

In Geneva, India defends its human rights record

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But civil society organisations say presentation had left many gaps

India defended its human rights record during the Universal Periodic Review (UPR) on Thursday by the Human Rights Council (HRC) in Geneva but civil society organisations were not satisfied and claimed the presentation quarterbacked by Attorney General (AG) Goolam Vahanvati had left many gaps.

Faced with criticism in the run-up to the UPR, Mr. Vahanvati said India accepted all positive suggestions and constructive criticism in the right spirit and drew attention to a unique addition to the Indian UPR — the evolution of fundamental rights through judicial pronouncements over the years.

But civil society organisations said the implementation of several legislation, especially for women, the economically and socially downtrodden and in insurgency affected areas were weak. India also did not address the issue of forcible acquisition of land that affected the tribals, Dalits and marginal farmers the most.

Backed by a multi-ministerial delegation, the AG listed several initiatives taken around or after the first UPR of 2008 — the Right to Information Act to make governance transparent and accountable as well as several legislation promoting a rights-based approach in areas such as work and employment, education and food security.

The right to approach the courts for enforcement of the Fundamental Rights has led to effective use of “public interest litigation” leading to advancement of social, economic and political rights.

Taking note of concerns expressed about the Armed Forces Special Powers Act (AFSPA), Mr. Vahanvati said it was upheld by the Supreme Court. Also, several checks and balances would ensure there were strict guidelines for the armed forces.

India's efforts in social and economic advancement were significant, leading to decline in poverty by 9 per cent in a decade. The declining trend in the unemployment rate in rural and urban areas was equally visible among SCs, STs and minorities. “It is a matter of satisfaction that the rising tide has been lifting all boats,” he said.

“While there is considerable ground which needs to be covered, the progress in the last few years on some of the important indicators has been appreciable, given the enormity of the task,” acknowledged Mr. Vahanvati.

On religious freedom, he said the problem arose when the act of propagating one's religion transgressed the limits and stopped being voluntary. Some States took exception to this but he assured the HRC that any particular legislation that exceeded the constitutional limits could be challenged and the person could approach the courts.

But rights lawyer Vrinda Grover attributed rights violations in the Northeast, Jammu and Kashmir and central India to heavy militarisation and use of security laws such as the AFSPA. She pointed out that the AFSPA remained on the statute books despite calls for its repeal by rights groups.

Madhu Mehra of Partners for Law in Development pointed out that Indian law did not penalise all forms of sexual violence, thereby encouraging impunity. The Protection of Women from Domestic Violence Act, 2005 lacked effective implementation and the prejudice against women in the police force, legal system and the political class impeded dispensation of justice.

Asha Kotwal of the All-India Dalit Mahila Adhikar Manch said the low conviction rate under the Scheduled Castes and Scheduled Tribes Atrocities Act did not deter crimes against these sections. Though India had an excellent policy of empowering Dalits and adivasis through targeted budgetary allocations, the Centre and the States had failed to implement the policy.

Prafulla Samantra of Lokashakti Abhijan spoke about the vulnerability of rights defenders.

LINK: <http://www.thehindu.com/news/national/in-geneva-india-defends-its-human-rights-record/article3453285.ece>