

**CENTRE FOR**  
 **OTERS INITIATIVE**  
**& ACTION**

**Ms. Tania María Abdo Rocholl**

Chair, Human Rights Committee

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais Wilson - 52, rue des Pâquis

CH-1201 Geneva (Switzerland)

Via E-mail: [ccpr@ohchr.org](mailto:ccpr@ohchr.org); [ohchr-ccpr@un.org](mailto:ohchr-ccpr@un.org)

**Report on India for the Programme of the 141st Session for the Committee on Civil and Political Rights / Rapport sur l'Inde pour le programme de la 141e session du Comité des droits civils et politiques**

**Introduction**

The Centre for Voters Initiative & Action presents this report to the United Nations Human Rights Committee ahead of the 141st Session for the review of India. The Centre is a non-governmental organisation based in the Americas with an international focus. The Centre acknowledges there can be no secure tomorrow without ensuring youth have knowledge to vote, participate, and engage with the democratic processes.

The Centre works with multiple international mechanisms to convey dialogue, conduct research, and bring awareness to the thematic issues of electoral engagement around the world. We closely follow and participate in the United Nations human rights mechanisms in Geneva and abroad, such as the UN Human Rights Committee.

Our human rights reporting process includes preliminary research of nation-states to be reviewed in the next session of the respective U.N. human rights body, researching and coordinating with civil society members of the respective nation to create a report on the successes and limitations of that nation implementing youth civic engagement, then working on-the-ground in Geneva to network with and speak to leaders on the issues we see.

These mechanisms have been used by the Centre since 2023, and have allowed for U.N. mandates to be issued to states for improving the engagement of youth in government, electoral equality, and more. This report highlights the electoral representation disparities in India, the lack of civic engagement, and the continued socioeconomic and societal discrimination against women through a youth-centred focus, all of which contributes to India's violations under the Covenant and undermines the fundamental right of the Indian persons.

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## **Electoral Representation Disparities Through Unchecked Governmental Limitations Lack of Judicial Enforcement on Removing Corporate Influences**

Prime Minister Narendra Modi introduced electoral bonds in 2017. Under the programme, people could buy bonds, then donate the funds from the bond to a political party of their choice. Between 2017-2018 and 2022-2023, electoral bonds worth Rs 12,008 crore were sold, with the BJP receiving approximately 55% of this sum, totaling Rs 6,564 crore.<sup>1</sup> Following the Election Commission of India's publication of Supreme Court-mandated data, which included unique bond numbers purchased and encashed by political parties from April 2019 to January 2024, The Wire reported that three of the top five donor companies allocated their largest contributions to the BJP. Additionally, the data revealed that the BJP obtained 93% of bonds before the 2019 Lok Sabha Polls.<sup>2</sup>

Article 25 of the Covenant guarantees civil society the right to participate in public affairs, vote, and access public service without unreasonable restrictions or discrimination. However, the lack of judicial enforcement in removing corporate influences, notably through schemes like electoral bonds, undermines these fundamental rights. The electoral bonds scheme introduced in India enables individuals and corporations to make unlimited donations to political parties, bypassing transparency measures and accountability. This practice skews the democratic process by allowing wealthy entities to exert disproportionate influence, thus compromising the principle of equal suffrage and the free expression of the electorate's will. Consequently, the electoral system fails to ensure fair representation and equal access to political participation, infringing upon the rights enshrined in Article 25 of the Covenant.

Civil society groups often struggle to make their voices heard amidst the overwhelming power of corporate interests in politics. Additionally, without effective enforcement measures, there's a sense of impunity among those who manipulate the system for their own benefit. This erodes public trust in the fairness and integrity of the political process.

In light of these concerns, it is imperative for the Indian government to demonstrate a commitment to upholding the principles of the Covenant by implementing effective enforcement measures to regulate political financing, ensure transparency, and safeguard the integrity of the electoral process. Failure to do so not only undermines democracy but also deprives citizens of their fundamental rights to participate meaningfully in the governance of their country.

**We urge the committee to closely observe and question the current enforcement of regulations, particularly regarding electoral bonds, and maintain ongoing communication with the Indian delegation to ensure adequate enforcement of the ban.**

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<sup>1</sup> Refer to

<https://thewire.in/government/modi-says-electoral-bond-enabled-tracking-money-trail-but-bjp-govt-blocked-information>.

<sup>2</sup> *Ibid.*

## **Potential Resurgence of Illegal “Black” Money in Political Funding**

The Supreme Court's decision to scrap the electoral bond scheme raises concerns about the resurgence of illegal black money in India's political funding landscape. Black money refers to funds obtained through illegal activities that are not declared for tax purposes. In the context of political funding, it often includes undisclosed donations from individuals or entities seeking to influence political outcomes covertly.

The reintroduction of black money into political funding would have detrimental effects on India's democratic processes. Firstly, it undermines the principles of fairness and transparency by allowing wealthy individuals or groups to exert undue influence on political parties and candidates without public accountability. This clandestine funding can distort the electoral landscape, skewing representation and subduing the voices of ordinary voters.

Elections in India have become exorbitantly expensive, with candidates routinely exceeding legally prescribed expenditure limits. For instance, actual election expenditures are unofficially reported to be around ₹40 crore for a parliamentary constituency and ₹6 crore for an assembly constituency—figures that are 40 and 15 times the allowed limit, respectively. This necessitates funding sources beyond legitimate channels, leading to the influx of black money into the electoral arena. The prevalence of black funds undermines the integrity of elections, as candidates resort to bribes, patronage, and other illegal means to secure votes.<sup>3</sup>

Article 25 of the Covenant guarantees citizens the right to participate in public affairs and access public service without discrimination. However, the potential infiltration of black money into political funding subverts this right by skewing electoral outcomes in favour of wealthy donors and powerful interests, thereby eroding the principles of fairness and equal representation.

While flawed, the electoral bonds scheme offered some transparency by channelling donations through official banking channels. However, its removal risks worsening the issue, pushing political financing back into unregulated territory, away from accountability.

To address this challenge, concerted efforts are needed to reform India's electoral financing system comprehensively. This includes implementing stringent enforcement mechanisms, enhancing transparency in donation reporting, and reducing the reliance on opaque funding sources. Moreover, fostering political awareness among citizens and promoting the emergence of new parties committed to ethical governance can help mitigate the influence of vested interests.

**We urge the Indian delegation to outline concrete measures for tackling the nexus between electoral funding and black money, ensuring that the democratic process remains fair, transparent, and inclusive. By upholding the principles of integrity and accountability, India can uphold its commitment to democratic ideals.**

<sup>3</sup> Refer to <https://www.impriindia.com/insights/electoral-bonds-black-money-in-india/>.

## **Erosion of Judicial Autonomy and Executive Overreach**

Judicial autonomy, a cornerstone of democratic governance, embodies the principle that the judiciary should operate independently of undue influence from the executive or legislative branches of government. It entails the judiciary's ability to adjudicate cases impartially, free from external pressures or interference. However, in recent years, India has witnessed a concerning trend of erosion in judicial autonomy, accompanied by the encroachment of executive power into the domain of the judiciary. As judicial autonomy wanes, questions arise regarding the judiciary's ability to uphold the rule of law, protect individual rights, and serve as a check on governmental overreach.

In 2021, Freedom House downgraded India's status from a "free democracy" to "partially free democracy."<sup>4</sup> Furthermore, India's Global Democracy Index fell from 27th to 46th in 2022, according to the Economist Intelligence.<sup>5</sup> This is due to the rising prevalence of democratic backsliding in India's executive. However, it would be unjust to disregard the successes of the world's largest democracy. India boasts widespread voter turnout, with more than 600 million people casting votes in the 2019 general election. For this reason precisely, it is imperative that India's democracy maintains democratic principles and that the articles of the covenant are upheld.

Article 25 of the Covenant guarantees individuals the right to participate in public affairs, vote, and access public services without unreasonable restrictions or discrimination. However, the erosion of judicial autonomy and executive overreach in India directly contravene these rights. By undermining the independence of the judiciary and exerting undue influence over judicial decisions, the executive infringes upon citizens' right to impartial adjudication and equal protection under the law. When the judiciary is no longer a neutral arbiter, citizens face obstacles in exercising their political rights and accessing justice. Moreover, the encroachment of executive power into the judiciary diminishes public trust in democratic institutions and erodes the foundation of a fair and transparent electoral process. As a result, citizens are deprived of meaningful participation in public affairs and are vulnerable to discrimination and injustice. It is imperative for India to uphold the principles of judicial autonomy and democratic governance to ensure the protection of individuals' rights and the integrity of its democratic institutions.

In addition to upholding judicial autonomy and combating executive overreach, fostering youth civic engagement is vital for sustaining India's democracy. The active participation of young people in civic and political processes is essential for promoting inclusivity, diversity, and accountability within society. Youth bring fresh perspectives, innovative ideas, and a deep commitment to social justice, making them powerful agents of change in shaping the future of democracy. By engaging young citizens in dialogue, education, and advocacy

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<sup>4</sup> Refer to <https://freedomhouse.org/country/india/freedom-world/2022>.

<sup>5</sup> Ibid. Furthermore, refer to [https://pages.eiu.com/rs/753-RIO-438/images/DI-final-version-report.pdf?mkt\\_tok=NzUzLVJJUS00MzgAAAGNPOTMzHHxoOUhzLLA5e3kRlv8j09eHyobnAMN\\_02SizvAF1mH10n9RFGYGKDi2LEUaTjLZ6tc9z7uKAopW0xq5Jqku1pkxpKMfZiuGUME](https://pages.eiu.com/rs/753-RIO-438/images/DI-final-version-report.pdf?mkt_tok=NzUzLVJJUS00MzgAAAGNPOTMzHHxoOUhzLLA5e3kRlv8j09eHyobnAMN_02SizvAF1mH10n9RFGYGKDi2LEUaTjLZ6tc9z7uKAopW0xq5Jqku1pkxpKMfZiuGUME).

initiatives, India can cultivate a new generation of informed and empowered leaders who are dedicated to upholding democratic values and defending political rights. Placing emphasis on youth civic engagement not only strengthens democratic institutions but also ensures that the voices and concerns of all citizens, regardless of age, are heard and respected in the governance of the country. As India navigates the challenges of democratic backsliding and executive overreach, the active involvement of young people offers hope for a more vibrant, inclusive, and resilient democracy that upholds the principles of justice, equality, and freedom for all.

**We urge the committee to closely monitor the executive overreach in India, engage in dialogue with relevant stakeholders, and advocate for the protection of individuals' rights and democratic institutions. By working together to address these challenges, we can uphold the principles of democracy, promote civil and political rights, and ensure the well-being of all citizens in India.**

### **Continued Societal Discrimination against Women India's Socioeconomic Disparities Regarding Gender**

India is a nation that has lagged far behind in regards to equality. With a Gini Coefficient of 82.3, the State has demonstrated consistent deficiency in ensuring equality for all its citizens, creating a detrimental impact on the economy and society as a whole.

This inequality intensifies in respect to gender in India, as a patriarchal societal system dominates the country. According to the UN, the Gender Inequality Index is at 0.437. India has one of the lowest rates of formal employment for women.<sup>6</sup> Also, the labour force participation rate of women is only 28.3%. Societies in India that place high respect on “family honour,” do not entertain the idea of women working away from home unsupervised.

Additionally, there is a clear sex-typing of occupations, restricting women to the lower occupational rungs and specific categories.<sup>7</sup> Women are limited to “feminine occupations” such as teaching or nursing.

The gap in India has widened to 62.5% due to various factors such as decrease in women's labour force participation, inadequate representation of women in politics and leadership roles, lagging female to male literacy rates.<sup>8</sup> To add on, the percentage of women doing paid work has dropped to 24%.

As India continues to struggle with a low GDP, the utilisation of a women workforce would be beneficial to improving its economy. Strides have been taken in order to address these issues, but in terms of transforming India into an equitable State, progress would take extremely long. The culture and traditional norms of the State would have to be eradicated and acceptance must be instilled in society.

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<sup>6</sup> Refer to <https://www.nytimes.com/2023/11/20/briefing/india-economy-gender-inequality>.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

The socioeconomic disparities in gender are at the foundation of a plethora of economic issues. Should the situation improve, it will benefit the state of India as a whole. The Centre has worked with multiple NGOs addressing the issues in India and has seen firsthand how this issue is the root cause of most others.

### **Discrimination in Schooling**

The discrimination against women in India begins at the very schooling. While, meaningful strides have been taken to improve this issue, men have been favoured against women<sup>9</sup> in schools across the country. Specifically involving the access to education, as the non-availability of facilities within the vicinity particularly affects potential girl learners. Studies have shown that 'distance' as a factor is more significant for girls in that parents are unwilling to send their daughters to distant schools for a number of cultural and practical reasons.<sup>10</sup> Moreover, the cultural practices in India constitute a separate girls school, rather than coed. These institutions make up a mere 20-25% of schools in India, adding to the limited availability of girls schooling, exacerbating the educational problem in the State.

The failure of these schooling institutions to be widespread has resulted in low literacy rates for women and a less productive society. There is a far greater proportion of dropout and wastage among girls than among boys.<sup>11</sup> With this, India's economy will continue to struggle and dissatisfy its need for a greater Gross Domestic Product.

Education is an undeniable right and specifically enshrined in the CCPR. The failure of India to provide proper schooling is caused by the socioeconomic gender disparities, and enhanced by its cultural and traditional practices. This propels India to a world where women do not have the same opportunities as everyone else, not only does this fall behind other states but establishes strains on its economy. India will never reach its full potential without the employment of a full workforce, which begins with schooling.

**We urge the committee to push India toward establishing a greater network of schools, maximising education among young girls, and fulfilling its workforce. Political threats and barriers may occur, yet the Indian government must do everything in its power to provide equal opportunities to women.**

### **Lack of Proper Health Services**

Numerous human rights treaties have clearly established the fundamental right to healthcare. Yet, while meaningful strides have been made in order to increase healthcare there is a wide gap between the treatment of men and women. Nearly twice as many hospital visits were made by men and boys as were made by women and girls in the younger age groups.<sup>12</sup> With an increasing ratio, males in India exceed women in gaining medical attention drastically.

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<sup>9</sup> Refer to <https://www.careindia.org/blog/gender-in-inequality/>.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Velaskar, Padma. "UNEQUAL SCHOOLING AS A FACTOR IN THE REPRODUCTION OF SOCIAL INEQUALITY IN INDIA." Sociological Bulletin, vol. 39, no. 1/2, 1990, pp. 131–45. JSTOR, <http://www.jstor.org/stable/23634530>.



With the lack of attention to women in healthcare facilities the maternal mortality ratio lies at 102.7 deaths per 100,000 births. A mother is over twelve times less likely to be delivered by a medically trained person.<sup>13</sup> This all demonstrates the unequal distribution of healthcare resources and further exacerbates the gender disparities in India.

The failure of equal distribution of healthcare in India has led to an even less productive society and a greater disparity between men and women. Not only this, but by disregarding the need for women's healthcare India, it is disrupting the success of future generations. The current socioeconomic and gender barriers prevent the proper implementation of these health standards, resulting in detrimental disparities.

The failure of India implementing equitable healthcare is a result of its socioeconomic and cultural standards, exacerbated by the underlying inequalities in healthcare. This creates a nation where women, the mothers of future generations, cannot get access to medical care.

**We urge the committee to engage in discussion on the disparities in healthcare in India, and encourage the Indian government to establish a wider network of healthcare centres, diluting the disparity. It is India's duty to oblige and maintain a healthy population.**

### Gender Based Crime

In India, gender based crime is one of the most ignored and normalised forms of abuse, affecting the lives of millions of women and girls.<sup>14</sup> In accordance with the statements of the United Nations, domestic and other forms of gender-based violence are inextricably linked to each other and are key obstacles to gender equality.<sup>15</sup> As well, India's domestic violence has increased by 217%, thereby constituting the highest percentage increase amongst all crimes against women.<sup>16</sup> Even though strides have been taken to combat this issue, there is still a significant number of abuses against women in India. With 35% of women having experienced abuse in their lifetime.<sup>17</sup> Thus increasing the gender disparities and further complicating a woman's right to happiness and engaging normally within society.

The number of domestic violence occurrences continues to rise along with the percent of women who've claimed to have experienced violence from their spouses in their lifetime. This is heightened by the gender disparities and inequality, if we were to reduce inequality we would, in hand, reduce the amount of gender-based violence.<sup>18</sup> This demonstrates the lack of safety and fear instilled in Indian women throughout society.<sup>19</sup> Women consistently feel degraded and unworthy in India's society, which creates a hesitation to apply themselves to jobs or schooling, further enhancing the lack of women in the workforce, and damaging the economy and society.

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<sup>13</sup> Harbishettar, Vijaykumar, and Suresh Bada Math. "Violence against women in India: comprehensive care for survivors." *The Indian journal of medical research* vol. 140,2 (2014): 157-9.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4216486/>

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.



As described previously, women all across India are subjected to intensive violence and abuse. In order to allow women to regain trust in the Indian government and proceed with a free and happy life, the Indian government must take action.

**We urge the committee to outline the concrete measures for combating the issue of domestic violence and abuse among women in India. By upholding principles of integrity and accountability, India can successfully stop the spread of violence and uphold the safety of its citizens.**

### **Gender Inequality Resulting in a Limitation of Civic Engagement**

Corresponding to the UN's previous statements the female share of seats in parliament lies at a poor 14.6%, with a gender gap of -70.7%.<sup>20</sup> In addition, men are significantly more likely to go and cast a ballot on election day than women are.<sup>21</sup> Studies have shown that women lag men in across all measures of non-electoral political engagement.<sup>22</sup> Activities such as contacting representatives, attending public meetings, and participating in campaign activities all contain a significant gender gap.<sup>23</sup> As a result of household doctrines and traditional structure, women have been actively discouraged to participate in political processes. It is also proven that women are much less urgent when it comes to their votes as opposed to men. The gender gap persists exponentially in terms of civic engagement.

The voting process has remained one for the economically superior and educated to participate in. With the lack of participation in the political sector from women, they will continue to abstain from democracy in which they can advocate for their own well-being. Should gender inequality continue, women will have no say in their government, leading to a democracy ruled by just 50% of its people. Proper gender equality is necessary in order to create an accurate representation of the needs of its people.

Though India has made strides in engaging women in parliament and the political process, there is still more work to be done. Women should have equal representation and involvement in their government, a country cannot be ruled by just 50% of its people.

**We urge the committee to closely investigate the involvement of females throughout the political sector, ensuring that India has an equal and diverse mixture of voices in their government. By doing this, India will reduce Gender Inequality and in turn reduce the assortment of issues outlined above.**

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<sup>20</sup> Refer to

<https://carnegieendowment.org/research/2024/04/what-lies-behind-indias-rising-female-voter-turnout?lang=en>.

<sup>21</sup> Refer to

<https://www.ipr.northwestern.edu/news/2021/india-scales-up-program-to-combat-gender-inequality.html>.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

## Recommendations

1. We urge the committee to closely observe and question the current enforcement of regulations, particularly regarding electoral bonds, and maintain ongoing communication with the Indian delegation to ensure adequate enforcement of the ban.
2. We urge the Indian delegation to outline concrete measures for tackling the nexus between electoral funding and black money, ensuring that the democratic process remains fair, transparent, and inclusive. By upholding the principles of integrity and accountability, India can uphold its commitment to democratic ideals.
3. We urge the committee to closely monitor the executive overreach in India, engage in dialogue with relevant stakeholders, and advocate for the protection of individuals' rights and democratic institutions. By working together to address these challenges, we can uphold the principles of democracy, promote civil and political rights, and ensure the well-being of all citizens in India.
4. We urge the committee to push India toward establishing a greater network of schools, maximising education among young girls, and fulfilling its workforce. Political threats and barriers may occur, yet the Indian government must do everything in its power to provide equal opportunities to women.
5. We urge the committee to engage in discussion on the disparities in healthcare in India, and encourage the Indian government to establish a wider network of healthcare centres, diluting the disparity. It is India's duty to oblige and maintain a healthy population.
6. We urge the committee to outline the concrete measures for combating the issue of domestic violence and abuse among women in India. By upholding principles of integrity and accountability, India can successfully stop the spread of violence and uphold the safety of its citizens.
7. We urge the committee to closely investigate the involvement of females throughout the political sector, ensuring that India has an equal and diverse mixture of voices in their government. By doing this, India will reduce Gender Inequality and in turn reduce the assortment of issues outlined above.

## Concluding Observations

The human rights situation in India is incredibly alarming. Should these actions continue, the violations will catapult into something larger and undermine the fundamental rights of Indian civil society under the International Covenant for Civil and Political Rights. It is not one issue we see in India contributing to a weakened democracy, but a combination of circumstances that exacerbate the reductions of rights. As enshrined in this petition, the Centre strongly supports that civic engagement and education are core in reforming India into a more prosperous, successful, and safe India.

Though this submission highlights the multitude of issues that Indian civil society faces, the Centre affirms the role of the Committee in ensuring these issues are addressed to the delegation. We firmly believe that building a more secure future begins with ensuring a strong, sustainable future for the youth of India and are determined to bring the rights of the Covenant to fruition. We are hopeful that, by continuing to facilitate meaningful dialogue between young persons and those in charge, the Committee will continue to underscore the importance of human rights violations for Indian civil society.

For any inquiries regarding this submission, please contact primary contributors Mr. Samad Quraishi at [squraishi@cvia.ch](mailto:squraishi@cvia.ch); Mr. Vedansh Garg at [vgarg@cvia.ch](mailto:vgarg@cvia.ch); and Ms. Antonia Gouvis at [ngouvis@cvia.ch](mailto:ngouvis@cvia.ch).

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