheme. A new component of Gap Funding for Economic Empowerment has also been added in the *Samarthya* Scheme. There are 758 approved OSCs, out of which 708 are operational in 35 States/UTs, and more than 540 thousand women have been assisted so far. WHL is a toll-free round-the-clock telecom service operational in 34 States/UTs and has handled more than 7 million calls assisting aggrieved women. During COVID-19 pandemic, vide advisory dated 25th March, 2020 issued by Ministry of Women and Child Development, all OSCs and WHL were directed to remain operational during the lockdown period.

32. Since independence, the Government of India has taken a number of initiatives for development of SCs, which had yielded positive outcomes, and had also resulted in narrowing the gap between the SC and rest of the population. Allocation for the welfare of SC and ST for various schemes and initiatives by different ministries include:

(in INR billion)

<i>Year</i>	<i>2021–22</i>	<i>2022–23</i>	<i>2023–24</i>
SC	1 263.39	1 423.42	1 591.26*
ST	839.21	942.92	1 195.09*

* Budget Estimates.

33. The Government of India has adopted a multi-pronged approach for the socio-economic-educational development of the SCs. The vision is to build an inclusive society where every citizen of India can live a life of dignity, pride and actively contribute to the nation's human capital. Crucial initiatives aimed at *educational empowerment* of SCs include scholarships for students, construction of hostels, coaching arrangements, etc. Schemes for *economic empowerment* of SCs include loans at concessional rates of interest, micro credit facilities, skill development and employment enhancing avenues for SC majority villages, etc. Schemes for their *social empowerment* include curbing the practice of untouchability, discrimination & atrocities, supporting NGOs working on target groups, effective implementation of legislative enactments, etc. Expenditure made for various schemes formulated for the welfare of SC are noted below:

(in INR million)

<i>Detail</i>	<i>2019–20</i>	<i>2020–21</i>	<i>2021–22</i>
Allocation of funds by the Government of India for the implementation of SC/ST and PCR Act	6 196.4	5 933.9	6 101.1
Disbursements by the National SC Finance and Development Corporation (NSFDC) under Credit Based Scheme to various states	6 815	5 482.3	57 501.1
Disbursements by the National SC Finance and Development Corporation (NSFDC) under Skill development scheme to various states	233.4	175.9	233.9
Assistance to State Scheduled Castes Development Corporation (SCDC)	200	158	0
Venture Capital Fund for Scheduled Caste	2 361.7	300	770
Financial assistance under free coaching scheme	132.6	119.6	149.8
Budgetary allocation and central assistance under top class education	397	520	847.2
National overseas scholarship	285.6	258.9	490.7
National fellowship for SC students	2 466.6	1 189.9	1 223.9
Pre-matric Scholarship Scheme for SC Students studying in Classes IX and X	3 528.9	5 695.2	5 703.9
Post-matric scholarship scheme for SC students	27 113	40 101.6	19 785.6

34. For the development of SCs, the Department of Social Justice and Empowerment introduced CSS of 'Special Central Assistance to Scheduled Castes Sub Plan (SCA-SCSP)' in 1980, in order to ensure that the States/UTs prepare the SCSP. Under the scheme a grant is being given to the State Governments/UTs Administrations as an additive to their SCSP. Allocation under this scheme for the years 2018 to 2020 were INR 8, 10, and 11 (in billion) respectively.

35. With a view to enable an area-based development approach, the *Pradhan Mantri Adarsh Gram Yojana* (PMAGY) was launched to secure integrated development of SCs majority villages. In light of these benefits accruing to the residents of the villages through successful implementation of this scheme, it was decided in 2018–19 to extend the scheme further as a continuous scheme by taking up certain number of villages every year for development. For this, it was decided to consider inclusion of all those districts which have villages having total population of above 500 and with more than 40% persons belonging to the SC. The villages in descending order of SC population are proposed to be selected from

each such district for implementation of the scheme. To ensure all round development of the selected villages, so that they can indeed become ‘Adarsh Grams’ (model villages), the existing scheme guidelines were revised to capture the gaps in critical socio-economic ‘Monitorable Indicators’ as part of various sectors/domains. These domains include: (i) Drinking water and Sanitation, (ii) Education, (iii) Health and Nutrition, (iv) Social Security, (v) Rural Roads and Housing, (vi) Electricity and Clean Fuel, (vii) Agricultural Practices etc., (viii) Financial Inclusion, (ix) Digitization, (x) Livelihood and Skill Development. Beneficiaries under the scheme in 2022:

Number of new villages selected under the scheme	11 492
Number of villages selected earlier, where House Hold survey started	12 495
Number of villages selected earlier, where Village Development Plan generated	10 177
Number of Villages selected earlier, declared as Adarsh Gram (model village)	4 493

36. The *Babu Jagjivan Ram Chhatrawas Yojana* (BJRCY) scheme focuses on construction of hostels for SC students as a means to enable and encourage children/students belonging to SC to attain quality education. Such hostels are immensely beneficial to the students hailing from rural and remote areas of the country. The scheme was revised in 2018, to attract implementing agencies for undertaking construction of hostels, especially for SC girls, towards the broader vision of containment and reduction of their dropout rate. The primary objectives of the scheme include: (i) having a girls’ hostel with a capacity of 100 seats, in every block headquarters of low literacy districts, (ii) repairing and proper maintenance of hostels, and (iii) having an effective mechanism for monitoring, review, etc.

37. The erstwhile schemes of SCA-SCSP, BJRCY and PMAGY have been merged into one scheme, namely *Pradhan Mantri Anusuchit Jaati Abhyudaya Yojana (PM-AJAY)*, from 2021–22 for better convergence of public money and optimal utilization of resources.

38. The Government of India implemented a scheme, Development Action Plan for SCs: *Anusuchit Jaati Abhyudaya Yojana* (DAPSC: AJAY), for providing one-time financial assistance aiming towards socio-economic empowerment of SC population through infrastructure development as well as income generation activities for the year 2022–23. Under this scheme, financial assistance of INR 665.4 million is sanctioned for minor irrigation projects under the component of *Amrit Jala Dhaara*, and INR 1129.8 million for strengthening logistics facilities.

39. The Department of Social Justice & Empowerment has been entrusted with the task of monitoring the physical and financial outcome of Schemes under Development Action Plan for Scheduled Castes (DAPSC) [erstwhile Scheduled Caste Sub Plan (SCSP)/Allocation for Welfare of Scheduled Castes (AWSC)]. The details of Budget allocations made under SCSP from the year 2017–18 to 2022–23 for all the mandated Ministries/Departments, are as under:

(in INR billion)

Year	2017–18	2018–19	2018–19	2019–20	2020–21	2021–22
Allocation	523.92	566.18	566.18	813.40	832.56	1 263.39

40. There remain challenges in achieving the desired pace of development among tribal people, on account of remoteness of their habitations, dispersed population, difficult geographical conditions, and lack of adequate employment opportunities in their areas. Government of India has adopted the Tribal Sub Plan (TSP) (now known as Developmental Action Plan for STs (DAPST)) for accelerated development of tribal people. It envisages channelising the flow of outlays and benefits from all sectors of development to ST population. DAPST funds are dedicated source of funds for tribal development. 41 Central Ministries (excluding MoTA) have been mandated to earmark TSP funds in the range of 4.3% to 17.5% of their total Scheme allocations every year for tribal development projects relating to education, health, agriculture, irrigation, roads, housing, electrification, employment generation, skill development, etc. DAPST fund allocation has increased about five and half

times since 2013–14 (from INR 215.25 billion (Actual Expenditure) in 2013–14 to INR 1.17 trillion in BE 2023–24). MoTA provides additive to these initiatives by way of plugging gaps. The efforts made through DAPST strategy have brought out steady improvements for tribals in terms of various indices relating to literacy, health, livelihood, etc. The allocation for the welfare of STs across all Ministries has witnessed a steady increase.

(in INR billion)

Year	2018–19	2019–20	2020–2021	2021–22	2022–23	2023–24
Allocation	395.45	477.49	517.81	859.30	927.81	1 179.44

41. Ministry of Tribal Affairs had been implementing the scheme of ‘Special Central Assistance to Tribal Sub-Scheme (SCA to TSS)’, since 1977–78 as ‘Special Central Assistance to Tribal Sub-Plan (SCA to TSP)’, and got renamed in 2017. This grant had been utilised for Integrated Tribal Development Projects/Agencies, Modified Area Development Approach Pockets, Clusters, PVTGs and dispersed tribal population. Under the scheme, funds were released to the State Governments having notified ST population, including North Eastern States (NE States) for development and welfare of tribal people to bridge the gaps in sectors like education, health, agriculture, skill development, employment-cum-income generation, etc. The scheme has played a catalytic role in the overall development and welfare of tribal people and tribal dominated areas as an additive and supplement to the schemes of Central Line Ministries and State Governments.

42. Government has approved a new scheme of *Pradhan Mantri Adi Adarsh Gram Yojana* (PMAAGY) during 2021–22 with an aim to transform ‘36428 identified villages with significant tribal population’ into model village (*Adarsh Gram*). The main objective of this scheme is to achieve integrated socio-economic development of selected villages through convergence approach. The scheme envisages access to basic services and infrastructure facilities by bridging gaps in different sectors of development. Grants-in-aid under proviso to Article 275(1) of Constitution of India are 100% annual grant from Government of India to all States. It is an additive to State Plan funds and efforts for Tribal Development.

43. There have been considerable improvements in socio-economic conditions of the STs. Literacy rate for STs has improved from 59% (Census) in 2011 to 71.6% (as per Periodic Labour Force Survey (PLFS) report (July 2020–June 2021), bringing down the gap between overall and ST literacy from 14 percent in 2011 to 7.6 percent in 2020–2021. Gross Enrollment Ratio (GER) of ST students in educational institutions has witnessed a considerable growth, as follows:

(in percentage)

Years	Primary Level	Secondary Level	Senior Secondary	Higher Education
2013–14	91.3	70.2	35.4	13.7
2020–21	98	78.1	52	18.9

44. Financial assistance of INR 25.31 billion has been provided to ST students studying from class IX, up to Ph.D. levels. Further, Pre-matric scholarships of INR 3.57 billion and Post-matric scholarships of INR 19.64 billion for ST students were also provided during 2020–23. 1750 ST students received National fellowships, and 20 received a national overseas scholarship. Additionally, the *Eklavya* Model Residential Schools (EMRS) scheme was launched to impart quality education to ST children in remote areas in order to enable them to avail of opportunities in high and professional educational courses and get employment in various sectors. The schools focus not only on academic education but on the all-round development of the students. After making a new Central Sector Scheme of EMRS since 2019, 402 new EMRSs have been sanctioned. It is targeted to establish 740 EMRS in blocks with 50% or more and 20,000 ST Population. Already about 400 EMRS have become functional with over 113,000 students, of whom over 57,000 are girls. These schools provide state-of-the-art infrastructure for quality education and other medical and nutritional facilities exclusively to ST students in remote areas. There will further be provisions of science and computer labs, skill development, art, craft and music and facilities for nurturing the natural

sports talent of the tribal students. Under the scheme of EMRS INR 59.43 billion will be provided for accelerated construction.

45. In line with the priorities announced in the Budget of 2023–24, special focus will be given for providing remunerative livelihood to tribal families. A provision of INR 2.88 billion has been made to be implemented through Tribal Cooperative Marketing Development Federation, through formation of Self-Help Groups and producer enterprises. Special attention will be given to form more *Van Dhan Vikas Kendras*, tribal community-owned centres for developing value chains for minor forest produce, to function in cooperative mode. Organic farming, medicinal plants, millets and food processing will be the important areas, to be done through these tribal self-help groups, apart from skill-development and craft-training, with appropriate credit and marketing facilities. INR 14.85 billion has been provided for comprehensive development of villages with significant tribal population. INR 14.72 billion has been earmarked for giving grants to States with ST population for development of Scheduled Areas and STs.

46. The Reserve Bank of India regularly issues guidelines/instructions to banks for ease of access to credit facilities to SCs and STs.

Reply to paragraph 7 of the list of issues

47. The Parliament of India amended PoA in 2015 to provide for more stringent provisions for prevention of atrocities against members of the SC and ST communities. The amendments provide for new offences, expanded scope of presumptions, and institutional strengthening thereby significantly bolstering the Act. Duties of public servants under the PoA 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 PoA. Chapter IV-A has also been inserted into the Act for recognising the rights of victims and witnesses. This includes the establishment of exclusive special courts and the specification of special public prosecutors to exclusively try the offences under the PoA to enable expeditious disposal of cases. Other amendments are aimed at enhancing the power of Special Courts to take direct cognisance of offence and, as far as possible, completion of trial within two months from the date of filing of the charge sheet, establishing the rights of victims and witnesses, and strengthening preventive measures. The Act was further amended in 2018 to clarify that neither a preliminary enquiry for registration of a First Information Report (FIR) against any person nor an approval for arrest of a person against whom an accusation of having committed an offence under PoA had been made, was required. Government of India has issued advisories from time to time for effective implementation of the PoA and Rules thereunder.

48. The Constitution of India provides special protections and benefits for SC. This emerged from the need to recognise and rectify historical injustices, particularly of untouchability, faced by the SC who were at the time of independence considered to be at the lowest rung of Hindu caste system. The Constitution of India, however, does not list which groups should be considered as SC. That was done through the Constitution (Scheduled Castes) Order 1950, which lists the castes that are considered as SC in India. As a result, any person who professes a religion different from the Hindu, Sikh or Buddhist religion is not deemed to be a SC. The question of such inclusion is currently *sub-judice* before Supreme Court of India in the matter of *National Council of Dalit Christians v. Union of India* (2019). Further, under Section 3 of the Commissions of Inquiry Act, 1952, a Commission has been set up in 2022 to examine the matter according Scheduled Caste status to new persons, who claim to be historically belonged to Scheduled Castes but have converted to religion other than those mentioned in the Presidential orders issued from time to time under Article 341 of the Constitution of India.

Reply to paragraph 8 of the list of issues

49. The Denotified, Nomadic and Semi-Nomadic Tribes (DNTs) were historically the most neglected, marginalised and economically and socially deprived communities. With the aim of socially and economically empowering these communities, various initiatives have been undertaken. In 2014, the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes (NCDNT) was constituted under the aegis of Ministry of Social Justice and Empowerment (MSJE). Based on the recommendations of the Commission, the Development and Welfare Board for Denotified, Nomadic and Semi-Nomadic Communities was constituted in 2019. The Board has been mandated to formulate and implement welfare and development programmes for these communities. The survey work of identification of DNT Communities and placing them in a category of SC/ST is also under process in NITI Ayog and Anthropological Survey of India (AnSI). While some States in India have enacted legislations pertaining to habitual offenders, there is no central legislation in this regard. Moreover, the NCDNT had recommended the repeal of the Habitual Offenders Acts for de-stigmatisation of these communities. The recommendations of the Commission have been forwarded to States for taking action to repeal the Acts.

50. The Government of India has formulated a Scheme for Economic Empowerment of DNTs to help youth secure jobs through competitive examinations by providing coaching of good quality, providing health insurance to DNT communities under the *Pradhan Mantri Jan Arogya Yojana*, promoting secure livelihoods through economic activities and organising them into self-help groups, and provide financial assistance for the construction of houses to members of the DNT communities. Further, a budgetary allocation of INR 2 billion for the period of five years from 2021–22 to 2025–26 has been sanctioned. The scheme will benefit 6250 students by providing free coaching, 444,500 families by providing health insurance, 2000 clusters for livelihood initiative and 4200 families by providing houses in the next five years. A portal has been developed for inviting applications through an online system for easy access to the beneficiaries under the scheme. Other important schemes that have been launched by the Government of India for the benefits DNTs include, Dr Ambedkar Pre-Matric and Post-Matric Scholarship and *Nanaji Deshmukh* Scheme of construction of Hostels for DNT Boys and Girls.

Reply to paragraph 9 of the list of issues

51. The Armed Forces (Special Powers) Act, 1958 (AFSPA), a national security legislation, was passed to protect the sovereignty of India and ensure security of its citizens.

52. The AFSPA is not directed against any particular group but applied to all the population in the area concerned. The Supreme Court of India in *Naga Peoples' Movement of Human Rights v. Union of India* (1997) upheld the constitutionality of AFSPA and concluded that the special powers under the Act were not arbitrary or in violation of the rights to equality, freedom and life as enshrined under the Constitution of India. Operation of AFSPA is periodically reviewed by the Government of India in consultation with State Government and the Central Agencies. Due to improved security situation, AFSPA has been removed completely in the State of Tripura vide State Government's notification dated 27th May 2015 and in the State of Meghalaya from 1st April 2018. Further, in April 2022 it was withdrawn from 23 districts in Assam, partially from seven districts in Nagaland and six districts in Manipur. These decisions are taken based upon the prevailing circumstances in each of the disturbed areas, in order to protect the rights of the citizens.

Reply to paragraph 10 of the list of issues

53. India has established a framework of specialised yet integrated set of institutions for the protection and promotion of human rights amidst demographic diversity. NHRC was established in 1993, has been further strengthened and made more compatible with the Paris Principles through the Protection of Human Rights (Amendment) Act, 2019 which is aimed at providing greater autonomy and independence to the Commission. The primary membership has been increased from five to six, with three sitting or retired judges and three

other members appointed from among those having knowledge and practical experience in human rights, one of whom has to be a woman. *Secondly*, chairpersons of Constitutional and statutory bodies established for the protection and promotion of rights of vulnerable groups, such as NCSC, NCST, NCBC, NCPCR, etc., are included as deemed members of NHRC. The appointment of members is done by the President of India on the recommendation of a selection committee which is a pluralistic body comprising of elected representatives of the people and political parties in power and in opposition. NHRC has a specialized investigation division headed by an officer of the rank of Director General of Police, assisted by one DIG and three Senior Superintendents of Police. Each Senior Superintendent of Police heads a group of investigative officers (comprising of Deputy Superintendents of Police and Inspectors). As the NHRC was established for the protection and promotion of human rights, and therefore has the mandate to receive and consider complaints of acts of discrimination. Budgetary allocations for the years 2019–20, 2020–21 and 2021–22 were INR 508, 508 and 623.3 respectively (in millions). Detailed information on relevant state human rights institutions has been included in the CCD.

Reply to paragraph 11 of the list of issues

54. Equality and equal protection of law is a quintessential right of every Indian citizen under the Constitution of India. The Parliament of India abrogated the provisions of Article 370 (temporary provision of the Constitution of India) applicable to Jammu and Kashmir (J&K) on 5 August 2019. This has enabled the delivery of good governance and promoted the socio-economic rights and justice to the people of Jammu and Kashmir by extending over 800 people-friendly and progressive central laws to the region. These central laws include affirmative action for the vulnerable sections; the Right to Free and Compulsory Education, non-discriminatory inheritance laws, protection against domestic violence and empowerment of women, decriminalisation of same-sex relations between consenting adults and conferment of rights to transgender persons.

55. The Government of India has taken several steps for all round development of Jammu and Kashmir including restoration of democracy at the grassroot levels, good governance, unprecedented development of infrastructure, tourism and trade. 141,815 new works/projects have been taken up under various sectors/schemes in Jammu and Kashmir since 2019. Funds amounting to INR 272.74 billion have been provided for completion of these works/projects. The project construction and procurement activities are creating significant employment opportunities for skilled as well as unskilled labourers, engineers, transporters and small businesses in addition to those engaged in supply of material, equipment and tools in private sector. It is estimated that this investment has generated employment of about 117 million man-days in the J&K. Two new All Indian Institute of Medical Sciences (AIIMS) Hospitals, seven new medical colleges, two state cancer institutes and 15 nursing colleges are being established. Indian Institute of Technology (IIT), Jammu and Indian Institute of Management (IIM) Jammu have been made functional. The number of Government Degree Colleges/Engineering Colleges has increased from 96 to 147.

Article 3

Reply to paragraph 12 of the list of issues

56. Freedom from discrimination on the grounds of race is embodied in Article 15 of the Constitution of India. It forms a crucial aspect of the right to life, liberty and dignity. It provides that no citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to – (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing *ghats*, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. In similar terms, Article 17 of the Constitution of India abolishes ‘untouchability’ and forbids its practice in any form. It further makes enforcement of any disability arising out of ‘untouchability’, an offence punishable in accordance with the law. The PCR prescribes punishment for enforcement of

any disability arising from the practice of ‘untouchability’. Protection is also secured by Article 21 of the Constitution of India, which provides that “No person shall be deprived of his life or personal liberty except according to a procedure established by law.”

57. Further, the Government of India has been addressing/advising the State Governments/UT Administrations time to time to effectively implement the provisions of the PCR and the PoA in letter and spirit, with specific emphasis on, setting up of exclusive special courts for speedy trial of cases, training and sensitization of police officers and other concerned officers, awareness generation, identification of atrocity prone areas as an ongoing process and review of cases ending in acquittal. The Government of India has set up the National Helpline against Atrocities against SCs and STs to register grievances and follow up for their redressal at various levels. It also conducts periodic national reviews of the implementation of the Acts, including timely criminal action and payment of compensation.

58. A CSS for implementation of the PCR and the PoA is also in force under which central assistance is provided to the States/UTs for effective implementation of the Acts and Rules framed thereunder. In the last four financial years, Central Assistance of approximately INR 22.15 billion has been released to States/UTs for effective implementation of the Acts and Rules framed thereunder.

59. ICDS is a CSS with enhanced focus on children below three years of age and the most disadvantaged and vulnerable sections of the society, particularly of rural poor population. As per the guidelines for opening of *Anganwadi* Centres (rural childcare centres), villages pre-dominantly inhabited by population belonging to SC/ST and minority community are given priority. The ICDS Scheme is open to all categories of eligible beneficiaries, irrespective of caste, creed, region, religion, etc., and the scheme is implemented by State Governments/UT Administrations.

Article 4

Reply to paragraph 13 of the list of issues

60. India is committed to pluralism, and unequivocally states that hate speech cannot conceivably contribute in any legitimate way to democracy and, in fact, repudiates the right to equality and dignity. In addition to Article 15 of the Constitution of India, Article 46 expressly provides, *inter alia*, that the State shall protect the vulnerable sections from injustices and all forms of exploitation. Given the disastrous consequences of hate speech, India has enacted a plethora of laws to combat the same. The most relevant legislation in this regard is the IPC, wherein sections 153A, 153B, 295A, 298 and 505 criminalise promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., doing acts prejudicial to maintenance of harmony; making imputations, assertions prejudicial to national integration; deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs; uttering words, etc., with the deliberate intent to wound religious feelings and making, publishing or circulating statements conducing to public mischief. The Supreme Court of India in *Pravasi Bhalai Sangathan v. Union of India* (2014), observed that the statutory provisions and particularly the penal law provide sufficient remedy to curb the menace of hate speeches and person aggrieved must resort to the remedy provided under a particular statute. In the matter of *Amish Devgan v. Union of India* (2020) the court emphatically noted that “we must condemn and check any attempt at dissemination of discrimination on the basis of race, religion, caste, creed or regional basis.” In both instances, the Supreme Court of India acknowledged Articles 4 and 6 of the Convention. Further, in *Shaheen Abdullah vs. Union of India* (2023), the Supreme Court held that as and when any incident of hate speech occurs, the authorities need to take *suo motu* action to register cases and proceed against the offenders in accordance with law, even without any complaint being filed.

61. The AA Act 1981 enacted to implement the Apartheid Convention, makes apartheid in India an offence punishable by death, or imprisonment for life, or imprisonment for a term of up to ten years, and is also liable to fine. Further, organisations are forbidden from promoting or inciting racial discrimination. Likewise, public authorities or public institutions

cannot promote or spread racial discrimination. Violation of these provisions attracts prosecution and punishment under the law.

62. All the State Governments/UT Administrations have been requested to sensitise the law enforcement agencies to take appropriate action as per law in any case of harassment. The Government of India has taken various steps to ensure the safety and security of people from North Eastern Region of India (NER) residing in different parts of India, such as issuance of advisories/instructions to the State Governments/UT Administrations regarding action plans for providing security to people from NER, the appointment of Nodal Officers in States/UTs to address the grievances of people from NER. Pursuant to the judgment of the Supreme Court of India in *Karma Dorjee v. Union of India* (2016), a Monitoring Committee has been constituted by the Ministry of Home Affairs (MHA) to monitor and review the implementation of the M.P. Bezbaruah Committee Report and redress the grievances of people from NER. Meetings of the Monitoring Committee are held periodically. The Bezbaruah Committee, in its report, categorised their recommendations into immediate, short-term and long-term measures. Recommendations of the Committee that relate to Government of India Ministries and State Governments are in different stages of implementation and being reviewed at the Minister of State (Home) level.

63. The Government is committed to the all-round development of the NER and making it an economic hub connecting Southeast Asia under the Act East Policy. The total earmarked funds under 10% gross budgetary support from 54 Central Ministries for expenditure on development works in the North-East have been increased by 110% from INR 361.08 billion in 2014–15 to INR 760.40 billion in 2022–23. A new scheme, The Prime Minister's Development Initiative for the North-East, was announced in the Union Budget 2022–23 with an initial allocation of INR15 billion.

64. The incidents of attacks on African nationals in India are individual criminal acts perpetrated by anti-social and criminal elements and should not be construed as racist attacks. In order to ensure that such incidents of violence do not recur, States have been advised to increase police patrolling in areas where sizeable African community resides. They have also been advised to hold regular meetings with the African community in all major metropolitan cities to reassure them. Local authorities have been sensitised to ensure the safety and security of all foreigners, including Africans. The Government of India also maintains regular contacts with diplomatic Missions of African countries in India.

Reply to paragraph 14 of the list of issues

65. In India, racially motivated actions are not specifically codified to be aggravating circumstances for the enhancement of penalties for a crime. However, the Supreme Court of India in *Hari & Anr v. State of Uttar Pradesh* (2021) has included the category of anti-social or socially abhorrent nature of crimes as an aggravating circumstance while deciding on the sentences for heinous crimes.

Article 5

Reply to paragraph 15 (a)–(c) of the list of issues

66. India strongly condemns any form of torture and does not tolerate any form of impunity for violence, including sexual violence, against minorities, women, children, marginalised communities and other vulnerable groups. India remains committed to dealing with law and order and security situations with minimum use of force, in accordance with principles of legal certainty, necessity and proportionality, and after due consideration of various factors including ground realities. The actions by the Security Forces are taken in good faith, however, when allegations are made against the Forces, the law takes its course. In *Extra Judicial Execution Victim Families Association & Anr. v. Union of India* (2017), the Supreme Court of India observed that “if an offence is committed even by Army personnel, there is no concept of absolute immunity from trial by the criminal court constituted under the Criminal Procedure Code [and] no one can act with impunity.” The Supreme Court of

India has taken a strong stance against torture. In *D.K Basu v. State of West Bengal* (1997), it observed that “any form of torture or cruel, inhuman or degrading treatment would fall within the inhibition of Article 21 of the Constitution of India.” This automatically makes all judicial remedies available to the victims.

67. The Constitution of India and laws made thereunder provide adequate recourse including the writ of *habeas corpus* that secure liberty of every individual in India. Other modes of redressals are also available under criminal laws of India. The NHRC has taken *suo motu* cognizance of instances of disappearances. In appropriate instances, courts and quasi-judicial bodies in India have granted compensation and recommended disciplinary action against erring state officials.

68. While ‘Police’ and ‘Public Order’ are State subjects under the Constitution of India, the Government of India works closely with the State Governments to ensure the protection of the human rights of the citizens. Respective State Governments take disciplinary action against erring police personnel as per extant rules and procedures. The NHRC and State Human Rights Commissions are empowered to look into the alleged human rights violations by public servants. On receipt of complaints of alleged human rights violations, action is taken by the Commission in accordance with the Protection of Human Rights Act 1993. The NHRC also organises workshops/seminars/training programmes from time to time to sensitise public servants to a better understanding of human rights and, in particular, the protection of the rights of persons in custody.

69. The Supreme Court of India, in *Prakash Singh and Ors. v. Union of India and Ors* (2006), has directed the establishment of a Police Complaints Authority at the district level to look into complaints against police officers (of and up to the rank of Deputy Superintendent of Police), with a similar structure in place at the State level. A Commission was set under the Chairmanship of Justice K.T. Thomas, former retired judge of the Supreme Court and other two persons, as members, to monitor and report to the Supreme Court about status of police reforms in State. Since the direction of the Supreme Court of India, Police Complaints Authorities have been constituted in 25 States and 7 UTs to receive and decide on complaints against atrocities committed by police officers.

70. Further, the MHA has released a sum of INR 1.58 billion from the *Nirbhaya* Fund, a non-lapsable corpus fund utilized for projects specifically designed to improve the safety and security of women, to State Governments and UTs for setting up Women Help Desks across the country to make the Police Stations more women-friendly and approachable.

71. Covid-19 inflicted a serious blow to the livelihoods of the poor and marginalised communities including the tribal artisans and gatherers. Various initiatives aimed at addressing the issues included: (a) Publicity and Awareness Generation; (b) Personal Protective Healthcare; and (c) Non-Timber Forest Products Procurement. To ensure relief to millions of tribals dependent on gathering of forest produce, the Government of India amended the list of exemptions in the guidelines for second phase of lockdown allowing collection, harvesting and processing of non-timber Minor Forest Produce (MFP) by ST and other forest dwellers. The *Pradhan Mantri Garib Kalyan Anna Yojana* (PM-GKAY) was started during difficult time of COVID-19 crisis with the aim of providing food security to the poor, needy and the vulnerable households/beneficiaries so that they do not suffer on account of non-availability of adequate foodgrains. Under this scheme, the center provides 5kg of free food grains per month to the poor. This is in addition to the subsidised (INR 2–3 per kg) ration provided under the National Food Security Act (NFSA) to families covered under the Public Distribution System (PDS). Under *Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana* (AB-PMJAY), around 107.4 million poor and vulnerable families identified as per Socio-Economic Caste Census are entitled for health cover of INR 500,000 per family per year for secondary and tertiary care hospitalisation. As of November 2022, 38 million hospital admissions have been authorised worth more than INR 470 million, 28,636 hospitals empanelled, 200 million Ayushman cards issued, 33 States/UTs implementing the scheme, approximately 50% of Ayushman card recipients are women and 46% of the hospitals empanelled are private.

Reply to paragraph 16 (a) & (b) of the list of issues

72. India prioritises women's safety and security and has undertaken various legislative and policy interventions. The Government of India has initiated a number of schematic and legislative interventions over the past few years for educational, social, economic and political empowerment of women. These have resulted in improving the status of women on many counts. These include legislations such as The Criminal Law (Amendment) Act, 2018; The Criminal Law (Amendment) Act, 2013; The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; The Protection of Women from Domestic Violence Act, 2006; The Dowry Prohibition Act, 1961; Indecent Representation of Women (Prohibition) Act 1986; Immoral Traffic (Prevention) Act 1956 besides legislations specific to SCs/STs. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 also covers domestic workers. The law provides for a mechanism in the form of Internal and Local Committee to provide redressal in cases of sexual harassment. It also casts a duty on employers to sensitise employees by carrying out various awareness generation programmes and workshops.

73. A separate Women Safety Division has also been set up in the MHA to sensitise the States/UTs on women safety related issues including timely completion of investigation of sexual assault cases. To ensure the amendments in the law effectively translate at ground level various initiatives have been taken by MHA and their progress is continuously monitored. These include Investigation Tracking System for Sexual Offences (ITSSO), National Database of Sexual Offenders" (NDSO), Cri-MAC (Crime Multi-Agency Center) and New Citizen Services. These IT initiatives help in timely and effective investigation. The National Database on Sexual Offenders has been in effect since September 2018 to facilitate the investigation and tracking of sexual offenders across the country.

74. Similarly, legislations aimed at protecting children from sexual offences in the form of Protection of Children from Sexual Offences Act, 2012 (POCSO) have also been enacted. The Act defines a child as any person below the age of 18 years. Under the Act, the burden of proof rests on the accused. It mandates child friendly practices in the processing of cases and fixed timelines for investigation and prosecution and prescribes stringent punishment for sexual crimes against children. The POCSO provides for the establishment of Special Courts for the purpose of ensuring speedy trial. Further, as per the Act, the evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognisance of the offence and the Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognisance of the offence. The Government of India has started a CSS since October 2019 for setting up 1023 Fast Track Special Courts (FTSCs), for expeditious trial and disposal of cases, and to provide speedy justice to the victims of rape and the POCSO Act of 2012. The scheme is to be implemented in 31 States/UTs. As on 30.06.2022, a total of 728 FTSCs including 408 exclusive POCSO Courts are made operational in 28 States/UTs.

75. Recognising high degrees of vulnerability especially for women and children during COVID-19 lockdown, the advisory dated 25th March 2020 was issued to Chief Secretaries/ Administrators of all States/ UTs and District Collectors/ District Magistrates of all districts directing all Protection Officers and other officers appointed under various women centric legislations to continue providing protection and support to women affected by violence during the lockdown. Similar advisory was also issued during the second wave of Covid in 2021.

76. Some of the other initiatives taken by the Government to effectively prosecute and punish perpetrators of violence against women include: (a) issuance of Standard Guidelines for collecting forensic evidence in sexual assault cases and the standard composition in a sexual assault evidence collection kit have been notified. In order to improve investigation, steps have been taken to strengthen DNA analysis units in Central and State Forensic Science Laboratories. This includes setting up a State-of-the-Art DNA Analysis Unit at the Central Forensic Science Laboratory; (b) Training and skill-building programs have been undertaken to facilitate adequate capacity in manpower for Investigation Officers, Prosecution Officers and Medical Officers. The Bureau of Police Research & Development (BPRD) has distributed 14,950 Sexual Assault Evidence Collection Kits to States/ UTs as an orientation

kit as part of training; and (c) Standard Operating Procedures (SoPs) are in place to ensure the smooth functioning of Women Help Desks by focusing on four critical components: infrastructure, training, human resource development and response mechanism. A manual titled 'Women's Safety and Security – a Handbook for First Responders and Investigators in the Police' has also been prepared to prevent and investigate crime against women with specific reference to the crime of sexual assault. In addition, a scheme for Modernization of Forensic Capacities (SMFC) has been approved. The SMFC seeks to develop operationally independent high-quality forensic sciences facilities in States/Union Territories for aiding for scientific and timely investigation through modernization of resources in terms of machinery and equipment and availability of trained manpower in Forensic Science Laboratories.

77. India does not tolerate any form of impunity for violence against minorities, women, children, marginalised communities and other vulnerable groups. Consequently, refusal to file the first information report of any crime is unconstitutional and hence impermissible. The Supreme Court of India in *Lalita Kumari v. Government of Uttar Pradesh* (2014) interpreted Article 21 of the Constitution of India conferring fundamental right to life and dignity to mean that no encroachment, civil or criminal, was permissible. Similarly, while addressing multiplicity of disadvantages, the Supreme Court of India in *Patan Jamal Vali v. State of Andhra Pradesh* (2021) observed that “when the identity of a woman intersects with, inter alia, her caste, class, religion, disability and sexual orientation, she may face violence and discrimination due to two or more grounds. In such a situation, it becomes imperative to use an intersectional lens to evaluate how multiple sources of oppression operate cumulatively to produce a specific experience of subordination for a blind Scheduled Caste woman.”

78. Various measures have been taken to provide women, children and girls, especially of victims of violence, including sexual violence and exploitation with legal, medical and psychological assistance. Legal Services Institutions have been set up throughout India from the Taluk Court level to the Supreme Court. Besides the National Legal Services Authority, there is a Supreme Court Legal Services Committee in the Supreme Court, 36 State Legal Services Authorities, 36 High Court Legal Services Committees in all High Courts, 665 District Legal Services Authorities and 2288 Taluk Legal Services Committees to provide free and competent legal assistance to the vulnerable sections, including SCs/STs.

79. NALSA (Victim of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 provides legal assistance to the victims of trafficking and sexual exploitation at the time of rescue and thereafter during trial. The *Ujjawala* Scheme is a comprehensive scheme launched with the objective to prevent trafficking of women and children for commercial sexual exploitation, to facilitate rescue of victims and for placing them in safe custody, to provide rehabilitation services by providing basic amenities/needs, to facilitate reintegration of victims into the family and society, and to facilitate repatriation of cross border victims. There are 254 projects including 134 Protective and Rehabilitative Homes in the country. 5,291 women had benefitted from the scheme till July 2019. Pursuant to the directions of the Supreme Court of India in *Nipun Saxena v Union of India* (2018) the Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018 was framed by the NALSA. For the period between April 2022 to March 2023, NALSA received a total of 29,936 applications under the Scheme, out of which 20,900 applications were decided awarding a compensation of INR 3.4 billion.

80. In 2017, the Government of India launched three legal empowerment initiatives: Tele-Law, Pro Bono legal services and *Nyaya Mitra*. Tele-law scheme was launched in 1800 village *panchayats* of 11 States to provide free legal advice to marginalised sections of society. Other persons could also obtain legal advice for a nominal payment of INR 30. This facility is available at Common Service Centres (CSCs), where legal advice is provided through video conferencing or telephonic chat with a Panel Lawyer. The Tele-Law Mobile Application and Tele-Law Dashboard were launched in 2019 to facilitate last-mile connectivity. The *Nyaya Bandhu* mobile application was launched in 2019 as part of the pro bono legal service scheme to connect the registered lawyers with registered beneficiaries. This scheme gives voluntary legal advice to individuals and organisations that are unable to afford legal advice and/or cannot access legal aid. Those in genuine need of legal help are, thus, represented by lawyers for free or at a minimal cost, presenting them with an opportunity to meaningfully address their legal problems. Lawyers and advocates can

connect using this application and track their case status. *Nyaya Mitra* (NM) scheme aims to facilitate expeditious disposal of 10–15 years old pending cases in High Courts and subordinate courts.

81. The National Institute of Mental Health and Neurosciences (NIMHANS) provides basic and advanced training under the project named ‘*Stree Manoraksha*’ to the staff of OSCs across the country on handling psycho-social and mental health care needs to support the women facing violence and women in distress.

82. The *Swadhar Greh* scheme which provides shelter, food, clothing health as well as economic and social security for women victims of difficult circumstances, who are in need of institutional support for rehabilitation so that they could lead their life with dignity. There are 357 *Swadhar Grehs* in 30 States/ UTs and about 33,514 women have benefitted under this scheme between 2018–21. Information regarding each *Swadhar Greh* is accessible online. As many as 733 OSCs have been approved, out of which 708 have been operationalized in 35 States/ UTs, which have assisted over 540 thousand women till March 2022. These centres provide integrated support and assistance to women affected by violence and in distress, both in private and public spaces, through a range of services, including police facilitation, medical aid, legal aid and counselling, psychological support and temporary shelter in an integrated manner under one roof.

83. Hub for Empowerment of Women (HEW) are being set up at National, State and District levels under the *Mission Shakti*. The Hubs aim to facilitate women’s access to various institutional and schematic set ups for information dissemination and availing services pertaining to healthcare, quality education, career and vocational counseling/training, financial inclusion, entrepreneurship, health and safety for workers, social security and digital literacy etc.

84. The NCW has launched a new platform for complaint redressal mechanism in the form of a 24*7 helpline to provide online support to women in distress through referral by linking them with Police, hospitals, district legal services authority, psychological counsellors, etc. The Commission has also launched ‘Legal Awareness Program’ with the objective to impart practical knowledge about the basic legal rights and remedies provided under various women related laws. A total of 675 camps have been organised with 34631 participants. In appropriate cases the Commission had directed concerned police officials to take necessary action under applicable laws.

85. For effective implementation of the PoA, the Rules formulated under the Act were amended in 2016, which provided for relief amount for 47 categories offences of atrocities from earlier 22 offences, enhancement of relief amount between INR 85000 and INR 825,000 depending upon the nature of the offence and providing of relief within seven days. The Rules were further amended in 2018 for providing relief in case of death, injury, rape, gang rape, unnatural offences, grievous hurt by throwing acid etc., damage to property, in addition to any other right to claim compensation in respect thereof under any other law.

86. The Government of India has also set up a dedicated fund called *Nirbhaya* Fund for implementation of initiatives aimed at enhancing the safety and security of women in the country. Various initiatives such as Emergency Response Support System, Safe City Project, Central Victim Compensation Fund, Cyber Crime Prevention against Women and Children, Central Forensic Science Laboratory, Anti Human Trafficking Units, Women Help Desks in police stations, Integrated Emergency Response Management System, Vehicle Tracking platforms, are being taken under the *Nirbhaya* Fund for safety and security of women.

Reply to paragraph 17 (a) – (c) of the list of issues

87. In India, registration of birth is a right of every child and is the first step towards establishing his/her legal identity. It is compulsory to register births under the Registration of Births and Deaths Act 1969. All registration of births is done under the Civil Registration System which is a unified process of continuous, permanent, compulsory and universal recording of vital events such as births and characteristics thereof. Any birth which is not registered within one year of its occurrence can be registered based on an order by a

Magistrate of the first class after verifying the correctness of birth and on payment of the prescribed fee. There has been a steady increase in the level of registration for births in India. The registration rate increased from 84.9 % in 2017 to 92.7 % in 2019.

88. India is taking active steps in implementing the Prohibition of Child Marriage Act (PCMA), 2006. There are 'Child Marriage Prohibition Officers' appointed in all States having jurisdiction over specified areas to prevent the solemnisation of child marriages. They are empowered to collect evidence for effective prosecution, advise or counsel the residents of the locality against such practice and generate awareness about the ill effects of child marriages.

89. The Dowry Prohibition Act, 1961 prohibits and penalises the giving or taking of dowry so as to safeguard women against dowry harassment. Further, efforts are being taken by the National Commission for Women and the State Women Commissions to spread awareness through seminars and workshops to sensitise people about the evils of the dowry system and various provisions of related laws.

90. The IPC 1860 as amended in 2013 outlaws trafficking and exploitation of trafficked persons. The inclusive definition of exploitation as encompassing sexual exploitation, slavery or practices similar to slavery, servitude is broad enough to take within its purview the exploitative practice of *devadasi*. It also penalises recruitment, transportation, harbouring, transfer or receipt of any person for the purposes of exploitation. The law further clarifies that the consent of the victim is immaterial in determination of the offence of trafficking. Being a central legislation, it is applicable throughout India. MHA has also clarified the same through its advisories issued to all the States and UTs and has also recommended them to undertake a special drive to identify and rehabilitate *devadasis* by providing counselling, medical treatment and guidance. An advisory regarding the 'Abolition of *Devdasi* System' was issued in 2015. The PoA was also amended in the same year to penalise the dedication of a SC or a ST woman to a deity or religious institution as a *Devadasi*.

91. Inter-caste marriage is one of the significant steps to reduce the caste prejudices, abolish untouchability and spread the values of liberty, equality and fraternity in the society. Acts of discrimination or violence against inter-caste couples are liable to be prosecuted under the PoA and various provisions of the IPC, sections 107–11 (Abetting Murder), 120A and 120B (Conspiracy), 299–304 (Culpable Homicide/Murder), 141 and 143 (Unlawful Assembly), 503 and 506 (Criminal Intimidation) of IPC, and 307–308 (Attempt to Murder). Further, the Supreme Court in *Shakti Vahini v. Union of India* (2018) ordered the establishment of safe houses in each State to protect couples choosing inter-caste marriages. The Government of India also provides a cash incentive of INR 250,000 for each inter-caste marriage where one spouse is a SC member to promote social integration and harmony. In April 2023, the Scheme has been merged with the CSS for implementation of the Protection of Civil Rights Act, 1955. The Centrally Sponsored Scheme for implementation of PCR and PoA also provides incentives for inter-caste marriages and awareness generation.

Reply to paragraph 18 of the list of issues

92. India is the largest democracy in the world, and free and fair elections are a basic feature of the Constitution of India. The Election Commission uses Electronic Voting Machines (EVMs) with Voter Verifiable Paper Audit Trail (VVPAT) in all elections that enable the elector to cast his vote in secret without fear of reprisal, duress or coercion. All elections are conducted by the Election Commission of India, which is a constitutional authority. It ensures measures like webcasting/videography, deployment of police forces and Micro Observers in polling booths to ensure free, fair and peaceful polling.

93. Any citizen of India, subject to certain eligibilities, can submit his candidature for elections in India. There is no prohibition on members of SC or ST in contesting election. Certain constituencies both on the Union and the State level have been reserved for SC and ST candidates. A candidate belonging to other categories cannot contest from such reserved constituencies. This ensures their direct representation in the state legislatures and in the Parliament of India.

94. In case of direct recruitment to public employment on all India basis by open competition, reservation is provided at the rate of 15% and 7.5% for SCs and STs, respectively. For direct recruitment other than by open competition, reservation is provided at the rate of 16.66% and 7.5%, respectively. In the case of direct recruitment to Group C posts which normally attract candidates from a locality or a region, percentage of reservation for SCs/STs is generally fixed in proportion to the population of SCs and STs in the respective States/UTs. However, it is subject to the condition that total reservation, including for SC/STs, shall not exceed the limit of 50%, in consonance with the directions of the Supreme Court of India. Further, to increase their representation in public employment, concessions and relaxation are given through upper age limit, exemption from payment of fees, number of attempts, standards of suitability, etc.

95. Reservation in promotions is provided at 15% and 7.5% to SCs and STs, respectively, either through Limited Departmental Competitive Examinations or seniority, from Group B & C posts to the lowest rung of Group A. The Supreme Court of India in *Jarnail Singh v Lachhmi Narain* (2022), had observed that collection of quantifiable data for determining the inadequacy of representation of SCs and STs was a basic requirement for providing reservation in promotions. The issue is currently under consideration.

96. Provision of reservation has, over the years, helped in increasing the representation of SC and ST in services of the Government of India. In 2019, 17.39% and 7.64% of Government of India personnel were SC and ST respectively. Representation of SC in Group-A services has increased from 1.64% in 1965 to about 14.41 in 2019. Likewise, the representation of ST in Group-A services has increased from 0.27% in 1965 to about 6.15% in 2019.

Group	Number of employees	SC		ST	
		Number	Percentage	Number	Percentage
A	49 638	71 51	14.41	3 052	6.15
B	148 365	24 707	16.65	10 787	7.27
C*	1 698 290	288 577	16.99	131 074	7.72
C**	40 803	16 492	40.42	3 040	7.45
Total	1 937 096	336 927	17.39	147 953	7.64

* (excluding safai karamchari/cleaners).

** (number of safai karamchari/cleaners).

97. The Indian parliament is bicameral consisting of the House of People and the Council of States. The members of the House of People are elected directly by the eligible voters of the country. It has a total of 543 seats, of which 84 seats are reserved for the SC and 47 seats for the ST. There are no reserved seats in the Council of States as it follows a system of proportional representation to represent the 28 States and 8 Union Territories. Further 613 and 556 seats have been reserved for SC and ST respectively out of total 4120 seats in the Legislative assemblies of States and Union Territories.

98. In India, the Judiciary is an independent organ of the State, with an independent mechanism for appointment of Judges to the Supreme Court and High Courts under Articles 124 and 217 of the Constitution of India, respectively. These provisions do not provide reservations for any caste or class of person. Hence no caste/category wise data is maintained centrally. However, there have always been judges belonging to the SC/ST at the Supreme Court and High Courts. In the present system of appointment of Judges to the constitutional courts through the Collegium system, the onus to provide social diversity and representation to all sections of the society including SC/ST/Women/Minorities primarily falls on the Judiciary. However, the Government of India remains committed to social diversity in the appointment of judges in the Higher Judiciary and has been requesting the Chief Justices of High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to SC, ST, minorities and women to ensure social diversity in appointment of judges in High Courts.

99. In the private sector, achieving progress on the issue of affirmative action is through voluntary action by the industry itself. Industry representatives are willing to partner with the Government of India and appropriate agencies to enhance and expand the current recruitment policy for the marginalised section, especially the SC and ST at all levels, as well as encourage skill development and training. Accordingly, the Apex Industry Associations have prepared coaching and Voluntary Code of Conduct (VCC) for their member companies centred around education, employability, entrepreneurship and employment to achieve broad-based inclusion in their workforce. Measures undertaken by the members of industry associations include providing scholarships, vocational training, entrepreneurship development programmes, coaching, etc. Industry associations were requested to take more proactive measures under affirmative action, including conducting full day sessions with their member companies for this initiative, adoption of villages and encouragement of SC/ST entrepreneurs, providing merit scholarships to research scholars, career guidance programmes for tribal students, and support and contribute in the national Apprenticeship Promotion Scheme of Ministry of Skill Development & Entrepreneurship and explore the possibility of placement.

Reply to paragraph 19 of the list of issues

100. The legal framework governing the NRC updation process is the Citizenship Act, 1955, and the Citizenship (Registration of Citizens and Issue of National Identity cards) Rules, 2003. The NRC updation process was conducted pursuant to a robust mechanism created in accordance with existing legal framework and incorporating appropriate safeguards to protect the rights of people involved and comprehensively address any concerns as to discrimination. Information on the process was regularly provided through numerous online and offline media. Adequate opportunity of being heard was given to all persons at every stage of the process. 2,500 NRC *Seva Kendras* (Help Desks) and Data Helplines were set up in Assam to assist the public. Verification of claims and objections as to omission from the NRC was carried out in a manner that was fair, transparent and provided a reasonable opportunity to all concerned. It was carried out by senior officers of the State Government and the work was closely monitored and supervised by the District Magistrates. They were required to undertake necessary Quality Checks in at least 10% of the cases. Further senior State Government officers were appointed as Observers to oversee the process of determination of claims and objections in the district and were required to report directly to the State Coordinator, NRC. Additionally, the progress in the preparation and updation of the NRC for the state of Assam was directly and closely monitored by the Supreme Court of India.

101. It is important to reiterate that non-inclusion of a person's name in the NRC did not imply that the concerned person was declared as a foreigner. Any person who was not satisfied with the outcome of the determination of claims and objections could prefer an appeal against the determination before the Foreigners Tribunals of Assam established under the Foreigners (Tribunals) Order 1964 within a period of one hundred and twenty days. Judicial review of the order of the tribunal was available in the form of recourse to the Gauhati High Court and further before the Supreme Court of India. The Government of India has also made necessary arrangements to provide legal aid to the needy people amongst those excluded from final NRC by providing all assistance through the District Legal Services Authorities.

Reply to paragraph 20 of the list of issues

102. India is committed to ensure a safe environment for people engaged in promotion and protection of human rights and have introduced a number of legislative and executive measures to facilitate their work. The Right to Information Act, 2005 has enabled the people to secure access to information under the control of public authorities and thereby promote transparency and accountability. The Whistle Blowers Protection Act, 2014 establishes a mechanism to receive complaints against public servants and provides adequate safeguards against victimization of the person making such disclosures. NHRC has set up a dedicated

24x7 focal point for receiving and examining complaints about alleged violation of human rights of human rights defenders. In addition, they can also approach the judiciary for redressal of any alleged violations.

103. India strongly condemns instances of harassment, intimidation, smear campaigns and violent attacks against human rights defenders, activists and journalists and their family members. India attaches highest importance to the safety and security of every citizen of the country including journalists and human rights defenders. NHRC has made efforts to strengthen its complaint handling mechanism through promotion of online submission of complaints and utilization of common Service Centres in the country for enhancing the outreach to people. The complaints received are processed on priority and taken up with the authorities concerned in the State Government for ensuring protection to the human rights defenders as well as redressal of their grievances. NHRC has made recommendation for monetary relief of INR 1.32 million in five cases (one each from Bihar, Karnataka, West Bengal, Chhattisgarh and Tamil Nadu) during last four years. Further, Toll Free numbers have been put in place to provide required assistance to human rights defenders and NGOs, civil society members, etc., to obtain easy access to NHRC in case of alleged violation of human rights. Efforts are also being made to sensitise public servants in this regard through workshops, seminars and camp sittings.

Reply to paragraph 21 of the list of issues

104. There are several Constitutional and legal provisions in place for safeguarding the right of ownership, collective or individual, of members of tribal communities over the lands traditionally occupied by them. The Fifth Schedule of the Constitution of India provides safeguards against the displacement of tribal populations due to land acquisitions. The Governor of the State which has Scheduled Areas is empowered to prohibit or restrict the transfer of land from tribals and regulate the allotment of land to members of the ST in such cases. Further, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) prohibits eviction of forest dwelling STs or other traditional forest dwellers from the forest land under their occupation till the completion of the recognition and verification procedure.

105. In addition to the FRA, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted. It provides safeguards to the right holders under FRA against displacement, laying the requirement of consultation for the purposes of acquisition of land. It adopts a fair, transparent and consultative approach to acquisition of land and rehabilitation of the displaced. It is applicable to scheduled areas as well.

106. Acknowledging the distinct way of life of tribals, the Constitution of India guarantees greater autonomy and powers of self-governance to the areas designated as scheduled areas, wherein the Governor, advised by the Tribes Advisory Council, may exclude or direct variable application of any law made by the Parliament or state legislature. To further democratise self-governance by the tribals in scheduled areas, the Parliament enacted the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) which specifically authorises the *Gram Sabha*, a body of all the adult members of a village, to approve plans and programmes of social and economic development, to be consulted before acquisition of land, recommend grant of mining lease or grant of concession for exploitation of minor minerals. PESA places special responsibility on the concerned state legislature with regard to redefining the role of *panchayats* at the district level. In pursuance of the same, many state legislatures have operationalised PESA to varied degrees, making consultation and recommendation from the *Gram Sabha* a pre-requisite for transfer of land for industrial and other activities.

107. The context of developmental activities often demands balancing the right to development with the autonomy and cultural rights of tribals and presents difficult situations. FRA secures the individual as well as collective rights of ST and other traditional forest dwellers to *inter alia* hold and live on the forest land, use, collect and dispose of minor forest produce, use common property resources etc. The Government of India has also issued

advisories clarifying that mining lease deeds by the State Governments under the Mines and Minerals (Development and Regulation) Act, 1957 must necessarily be in compliance with provisions of the FRA.

108. As a rule, sale of land through coercion is illegal, which in turn can be challenged and declared null and void by the appropriate court. In addition, transfer of land from tribal to a non-tribal through coercion is also outlawed under the laws prevailing in areas designated as scheduled areas under the Fifth Schedule of the Constitution of India. Apart from the legal mechanisms that exist for challenging coercive sale of land, the matter of coercive selling of land by the tribals to private companies was proactively taken up by NCST, which issued a set of recommendations to the State Governments in this regard. Wrongfully dispossessing members of SC or ST from their land or premises or interfering with the enjoyment of their rights, including forest rights, over any land or premises or water or irrigation facilities or destroying the crops or taking away the produce therefrom amounts to an offence of atrocities and are subject to punishment under the PoA. Further, Land being a State subject under the Constitution, the State Governments have enacted their own land revenue regulations for the protection and safeguard of land in Scheduled Areas.

Reply to paragraph 22 of the list of issues

109. The Government of India fully understands that specific groups are often more vulnerable and need special assistance in the aftermath of a disaster. These groups almost always include women, children, people with disabilities and the elderly. Other vulnerable groups may include: persons experiencing severe social stigma, impoverished populations, tribal groups, renters, squatters and the landless, geographically isolated communities. There has been no discrimination in providing humanitarian relief. The affected population were provided with cash doles, house-hold kits, foodgrains, medicines, tents, tarpaulins, blankets, etc. without any discrimination on the basis of caste, creed or religion.

Reply to paragraph 23 (a)–(c) of the list of issues

110. India recognises human trafficking as a serious crime and remains deeply committed to reinforcing and accelerating the efforts towards combating human trafficking. Article 23 of the Constitution of India prohibits trafficking in human beings, beggar and other similar forms of forced labour and any contravention is an offence punishable in accordance with law. The Government has adopted a multi-pronged strategy for abolition of bonded labour system in India. The Bonded Labour System (Abolition) Act, 1976 was enacted to abolish the system with a view to preventing the economic and physical exploitation of the weaker sections of the people. In addition, the Criminal Law (Amendment) Act 2013, introduced a comprehensive definition of trafficking along with provisions for stringent punishment for traffickers.

111. A Central Sector Scheme for Rehabilitation of Bonded Labourers is being implemented to provide financial assistance of INR 30,000 for each case of rehabilitation. Under the scheme, a total of 2,650 bonded labourers have been rehabilitated during the period between 2020–21 to 2022–23, with an estimated budget allocation of INR 300 million. The Supreme Court of India in *Public Union for Civil Liberties v. State of Tamil Nadu and Others* (2004) entrusted the NHRC with the responsibility of monitoring and overseeing the implementation of its directions as well as provisions of the 1976 Act. NHRC submits regular reports regarding the status of implementation of this statute in different States/Union Territories.

112. The Government of India has enacted Child Labour (Prohibition and Regulation) Amendment Act, 2016, which prohibits employment or work of children below 14 years of age, and excludes work in hazardous occupations and process for adolescents between 14 to 18 years of age. The amendment also provides strict punishment for its violation. It has further framed the Child Labour (Prohibition & Regulation) Amendment Rules, 2017 which *inter alia* specifies the duties and responsibilities of State Governments and District authorities to ensure effective enforcement of the provisions of the Act. Standard Operating

Procedures (SoP) to be utilised as a ready reckoner for trainers, practitioners and enforcing and monitoring agencies has been issued to all States/UTs.

113. For better implementation of laws noted in previous paragraphs, PENCiL (Platform for Effective Enforcement of No Child Labour) was launched in September 2017. It aims at monitoring the amended Child Labour (Prohibitions & Regulations) Act 1986 and National Child Labour Project Scheme (NCLP) by establishing a reporting system to ensure effective implementation of the provisions. Under the NCLP Scheme, children in the age group of 9–14 years are rescued/withdrawn from work and enrolled in the NCLP Special Training Centres where they are provided with bridge education, vocational training, mid-day meal, stipend, health care, etc., before they are mainstreamed into formal education system. Children in the age group of 5–8 years are directly linked to the formal education system through close coordination with the *Sarva Shiksha Abhiyan* (SSA). Under this scheme, 211,202 children were rescued/withdrawn from work, rehabilitated and mainstreamed between 2017 to 2021 in the country.

114. Various legislations have been enacted to ensure that all domestic workers belonging to SCs, STs and other tribes are fully protected under labour laws. These include the Contract Labour (Regulation & Abolition) Act, 1970; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996; the Unorganised Workers' Social Security Act, 2008; Minimum Wages Act, 1948; the 1976 Act; the Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013; the Immoral Traffic (Prevention) Act 1956; the PoA, the IPC; the Unorganised Workers' Social Security Act, 2008 and The Code on Social Security, 2020.

115. The Code on Social Security, 2020, aims at providing social security to all unorganised workers including domestic workers and provides formulation of social security schemes viz., life and disability cover, health and maternity benefits, and old age protection. Additionally, schemes like *Pradhan Mantri Jeevan Jyoti Bima Yojana* (PMJJBY), *Pradhan Mantri Suraksha Bima Yojana* (PMSBY) and *Pradhan Mantri Shram Yogi Maandhan* (PMSYM) provide social security cover to all the unorganised workers including domestic workers in respect of life and disability cover, insurance and pension. *Ayushman Bharat Pradhan Mantri Jan Arogya Yojana* (ABPMJAY) provides secondary and tertiary health benefits to all unorganised workers including domestic workers who are covered as eligible beneficiaries as per Socio Economic Caste census Data, 2011. These will create an environment of employment and social security for the domestic helps employed throughout the country.

116. The Government of India has also launched *eShram* portal on 26th August 2021 to create a National Database of the Unorganised Workers. The *eShram* portal capture data on about 400 occupations including domestic workers. As on July 2022, the total number of women workers registered on *eShram* portal is 148.1 million out of which, women domestic workers are 32.4 million. One of the main objectives of *eShram* portal is to facilitate delivery of social benefit schemes to the unorganised workers. The budget 2022–23 announcement envisages integration of *eshram*, National Career Service (NCS), *Aatmanirbhar Skilled Employee Employer Mapping* (ASEEM) and *Udyam* portals to enable credit facilitation, skilling and recruitment with an aim to further formalise the economy and enhance entrepreneurial opportunities for all. The NCS and *eshram* portals have been integrated. Other interventions in the form of applicable schemes have been outlined in Reply to paragraph 33.

117. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Manual Scavengers Act) was enacted to put an end to the practice of manual scavenging and ensure rehabilitation of persons working as manual scavengers. The Act specifically prohibits direct or indirect engagement or employment of any person for hazardous cleaning of a sewer or a septic tank. The law also establishes an institutional structure for the identification of persons working as manual scavengers both in rural and urban areas. It also provides for constitution of vigilance committees and monitoring committees at the central and the state level to advise and oversee holistic implementation of the Act including rehabilitation of those working as manual scavengers. The Act provides for a three-tier monitoring mechanism: (a) Vigilance Committees at District and Sub-Divisional

level under the Chairmanship of District Magistrate and Sub-Divisional Magistrate respectively;(b) State Monitoring Committee under the Chairmanship of Chief Minister or a Minister nominated by him; and (c) Central Monitoring Committee under the Chairmanship of Minister of Social Justice and Empowerment. All the above committees also have the representatives of social organisations/NGOs working for manual scavengers as members.

118. MSJE is tasked with monitoring the instances of deaths of workers while cleaning sewers/septic tanks and is rigorously pursuing the matter with the concerned authorities and States Governments for immediate legal action against the guilty employers and payment of full compensation to the families of victims. National Commission for *Safai Karamcharis* (cleaners) is also regularly pursuing the matter of deaths of workers while cleaning sewers/septic tanks and collects the data of such deaths along with the status of action taken against the offenders and payment of compensation to the family of the victims. In *Safai Karamchari Andolan v Union of India* (2014), the Supreme Court of India mandated payment of INR one million as compensation to the family of each deceased manual scavenger retrospectively from the year 1993 onwards.

119. Ministry of Housing and Urban Affairs (MoHUA) released SOP for cleaning sewers and septic tanks in 2018. To ensure that no insanitary latrine is left in the country, under the *Swachh Bharat* Mission (SBM), 107.105 million individual sanitary toilets in rural areas and 6.257 million in urban areas have been constructed and being converted into sanitary latrines. In addition to the action initiated by States, the Department of Drinking Water and Sanitation and the MoHUA under their schemes including the SBM have got the surveys of insanitary latrines carried out in rural and urban areas and taken action for conversion of insanitary latrines into sanitary latrines and construction of new households' sanitary latrines and community latrines.

120. Additionally, for safe and sustainable sanitation, Fecal Sludge and Septage Management Policy was issued in 2017 that prescribed the Standard Operating Procedure (SOP) for safe cleaning of sewer and septic tanks. Moreover, a project called 'National Action Plan for Mechanised Sanitation Ecosystem' has been operationalized. The project aims to achieve zero fatalities in sanitation work by prescribing certain safeguards for 'skilled' workers.

121. The Manual Scavengers Act also provides for the rehabilitation of the identified manual scavengers. The rehabilitation benefits include onetime cash assistance, skill development training with stipend, concessional loans with subsidy for taking alternative employment. A total of 58,098 eligible manual scavengers have been identified since 2013 all of whom have been provided the One Time Cash Assistance of INR 40,000. The MSJE is implementing a Central Sector, 'Self Employment Scheme for Rehabilitation of Manual Scavengers'(SRMS) which has been revised in consonance with the provisions of the MS Act, 2013, to provide following benefits: Skill Development Training with monthly stipend of INR 3000/- for the entire training period up to 2 years (22,294 manual scavengers / their dependents have been covered under skill development training with stipend of INR 3000/- per month up to 31.03.2023); Loans up to maximum of INR 1.5 million at concessional rate of interest with capital subsidy up to maximum of INR 500 thousand, and cover all identified manual scavengers and their families under AB-PMJAY to provide them health insurance. The Scheme has been extended for the next five years up to 2025–26 with an outlay of 4 billion. The scheme is being implemented at the national level through the National Safai Karamcharis Finance and Development Corporation. The details of funds provided under the scheme are:

(in INR million)

Year	2020–21	2021–22	2022–23	2023–24
Fund	300	433.1	111	974.1*

* Budgetary estimate.

122. The MSJE has launched a mobile application *Swachhata Abhiyan* in 2020 under which any person can upload the details, including photographs of the insanitary latrine and

manual scavenger, if any, engaged in its cleaning. District authorities have been issued instructions to verify the data received on the dashboard of the mobile application and take action for replacement of insanitary latrines with sanitary latrines and rehabilitation of manual scavengers under the relevant schemes of the Government of India. A National Action Plan is being formulated in consultation with the MoHUA and Department of Drinking Water and Sanitation, Ministry of Jal Sakti to eliminate manual cleaning of Sewer system and Septic tanks and rehabilitation of workers engaged in manual cleaning.

Reply to paragraph 24(a)–(c) of the list of issues

123. The Government of India provides different levels of financial assistance under *Pradhan Mantri Awas Yojana* (Urban) [PMAY(U)] for addressing the housing requirement in urban areas. It provides all-weather pucca houses to all eligible households through four specific initiatives: ‘In-Situ’ Slum Redevelopment, Credit-Linked Subsidy Scheme, Affordable Housing in Partnership, and Beneficiary-led individual house construction or enhancement. As many as 11.4 million urban households have been sanctioned under this scheme by 2021.

124. The scheme of PMAGY is being implemented with revised implementation guidelines since 2018–19 wherein the need for assessment surveys of village as well as individual households of the selected SC majority villages are being done to assess the requirement against fifty Monitorable Indicators under ten domains namely drinking water and sanitation, education, health and nutrition, social security, rural roads and housing, electricity and clean fuel, agricultural practices, financial inclusion, digitization, and livelihood and skill development. The needs, if any, found during the survey are being saturated through convergence with existing Government of India and State Governments schemes as well as ‘Gap-filling’ funds provided under the scheme in order to eliminate any disparity.

125. *Pradhan Mantri Ujjwala Yojana* (PMUY) is a flagship scheme of the Ministry of Petroleum and Natural Gas (MOPNG) to make clean cooking fuel such as LPG available to the rural and deprived households which were otherwise using traditional cooking fuels such as firewood, coal, cow-dung cakes, etc. The release of eighty million LPG connections under the scheme has also helped in increasing the LPG coverage from 62% on 1st May 2016 to 99.8% on 1st April 2021.

126. Drinking water and sanitation are covered under two flagship schemes, *Jal Jeevan Mission* (JJM) and SBM. The Government of India launched JJM to make provision of potable tap water supply to every rural household of the country, by 2024. So far, 66.5 million households have been provided with tap water connections in last 35 months. As of July 2022, out of 191.4 million rural households in the country, around 98.8 million (51.61%) households are reported to have tap water supply in their homes. During 2022–23, the States/UTs have planned to provide 48 million tap water connections to households. So far, 5.13 million households have been provided with tap water connections as on 25th July 2022. In 2021–22, for JJM an amount of INR 450.11 billion was made available out of which INR 401.25 billion (89.14%) was utilised in view of the proposals received from the eligible States/ UTs. Further, during 2022–23, INR 600 billion has been allocated. As on 25th July 2022, an amount INR 15.10 billion has been drawn by States/ UTs. Moreover, the States/UTs had opening balance of INR 193.4 billion in 2022–23. Under JJM priority is given to supply of water to SC/ST dominant villages. Further, during annual planning, states are to prioritise coverage of SC/ST dominated villages. Also 25% representation of SC/STs in the composition of village water and sanitation committees is mandated. The cost estimates for in-village water supply systems are to include washing and bathing complex for poor, landless, in SC/ST habitations. All the water supply and sanitation projects being implemented/proposed under any scheme/programme/missions of the Government of India is planned and implemented on whole city basis ensuring universal coverage of all the population of that area/zone/ward including the SC and ST.

127. Under SBM – Gramin (SBM-G), rural areas of the country have been made open defecation free (ODF) by providing access to toilets to all rural households, with an estimated

outlay of INR 1.34 trillion. The sanitation coverage has improved from 38% in 2014 to 100% in 2019 in rural areas of the country. This included providing access to safe sanitation to SC and ST population in the rural areas of the country. Under this mission, 6,275,506 Individual Household Latrine (IHHL) units and 623,682 Community Toilet/Public Toilet (CT/PT) seats have been constructed so far under the Mission.

128. Public Distribution System (PDS) is operated jointly by the Government of India and the State/UT Governments. The operational responsibility including for identification of eligible beneficiaries/households, issuance of ration cards to them, distribution of subsidised foodgrains, and selection of location and issuing of licenses for Fair Price Shops (FPSs), rests with the State/UT Governments. As per Targeted PDS (Control) Order, 2015, the State/UT Governments are required to ensure that FPSs are so located that beneficiaries do not face any difficulty reaching the FPS. Proper coverage is to be ensured in hilly, desert, tribal and such other areas difficult to access. There are approximately 527,000 FPSs operational in the country. An advisory was sent to all States/UTs for issuance of FPS licenses to citizens/groups belonging to SC/ST Community as per their respective reservation Policy. Access to such facilities is being ensured for all citizens, without discrimination.

129. The Government of India provides free of cost quality health care services to members of all income groups at certain public health facilities established at district and sub-district levels. The National Health Mission (NHM) is the flagship programme with its two Sub-Missions, National Rural Health Mission and National Urban Health Mission (NUHM) that supports States /UTs in strengthening their health care systems so as to provide universal access to equitable, affordable and quality health care services. The Mobile Medical Units (MMUs) and Telemedicine are also being implemented with NHM support to improve healthcare access particularly in rural areas.

130. For reproductive, maternal, neonatal, child and adolescent health, many programmes and schemes are run by the Government of India under NHM including *Janani Shishu Suraksha Karyakaram* (JSSK), *Rashtriya Kishor Swasthya Karyakram*, *Rashtriya Bal Swasthya Karyakram* (RBSK), Universal Immunisation Programme, Mission *Indradhanush*, *Janani Suraksha Yojana*, *Pradhan Mantri Surakshit Matritva Abhiyan*, *Navjaat Shishu Suraksha Karyakram*, National Programme for Family planning, and *LaQshya* programme (Labour Room Quality Improvement Initiative). Notably, free medicine, diagnostics, diet, transport from home to institution, between facilities in case of a referral and drop back home are provided free of cost under the JSSK. Similarly, the RBSK scheme provides newborn and child health screening and early interventions services free of cost for birth defects, diseases, deficiencies and developmental delays to improve the quality of survival. Additionally, there are a host of Nutritional Programmes run by the Government of India at the national level. These include the National Iodine Deficiency Disorders Control Programme; Mothers' Absolute Affection Programme for Infant and Young Child Feeding; National Programme for Prevention and Control of Fluorosis and National Iron Plus Initiative for Anemia Control.

Reply to paragraph 25(a)–(c) of the list of issues

131. Article 21A of the Constitution of India guarantees free and compulsory education of all children in the age group of six to fourteen years as a fundamental right. India's education policy emphasizes the completion of secondary education by all children, guaranteeing equal access to quality and affordable technical and vocational education, while eliminating gender, caste, regional and income disparities and to achieve universal access to quality higher education. The expenditure on education by Education Department and other departments rose from INR 7.47 trillion in 2018–19 to 9.42 trillion in 2020–21. The total expenditure on education as percentage of GDP increased from 3.84% in the year 2013–14 to 4.64% in the year 2020–21.

132. Special attention through scholarships, improved teaching learning process, aids, appliances and assistive devices, special educators and their capacity building, etc., has been given to improve educational access and attainment among specific social groups, such as, SC and ST communities, minority communities, children with disabilities, and children with special needs. By 2019, almost all primary and secondary schools had created the necessary

conditions for inclusive education with ramps, special hygiene rooms and required teaching materials. Further in 2020, the Government of India announced the National Education Policy 2020 (NEP) to bridge the gaps in access, participation, and learning outcomes of children belonging to, inter alia, SC/ST communities as its major goals. The NEP clearly outlines that within the socially and economically disadvantaged groups, special attention will be given to reduce the disparities in the educational development of SCs and STs.

133. The *Samagra Shiksha Abhiyan* was launched in 2018 and comprises of SSA and *Rastriya Madhyamik Shiksha Abhiyan*. The mission focusses on improving school effectiveness measured in terms of equal opportunities for schooling and equitable learning outcomes. The scheme reaches out to children belonging to SCs, STs, minority communities, transgender, urban deprived children, children affected by periodic migration, and children living in remote and scattered habitations. Under the scheme, financial assistance is provided to the States and UTs for various activities to reduce dropouts, which include opening/strengthening of new schools up to senior secondary level; construction of school buildings and additional classrooms; setting up, up-gradation and running of *Kasturba Gandhi Balika Vidyalyas* for girls in the age group of 10–18 years aspiring to study in classes VI to XII belonging to SC, ST, Minority communities and BPL families; setting up of residential schools/hostels (Netaji Subhas Chandra Bose residential schools/hostels); free uniforms, free text books, transport allowance, undertaking enrolment drives, residential as well as non-residential trainings, seasonal hostels/ residential camps; etc. Financial assistance is also provided for inclusive education of children with special needs. Various social media platforms have been utilised to spread awareness among intended recipients about the schemes and available assistance programmes.

134. In 2022, the Scheme for Residential Education for Students in High Schools in Targeted Areas (SHRESHTA) was launched. This scheme was conceived to provide access to high quality residential education to the meritorious poor students from SC communities, whose parental annual income is up to INR 250,000 per annum, at free of cost from class 9th to class 12th. Under this, each year a specified number of meritorious SC students in States/UTs are selected through a transparent mechanism of a National Entrance Test for SHRESHTA (NETS), conducted by the National Testing Agency (NTA). Selected students are admitted in the best residential schools affiliated to CBSE, in classes 9th and 11th for completion of education till 12th standard. Thereafter, the students may be connected to Post Metric Scholarship Scheme or Top-Class Education Scheme to continue their further studies with adequate financial aid from the Government of India. A ‘Free Coaching Scheme’ for SC students has also been instituted to provide good quality coaching to economically disadvantaged SC students to enable them to appear in competitive examinations and succeed in obtaining appropriate jobs in public/private sector. Currently, the scheme is extended to 4000 candidates.

135. A concerted effort has been made to improve enrolment ratios in schools across India, with enrolment of children in schools rising from 261.63 million children in 2017–18 to 264.45 million children in 2020–21. GER by level of school education in 2021–22:

(in millions)

GER	Elementary (1 to 8)	Secondary (9–10)	Hr. Secondary (11–12)
All social groups	100.1	79.6	57.6
Scheduled Castes	109.7	84.9	61.5
Scheduled Tribes	103.4	78.1	52.0

136. The COVID-19 pandemic severely exacerbated the concern of dropouts. In order to ensure that school going children have access to education to minimize the impact of the pandemic on school education across the country, the Ministry of Education (MoE) issued detailed guidelines on steps to be taken by the States and UTs for preventing and addressing increased dropouts, lower enrolments, loss of learning and deterioration in the gains made in providing universal access, quality and equity in education. Additionally, a Covid Action Plan was formulated, outlining the role of local bodies, formation of nodal group at

village/town level, conducting door-to-door/ helpdesk-based/ app-based survey to identify out of school children, their mainstreaming and resource sharing.

137. A comprehensive initiative called PM *e-VIDYA* was launched to unify all efforts related to digital/online/on-air education to enable multi-mode access to education. The initiative includes DIKSHA, the nation's digital infrastructure for providing quality e-content for school education in States/UTs and QR coded Energised Text Books (ETBs) for all grades. To mitigate the effect of the pandemic, INR 8.18 billion was allotted to States/UTs to promote online learning through digital initiatives, and INR 2.69 billion for online teacher training to ensure continuous professional development of teachers. Additionally, the Study Web of Active learning by Young and Aspiring Minds (SWAYAM) an indigenously developed platform of learning was operationalised to bridge the digital divide for students who have hitherto remained untouched by the digital revolution and have not been able to join the mainstream of the knowledge economy. Also, *PRAGYATA* guidelines were issued to States/UTs to facilitate continued education through various modes, through platforms like television, radio etc. that do not depend on internet. The Ministry of Education has shared a comprehensive Learning Recovery Plan with all the States/UTs in 2022 describing the actions/ activities to be undertaken by all the stakeholders, indicative annual calendar of activities, existing interventions which can be utilized and additional support with funds as one time measure.

138. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 provides for access to elementary schools for children within the defined area or limits of neighborhood. Section 12(1)(c) of the RTE Act mandates all private aided, Special Category schools and private unaided schools to admit to the extent of at least 25% of the strength, children belonging to vulnerable section and disadvantaged group. In the year 2018–19, 4.14 million children from such groups benefitted from this provision. The RTE Act 2009 also makes it obligatory upon the government and local authority to ensure that the children belonging to vulnerable section and disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any ground. In 2021–22, the total number of enrolled SC and ST school students were 48.3 million and 25.11 million respectively.

139. In 2010, guidelines were issued by the Government of India to ensure that schools adopt an admission procedure which was non-discriminatory, rational and transparent. It aimed to prevent profiling and eliminating children through any kind of screening process and to ensure equal educational opportunities to children belonging to different social and economic background. Additionally, guidelines were issued in 2012 to ensure elimination of discrimination and harassment of children, belonging to weaker sections and disadvantaged groups, in schools.

140. With the understanding that education is a great leveller and is the best tool for achieving economic and social mobility, inclusion, and equality, the New Education Policy (NEP) was announced in 2020 to, *inter alia*, provide a quality education system to students from historically marginalized, disadvantaged, and underrepresented groups. A multiplicity of factors, including lack of access to quality schools, poverty, social mores and customs, and language have had a detrimental effect on rates of enrolment and retention among the SCs. Bridging these gaps in access, participation, and learning outcomes of children belonging to SC and ST communities remains a major goal of NEP.

Reply to paragraph 26(a)–(c) of the list of issues

141. India is not a signatory to the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol thereon. All foreign nationals including refugees and asylum seekers are governed by the provisions contained in the Constitution of India, Foreigners Act, 1946, the Registration of Foreigners Act, 1939, the Passport (Entry into India) Act, 1920 and the Citizenship Act, 1955 and the Rules/Orders/Standard Operation Procedure issued thereunder. The Constitution of India guarantees to all persons, not merely citizens, the basic rights such as rights to life, personal liberty, equality before the law and equal protection of laws. However, such rights do not include rights to reside and settle in the country which are

applicable only to the citizens of the country. Aliens in India are not expelled except in accordance with the procedures established by law.

142. India has a long-standing tradition of hosting a large number of refugees and has been practicing the principle of voluntary repatriation and resettlement in line with the national laws and mutual agreement with the country concerned. An increasing number of refugees from bordering countries have voluntarily returned to their homelands in conditions of safety and in accordance with the agreements reached. India attaches high importance to providing timely consular access to foreign Missions for their nationals detained in India. State Governments are required to give immediate intimation of the arrest/detention of the foreigner in any part of the country to Ministry of External Affairs which in turn notifies the foreign Embassy concerned.

143. It has been the consistent stand of India that while it remains committed to the humanitarian protection of refugees, this humanitarian endeavor must be consistent with its goals of welfare of its citizens and national security. This is in consonance with the provisions of the Status of the Refugees Convention. The issue of deportation of illegal migrants of Rakhine state was considered by the Supreme Court of India in *Mohammad Salimullah and Anr v. Union of India* (2021), and they found no grounds to interfere with the decision.

144. India firmly believes that normalcy can only be restored with the safe, speedy and sustainable return of the displaced persons to Rakhine State of Myanmar. Towards this end, India had signed an MoU for Rakhine State Development Programme with Government of Myanmar in December 2017 and has committed USD 5 million per year for the economic development of the Rakhine State. Under this programme, 250 prefabricated houses in Rakhine State already have been built for the displaced persons and handed over to Government of Myanmar in July 2019. Various other projects in the areas of water and sanitation, agriculture and education are in various stages of implementation. Similarly, over 150 people-oriented projects like schools, health centres, bridges, roads etc. have been completed in Chin State and Naga Self-Administered Zone under the India-Myanmar Border Area Development Programme. Sittwe Port developed under grant in aid assistance from Government of India was also inaugurated in 2023. The greater connectivity provided by this Port will lead to employment opportunities and enhanced growth prospects in the Rakhine State and the wider region. India also sent relief supplies including medicines and food kits to Myanmar in the wake of destruction caused by cyclone Mocha in 2023.

145. As of 2021, 58,843 refugees from Sri Lanka were staying in 108 refugee camps in Tamil Nadu and 54 in one camp in Odisha. In addition, 34,135 refugees are staying outside the camps, registered with the State Authorities in Tamil Nadu. Pending repatriation, certain essential relief facilities are provided to them on humanitarian grounds. These facilities include shelter in camps, cash doles, subsidised ration, clothing, utensils, medical care and educational assistance. An amount of INR 11.54 billion has been spent by the Government of India for providing relief and accommodation to these refugees till December 2020. Government of India had decided to waive the visa fees and overstay penalty in respect of Sri Lankan refugees who opt to voluntarily return to Sri Lanka and to consider such proposals on case-to-case basis.

146. In 2015, under the Prime Minister's development package for Jammu & Kashmir a provision of INR 20 billion for a rehabilitation package for a one-time settlement of 36,384 families from PoK and Chhamb Displaced Persons was allocated. This specific package does not include West Pakistan Refugees.

147. Refugees or asylum seekers do not face any discrimination in accessing birth registration in India. It is however important to note that citizenship of India is governed by the provisions of the Citizenship Act, 1955 and Rules made thereunder. Therefore, children born in India to non-citizens are not automatically granted citizenship.

Article 6

Reply to paragraph 27 of the list of issues

148. Criminal offences against members of SCs and STs, including those under PCR and PoA are State Subjects under the Seventh Schedule of the Constitution of India. Further, Police and Public Order are also State subjects. States/UTs are primarily responsible for prevention, detection, registration, investigation and prosecution of crimes within their jurisdiction, including crimes against members of SCs/STs, as also for implementation of the PCR and PoA. The Government has been reviewing the law implementing agencies of the State Government for ensuring prompt registration of atrocities, speedy investigation of the offences and timely dispensing of cases by the Courts.

149. In 2021, a total number of 50,900 cases of crimes/atrocities were reportedly committed against SCs. In addition, 19,858 cases were pending investigation from previous years. Out of these total 70,818 cases, 52,173 cases were disposed of by Police on the grounds that the cases ended as Final Report false, mistake of fact, mistake of law, insufficient evidence, etc. Overall, a total number of 264,698 cases were pending in the Courts, out of which 10,223 cases were disposed of (3640 conviction, 5788 acquittal, 692 discharged, and 103 disposed of without trial).

150. In 2021, a total number of 8,802 cases of crimes/atrocities were reportedly committed against STs. In addition, 3,352 cases were pending investigation from previous years. Out of these total 12,159 cases, 8,829 cases were disposed of by Police on the grounds that the cases ended as Final Report false, mistake of fact, mistake of law, insufficient evidence, etc. Overall, a total number of 42,601 cases were pending in the Courts, out of which 1,961 cases were disposed off. (548 conviction, 1192 acquittal, 209 discharged and 12 disposed of without trial).

Reply to paragraph 28 (a) & (b) of the list of issues

151. The Government of India attaches the highest importance to matters relating to the prevention and control crimes against SCs/STs. To ensure speedy trial of cases under the PoA, 193 Exclusive Special Courts have also been set up by 11 States. Additionally, a member of the SC and ST is eligible for free legal aid irrespective of their income. Free and competent legal aid and assistance is provided in the form of legal representation in courts, legal advice, drafting of notices and applications, etc. In 2020–2021, out of the 631,758 beneficiaries of legal aid, 33335 and 39064 were SC and ST beneficiaries respectively. As indicated in previous paragraphs, crimes against members of the SC and ST communities are diligently investigated, prosecuted and in applicable cases access to effective relief and rehabilitation is provided.

Article 7

Reply to paragraph 29 of the list of issues

152. The Constitution of India embodies a deep concern for the welfare and upliftment of the members of the SC and ST. As a result, a number of ameliorative provisions have been included in it. Article 46 in particular requires the State to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the SC and the ST, and to protect them from social injustice and all forms of exploitation. In discharge of this mandate, the Government of India has initiated numerous schemes, as mentioned in the above paragraphs, aimed at political, economic, social and educational empowerment of SCs and STs.

Reply to paragraph 30 of the list of issues

153. Concepts of human rights are deeply embedded in Indian education system. NEP envisages an inclusive school curriculum that will include material on human values such as, inter alia, human rights. Existing curriculum of the Central Board of Secondary Education (CBSE) imparts learning about human rights through the subject called 'Civics' till class 10th and through the Legal Studies course in classes 11th and 12th. A number of initiatives have been taken by the MoE, University Grants Commission, National Council for Educational Research and Training to promote human rights education in India. Human Rights education is part of syllabi in several universities, including at the National Law Universities. NHRC plays a key role in disseminating the knowledge of human rights in India. Government of India has also made human rights education, an integral part of the induction and in-service trainings imparted to police, security and judicial service personnel.
