



# International Covenant on Civil and Political Rights

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## Human Rights Committee 141st session

### Summary record of the 4135th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 July 2024, at 10 a.m.

*Chair:* Ms. Abdo Rocholl

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*The meeting was called to order at 10 a.m.*

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

*Fourth periodic report of India (continued)* (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 the Government referred cases of preventive detentions ordered under the Jammu and Kashmir Public Safety Act to an advisory board. The decision to detain an individual was reviewed and detainees had access to remedies through the court. Individuals arrested under the Unlawful Activities (Prevention) Act must be informed of the grounds for their arrest and appear before a magistrate within 24 hours. Permission to prosecute the individual must be obtained and the investigation completed within 90 days, unless extended by the court by up to a maximum of 180 days. Bail was available to the defendant throughout the criminal process, subject to a hearing with a public prosecutor. Members of the armed forces and the police who committed human rights violations faced prosecution. Data on such prosecutions were published by the National Crime Records Bureau.
3. **A representative of India** said that the Government was fully committed to ensuring that a minimum of 33 per cent of seats were reserved for women in Parliament and all legislative assemblies across the country. Currently, around 71 per cent of states had made provisions to reserve 50 per cent of seats for women, and 46 per cent of elected representatives in local governments were women.
4. The maternal mortality ratio in India had dropped by over 6.3 per cent between 2000 and 2020, a decline three times greater than the average rate of reduction worldwide. Under the Medical Termination of Pregnancy Act, all girls had the right to safe abortion without being subject to the Protection of Children from Sexual Offences Act. The Immoral Traffic (Prevention) Act and other laws controlling human trafficking were applicable throughout India.
5. **A representative of India** said that the Government was deeply aware of its responsibility to prevent terrorist violence and protect citizens' right to life. Counter-terrorism legislation was constantly reviewed and outdated laws were revised or repealed as required, such as the Armed Forces (Special Powers) Act, which had been repealed in a number of states in the north-east of India. The Government was trying to promote greater transparency by making as much data as possible available to the public.
6. **A representative of India** said that each court had stringent contempt power and, since non-compliance resulted in imprisonment, all judicial orders were complied with. Only a small number of cases of sexual offences had been recorded in Manipur. The Government had established special investigation teams, headed by senior police officials from outside Manipur, to investigate sexual offences. A further 42 special investigation teams had been set up to investigate cases of general violence in Manipur. All trials were conducted in other states to ensure that they were fair and impartial. The Supreme Court had established a committee of three judges, all of whom were women, who reported relevant developments in those cases to the Supreme Court and handled issues such as the rehabilitation and resettlement of victims.
7. **A representative of India** said that the measures taken by the Government to combat corruption, such as the disbursement of welfare benefits directly to citizens and the operationalization of the anti-corruption authority Lokpal, had been highly effective. Under the Public Interest Disclosure and Protection of Informers resolution, the Central Vigilance Commission was authorized to receive complaints concerning allegations of corruption or abuse of office against employees of the Central Government or of any organizations owned or controlled by the Central Government. Complaints were kept anonymous to protect complainants.
8. **Mr. Teraya** said that he would be grateful if the State party could elaborate on steps taken to abolish the death penalty and introduce an official moratorium on executions and if it could provide further information on the imposition of the death penalty on persons below

18 years of age. Could the State party confirm that the death penalty was imposed only for the most serious crimes?

9. He would like to obtain updated disaggregated data on death penalty convictions, including information on the proportion of such convictions that was imposed on persons belonging to minorities, and wondered how the State party would address any racial bias revealed by the data. It would also be useful to have data on custodial crimes disaggregated by type of offence, perpetrator and victim, in particular with regard to cases of rape and sexual abuse committed by police officers against women or minority groups.

10. He would like to know what further measures would be taken to prevent police officers from committing offences against persons in their custody, how many complaints of such incidents had been registered and whether victims received full and timely compensation.

11. He would be grateful if the State party could explain how the requirements of article 7 of the Covenant had been incorporated into the country's criminal legislation and how compliance with international standards was ensured in the absence of a precise definition of torture and other forms of cruel, inhuman or degrading treatment or punishment. He would like to know the timeline for the State party's ratification of the Convention against Torture and whether that timeline was influenced by the comprehensive report from the Law Commission of India. Could the State party provide further information on the comprehensive report?

12. **Mr. Gómez Martínez** said that he would be curious to hear the delegation's response to reports of police officers arbitrarily arresting or detaining citizens for questioning without identifying themselves or presenting an arrest warrant. It would be of interest to obtain further details on the number of cases in which compensation for unlawful arrest or detention had been granted in the previous five years, including the amount of the compensation awarded in each case.

13. He wondered how many defendants had been represented by court-appointed lawyers since 2019, how many citizens had been denied their request for free legal aid and whether free legal aid was provided to detainees in police custody. He would be interested to hear the delegation's perspective on initiatives seeking to ensure the provision of legal assistance through persons who were not lawyers, such as paralegal volunteers, elected village representatives and rural health workers.

14. The Committee would like to know whether there were currently any imprisoned foreigners who had served their sentence but remained in prison awaiting repatriation, how legal provisions removing the presumption of innocence where there was a specific connection between the offence committed and the accused were considered compatible with article 14 (2) of the Covenant and how the Unlawful Activities (Prevention) Act had been applied in the cases against Arundhati Roy and Sheikh Showkat Hussain.

15. The Committee would like to obtain data on the investigations carried out in relation to the murders of Govind Pansare, Narendra Dabholkar, Malleshappa Madivalappa Kalburgi and Gauri Lankesh. How many defendants had been charged and convicted?

16. He would be grateful if the delegation could comment on reports that individuals had been prevented from leaving the country and interacting with United Nations organizations and if it could inform the Committee of measures taken to prevent the law from being misused to arbitrarily detain and prosecute minority groups, journalists and others for expressing minority or dissenting views and exercising their right of peaceful assembly.

17. He would like to know the outcome of the investigation into the case of the protesters who had been killed in the Toothukudi district of Tamil Nadu on 24 March 2018, and whether decisions on the prohibition of peaceful assembly, based on the new Code of Criminal Procedure, were subject to judicial review. He wished to hear the delegation's response to reports regarding the use of pellet guns for the purpose of suppressing demonstrations. Lastly, he wondered what steps were being taken to address the misuse of the Foreign Contribution (Regulation) Act to impede the legitimate activities of non-governmental organizations.

18. **Ms. Bassim** said that, in a context of prison overcrowding and ongoing dysfunction in the justice system, she would welcome information on the measures being taken to address prolonged pretrial detention and the disproportionate representation of Muslims, Dalits and Adivasi among undertrial prisoners, most of whom were illiterate or had little formal education. Information on action taken in response to the Law Commission's recommendations for judicial reform, including of the bail system, on alternatives to detention and their application in practice and on the status of the mechanism to identify undertrial prisoners eligible for release would also be welcome.

19. In addition to any measures taken to reduce overcrowding in state prisons, it would be interesting to hear about steps being taken to improve extremely poor prison conditions in terms of hygiene, sanitation, adequate nutrition, drinking water and medical care and to allow prisoners to receive visits from their family, lawyer and, where appropriate, diplomatic or consular staff. She was also interested in hearing how the State party kept minors separate from adult detainees and prevented violence among inmates; whether women detainees were held separately, were protected from harassment and received rehabilitation support to promote their reintegration post-release; what services were provided to women detainees who were pregnant or had very young children with them; and what measures, including vaccination, had been taken to prevent the spread of coronavirus disease (COVID-19) in prisons.

20. Lastly, the Committee would appreciate receiving recent statistical data on the number of deaths in custody, disaggregated by age, sex, nationality and cause of death.

21. **Mr. Helfer** said that he wished to know what measures the State party was taking to address the privacy concerns associated with the potential misuse of Pegasus spyware, for instance to target journalists and activists, how it ensured that all surveillance tools were subject to the privacy safeguards required by the Supreme Court in *Puttaswamy and Another v. Union of India* and when the report of the technical committee investigating the Pegasus Project would be published. In a similar vein, he was curious to learn how the State party ensured that facial recognition technology was thoroughly tested for accuracy and fairness before it was deployed or that such technology was not used at all before adequate safeguards were in place.

22. Against the backdrop of multiple security breaches and vulnerabilities relating to the Aadhaar Project, he wished to hear about the measures being taken to enhance the security of the Aadhaar biometric infrastructure and to comply with the judgment in the Puttaswamy case, which highlighted numerous constitutional issues with the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act. He also wished to hear how the State party complied with the Puttaswamy judgment and the guidelines of the Central Bureau of Investigation in the context of search and seizure.

23. Amid multiple court challenges against content and data regulation laws that lacked adequate privacy safeguards, including the Information Technology Amendment Rules, the draft Digital India Act and the Digital Personal Data Protection Act, he wondered whether the State party intended to revise the laws to increase privacy protections and narrow the use of public surveillance and whether it might commit to incorporating effective privacy safeguards into all future legislation.

24. Turning to freedom of religion, he noted that many of the cases of the killing of Muslims during the Gujarat riots in 2002 had ended in acquittal; therefore, he wished to know what specific steps the State party was taking to investigate those cases and other incidents of violence against religious minorities and to comply with Supreme Court orders to investigate such violence. Similarly, he wished to hear about the measures being taken to prevent, identify and punish religiously motivated demolitions of private property of the kind that had occurred in April 2002 following riots during Ram Navami processions.

25. In the light of the demolition in 2002 of three madrasas in Assam for allegedly serving as terrorist hubs and the arrest of nearly 40 people, including imams and madrasa teachers, for alleged ties to Al-Qaida, among other cases, the Committee would welcome an explanation of how the State party ensured that national security and counter-terrorism laws were not arbitrarily applied to arrest, detain or target religious minorities. Furthermore, the

Committee invited the State party to comment on reports that, as of February 2023, more than 800 people remained detained under the Jammu and Kashmir Public Safety Act.

26. Since violence continued in some areas despite the prohibition of discrimination-based lynchings and the Supreme Court's repeated reminders to the Government of its obligation to prevent so-called cow vigilantism, it would be useful to learn about the measures being taken to prevent, investigate and punish the practice at the national and state levels.

27. The State party was invited to describe how it identified, investigated and prosecuted cases of hate speech and incitement of public violence against religious minorities, especially cases involving public officials and community leaders. The State party was also invited to describe how the provisions of state-level anti-conversion laws were in line with the Covenant, in particular article 18 (2), and any steps taken to repeal the provisions of those laws that had been struck down by the courts for being discriminatory. Lastly, he would welcome information on the prevalence of homecoming ceremonies (*ghar wapsi*), at which religious minorities were reportedly coerced into converting to Hinduism, and on efforts to prevent them.

28. **Ms. Bassim** said that, in the context of the State party's efforts to strengthen the economy and streamline public services through greater digitalization, which had resulted in a patchwork of laws, and of its arguments for limiting freedom of expression, she would appreciate the State party's comments on reports of undue restrictions on books and films, of the frequent suspension of mobile telephone and Internet services, in particular in Jammu and Kashmir, of the blocking of online content on vaguely defined grounds without judicial authorization and of persons being detained or prosecuted for statements made online. The State party was also invited to comment on the compatibility of the bill on information technology rules with the Covenant and on the possibility that the rules would undermine freedom of expression and privacy.

29. She wished to know whether the State party intended to review article 16 (b) of the Representation of the People Act, which deprived persons with intellectual or psychosocial disabilities of their right to vote. She wondered about the compatibility of the Panchayati Raj Act with the Covenant insofar as it reserved government jobs for adults with no more than two children, which often led families to engage in sex selection to ensure that they had at least one son while remaining eligible for political office.

30. Turning to the rights of Indigenous Peoples, she invited the State party to comment on reports that scheduled tribes remained among the most disadvantaged socioeconomic groups, that extractive and other activities, often undertaken without prior consultation, undermined the land and forest rights of scheduled tribes and that the laws enacted to protect their rights and prevent violence and discrimination against them were inadequately enforced. The State party might also comment on reports that 40,000 families, including many Adivasi families, had been displaced by the construction of the Sardar Sarovar dam in Gujarat without receiving appropriate reparation.

31. **Ms. Tigroudja** said that there were reports indicating that migrants lacked access to health care, employment, education and housing, that child migrants, especially those who were unaccompanied, were in a dire situation and that migrants in an irregular situation were held indefinitely in centres with deplorable living and hygiene conditions. Furthermore, anti-migrant rhetoric by senior officials against Muslims, including Rohingya migrants, was growing increasingly violent. In that connection, she recalled that cases concerning the Rohingya genocide were before the International Court of Justice and the International Criminal Court and that the Special Rapporteur on the situation of human rights in Myanmar had sent the State party a letter in May 2024 regarding the expulsion of refugees from India to Myanmar.

32. Against that backdrop, the Committee wished to know whether the State party planned to adopt a general law on asylum and refugees guaranteeing procedural safeguards for all asylum-seekers. In addition, it would like further details about the indefinite detention of so-called unauthorized and undocumented migrants and the criminalization of unlawful entry and stay in the country, which was contrary to the guidelines of the Office of the United Nations High Commissioner for Refugees.

33. Despite international condemnation, the Citizenship (Amendment) Act had been adopted, thus reserving the right to obtain Indian citizenship for refugees from a list of specific faith groups that excluded Muslims, for instance. Moreover, Muslims who already held Indian citizenship now faced statelessness – and therefore possible detention and expulsion – as the Act had greatly complicated the process for registration in the National Population Register.

34. The State party's practice in the area of migration, as well as the Act, were contrary to the obligations it had freely undertaken by ratifying the Covenant. It bore noting that India was bound by rules of international customary law pertaining to non-refoulement, statelessness and arbitrary deprivation of nationality even if it was not a party to the relevant conventions. Therefore, would the State party consider repealing the Act?

*The meeting was suspended at 11.15 a.m. and resumed at 11.45 a.m.*

35. **A representative of India** said that guidelines had been issued to the police and prison personnel regarding harassment of lesbian, gay, bisexual, transgender and queer persons.

36. In line with Supreme Court directives, two-pronged action was being taken to combat torture. The first component was prevention, which included intensive training for the police with a view to changing mindsets and attitudes. The second component was remedial measures, including detailed guidelines, which contained the requirement that local police authorities should report to the National Human Rights Commission all deaths in police custody within 24 hours of occurrence, as well as provisions on the conduct of autopsies and inquiries in such cases. In addition, India was a longtime contributor to the United Nations Voluntary Fund for Victims of Torture.

37. Women prisoners were housed in separate, standalone jails and, where such a facility was not available, they were held in separate barracks. There was no overcrowding in women's facilities. Furthermore, specific guidelines on women prisoners with children had been adopted to ensure the provision of appropriate conditions and services.

38. New legislation provided for bail and community service for undertrial prisoners as a means of reducing overcrowding. Undertrial prisoners had access to legal services through a vast network of legal services committees at the various levels of the justice system, and a new manual had been circulated to state-level prisons on facilitating pretrial detainees' access to a range of legal services. Foreign prisoners were granted access to consular assistance and were informed of the possibility of requesting to serve their sentence in their country of origin.

39. **A representative of India** said that, under articles 32 and 226 of the Constitution, any member of a minority community whose rights had been violated could approach the Supreme Court of India or the High Courts to request the enforcement of his or her right to non-discrimination. Individual petitions could also be submitted to the National Commission for Minorities. Established by law in 1992, the Commission had a wide mandate to combat intolerance and promote dialogue, inclusion and diversity, including by highlighting the importance of open civic spaces and facilitating interfaith dialogue. The Commission had received roughly 6,000 petitions concerning rights violations over the previous three years, 70 per cent of which had been investigated and resolved.

40. Approximately US\$ 10 billion in public funds had been allocated to minority affairs over the previous 15 years. Although conflicts and rights violations involving minority communities did take place, they tended to be isolated events and the State always took prompt, proactive measures to address them. He therefore urged the Committee not to consider a criminal incident in which one party happened to belong to a particular community as being symptomatic of more generalized discrimination against that community.

41. India did not tolerate or endorse hate speech in any form against any religion or any section of society, and legislation had been passed to ensure that persons or public figures found responsible for such acts were brought to justice. Lynching, mob violence and illegal demolitions were unacceptable acts, and comprehensive guidelines on measures to prevent and respond to such incidents had been issued in the context of the ruling of the Supreme Court in *Tehseen S. Poonawalla v. Union of India* in 2018. Those directives and other relevant measures had been incorporated into a specific section of the Indian Penal Code on mob

lynching, an offence defined as when a group of five or more persons acted in concert to commit murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other similar ground.

42. **A representative of India** said that the biometric data of citizens were held in the Central Identities Data Repository, which was an extremely secure database that was also used to store information on accounts linked to the Aadhaar Project. Very strict security, storage and access protocols had been put in place and all instances of access to the Repository were logged. The Repository had never been illegally breached, and any reported data breach would be considered a cybersecurity issue.

43. Strong measures were being taken to prevent and mitigate cybersecurity threats. The tools used to protect the government information technology infrastructure were continually updated and comprehensive cybersecurity guidelines had been published for both public agencies and private businesses. The Indian Computer Emergency Response Team was responsible for carrying out cybersecurity audits of all public information technology infrastructure, and all personal data contained within that infrastructure must be encrypted. Under guidelines issued by the Emergency Response Team, all new products and devices – including facial recognition technology – must be fully tested to ensure they were safe and secure prior to deployment.

44. The three principles of legality, legitimacy and proportionality had been incorporated into the Digital Personal Data Protection Act, which had been passed into law in 2023. That legislation was designed to uphold the right to privacy, which the Supreme Court had recognized as an integral component of the constitutional right to life. In India, there were over 700 million Internet users and over 1 billion people owned mobile phones. The Government was on track to ensure that almost all the villages in the country had access to broadband connectivity, and any restriction on the availability of Internet connectivity was considered to be an economic problem. At the same time, the Government was committed to ensuring that all legislation concerning information technology was regularly updated to reflect the latest technological developments. Under the standard legislative framework, any decisions to block online content or to intercept electronic communications were subject to senior authorization followed by review at a higher level and, lastly, judicial oversight.

45. With respect to specific issues raised by the Committee, the technical committee formed to investigate the use of Pegasus spyware had already submitted a confidential report to the Supreme Court and the case brought against the Government by Kunal Kamra was currently being heard in Mumbai.

46. **A representative of India** said that a group could be given the status of a scheduled tribe on the basis of various factors, including its distinctive culture, geographic isolation, backwardness and engagement in primitive trades. In recent years, significant progress had been made towards ensuring access to health and education for all members of scheduled tribes. Between the period 1992–1993 and the period 2019–2021, the infant mortality rate had fallen from 90.5 per 1,000 to 42 per 1,000 live births, while the proportion of women with access to institutional delivery had risen from 9.1 per cent to 82.3 per cent and the proportion of children receiving full immunization had risen from 25 per cent to 77 per cent. However, scheduled tribes still tended to score less well in health, education and economic indicators than the population as a whole. The Government therefore continued to take measures to support them, including opening Eklavya Model Residential Schools in areas where members of tribes accounted for over 50 per cent of the local population and establishing the Venture Capital Fund for entrepreneurs belonging to scheduled tribes.

47. The Scheduled Tribes and Other Traditional Forests Dwellers (Recognition of Forest Rights) Act sought to protect the forest rights and land occupancy rights of scheduled tribes and other groups whose ownership of land had never been registered. In return for the rights conferred on them under the Act, those groups had the duty to protect wildlife and preserve biodiversity on their lands. The Act also provided for the need for the establishment of a village assembly with the right to free and prior informed consent in decisions concerning the development of the land. Around 19 million acres of forest land had been awarded to scheduled tribes under the Act.

48. **A representative of India** said that the right to vote of all persons with disabilities was set out in national law. Although persons found by a court to be of unsound mind could be prevented from registering in an electoral roll under the Representation of the People Act, the term “unsound mind” did not refer to an intellectual or psychosocial disability. Various measures had been taken to ensure that persons with disabilities had been able to exercise their right to vote during the recent general election. All polling stations had been located on the ground floor, and there had been dedicated queues for persons with disabilities. Voter identity cards had been provided in Braille format and electronic voting machines had been equipped with Braille keypads. Wheelchairs and ramps had been made available at every polling station, and the Election Commission of India had provided free transport to and from polling stations. Nine million persons with disabilities had registered to vote in the election and 250,000 of them had chosen to cast their vote from home.

49. **A representative of India** said that detailed guidelines on the management of COVID-19 in prisons had been issued during the pandemic, and prisoners had been provided with unrestricted access to vaccination and health facilities.

50. The entirety of the colonial-era penal code, including the law on sedition, had been repealed and replaced by new criminal legislation. While India was committed to protecting civil liberties and safeguarding human rights, the Penal Code now in force also reflected the need to punish acts that could lead to armed rebellion, subversive or separatist activities or that might endanger the sovereignty and integrity of India.

51. The aim of the Foreign Contribution (Regulation) Act was to ensure that associations and organizations only used their foreign funding for authorized purposes, be they of a social, educational, cultural, economic or religious nature. All information on applications and registrations under the Act was in the public domain. As a matter of course, unsuccessful applicants were directly informed that their application had been rejected and the reason why it had not been accepted. Reports indicating that a large number of organizations had had their registrations revoked were inaccurate, and unregistered organizations could still apply for permission to receive foreign funding on a case-by-case basis. Nearly 16,000 organizations were currently registered under the Act and, over the previous three years, only 23 organizations had been deregistered, on each case in full accordance with due process of law. The financial contributions received by registered organizations had increased by 25 per cent over the previous five years.

52. India was not a party to the Convention relating to the Status of Refugees and its additional protocol. Cases of persons entering the country illegally were handled under the Foreigners Act and other relevant statutory provisions. All actions taken to deport individuals on the grounds of violations of law or security concerns followed due process of law and, when challenged, such decisions had been upheld by the Supreme Court.

53. **A representative of India** said that it was established under article 25 of the Constitution that all persons enjoyed the same right to freedom of conscience and to freely profess, practise and propagate religion. Some state governments had enacted laws prohibiting forced conversion from one religion to another by use of inducement or fraudulent means, and such measures had been declared constitutional by the Supreme Court. Therefore, if persons were found to have converted back to Hinduism as a result of intimidation, threats or coercion, those responsible could face prosecution under state legislation.

54. **A representative of India** said that the primary purpose of the Citizenship (Amendment) Act was to provide access to an accelerated citizenship procedure for foreigners of six minority communities from three specified neighbouring countries who had migrated to India owing to religious persecution. The criteria set out in the Act therefore reflected the specific historical context and ground realities in the wider region. Implementation of the Act did not have an adverse impact on the citizenship of any Indian citizens, regardless of their religion, and nor did it make it harder for migrants from other countries and belonging to other communities to acquire citizenship. The reason why other groups were not eligible for the accelerated procedure was that they were not minorities in their home country and were presumed not to suffer persecution.



55. **A representative of India** said that, immediately following the riots in Gujarat in 2002, the state government had formally asked the Supreme Court to conduct an investigation. The Supreme Court had appointed a special investigation team to look into the events, and all witnesses had been given protection. The Chief Justice of India had personally selected the judges who had presided over the court cases concerning the riots, and the public prosecutors had been appointed by a committee formed by the Supreme Court. It was inaccurate to say that those cases had resulted in mass acquittals; there had been some acquittals and some convictions. Many decisions had been challenged, and the appeals remained pending before the competent authority.

56. The right to freedom of religion was laid down in the Constitution. However, nobody could argue that forced conversion as a result of inducement or other unlawful methods should be permissible, and some state governments had passed legislation to that effect. Any reports suggesting that High Courts had annulled state laws prohibiting forced conversion were incorrect; in fact, the Supreme Court had upheld the constitutional validity of those laws.

57. All the individuals who had been affected by the Sardar Sarovar dam project had been resettled and adequately compensated. No complaints concerning rights violations in relation to the project had been submitted over the previous 10 years.

58. He did not wish to pass comment on the individual criminal cases raised by the Committee, including those concerning Arundhati Roy and Sheikh Showkat Hussain, since they were all being investigated in accordance with law. Ultimately, law enforcement agencies had the duty to investigate reports of offensive acts or declarations. At the same time, there were remedies available to arrested persons who felt aggrieved at the criminal action taken against them.

59. **A representative of India** said that a judge never took a convicted person's religion, caste or class into account when deciding whether or not to impose the death penalty. For many years, the death penalty had been considered to be an exceptional punishment that was imposed only in the rarest of cases. Therefore, although it had been recommended that the Government should consider abolishing capital punishment, he did not consider it to be an urgent issue.

60. Although petitions calling for his country's accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been submitted to the Supreme Court, no court had the power to ask Parliament to pass legislation. In any case, the anti-torture provisions in the new Penal Code were fully compatible with the Convention, and the Code of Criminal Procedure provided for an adequate victim compensation scheme.

61. Under the Legal Services Authorities Act, the State provided free legal aid services to a wide range of citizens, including scheduled castes and tribes, women, children, persons with disabilities and persons in custody. A number of schemes were also being implemented to extend those services to specific vulnerable groups, such as disaster victims, trafficking and commercial sexual exploitation victims, workers in the informal sector, older persons, victims of drug abuse and children with disabilities. Periodically, the authorities in charge of implementing the Act held conferences and consultations aimed at assessing the effectiveness and coverage of services and any need for further expansion of the legal aid system.

62. A committee had been formed to review the cases of undertrial prisoners in relation to 14 criteria with a view to identifying those eligible for early release.

63. A large number of petitions concerning different aspects of judicial reform had been submitted to the Supreme Court and, over time, it would work with the Government to formulate the necessary amendments to the system. For example, steps were already being taken to digitalize the entire court system in India in order to give citizens access to judicial information at the click of a button.

64. **A representative of India** said that it was clearly established in the standard operating procedures on pellet guns that law enforcement officers should use such weapons only as a last resort. Furthermore, since 2022, deflectors had been installed on pellet guns to ensure that targets were hit below the waistline and away from their vital organs.

65. With respect to allegations concerning property demolitions in minority communities, disputes regarding unauthorized construction and encroachment on public space fell under civil law. The Supreme Court had declared that no unauthorized construction could be carried out in the name of religion in public spaces, including streets and parks, and that the Central Government and state administrations were entitled to review all incidents and take action on a case-by-case basis. In no way did the action taken constitute discrimination against a certain group on religious grounds.

66. **A representative of India** said that measures had been taken to upgrade and strengthen the legal framework governing online content regulation. The Information Technology Act provided for safe harbour to protect intermediaries, such as Internet service providers and hosts, from liability for content generated by third parties on their platforms. In return, intermediaries were expected to comply with due diligence guidelines and to make reasonable efforts to avoid the publication of harmful content. The legislation also provided for an appeals mechanism, under which complaints could be submitted to a grievance officer appointed by the intermediary. If a case remained unresolved following review by the grievance officer and an appeals committee, a court would ultimately decide whether or not the intermediary was eligible for safe harbour.

67. **A representative of India** said that members of the National Human Rights Commission were appointed on the basis of the recommendations of a high-level, politically balanced committee composed of, among others, the Prime Minister and the leaders of the opposition in both houses of the Parliament. Members of the Commission were not selected on the basis of their gender. There was currently one female member, and the chair of the National Commission for Women was a deemed member. The Government was committed to providing the Commission with adequate financial and administrative support to enable it to fulfil its mandate. However, the Commission enjoyed full functional independence from the Government. Both the Commission's reports and reports on the Government's efforts to implement its recommendations were submitted to the Parliament. As a result of its consideration of individual complaints, the Commission had recommended awarding compensation amounting to approximately 50 million rupees in respect of 102 cases.

68. The court proceedings concerning the killings of Govind Pansare, Narendra Dabholkar, Malleshappa Madivalappa Kalburgi and Gauri Lankesh all remained ongoing. He also wished to note that the Government did not impose restrictions on the freedom of speech but that, rather, the Constitution established that the exercise of fundamental rights was subject to certain reasonable restrictions. Freedom of speech existed in India in a very free and vibrant form.

69. **Ms. Kran** said that the Committee was deeply troubled by reports that political opponents of the Government and human rights defenders had been subjected to abductions, attacks, enforced disappearances and executions in other countries, such as Afghanistan, Pakistan, Qatar, the United Arab Emirates, Germany, the United States of America and Canada. She wished to know what measures the State party would take to put an end to such serious human rights violations and ensure that those responsible were brought to justice. The Committee had also learned that high-ranking government officials had overseen an intensification of the State party's intelligence operations abroad. It would therefore be helpful to know what measures had been put in place to ensure transparency and accountability in respect of those operations.

70. **Ms. Bassim** said that she would be interested to know how successful the Electoral Bond Scheme had been in making the system of political funding more transparent. It would be useful to know whether the State party was considering extending the Scheme to include the funding of political parties outside elections and, if so, she would welcome further information on any measures taken to that effect. She would also like to know whether the courts applied specific criteria or used medical or forensic tools when assessing the eligibility to vote of a person with a disability.

71. **Mr. Helfer** said that he would welcome specific information on the decision of a court in Gujarat in 2023 to acquit 68 people accused of murder during the riots of 2002. Given that those acquittals had been returned 21 years after the events, he would be interested to hear the delegation's response to the suggestion that the State's failure to promptly apply the law

might have allowed perpetrators of human rights violations to escape justice. The delegation might also like to comment on the fact that, in 2021, the High Courts in Allahabad and Gujarat had both handed down rulings declaring certain anti-conversion provisions in state law to be discriminatory. Did those cases not suggest that there had been problems with the implementation of that legislation?

72. Lastly, he would like to know whether the committee appointed by the Supreme Court to examine possible remedial measures and compensation in relation to the violence in Manipur had published a report yet. If so, the Committee would be interested to receive a copy of it.

73. **Ms. Tigroudja** said that she had been alarmed by the delegation's assertion that members of certain groups were not eligible for accelerated citizenship under the Citizenship (Amendment) Act because they were presumed not to face persecution in their home countries. In the light of that comment, the delegation might like to explain whether the Act was compatible with the State party's duty to treat all applications for citizenship equally and on an individual basis, regardless of the applicant's origin or whether he or she belonged to a particular minority group or religion. She would also welcome any further information the delegation might be able to provide concerning the situation of the 5,400 or so migrants in Manipur who reportedly still faced deportation.

74. **Mr. Teraya** said that the information provided by the delegation concerning deaths and torture in custody ran contrary to the reports that the Committee had received from other sources. He therefore wished to know whether the delegation could provide official statistics to back up its response. If not, it would be helpful to know what steps the State party planned to take to generate reliable statistics in order to establish a clearer picture of the situation on the ground. The delegation might also wish to explain more about the basis for its assertion that the State party's criminal legislation covered the full range of acts deemed to constitute torture under international law. To his mind, ratifying and domesticating the Convention against Torture would be a more pragmatic approach to combating torture. In that regard, he failed to understand why the State party had still not set a timeline for ratification of the Convention, despite having expressed its intention to ratify it over 30 years previously. The Committee would welcome updated information on any discussions held in relation to the matter.

75. **Mr. Gómez Martínez** said that he would like to know whether persons held in pretrial detention under the National Security Act, the Jammu and Kashmir Public Safety Act, the Unlawful Activities (Prevention) Act, the Armed Forces (Special Powers) Act and the Chhattisgarh Special Public Security Act enjoyed the right to legal aid. He also wished to know more about the restrictions on the principle of presumption of innocence in criminal proceedings and, in particular, whether there were circumstances in which defendants under any of the aforementioned laws might not enjoy the right to presumption of innocence.

76. **A representative of India** said that it was not government policy to commit violent acts against political opponents on foreign territory. However, the Government was prepared to look at reliable information concerning such acts and had formed a high-level inquiry committee to examine the information provided by a partner in relation to one such case.

77. **A representative of India** said that the Electoral Bond Scheme had achieved its objective of ensuring that every political donation was accounted for and received from identified individuals through official banking channels. Statistical information on all donations was made available on the public website of the Election Commission of India. The Supreme Court had ruled that the only shortcoming in the Scheme was that the identity of donors was not made public. The Government would therefore need to decide whether voters had the right to access that information in the name of ensuring full transparency.

78. Persons accused of criminal acts during the riots in Gujarat in 2002 had not had to wait until now to stand trial. Investigations had been conducted in the immediate aftermath of the events and all suspects had been prosecuted without delay. However, many court decisions had been appealed before the courts and further appeals were now pending before the Supreme Court.

79. The committee appointed to look into the violence in Manipur had delivered several reports to the Supreme Court. On the request of the committee, its reports had not been made public because of the sensitive nature of the information contained therein.

80. **A representative of India** said that no principles of legal justice were denied to persons detained under the laws mentioned by Mr. Gómez Martínez. Each of the laws provided for an internal review mechanism and the right to file a judicial appeal, and detainees had access to representation to seek a legal remedy.

81. **A representative of India** said that all persons with disabilities had the right to vote without needing to obtain prior judicial approval. Only persons certified in court to be of unsound mind could be denied the right to vote.

82. India remained committed to ratifying the Convention against Torture. However, the decision to ratify the Convention required the support of the Central Government and all state governments. A process had been initiated in that regard, but no time frame had been set for ratification.

83. **A representative of India** said that restrictions on the presumption of innocence in relation to certain offences applied only with regard to the granting of bail. However, the principle of presumption of innocence always applied in court proceedings, regardless of the nature of the offence in question. In that sense, criminal law in India was compatible with articles 12 and 14 of the Covenant.

84. The dialogue between the delegation and the Committee had laid the groundwork for further meaningful and sustainable progress in the field of human rights protection in his country. The Government would make every effort to achieve that progress in a spirit of commitment and collaboration. It remained determined to build a society where every individual could live in freedom and dignity, where their rights were respected and where their potential was realized.

*The meeting rose at 1.05 p.m.*