

## **A Citizens Human Rights Manifesto for India 2024 | General Elections 2024**

*Let's keep the #JungJaari for Equality and Justice*

### **Executive Summary:**

Democratic states strive for equality and social justice through representative and participatory democracy. The 2024 general elections mark a crucial point that will decide the state of human rights in India.

CJP and PUCL, Maharashtra have drafted this Citizen's Human Rights Manifesto (CHRM), as a people's election dialogue tool addressed to all political parties in India committed to the Secular Democratic Republic of India as envisaged in the Indian Constitution.

Precisely, the CHRM captures **14 Key Human Rights Asks and One Major Demand**. The **14 "ASKS"** are addressed to all political representatives of political parties standing for the Lok Sabha Elections to commit themselves to uphold the constitutional freedoms and rights guaranteed to us. **The One "DEMAND"** is to repeal those laws that infringe the fundamental rights guaranteed to the people of India.

The "reality of social and economic inequality" and the "hope of equity, equality and non-discrimination", are the push and pulls that require constant citizens' activism and interventions with the political class and other constitutional bodies within electoral democracies

Through this manifesto, we aim to highlight the numerous rights-related issues that we, as human rights organisations dedicated to human rights, believe are key to consider for candidates contesting the election, as well as the future government. Several human rights organisations and movements have endorsed this document.

### **I. Freedom of Speech and Expression, Assembly**

There must be complete respect for the right of all citizens to peacefully assemble and protest, and their right to freedom of expression and speech, as enshrined in the Constitution of India.

The ongoing crackdown on human rights defenders, journalists, student leaders, RTI activists, Dalits, tribals and others must be stopped & draconian sections of the Unlawful Activities Prevention Act (UAPA), the Armed Forces Special Powers Act (AFSPA), the National Security Act (NSA), and the Public Safety Act (PSA) and other central and state laws that are used especially to target dissenters and critics of the state—must be repealed, and those falsely charged under them be unconditionally released. These should not be any arbitrary executive curbs through law enforcement agencies/police on free movement and assembly like the indiscriminate use of Sections 144 and 149 of the Code of Criminal Procedure (CrPC) and the Prevention of Seditious Meetings Act, 1911. Use of brutal firearms and technology like tear gas through drones, surveillance driven face recognition technologies etc must be stopped.

Any attempt at dilution of the Right to Information Act, 2005 should be reverted, rather the ambit of the RTI should be increased to include private corporations and funds such as Electoral Bonds & the PM Care Fund, to ensure transparency. Additionally, curb on Human rights defenders' activities to secure funding and resources must be stopped, and a special law that aligns with international standards must be enacted to protect HRDs.

All attempts to censor and police the media- print, electronic, social should be stopped. Free and independent media should be promoted and the State should ensure protection of media houses from vindictive action and vexatious litigations. A Law to Protect and Preserve Freedom of the Internet should be enacted, along with imposition of clear guidelines in consonance with international standards. The practice of Internet shutdowns and all forms of censorship of media should be stopped.

## **II. Minority Rights**

Right of all Indians, including the most invisibilised sections of our population, hitherto even excluded from electoral rolls to be guaranteed the right to vote; this must include –and a special focus and outreach even legal provisions made for –migrant labour, transgender community, all minorities, gender, caste, ethnic and religious.

**Adivasis:** There should be a focus on strengthening and implementing the Forest Rights Act, 2006, The Panchayat (Extension of the Scheduled Areas) Act, 1996 and implementation of the LARR Act 2013 (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013) and other provisions of land and environmental laws and the Indian Constitution to ensure free prior informed consent, participation in decision making and recognition of rights of the local and indigenous communities over their lands, traditional livelihoods, culture and way of life, and to stop forced displacement. The process for approving and rejecting community land claims must be expedited, and made completely transparent. The malicious, false cases that have been filed against Adivasis, forest workers, and other forest-dwellers because they made land claims must be permanently dropped. Harassment and police brutality against Adivasis and forest-dwelling communities must also be stopped.

**Dalits:** Dalits must be recognised as a 'vulnerable group'. A specialised, sensitive infrastructure that considers their right to assembly and association must be implemented, given that this right is routinely denied. Ensure that Scheduled Caste or Scheduled Tribe (Prevention of Atrocities) Act is used in all cases of crimes committed against SCs and STs and special witness protection provided to survivors of caste-based targeted violence. Ensure that Section 3(1) (f) and 3 (1) (g) of the Atrocities Act is strictly implemented with regular advisories from the union home ministry and ministries of social welfare to *District Magistrates and Superintendents of Districts (SPs)* to ensure that encroachers on land granted to SCs under this law are removed and other preventive measures under the law implemented.

**Religious Minorities:** Our foremost ask is that The Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011 must be tabled and passed after discussions and deliberations to protect religious and linguistic minorities, and historically oppressed communities like Dalits and Adivasis in all states, after consultation and reference to a Joint Parliamentary Committee. It is also essential to ensure that the Bill contains provisions that hold authority figures accountable in event of targeted violence, and must standardise compensation and reparations. Cases of violence that arise from hate speech, particularly those that target minorities, should be treated as high priorities, and be prosecuted in special courts.

**Gendered Minorities:** A culture of acceptance and zero tolerance towards harassment of people based on their gender identity, expression, and attire must be fostered in public and private workplaces. The Prevention of Sexual Harassment at the Workplace Act, 2013 must be more strictly implemented, and expanded to include people of all genders and sexualities. Efforts at diluting the Protection of Women from Domestic Violence Act, 2005 must be stopped. Marital rape must be recognised as a criminal offence. The Transgender Persons Act, 2018 must be amended to recognise a person's self-determination of gender as per the NALSA judgement irrespective of any medical intervention, and the penalty provided in the act for rape and sexual assault of a transgender person, should be equivalent to the punishment specified for the rape of a cis-gendered woman.

All attempts to dilute and weaken the Protection of Children from Sexual Offences Act, 2012 (POCSO) must be stopped. The high pendency of cases filed under the POCSO Act must be dealt with by guaranteeing time-bound trials in fast-track courts. Revisit and seriously re-examine the NEP at the national level and with all concerned State Governments and State Holders. Stop all attempts to change the curriculum of the schools, especially removal of chapters on the history of India

Steps to strengthen the rigorous implementation of The Rights of Persons with Disabilities (RPwD) Act, 2016 should be taken along with enforcement of all manners of Rights of Disabled Persons along with calls for national and state policies to ensure protection of rights (economic, social and political).

Police and law enforcement personnel must be well-trained to protect minorities from hate speech-related violence and attacks. Model Hate Crimes Manual to be developed and circulated with advisories about regular training to administrators and law enforcement officials to ensure sensitive and prompt redressal. Prosecute with rigour and diligence all those individuals and organisations those engaging in hate speech, hate writing, trolling or bullying of ethnic, religious, gender, caste and sexual minorities and scheduled tribes. Survivors and victims of cow vigilantism and mob lynching's—largely members of religious minorities and oppressed castes—must not be charged, particularly under cow protection laws. Cattle traders and others charged under these laws must be freed, and charges against them dropped. Those engaging in violence through cow vigilantism and mob lynching must meet strict conditions to secure bail.

### **III. Right to Work and Right to Environment**

Ensure the withdrawal of the four labour codes and all the proposed pro-employer amendments should be stopped. Minimum wages to be revised no less than Rs 15,000 per month. All scheme appointees should be regular workers, contractual labour in regular jobs to be halted and benefits and wages should be extended to all as regular workers. Ensure equal pay for equal work. A national level law should be formulated on inclusion of gig workers as formal labourers and extension of all rights available under labour laws to them, as well as a law on minimum guaranteed income, work and social security as a right in line with the recently enacted Rajasthan State Law. Ensure implementation of policy on maternity benefits as well as provision for providing crèches. Rights of small-scale industries, especially those protected under weaker sections of society, should be protected. Ensure protection of the rights of Indian fisher folk who are losing their fishing rights due to large trawlers and also development projects. Ensure a Restoration of Old Pension Scheme, Pension and social security to all in formal and informal economy; Ensure Welfare Boards for all categories of unorganised workers on the lines of Construction Workers Welfare Board.

Guarantee Minimum Support Prices (MSP) for farmers across the country that is at least one and a half times the full cost of production for all crops with guaranteed procurement. Implement a radical, universal Public Distribution System (PDS) without linking it to Aadhaar, or moving to direct cash transfers and provide a minimum pension of Rs. 5,000 per month to each farmer above the age of 60. Increase the number of guaranteed employment days under MGNREGA to 200 days per family and follow through the policy of waiver of farmer loans. Withdraw all false cases against farmers and ensure a complete loan waiver to small and middle farm household and agricultural workers to ensure their freedom from indebtedness.

The Ministry of Environment, Forest & Climate Change (MoEFCC) must not be permitted to dilute environmental regulations and notifications without informed public participation. Ensure an end to threats, restrictions and violence against environmental defenders and the safety and protection of environmental defenders from reprisals and attacks. Ensure that all the zonal benches of the National Green Tribunal are fully functional and functioning fairly and independently, and allocate more resources towards strengthening access to justice in matters concerning the environment. Re- envision the development agenda and planning model to ensure that the India's natural resources – forest, wetlands, grasslands, mangroves, mud flats, corals, etc. are not destroyed under the guise of “development” to be replaced by unsustainable man-made infrastructure. Recognise the Right to Housing as a Fundamental Right and consider re-inserting Article 31 of the Indian Constitution. Ensure protection against arbitrary eviction of slum dwellers without first providing alternative accommodation. Ensure adequate, market and hardship compensation in event of forced or mandatory displacement of people.

#### **IV. Criminal Justice Reform**

The death penalty must be abolished. Police reforms must be strictly implemented as per the Prakash Singh case in the Supreme Court, and recommendations from National Police Commissions. Prison conditions must be thoroughly and regularly monitored, with special attention given to the condition of women and children. Bail not jail should be the rule across all criminal laws. Undertrials who are economically disadvantaged must be released on personal bonds after they have spent half their maximum sentence in jail. Ensure regular and mandatory police sensitisation and training programmes, to update the police personnel on the protective legislations, rights of victims, accused and ensure unbiased and uninfluenced functioning of police and fair investigation of cases. Free and quality legal aid must be provided to all to ensure access to justice. A proper witness protection programme must be put in place. Time-bound trials in fast-track courts must be ensured for cases involving cow vigilantism and mob lynching as well as whistle-blowers, and RTI activists. In cases of gender-based violence, survivors, witnesses, and the families of victims and survivors must be provided sufficient protection. Formulate provisions for compensation, relief and rehabilitation of Internally Displaced people and survivors of all kinds of violence. The anti-defection law must be strengthened and stricter penalties must be imposed to weed out corrupt practices like political defections.

## **WE DEMAND:**

We demand for the immediate repeal of draconian laws such as Unlawful Activities Prevention Act (UAPA), the Armed Forces Special Powers Act (AFSPA) the National Security Act (NSA), the Public Safety Act (PSA) and other such “security” laws used to target dissenting voices and political opposition and release of all those falsely implicated under them. Repeal the Citizenship Amendment Act, 2019 as it discriminates on the basis of religion or faith in terms of granting citizenship which is violative of Article 14 and 15 of the Indian Constitution. Remove restrictions for access to funding and resources for HRDs, people’s movements and marginalised communities, including the clampdown through the Foreign Contribution (Regulation) Act, 2010.

The newly introduced three criminal laws, namely Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhinyam should be repealed. Laws such as the Telecommunications Act 2023, Registration of Births & Deaths (Amendment) Act, 2023 and the Digital Personal Data Protection Act 2023 should be repealed as they violate an individual’s right to privacy and digital rights. Repeal the Biological Diversity Amendment Act, 2023, CRZ (Coastal Regulation Zone) Notification 2019, the Green Credit Rules, 2023, Coastal Aquaculture Authority Act, 2005 and the Forest Conservation Act, 2023 as they dilute the safeguards granted to the environment. Repeal the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 as it undermines the judgement of the constitution bench of the Supreme Court. Uphold free voice of the media and repeal the recently passed Press and Registration of Periodicals Act, 2023 and The Cinematograph Amendment Bill 2023. Repeal the Information Technology (IT) Rules amendments establishing a Fact Check Unit by the Government. All laws (criminal) public security acts, organised crimes act and Goondas act should be repealed as offences under these laws are adequately dealt with under IPC. State laws on Uniform Civil Code, cow slaughter and anti-conversion should be repealed.

For more details, kindly refer to our Citizens Human Rights Manifesto 2024.

**Citizens for Justice and Peace (CJP)**

**People’s Union for Civil Liberties (PUCL), Maharashtra**