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Summary record of the 4134th meeting*

Held at the Palais Wilson, Geneva, on Monday, 15 July 2024, at 3 p.m.

Chair: Ms. Abdo Rocholl

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* No summary record was issued for the 4133rd meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of India (CCPR/C/IND/4; CCPR/C/IND/QPR/4)

1. *At the invitation of the Chair, the delegation of India joined the meeting.*
2. **A representative of India** said that his country firmly believed in constructive engagement with the human rights treaty bodies. His delegation valued the opportunity to discuss the continued commitment of India to ensuring human rights, particularly civil and political rights, and would participate in the dialogue with the Committee with an open mind and a keenness to listen and understand.
3. **A representative of India** said that India had always had faith in the role of multilateralism in the effective promotion, protection and realization of human rights and was committed to bringing a pluralistic, moderate and balanced perspective to human rights approaches and to building bridges across the divides in human rights discourse. His country actively engaged with global human rights mechanisms, with a strong belief that only an approach based on dialogue, consultation and cooperation, with non-selectivity and transparency as guiding principles, would be effective. India was party to six core human rights instruments and signatory to two more and was party to two optional protocols to the Convention on the Rights of the Child. India had served continuously as a member of the Human Rights Council since its creation in 2006, except for two mandatory break years.
4. Human rights considerations had been embedded in inclusive development efforts that had lifted millions of people in India out of poverty, and more than 1.3 million women elected representatives led the formulation and implementation of public policy at the grass-roots level. As part of its aim to become a developed country by 2047 – 100 years after independence from colonial rule – India would leverage technology to enhance efficiency and transparency in the delivery of public welfare initiatives, contributing to the promotion and protection of civil, political, economic and social rights.
5. **A representative of India** said that the Constitution of India encompassed all human rights covenants in its framework of fundamental rights and State obligations, and legislation on liberty and equality complied with the Covenant. The Constitution was transformative, evolving in line with the orderly realization of an egalitarian society and forming part of the social consciousness of the people and institutions of India. Parliament, the executive branch of the State and the judiciary promoted the values of the Constitution, and the courts invoked United Nations human rights instruments and drew on both domestic and international law.
6. The diversity of faiths, religions, cultures and languages of India and its huge population called for skilful transformative measures, which required expertise to formulate and implement. His country was committed to inclusiveness, which it considered to be its social wealth, and made great efforts to secure a society where everyone enjoyed equal status.
7. Following independence, the judicial system had evolved in keeping with the diverse needs of society. Under the Constitution, any rights violation could be brought directly before the Supreme Court or the High Courts, guaranteeing expeditious and inexpensive access to justice, and the Constitutional Courts and executive branch of Government were participatory and integral to jurisprudence. Advances had been made regarding the economy, education and health care, including the social empowerment of women and of deprived sectors of society. India had enacted three major pieces of legislation addressing the administration of criminal justice, including the expeditious disposal of cases, in one of the biggest criminal law reforms in its history. The recent general election had seen over 600 million votes being cast and high levels of participation by female voters. A constitutional amendment, passed in 2023, mandated that one third of parliamentary seats should be reserved for women, enhancing their role as equal partners in public life.
8. **A representative of India** said that the Constitution of India promised social, economic and political justice to all through freedom of thought, expression, belief, faith and worship and equality of status and opportunity. Robust, independent and democratic institutions were empowered, with built-in checks and balances, and India was a natural

partner to the Vienna Declaration and Programme of Action, which established the interdependence of human rights, economic development and democracy and emphasized that national particularities and historical, cultural and religious backgrounds must be borne in mind.

9. His country's approach to human rights had evolved through progressive legislation and judicial interpretation. India was likely the only nation in which citizens could approach the highest Constitutional Court regarding infringements of their rights, without needing to prove *locus standi* if such infringements were of public interest. India was pioneering in its use of digital public infrastructure for good governance and the realization of the Sustainable Development Goals; digital public services, including the digitization of government offices, had helped to achieve financial inclusion for 80 per cent of the population in just six years and had enabled the online delivery of citizen services at enormous scale and with speed and transparency.

10. To combat terrorism – the foremost threat to international peace and security and a direct attack on human rights – India had established effective legal and institutional mechanisms, including mechanisms to prevent terrorists from accessing financial resources. Counter-terrorism laws and policies complied with the country's human rights obligations, were subject to rigorous judicial oversight and were evaluated regularly. Laws were replaced in response to learned experience and the dynamic needs of society and to provide a balance between meeting the security needs of society without compromising the rights of individuals. The post-colonial development of India had focused on rapid socioeconomic transformation within a democratic framework; political representation and social justice, including affirmative action for those who had historically faced discrimination; gender empowerment; safeguarding of minorities; the protection of the rights of persons with particular needs, including children and persons with disabilities; and mainstreaming inclusive development and social justice across all levels of governance. The size and diversity of India remained a strength, challenge and opportunity.

11. **Mr. Gómez Martínez** said that he would appreciate statistics on the cases of violations handled by each of the bodies focused on monitoring, promoting and facilitating the realization of human rights in the State party and information on any backlogs of such cases. Noting that 10 constitutional amendments and 35 legislative developments relating to the Covenant had been enacted during the reporting period, he wondered what procedural mechanisms had been established therein to guarantee the full realization of human rights and whether a comprehensive law to incorporate the Covenant into domestic legislation had been considered. He wished to know whether the Covenant could be directly invoked by courts in all states and territories of the State party or invoked under articles 32 and 226 of the Constitution of India, which gave the Supreme Court and the High Courts the power to enforce constitutional rights, and to what extent the judgments and orders related to human rights handed down by the Supreme Court were complied with.

12. He wondered if there had been any cases in which domestic legislation had been determined to be incompatible with the Covenant and in which any right enshrined therein had therefore not been enforceable by domestic courts. He would like to know what content was covered in human rights training for judges, prosecutors, police officers and government officials and whether disaggregated data were available on the number of participants in such training and their states of origin. He wondered whether the State party had reconsidered its position that it did not need to accede to the first Optional Protocol to the Covenant as effective domestic remedies were available to address the violation of the rights of individuals.

13. He would like to know what measures had been taken to ensure that legislation replacing the Indian Penal Code of 1860 and the Code of Criminal Procedure was in line with the Covenant, what provisions that legislation contained regarding pretrial detention, whether measures had been taken to avoid long periods of pretrial detention, whether disaggregated data were available on the habeas corpus procedures initiated since 2019 and on the number of such cases in which the court had ruled that detention was illegal or unjustified, whether any forms of pretrial detention that did not result in trial existed in the State party and whether any plan was in place to prosecute, investigate and bring to court any paramilitary forces or non-State actors conducting illegal detentions in the country. He wondered whether any steps

had been taken to review the reservations and declarations made by the State party regarding articles 1, 9, 12, 13, 19 (3), 21 and 22 of the Covenant.

14. **Ms. Bassim** said that she wished to know what steps the State party had taken to implement the recommendation of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions to ensure that the diversity of Indian society, including Dalits and other religious or ethnic minorities, was represented in the composition and staff of the National Human Rights Commission. She wondered to what extent the Government engaged with the National Human Rights Commission and how much the Commission interacted with civil society, the media and human rights defenders. She would like to know what measures had been taken to strengthen the Commission to ensure that it was compatible with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), particularly with regard to transparent and participatory selection and appointment processes, criteria for the nomination of candidates, pluralism and the representation of ethnic minorities, and the involvement of police officers in investigations, and whether more women would be included in the composition of the Commission. The Commission was not authorized to investigate human rights violations committed by the armed forces, and there was a one-year time limit applicable to complaints of human rights violations. Had there been any developments in that regard?

15. **Ms. Tigroudja** said that she was curious about why the majority of the 4 to 6 million information requests lodged every year under the Right to Information Act of 2005 received no response. She would welcome the State party's comments on the alleged killing, since 2018, of more than 60 individuals whose activism had related to the right to information. An update on the implementation of the Whistle-blowers Protection Act would be useful, as the Government had failed to bring it into force since its enactment in 2014. She would be grateful for the State party's observations on the 2018 amendments to the Prevention of Corruption Act of 1988, which had reportedly diluted corruption-related offences and made it more difficult to investigate and prosecute officials who were suspected of corruption. Details of any specific mechanism that might exist for receiving and investigating reports of corruption on the part of Supreme Court and High Court judges would be helpful.

16. Since the Constitution (One Hundred and Sixth Amendment) Act of 2023 would apparently not enter into force until 2029, she would like to know what measures the State party would be taking in the meantime to increase women's involvement in politics, in particular by guaranteeing civic education for women and girls. She also wished to know what specific measures the State party was taking to address the root causes of gender inequality and to tackle the stereotypes that prevented girls and women from gaining access to education and jobs in the formal sector. Given that such family matters as marriage and divorce were governed by laws pertaining to personal status that were applicable to specific communities, she would be interested to learn how the State party simultaneously ensured respect for the principle of equality and for religious pluralism. She would also appreciate information about the number of investigations into such harmful cultural practices as attacks on women's right to inherit or own land, so-called honour crimes, accusations of witchcraft, child marriage, the murder of girls at birth and female genital mutilation, and about any penalties imposed on perpetrators. In addition, she was eager to know what measures the State party was taking to prosecute the perpetrators of rape, including gang rape; domestic violence, including marital rape; and the public humiliation of women by forcing them to parade naked through the streets. Did the State party plan to amend the relevant provisions of the Indian Penal Code to modernize the definition of rape, in particular to incorporate a new offence of marital rape?

17. She would be grateful for clarification of the conditions under which, pursuant to the reformed Indian Penal Code, access to safe, legal and effective abortions was possible. She also wished to know what steps were being taken to prohibit forced sterilizations, which were reportedly being carried out under the guise of family planning, and to ensure that patients gave their free and informed consent to such procedures. In the light of reports that the laws banning selective abortions were not actually enforced, she wondered what measures the State party took, in practice, to punish doctors who continued to carry them out. Given that, since even consensual sexual activity between minors was criminalized under the Protection of Children from Sexual Offences Act of 2012, children were reportedly reluctant to ask for

help or medical advice in relation to such activity, she was curious about how the State party ensured that girls and boys had access to comprehensive sex education and to sexual and reproductive health services.

18. **Mr. Helfer** said that, since the anti-discrimination and equality bill tabled in 2016 had lapsed in 2019, he wished to know whether the State party had any current plans to enact a national anti-discrimination law that protected all persons from discrimination on any of the grounds mentioned in the Covenant. In the light of reports of State-sanctioned mistreatment of and derogatory rhetoric towards religious minorities and of the application of the Unlawful Activities (Prevention) Act of 1967, the Foreign Contribution (Regulation) Act of 2010 and other national laws in ways that discriminated against such minorities, he wished to know what legislative and policy measures the State party was taking to prevent such discrimination. Notwithstanding the Rights of Persons with Disabilities Act of 2016 and the Mental Health Care Act of 2017, he was keen to hear what steps the State party was taking to address the more than 150 other laws discriminating against persons with disabilities that reportedly remained in force and the discrimination that such persons continued to face in practice. He would welcome the State party's comments on reports that the National Human Rights Commission had failed to investigate serious cases of violence and discrimination adequately, or at all in some cases. He also wondered how the Government intended to remedy the Commission's lack of powers to enforce anti-discrimination laws, to facilitate the filing and investigation of complaints of discrimination and to ensure that victims received appropriate remedies.

19. He wished to know what measures were being taken to prevent violence against scheduled castes and scheduled tribes, and to investigate and prosecute the perpetrators. He would like to know whether the State party would consider measures to increase conviction rates in relation to crimes committed against Dalits and Adivasis and to effectively enforce the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989. He would be interested to learn whether the State party's plans to fully eliminate manual scavenging of sewerage included adequate funding for the national action plan mentioned in paragraph 26 of the report (CCPR/C/IND/4) and effective enforcement of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013 (Manual Scavengers Act). He would appreciate an update on the expected publication date of the repeatedly delayed report by the commission tasked with examining the failure to extend scheduled caste status and reservation benefits to Dalits who had converted to Islam or Christianity.

20. He was eager to know what steps the State party was taking to prevent police abuse of lesbian, gay, bisexual, transgender and intersex persons and to raise awareness of sexuality and gender issues among police officers, teachers and young people, with a view to combating the ongoing discrimination that young lesbian, gay, bisexual, transgender and intersex persons faced. In 2023, during the Supreme Court's consideration of whether to legalize same-sex marriage, the Government had offered, as an alternative to legalization, to set up a panel to consider granting certain protections and benefits associated with marriage to same-sex couples; he wished to know if the panel had been established and, if so, what the scope of its mandate and the timeline for its work were. With transgender persons reportedly facing bullying, harassment and discrimination in schools and workplaces, he wondered how the State party intended to improve enforcement of the Transgender Persons (Protection of Rights) Act of 2019 in those settings. In addition, it would be useful to hear how the State party planned to ensure that individuals seeking to change their gender under the Act could do so without facing such bureaucratic obstacles as the requirement to provide proof of sex-reassignment surgery.

21. **Mr. Teraya** said that, while India faced a kind of public emergency in areas that the Government classed as "disturbed", the State party had not officially declared a public emergency in accordance with article 4 of the Covenant and, therefore, no derogation from any of the rights under the Covenant was permitted. Accordingly, he would be grateful for the State party's comments on reports that its special counter-terrorism laws, for instance the Armed Forces (Special Powers) Act of 1958 appeared to limit rights under the Covenant, including non-derogable rights, such as the right to life under article 6. In the absence of an official declaration of a public emergency, how were the provisions of the counter-terrorism laws compatible with articles 2, 6, 7, 9, 14 and 26 of the Covenant and, if the State party was

unsure about their compatibility, how would it amend the counter-terrorism laws to make them compatible?

22. He would be grateful for statistical data on the number of times prior permission had been granted for the prosecution of members of the security and police forces and on any compensation granted in such cases. He would like to know how the State party restricted the granting of immunity in respect of such cases and what specific criteria were used to reach decisions regarding immunity. In addition, the Committee would welcome information on measures taken to ensure accountability for human rights violations allegedly committed by State agents in disturbed areas, such as excessive use of force and extrajudicial killings, enforced disappearances, arbitrary arrests and detentions, and acts of torture, rape and sexual violence.

23. He wished to know which institution was in charge of the State party's actions in the disturbed State of Manipur, where widespread, severe human rights violations had been reported, including alleged acts of sexual violence, extrajudicial killings and forced displacement. He wondered what measures the State party had taken and was planning to take, in order to address those violations. If available, statistical data on the application of the counter-terrorism laws in Manipur would be useful.

The meeting was suspended at 4.15 p.m. and resumed at 4.45 p.m.

24. **A representative of India** said that much had been done to facilitate the political, social and economic inclusion and empowerment of scheduled castes and scheduled tribes, including their representation at various levels of decision-making. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 extended protection to those groups and provided that violations of their rights were subject to prosecution. The National Legal Services Authority, which had offices in all states, extended free legal aid to victims of discrimination and the National Commission for Scheduled Castes prepared annual reports on human rights violations committed against members of those groups. In 2015, the Act had been amended to include additional offences such as grievous bodily harm, intimidation and kidnapping and provide for the establishment of special courts to ensure speedy trials. The amount of compensation paid to victims of atrocities had been increased in 2016, the Supreme Court had recently issued guidance on case registration, and a robust monitoring system had been put in place to increase conviction rates.

25. **A representative of India** said that the Protection of Children from Sexual Offences Act of 2012 was gender neutral and provided for punishment in accordance with the severity of the crime. Pursuant to the Act, consent of the victim was immaterial for determining offences committed against children. Child protection was a collaborative effort that involved administrative bodies, non-governmental and civil society organizations at the federal, provincial and village levels.

26. The Government was aware that, on occasion, implementation of the Act had had negative repercussions for adolescents experimenting with sexual choices. However, any judicial interventions in such cases were rehabilitative rather than punitive in nature. Juvenile defendants were only treated as adults if involved in very serious crimes and even then, the intervention of choice was rehabilitation, not punishment. An assessment of the defendant's moral and intellectual maturity was conducted prior to the proceedings and adequate procedural safeguards were in place.

27. The Act provided for financial, legal, medical and psychological support for victims; those services were child friendly and confidential. Special courts had been established to expedite proceedings under the Act and in cases where the victim and the perpetrator were minors, rehabilitation measures were ordered for both.

28. **A representative of India** said that the Constitution (One Hundred and Sixth Amendment) Act of 2023 was designed to promote the equitable participation of women in the national and state legislatures; its enactment hinged on the completion of a national census and a delimitation process. In order to promote the equal participation of women in the labour market, the maternity benefit had been increased to 26 weeks and companies with more than 50 employees were now required to establish a crèche and grant women other work-related benefits. The online Women Entrepreneurship Platform set out to build capacities for

women's self-employment and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 aimed at encouraging women to join the formal workforce. The National Crèche Scheme and the Working Women Hostel scheme promoted women's participation in non-conventional sectors such as the Air Force and police. More than 20 state and provincial governments had introduced gender quota. The Hindu Succession (Amendment) Act of 2005 guaranteed gender equality in property inheritance and the Muslim Women (Protection of Rights on Marriage) Act of 2019 prohibited the pronouncement of triple *talaq*, the practice whereby men could divorce their wives without any sort of process or safeguards.

29. **A representative of India** said that under the Rights of Persons with Disabilities Act of 2016, district committees had been established to receive complaints and respond to the needs of persons with disabilities. Disability commissioners had been appointed at different levels of government to oversee implementation and compliance with timelines established in the Act. The Central Government engaged with its provincial counterparts to remove all discriminatory provisions from legislation. In order to enable the equal participation of persons with disabilities, the Accessible India Campaign launched in 2015 set out to mainstream environmental, transport and digital accessibility across Indian society. The Campaign had generated a paradigm shift in the attitudes towards persons with disabilities and approaches to disability concerns.

30. **A representative of India** said that the Supreme Court was seized with the issue of inclusion of Dalit Christians and Muslims in the list of scheduled castes. A commission of inquiry had been set up in 2022 to study the socioeconomic and educational status of Dalits who claimed to have historically belonged to a scheduled caste but had converted to Christianity or Islam. The commission was conducting consultations across India to assess whether the claimants met the criteria for inclusion in the list.

31. In connection with the *Supriyo v. Union of India* case, a six-member committee had been constituted to discuss ways to guarantee same-sex couples equal access to goods and services, including mental health services; protect them against violence, harassment or coercion; prevent involuntary medical treatment or surgery; and determine the scope of social welfare entitlements.

32. The practical implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013 was work in progress. The Supreme Court had recently ordered a survey of all 776 districts to obtain updated information; many districts had reported that manual scavenging was no longer practised. A mobile application had been launched to facilitate reporting of insanitary latrines and persistent manual scavenging practices. The transition from so-called "manhole to machine mode" had helped eliminate manual cleaning of sewers and septic tanks. The National Safai Karamcharis Finance and Development Cooperation had organized awareness-raising activities in 4,000 municipalities across India. Standard operating procedures for faecal sludge and septage management in urban areas had been issued in 2017. Skills development training was delivered to workers formerly engaged in manual cleaning and a 4-billion-rupee self-employment scheme was being rolled out to support their rehabilitation.

33. A Supreme Court ruling issued in 2014, which recognized transgender as a third gender and affirmed the right of transgender persons to self-identification and equal opportunities, had paved the way for the adoption of the Transgender Persons (Protection of Rights) Act of 2019. Shelter homes were being built across India to provide shelter, food, medical care, education and training for transgender persons. Transgender welfare boards had been set up in all states and the Support for Marginalized Individuals for Livelihood and Enterprise (SMILE) scheme launched in 2022 also extended to transgender persons. The state of Odisha had developed a special scheme to guarantee equal opportunities and social empowerment for transgender person, introducing a transgender quota for educational institutions and public employment. The participation of lesbian, gay, bisexual, transgender, queer or persons with another diverse gender identity in science, technology and innovation was also being promoted.

34. **A representative of India** said that harassment for dowry had been criminalized and victims were entitled to take civil action against the perpetrator. All forms of violence against

women, including the identification of a person as a witch, had been criminalized and several states had enacted legislation to protect women accused of witchcraft. The Criminal Law (Amendment) Act of 2013 contained special provisions on acid attacks and victims of such attacks were eligible for compensation under the Rights of Persons with Disabilities Act.

35. Legislation on medical termination of pregnancy safeguarded women's right to reproductive autonomy; restrictions were mainly in the interest of the woman's health. Approximately 25,000 delivery stations were equipped to perform abortions. The time limit for access to abortion had been extended to 24 weeks or more in case of serious risk to the mother's life or severe foetal abnormality. Nationwide awareness campaigns had helped reduce the incidence of sex-selective abortions.

36. The National Health Policy recognized the need to move away from camp-based sterilization and committees had been set up in all districts to monitor the quality of sterilization services, based on guidelines issued by the Supreme Court.

37. **A representative of India** said that a wide range of institutions, including the Bureau of Police Research and Development and 350 police training institutes, delivered training to judges, prosecutors and law enforcement officers.

38. The state of Manipur had seen an outburst of ethnic violence rooted in historical divisions and the Central Government coordinated efforts with state political leaders, representatives from various communities and members of civil society organizations to restore peace. A committee had been established to investigate and report on acts of violence committed against women and take relevant action.

39. India had been a victim of State-sponsored cross-border terrorism for decades and the enactment of special legislation to tackle the threat to its sovereignty and the safety of its people had been a necessity. Still, all those laws provided for judicial safeguards and oversight. Allegation of misuse of the Unlawful Activities (Prevention) Act or the Jammu and Kashmir Public Safety Act were baseless. It was untrue that members of the armed forces were exempt from prosecution. All complaints of misconduct were duly investigated and perpetrators were held accountable. The Supreme Court handbook on arrests was implemented by all law enforcement agencies and the constitutionality of arrests could be challenged in court.

40. **A representative of India** said that the National Human Rights Commission was an independent institution within the meaning of the Paris Principles. The fact that the Government provided financial and administrative support had no bearing on the Commission's independence. The Government adhered to the Commission's recommendations on human rights situations across India.

41. The Commission was competent to investigate individual complaints and the procedure to be followed in response to complaints brought against members of the Armed Forces was set out in section 19 of the Protection of Human Rights Act of 1993. In such cases, the Commission could seek a report from the Central Government and, on receipt of the report, either proceed with the complaint or make recommendations to the Government. The Government informed the Commission of the action taken in response to its recommendations and the Commission published a report, a copy of which was provided to the petitioner. Since its inception, the Commission had heard 3,550 cases relating to the Armed Forces, disposed of 3,508 of those, and recommended compensation payments in the order of US\$ 45 million. Statutory limitations were a common legal tool and the Government saw no need to amend the one-year statutory limitation for bringing complaints against members of the Armed Forces.

42. Article 23 of the Constitution and the Bonded Labour System (Abolition) Act of 1976 prohibited the practice of bonded labour. The National Human Rights Commission was tasked to oversee implementation of those provisions and prepare regular reports. More than 300,000 persons had been released from bonded labour and rehabilitated as of December 2021.

43. **A representative of India** said that, when read in combination with subject-specific legislation, the Constitution protected all the rights provided for in the Covenant; there was therefore no need for specific legislation to incorporate the Covenant in national law.

44. The Electoral Bond Scheme had been introduced to prevent corruption in political funding. Under the system, all donations to political parties must be made via the country's largest bank. The Supreme Court had found no fault with the intent, object or purpose of the Scheme – only that it violated voters' right to know who was funding the political parties. There had been no hidden funding under the Scheme; all donations were subjected to banking compliance measures, and information about them was published on the public website of the Election Commission of India. All political parties received an amount proportionate to their representation in the legislative bodies.

45. While the bill on the reservation of government seats for women was a landmark piece of legislation, its application needed to wait first until the next national census had been carried out in 2026, so that the ratio of men to women could be determined, and then until the next national election, to be held in 2029.

46. **A representative of India** said that the 2015 Juvenile Justice (Care and Protection of Children) Act criminalized the offences of sale and procurement of children for any purpose, corporal punishment in childcare institutions, the use of children by militant groups, offences against children with disabilities, and kidnapping and abduction. The Act also provided for the care, protection, rehabilitation and social reintegration of vulnerable children and juvenile offenders and the establishment of specialized centres for children vulnerable to trafficking.

47. In 2016, India had prohibited all forms of child labour up to the age of 14 years. National law granted protection to children involved in labour or begging. Furthermore, in 2012, India had adopted the Protection of Children from Sexual Offences Act to combat sexual exploitation of children, including as a consequence of trafficking. A framework was in place to provide protection, rehabilitation and repatriation services for victims of trafficking in persons, including health care, financial and legal assistance. Dedicated helplines for women and child victims had also been established.

48. **A representative of India** said that new Penal Code contained an enhanced definition of trafficking in persons and provided for harsher penalties. For the first time, it also covered organized crime. More than \$15 billion had been invested in establishing 827 units to combat trafficking in persons throughout the country.

49. Since 2019, the National Investigation Agency had been authorized to investigate offences of trafficking in persons. In 2020, the Home Ministry had established the Crime Multi-Agency Centre to enhance coordination on the matter.

50. **A representative of India** said that, while the Supreme Court had not invoked the Covenant directly, it used the Covenant as a lens through which to interpret the Constitution and determine whether domestic laws were compatible. Where a law was deemed incompatible with the Constitution, the Supreme Court had the power to annul it. Indian jurisprudence therefore provided an important amalgam of the values set out in both the Covenant and the Constitution.

51. **A representative of India** said that, as the judiciary was wholly independent of the executive, the executive could not play a role in combating corruption within the judiciary. Complaints against judges were therefore reviewed and addressed through an internal mechanism, in which justices senior to the judges against whom the complaints had been made were competent to receive the complaints and to rule on the necessity of penal action.

52. **A representative of India** said that habeas corpus petitions were accorded priority by the judiciary. The Supreme Court and High Courts examined a wide range of habeas corpus petitions.

53. **A representative of India** said that the Government had no immediate plans to accede to the Optional Protocol or amend its reservations to the Covenant.

54. The allegiance of activists who had been victims of offences was irrelevant to the investigation of such offences. All cases of killing or repression of activists were treated seriously and in line with the provisions of criminal law.

55. **Mr. Gómez Martínez** said that he would welcome additional information on the system of judicial checks for persons held in pretrial detention pursuant to the National Security Act, the Unlawful Activities (Prevention) Act and the Jammu and Kashmir Public

Safety Act. He also wondered why the executive and legislative bodies frequently failed to implement the rulings of the Supreme Court.

56. **Mr. Helfer** said that, in a similar vein, he wished to know what the process was for implementing orders issued by the Supreme Court to the Government.

57. **Ms. Tigroudja** said that the Committee wished to know what the State party was doing to combat corruption and protect whistle-blowers. She wondered why the Government was planning to reserve only a third – and not half – of political seats for women. In addition, she wished to know what was being done to prevent recourse to illegal abortions and to prevent and punish crimes of mass sexual violence and gang rape.

58. **Ms. Bassim** said that she would be interested to learn who was responsible for appointing the members of the National Human Rights Commission and why there was only one woman member. She would welcome information on the number of cases investigated by the Commission and on any prosecutions, convictions and reparations resulting from those investigations.

59. **Mr. Teraya** said that he wished to know whether measures to prosecute and punish trafficking in persons were consistent across all states and territories of India and whether any law enforcement officials had been punished in connection with extrajudicial killings.

The meeting rose at 6 p.m.