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Justice V. Ramasubramanian
Chairperson

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Preface

Human rights form the core of a fair and compassionate society. They are recognized in every civil society to safeguard people from the excesses of the State and provide a solid affirmation of the principles of equality, liberty, and dignity, which are inherent to every individual simply by virtue of their existence. The protection and promotion of human rights is especially important to create an environment where every citizen can thrive, both as an individual and as part of a community. Our Constitution, drafted with care and precision by its architects, reflects the country's commitment to the realisation of every individual's human rights. The legislature, the executive, and the judiciary work in tandem to fulfil the commitment this country made to its citizens on the eve of independence.

The National Human Rights Commission, founded in 1993, is reflective of India's commitment towards protecting and promoting the human rights of every individual. The Commission, which has been at the forefront of the human rights movement in India, has taken numerous steps to ensure that every individual is able to thrive and live a life of dignity. One such step has been the publication of its Annual English Journal, which has been published every year since 2002, and has become a veritable wealth of knowledge when it comes to human rights discourse.

This year's journal, like those of the previous years, has been a platform where experts from various fields have shared their insights on some of the most pressing global issues. We are privileged to have an article penned by the Hon'ble Former President of India, Shri Ram Nath Kovind, who has been generous with his wisdom for the benefit of our readers. We also have authors who are diplomats, distinguished scholars, senior bureaucrats, human rights activists, and legal experts who have written on issues like financial inclusion, ageing, the rights of prison inmates, maternal and newborn health, and disability jurisprudence, to name a few. I strongly believe that this year's edition will provide its readers with immense knowledge and newer perspectives on various topics.

I express my deep gratitude to the esteemed Members of the Editorial Board, as well as our learned authors, whose knowledge and inputs have helped pave the way for the publication of this journal.

[Justice V. Ramasubramanian]

राष्ट्रीय मानव अधिकार आयोग
मानव अधिकार भवन, सी—ब्लॉक,
जीपीओ कम्पलेक्स आईएनए, नई दिल्ली—110 023 भारत

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From the Editor's Desk

The National Human Rights Commission (NHRC), India under Section 12(h) of the Protection of Human Rights Act, 1993, is mandated to promote human rights literacy and awareness across the country. Among its many publications, the Annual English Journal — published since 2002 — remains a vital medium for sharing ideas, research, and emerging perspectives on the evolving landscape of human rights. Over the years, it has built a strong legacy, often cited in international human rights literature, and has showcased India's steady progress in advancing the protection and promotion of human rights.

Guided by the enduring ethos of Sarve Bhavantu Sukhinah — 'May everyone be happy' — the Commission continues to champion justice, equality, freedom, and dignity for all. Ensuring that these values are reflected in the lived experiences of every individual remains central to its mission.

The 24th edition of the Journal reflects the dynamic nature of human rights and features articles on constitutional ethics, India's civilizational ethos, ageing, cultural rights, the Sustainable Development Goals, digital healthcare, and more. We are honoured that Shri Ram Nath Kovind, Hon'ble Former President of India, kindly contributed an insightful article titled 'India's Enduring Human Values: From Ancient Civilization to Modern Democracy', offering valuable insights into the values which have shaped the human rights discourse in the country. Eminent experts, senior government officers, researchers, and legal scholars have also enriched this volume with their contributions.

I extend my sincere gratitude to the Members of the Editorial Board for their guidance, and to all authors for sharing their insights and expertise. I'm grateful to Justice V. Ramasubramanian, Chairperson, NHRC for providing valuable guidance at every stage in successfully bringing out the journal. My special thanks to Mr. Samir Kumar, Joint Secretary, NHRC, for his coordination and steadfast support. I also deeply appreciate the dedicated efforts of the Research Team led by Dr. (Ms.) Rajul Raikwar, with Ms. Madhura Naniwadekar, Mr. Raghwendra Singh, and Ms. Swarna Singh as member of the core team. I sincerely thank Mr. A D Gnanagurunathan for extending excellent editorial support.

I am confident that this edition will serve as a valuable resource, offering meaningful insights into emerging dimensions of human rights.

[Bharat Lal]

India's Enduring Human Values: From Ancient Civilisation to Modern Democracy

Ram Nath Kovind*

Abstract

Today's India reflects a unique blend of ancient civilisational ethos and constitutional ideals. Deeply rooted in principles of justice, equality, human dignity and participatory governance, India's democracy is not a recent phenomenon, but a continuation of values articulated in ancient texts such as the Upanishads and the Mahabharata. These texts highlighted the importance of ideals of Dharma (righteousness), justice, equality, compassion and universal well-being, emphasising duties and responsibilities.

Indian society has constantly reaffirmed and renewed these values. Its spiritual and ethical heritage inspired social reformers like Raja Ram Mohan Roy, Savitribai Phule, and others, who championed equality, opposed caste discrimination and advanced women's rights, drawing directly from India's cultural and moral traditions. The freedom movement led by Mahatma Gandhi reflected the nation's age-old commitment to non-violence, inclusivity and respect for the inherent worth of every human being, principles that found powerful resonance worldwide and inspired global movements for justice and human dignity.

The Constitution of India gave contemporary form to these enduring values - it enshrined fundamental rights, duties and the Directive Principles of State Policy, promoting equality, social welfare and the protection of the vulnerable communities.

Modern India's remarkable achievements — in expanding education, healthcare, housing, clean water, sanitation, electricity, cooking gas, financial inclusion and digital connectivity — affirm its civilisational commitment to dignity and holistic well-being for all. At home and abroad, India continues to champion these foundational values, sharing its philosophy of interconnectedness, harmony and compassion with the world. Its role in the global world order through the United Nations, contributes to peacekeeping, humanitarian assistance, and advocacy for global human rights, reflecting a seamless continuity of its ancient ideal — 'the world is one family (Vasudhaiva Kutumbakam).

Keywords: democratic ethos, justice and equality, participatory governance, constitutional ideals, human rights

* Shri Ram Nath Kovind is the 14th President of Republic of India.

1. Introduction

India's constitutional democracy, celebrated as the world's largest democratic experiment, represents not a sudden rupture from the past but a profound continuity with ancient civilisational values. The principles of justice, equality, human dignity, and participatory governance that is embodied into the Indian Constitution continue to inspire Indian society today and find their philosophical origins in the texts dating back to millennia. These principles were championed by many social reformers and freedom fighters during the colonial period and provided basic tenets of Independent India's Constitution, which was adopted on 26 November 1949. These values rooted in five thousand years of unbroken civilisational heritage have shaped how Indians live, engage, govern and relate to one another across the ages.

2. India's civilisational ethos: Dharma, equality, justice and human dignity

India is a living civilisation. Across five millennia, India's foundational human values have remained constant — such as the pursuit of justice, the affirmation of human dignity and the belief in universal interconnectedness. These values, first articulated in ancient texts, continue to guide Indian society and governance to this day.

India's national motto, *Satyamev Jayate* — 'truth alone triumphs' from the *Mundaka Upanishad*, signifies that truth, understood as moral and spiritual reality, ultimately triumphs over falsehood and injustice. This principle has guided Indian civilisation for millennia and continues to do so, affirming that justice, dignity, and human rights are rooted in the pursuit of truth, not just in victory or power. The *Mahabharata's Shanti Parva* proclaimed, 'Justice is the root of all welfare; without justice, no one can truly prosper' and defined *Dharma* as refraining from actions one finds unpleasant for oneself.[1] The *Brihadaranyaka Upanishad* upheld *Dharma* above royal authority, establishing the rule of law[2] showing that limits on power have always been a core value.

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[1] Pradeep V. Kamat and Neela Kamat, 'Good Governance in Indian Statecraft, Diplomacy and Polity Through Prism of Ancient Indian Literature' (FINS India, 15 October 2021) https://www.finsindia.org/good-governance-in-indian-statecraft-diplomacy-and-polity-through-prism-of-ancient-indian-literature.html

[2] ibid.

After the Kalinga war, Emperor Ashoka embraced *Dhamma* (a practical ethical code) and introduced welfare measures such as hospitals, rest houses, and infrastructure to support public health and trade. His edicts promoted non-violence, religious tolerance, and the well-being of all in his empire, creating one of history's earliest welfare states.

India's intellectual and spiritual heritage also championed equality and reform, challenging caste hierarchies. In the 6th century BCE, Gautama Buddha challenged claims of divinely ordained superiority, affirming that all human beings share a common origin and that social mobility was attainable through one's actions rather than birth. This principle continues in modern India's constitutional commitment to equality. Likewise, the principle of gender equality has deep roots in Indian civilisation. Early Vedic society (1500 – 1000 BCE) reflected gender equality — women participated in rituals and assemblies, received education and had the freedom to choose or remarry partners and pursue spiritual paths.[3] Gender equality as an ancient principle became an enduring Indian value.

Several foreign travellers witnessed and validated these values across centuries. According Fa-Hien (5th century CE), he described, 'The people are rich and prosperous, and the king governs with justice and compassion' while Hiuen Tsang (7th century CE), noted, 'The people are gentle and virtuous and the king is revered for his righteousness; there is no discrimination based on caste or creed and all are treated with dignity.' Centuries later, Mark Twain hailed India as 'the cradle of the human race and the mother of history', praising its ancient traditions of justice and equality.

The *Maha Upanishad's* ideal of *Vasudhaiva Kutumbakam* (the world is one family), embodied a universal vision of human unity, rejecting divisions of caste, creed or nation. This philosophy underpinned inclusive governance and equal treatment as the hallmarks of India's enduring civilisational ethos that persist across millennia.

3. India's freedom movement: Great social reformers and freedom fighters

The 19th and early 20th centuries witnessed remarkable social reform movements that challenged oppressive practices and laid the groundwork for the establish-

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[3] Alexander Duncan, 'The Status of Women in Ancient India and the Pali Tradition' (Pali Suttas, 11 March 2014) https://palisuttas.com/2014/03/11/the-status-of-women-in-ancient-india-and-the-pali-tradition-r/

ment of a constitutional democracy. These movements were rooted in the ancient Indian values of justice, equality and human dignity that had survived centuries of foreign rule and oppression.

Raja Ram Mohan Roy led campaigns against *sati* (widow immolation) and championed women's education and rights, drawing on ancient Indian principles that recognised women's inherent dignity and capability. His efforts demonstrated that gender equality was essential to India's modernisation.

Savitribai Phule made history in 1848 by establishing India's first school for girls in Pune and becoming the country's first female teacher. Together with her husband Jyotiba Phule, she fought against caste discrimination, child marriage and widowhood's oppressive practices. These crusaders rekindled the ancient Indian values of human equality and dignity that transcended caste, as taught by Great Buddha and affirmed in the Upanishads.

By the late 1920s, the Indian freedom movement crystallised around universal adult suffrage as non-negotiable. The Nehru Report (1928) explicitly stated, 'Every person of either sex who has attained the age of 21 and is not disqualified by law, shall be entitled to vote.' The Karachi Resolution (1931) resolved that any future constitution must rest on 'adult suffrage'.[4] This vision of universal adult suffrage echoed the ancient Indian principle of collective participation.

India moved from a restrictive franchise (only 15 per cent had limited voting rights under colonial rule) to universal adult suffrage at independence. Remarkably, India achieved inclusive enfranchisement before many European countries or even the United States, which only extended voting rights fully to racial minorities in 1964.

Mahatma Gandhi promoted women's participation in the freedom movement while advocating *ahimsa* (non-violence) and *satyagraha* (truth-force) as transformative political methods. These methods were rooted in ancient Indian values of non-violence and truth-seeking that date back to the Vedas and were crystallised in the teachings of Buddhism and Jainism. These methods developed a new tool for the first time in the world i.e. the people's power, a form of resistance

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[4]   Vineet Krishna, 'Universal Adult Franchise: A Brief Constitutional History' (Constitution of India, 21 August 2025) https://www.constitutionofindia.net/blog/universal-adult-franchise-a-brief-constitutional-history/

to injustice that was opposed through peaceful means, emphasising ancient Indian origins of this transformative approach.

The Non-Cooperation Movement, the Champaran Satyagraha, suspension of the non-cooperation movement after the 'Chauri–Chaura incident' and the Quit India Movement demonstrated that injustice would not be tolerated and that it could be opposed through disciplined and non-violent action. This gave a huge civil power to the people, and it was realised for the first time that this was such a powerful tool.

This tool of non-violent resistance was not only used in India but also inspired freedom movements around the world. Martin Luther King Jr. in the United States and Nelson Mandela in South Africa drew inspiration from Mahatma Gandhi's philosophy of non-violence, adapting it to their own struggles for civil rights and justice.[5] This demonstrates how ancient Indian human values influenced global movements. The Indian freedom struggle thus became a global model for peaceful resistance to injustice.

Dr B. R. Ambedkar, the chief architect of the Indian Constitution, fought tirelessly against the caste and gender discrimination and for the systemic dismantling of hereditary hierarchies through legal and constitutional reforms. His advocacy for affirmative action and constitutional safeguards for marginalised communities reflected a structural approach to achieving substantive equality.[6]

4. Post-Independence India: Addressing social realities through constitutional ideals

India's Constitution which was adopted on 26 November 1949, and operative from 26 January 1950, represented a remarkable synthesis of ancient values and modern democratic principles. The Part III of the Constitution enshrined Fundamental Rights guaranteeing equality, liberty, protection from exploitation, religious freedom, cultural and educational rights and constitutional remedies.

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[5] 'Anti-colonial Movements and Independence Study Guide' (Fiveable) https://fiveable.me/the-modern-period/unit-5/anti-colonial-movements-independence/study-guide/7TOxNktJ2Ia6CMoV 5

[6] Vishwa B. Yadav and Ashima Raj, 'Postcolonialism and Anti-Colonial Movements: A Study of Relevance in Contemporary Times' (2025) 11(4) Social Science Journal <https://www.socialsciencejournal.in/assets/archives/2025/vol11issue4/11078.pdf>

Article 14 guarantees 'equality before the law' and 'equal protection of the laws,' establishing that all persons shall be treated equally regardless of circumstance. In addition, the Article 15 prohibits discrimination based on 'religion, race, caste, sex or place of birth,' while permitting affirmative action for women, children and socially and educationally backward classes.

The Constitution abolished untouchability (Article 17), prohibited forced labour (Article 23) and banned child labour (Article 24). It guaranteed freedom of speech, assembly, movement and occupation while balancing individual liberty with collective social responsibility.

5. Establishment of statutory institutions and their role in equal opportunities

India's civilisational commitment to justice, dignity and collective welfare found concrete expression in the Constitution, which inspired the creation of institutions designed to protect citizens' rights and uphold ethical governance. The Election Commission, since 1950, has safeguarded the people's fundamental right to choose their representatives by ensuring free, fair and peaceful elections. The Union Public Service Commission (UPSC) and state public service commissions uphold the principle of equal opportunity by recruiting civil servants on merit. Institutions like the Comptroller and Auditor General Office (CAG) strengthen public accountability by monitoring financial integrity and checking corruption, ensuring that state power remains aligned with public welfare.

This framework is anchored in the doctrine of separation of powers, dividing authority among the legislature, executive and judiciary. Through checks and balances i.e. with the legislative scrutiny, executive accountability and judicial review, India's constitutional design prevents concentration of power and keeps human dignity, fairness and accountability at the centre of democratic governance.

6. Converting Directive Principles of State Policy (DPSP) into welfare measures

The Directive Principles of State Policy (DPSP), enshrined in Part IV (Articles 36–51) of the Constitution, translate the country's long-standing commitment to

dignity, equity and collective welfare into state responsibility. They have acted as a practical guide for the union and state governments in designing rights-oriented welfare measures in the last 78 years. Articles 39 and 45 led to safeguards against the exploitation of women and children, the creation of the National Commission for Women (1992), stronger early childhood care and maternity benefits and reforms such as the 2024 POSH amendment,[7] thus reinforcing gender justice as the foundation of dignity.

In the spheres of rural development and employment, Articles 40, 41, 43 shaped initiatives like Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA's) 100-day employment guarantee and *Pradhan Mantri Awas Yojana* (PMAY's) provision of over 4,00,00,000 homes[8], reinforcing the dignity of labour and reducing vulnerability. Article 46 guided the establishment of the National Commissions for Scheduled Castes and for Scheduled Tribes (both in 2004) as Constitutional bodies, strengthening protections for marginalised communities.

Anchored in these Constitutional values, India has achieved major social gains, such as reducing poverty from 55 per cent in 2005–06 to under 11 per cent by 2025[9], ensuring food security for more than 800 million citizens and extending social protection coverage to over 940 million (94 crore) people.[10]

7. Constitutional amendments and legislative actions advancing rights, justice and equality

India's constitutional flexibility under Article 368 allows it to respond to evolving challenges in every age. With 106 amendments so far, the Constitution reflects an adaptive commitment to human rights amendments central to this vision including the 42nd amendment, which added 'socialist' and 'secular' to the Preamble; the

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[7] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Amendment Bill, 2024 (Bill No I of 2024) (as introduced in Rajya Sabha, 2 February 2024)
https://sansad.in/getFile/BillsTexts/RSBillTexts/Asintroduced/12_sexual%20harrasment_sasmit-E29202471145PM.pdf?source=legislation

[8] Press Information Bureau, 'Sapno Ka Ghar: Realising the Dream of Housing for All in Rural India' (PIB, 24 September 2025) https://www.pib.gov.in/PressReleasePage.aspx?PRID=2170447

[9] NITI Aayog, Multidimensional Poverty in India since 2005-06: A Discussion Paper (January 2025) https://www.niti.gov.in/sites/default/files/2024-01/MPI-22_NITI-Aayog20254.pdf

[10] Press Information Bureau, 'Efforts of Modi Government Pave Way for Historic Expansion in Social Protection Coverage in India in Last 11 years' (Ministry of Labour & Employment, PIB, 11 June 2025) https://www.pib.gov.in/PressReleseDetailm.aspx?PRID=2135592

52nd amendment on anti-defection ensured political integrity; the 73rd and 74th amendments, strengthened local self-governance; the 86th amendment made education as a fundamental right for children; and the 93rd amendment enabled reservations for socially and educationally backward classes. The landmark 44th amendment restored civil liberties, which were curtailed during the Emergency (1975) and the 61st amendment lowered the voting age from 21 to 18 years.

Judicial interpretation has reinforced these values. The Kesavananda Bharati v. State of Kerala (1973)[11] described the 'basic structure doctrine'; Maneka Gandhi v. Union of India (1978)[12] expanded Article 21 into a guarantee of liberty, fairness and dignity; Minerva Mills v. Union of India (1980)[13] judgment affirmed balance between rights and directive principles, recognising economic justice and freedom as equal pillars.

8. Impact of social policies and programmes on quality of life: Socio-demographic and development indicators from independence to the present

India has made significant strides in infrastructure development over recent years, marking considerable progress in multiple sectors. Electricity access has been universalised with 100 per cent electrification of villages achieved by April 2018, connecting over 28 million households to the grid. Housing development through the PMAY (Gramin) has seen over 26 million houses completed, with more than 72 per cent of these houses owned or jointly owned by women. Access to tap water has expanded substantially, with 81 per cent of households having tap water connections, and clean tap water is now available in 90 per cent of schools and over 85 per cent of day care centres. Sanitation has improved with the construction of 120 million toilets, 100 per cent of villages declared Open Defecation Free (ODF), and most villages and cities adopting solid and liquid waste management. Clean cooking fuel coverage has increased markedly with over 103 million LPG connections under the Ujjwala Yojana, predominantly benefitting rural women. Financial inclusion has been propelled by the JAM Trinity (Jan Dhan

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[11] His Holiness Kesavananda Bharati v State of Kerala [1973] Supp SCR 1
https://www.sci.gov.in/document/his-holiness-kesavananda-bharati-v-state-of-kerala-1973-supp-scr-1/

[12] Maneka Gandhi v Union of India (25 Jan 1978) https://api.sci.gov.in/jonew/judis/5154.pdf

[13] Minerva Mills Ltd & Ors v Union of India & Ors (31 July 1980) PDF via Kanoonforall
https://kanoonforall.com/wpcontent/uploads/2021/01/bMinerva_Mills_Ltd._Ors_vs_Union_Of_India_Ors_on_31_July_19 80.pdf

accounts, Aadhaar, and Mobile technology), resulting in over 500 million bank accounts — with women's bank account penetration rising from 26 per cent in 2011 to 78 per cent in 2021.

In digital and financial connectivity, internet penetration is widespread with 95.6 per cent of villages having 4G connectivity, around 85 per cent of gram panchayats connected via fibre optics under the BharatNet project, and internet subscribers growing from 250 million in 2014 to over 970 million by 2025. These infrastructure advancements are pivotal to India's socio-economic growth, fostering inclusive development and enhancing the quality of life for millions across rural and urban areas.

India's socio-demographic trajectory over 78 years of independence chronicles a narrative of human development ascent, quantifiable through key indicators that underscore the triumph of republican ethics in fostering inclusive progress. A reflection of the same is given through the tabulation in Table 1, showcasing significant strides in all spheres of life in the last 78 years:

Table 1: Comparative Analysis of the Status of Socio-economic Indicators

S. No.	Parameter/Indicator	Around independence (1947 – 51)	Latest available data (2025)
1.	Literacy rate	12%	77.7% (2023-24)
2.	Male literacy rate	24%	87.2%
3.	Female literacy rate	9%	74.6%
4.	Life expectancy	32 years	72.5 years
5.	Maternal mortality rate	>1,000	93 (2019-21)
6.	Infant mortality rate (per 1000 live births)	180	25
7.	Size of economy	US$ 30–35 billion	US$4.13 trillion
8.	Total registered voters	1.73 crore (1951)	9.68 crore
9.	Female members of parliament (Lok Sabha)	5%	13.6% (18th Lok Sabha)

9. Judiciary's role in protecting fundamental rights and human dignity

The Indian judiciary functions as a key guardian of fundamental rights and human dignity. Judicial autonomy under Article 50 enables impartial oversight, while innovations like Public Interest Litigation (PIL), introduced in the 1980s, broadened access to justice by allowing simple petitions to address systemic violations, especially for marginalised groups. Hussainara Khatoon (1979)[14] case secured speedy justice for under-trials; Vishaka Judgement (1997)[15] established guidelines against sexual harassment at workplaces, linking dignity to safer environments; Shayara Bano Judgement (2017)[16] invalidated instant triple talaq to advance women's autonomy and Justice K. S. Puttaswamy Judgement (2017)[17] affirmed privacy as a fundamental right, shaping the 2023 Digital Personal Data Protection Act. Environmental and labour rulings have tied the right to life with clean surroundings and safe working conditions, while 2025 decisions on AI fairness addressed emerging technological biases. Through these interventions, the judiciary has consistently reinforced the constitutional promise of human dignity, justice and equal protection.

10. Institutional framework of human rights protection in India

India has a robust institutional framework dedicated to protecting and promoting human rights. At its apex is the National Human Rights Commission (NHRC), guided by the ethos of '*Sarve Bhavantu Sukhinah'* (May all beings be happy) as its motto. This reflects India's belief that true progress lies in the well-being of all.

The NHRC is supported by constitutional and statutory bodies that safeguard the rights of minorities, backward classes, Scheduled Castes, Scheduled Tribes, women, and children. These institutions, with counterparts in most states, are

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[14] Hussainara Khatoon &Ors v Home Secretary, State of Bihar (9 March 1979)
https://jajharkhand.in/wp/wpcontent/judicial_updates_files/07_Criminal_Law/15_order_of_remand/Hussainara_Khatoon_%26_Ors_vs_Home_Secretary%2C_State_Of_Bihar%2C_..._on_9_March%2C_1979.PDF

[15] Vishaka & Ors v State of Rajasthan & Ors (13 August 1997) (Patna High Court mirror)
https://patnahighcourt.gov.in/POSH/judgments/Vishaka_Ors_vs_State_Of_Rajasthan_Ors_on_13_August_1997.PDF

[16] Shayara Bano v Union of India & Ors (22 August 2017)
https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/aor_notice_circular/42.pdf

[17] Justice K. S. Puttaswamy (Retd) v Union of India (24 August 2017)
https://nluwebsite.s3.ap-south-1.amazonaws.com/uploads/justice-ks-puttaswamy-ors-vs-union-of-india-ors-5.pdf

reinforced by State Human Rights Commissions, Special Rapporteurs, Monitors, and Core Groups comprising members from civil society, academia, human rights defenders, and experts.

Citizens can register complaints by post, mail or through an online system available in all 22 languages listed in the Constitution's Eighth Schedule. Other than these institutions, India has a vibrant civil society and a free media that play a crucial role in keeping checks on abuse of human rights. Rooted in India's belief that true progress lies in the well-being of all, these institutions uphold human dignity and justice.

11. Representation and diversity in highest constitutional institutions

Over the past 78 years, India's democracy has enabled leaders from historically marginalised communities to hold the nation's highest constitutional offices, reflecting the inclusive vision of the freedom movement and the Constitution. India has elected Presidents from the communities of Scheduled Castes, Scheduled Tribes, minorities and women, while also witnessing its first woman Prime Minister in 1966 and a Prime Minister from a minority community in 2004. These developments symbolise the inclusive aspirations of the freedom movement with Constitution coming into lived reality.

12. India's contribution to the world: Sharing ancient human values to global governance

India's five-thousand-year civilisational ethos has not remained confined to its borders; rather, it has become a beacon for the international community, profoundly shaping global norms on human rights, dignity, and inclusive governance. It is crucial to recognise that Indian delegate Hansa Mehta shaping the Universal Declaration of Human Rights (UDHR) and successfully advocated for gender-neutral language in Article 1, changing 'All men' to 'All human beings' are born free and equal. Along with her, Lakshmi N. Menon advocated for the inclusion of the equal rights of men and women in the Preamble.

India was among the first countries to raise the issue of apartheid and racial discrimination at the United Nations in 1946, playing a leading role in forming the

UN Sub-Committee against Apartheid. India was also among the earliest signatories to the Convention on Elimination of all forms of Racial Discrimination in 1965.

In October 2025, India was elected unopposed to the United Nations Human Rights Council (UNHRC) for the three years (2026–28) term, marking its seventh tenure on the Council since its creation in 2006. India has been the world's largest contributor to UN peacekeeping operations since the 1950s, having deployed over 290,000 peacekeepers across more than 50 missions worldwide.

India through its soft power, yoga, Ayurveda, cinema, cuisine and its vibrant diasporas, shares its values of harmony, non-violence, wellness and inclusive development with the world. The International Day of Yoga, initiated by India and now celebrated globally, exemplifies how ancient Indian wisdom on human well-being and interconnectedness resonates across cultures and nations

India's commitment to humanitarian values is reflected in its extensive humanitarian assistance programmes. From disaster relief following earthquakes in Nepal (Operation *Maitri*) to medical assistance during the COVID-19 pandemic when India supplied vaccines, testing kits, and medicines to over 90 countries, through these initiatives India embodies the principle that humanity's welfare is collective and transcends national boundaries. India's approach to international aid is distinctive: rather than imposing conditions or seeking geopolitical advantage, India views humanitarian assistance as *South-South Cooperation*, standing in solidarity with developing nations from the Global South.

13. The way forward

India's 5,000-year civilisational journey, from the ethical governance principles of ancient texts through the transformative anti-colonial struggle to constitutional democracy, demonstrates the enduring power of ancient human values to shape modern nations and inspire global change.

Over 78 years since independence, India has made progress in translating these ancient values into lived reality by making significant improvements in literacy, health indicators and poverty reduction; expansion of political participation, particularly among women; creation of robust institutions protecting rights and conducting free and fair elections; and increasingly, India's role as a beacon of these values on the global stage.

Yet challenges remain. Each generation must ask: Are we fulfilling the promise of *Vasudhaiva Kutumbakam* — that the world is one family? Are we creating conditions for every individual to realise their full potential regardless of birth circumstances? Are we protecting those who are vulnerable? Are we spreading these values of compassion and justice globally? The future requires renewed commitment to these eternal Indian human values of justice, equality, human dignity and the belief that all beings deserve happiness and the opportunity to flourish.

सर्वे
भवन्तु सुखिनः

Indian Ethos and Values, and Human Rights

Shri Justice V. Ramasubramanian*

Abstract

This article explores how India's civilisational values continue to shape its modern understanding of human rights. Ideas such as dignity, compassion, duty, and the belief that the world is one family form the moral roots from which the Constitution draws its vision of justice and liberty. Over the years, the Supreme Court has expanded these rights in ways that reflect India's ethical traditions while responding to contemporary realities. Together, these strands show that human rights in India are not abstract principles but living ideas grounded in history, culture, and collective responsibility — offering guidance as the nation faces new social and technological challenges.

Keywords: Indian ethos, human rights, constitutional values

"Lokah Samasthah Sukhino Bhavantu" is a universal prayer which forms part of what are called Santhi Mantras in the Vedic tradition of this country.

While redemption through religious practices was considered a private affair and was individualistic, most of the ancient prayers were not merely universal, but were intended for the benefit of the whole universe. The Santhi Mantra, of which the above prayer forms part, emphasizes the importance of the rule of law and justice, for the whole universe to be happy, peaceful and prosperous. The Mantra begins with the declaration "May the well being of all people be protected by the powerful and mighty leaders through (nyayena maargena) law and justice".

Thus, universal peace, prosperity and happiness form the core of the ethos of our society from time immemorial.

When India gained independence, the makers of the Constitution consciously drew from these civilisational ideals to articulate a framework of rights. The Preamble proclaims justice — social, economic and political — liberty of thought, expression, belief, faith and worship, and equality of status and opportunity, while ensuring the dignity of the individual and the unity and integrity of the nation. These are not mere

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* The Chairperson, NHRC

words, they represent the moral grammar of Indian democracy. The Fundamental Rights in Part III of the Constitution, from Article 14 (equality before law) and Article 15 (prohibition of discrimination) to Article 19 (freedom of speech and expression) and Article 21 (protection of life and personal liberty), give legal expression to ancient Indian ideas of fairness, compassion and respect for life. Complementing these, the Directive Principles of State Policy and the Fundamental Duties (Article 51A) remind every citizen that rights must be balanced with responsibility and that governance must reflect moral duty.

Over the years, the Supreme Court of India has played a transformative role in interpreting these provisions in the light of India's ethical heritage. In Maneka Gandhi v. Union of India (1978), the Court expanded the meaning of Article 21, holding that the 'procedure established by law' must be fair, just and reasonable — thus transforming the right to life into a guarantee of dignity and due process. In Olga Tellis v. Bombay Municipal Corporation (1985), it was held that the right to livelihood is an integral part of the right to life, extending constitutional protection to the urban poor and homeless. Later, in Vishaka v. State of Rajasthan (1997), the Supreme Court established binding guidelines against sexual harassment at the workplace, invoking international conventions and the spirit of equality and dignity embedded in Articles 14, 15 and 21. These judicial pronouncements translated moral ideals into enforceable rights.

As Indian society evolved, the judiciary continued to give new life to the constitutional ethos. The landmark judgment in National Legal Services Authority (NALSA) v. Union of India (2014) recognised transgender persons' right to self-identify, declaring that gender identity is intrinsic to dignity and personal autonomy. In Justice K.S. Puttaswamy v. Union of India (2017), the Supreme Court declared the right to privacy a fundamental right, safeguarding autonomy and personal liberty in the digital era. Likewise, Navtej Singh Johar v. Union of India (2018) struck down Section 377 of the Indian Penal Code, affirming that equality and dignity must extend to all citizens, irrespective of sexual orientation. These judgments together illustrate a uniquely Indian trajectory — one that blends legal reasoning with moral sensibility. They show that human rights in India are not merely borrowed from international conventions but arise from the nation's own ethical soil. They transform the ancient idea of *dharma* — the moral duty to uphold justice and compassion — into a modern vocabulary of rights and freedoms.

Equally important is the Indian understanding that rights are not adversarial but relational — that the dignity of one person is bound to the dignity of all. This is evident in the way the State and citizens share responsibility for ensuring rights.

The State must create an enabling environment — through just laws, equitable policies, and humane governance — while citizens must cultivate tolerance, empathy, and social responsibility. The Fundamental Duties under Article 51A encapsulate this equilibrium, urging every Indian to uphold the unity of the nation, protect public property, and strive towards excellence in all spheres of activity.

In the broader global context, India's civilisational approach provides a distinct contribution to human rights philosophy. While the Universal Declaration of Human Rights (1948) focuses on individual entitlements, the Indian approach harmonises individual rights with collective duty. The concept of *Sarvodaya* — upliftment of all, espoused by Mahatma Gandhi — insists that no development is meaningful if it leaves the weakest behind. Gandhi's idea of *Ahimsa* (non-violence) is not just physical restraint but a recognition of the other's humanity — a principle that underlies modern doctrines of peace, justice, and reconciliation.

This synthesis of moral duty and legal right gives Indian democracy its resilience. Despite its diversity of language, religion, caste, and region, India continues to uphold the principle that every life is sacred and every voice matters. Human rights in India, therefore, are not alien imports but organic expressions of our civilisation's belief that the individual and society are bound in a shared moral order.

Today, as India engages with new challenges — technological change, environmental degradation, social inequality, and global migration — this ethical foundation becomes even more vital. Protecting human rights in the 21st century requires not just new laws but renewed moral imagination. The Indian ethos offers precisely that: a vision that sees governance as service, freedom as responsibility, and diversity as strength.

Ultimately, the story of Indian ethos and human rights is one of continuity — a civilisational dialogue between ancient wisdom and modern aspiration. From the *Ashokan edicts* that spoke of compassion and tolerance, to the Constitution that guarantees liberty and equality, India's journey affirms that rights are not granted by the State but flow from the sanctity of life itself. Upholding human rights, therefore, is not merely a legal obligation but a moral duty — a reflection of the same timeless truth that has guided India for centuries: *Sarve Bhavantu Sukhinah, Sarve Santu Niramayah* — may all be happy, may all be free from suffering.

सर्वे
भवन्तु सुखिनः

Protecting Right to Health by Digitech-Powered Health System: Learnings on Digital Health Initiatives from India

Dr Vinod K. Paul* and Palak Chakraborty**

Abstract

India has rapidly emerged as a global leader in digital health, leveraging its robust IT sector to develop interventions that improve healthcare access, coverage, and delivery. Its widespread development and deployment of digital health tools has outpaced much of the world. Digital tools are routinely being used to serve functions such as programme monitoring, teleconsultations, hospital management, supply chain management, emergency care response and more. India has already created more than 83 crore Ayushman Bharat Health Account of citizens, and as many as 78 crore electronic health records have been linked. The eSanjeevani telemedicine system has served more than 43 crore patients till date. Everyday, approximately 2,500 calls are managed through TeleMANAS, for mental health counselling. During COVID-19, the CoWIN Application supported facilitation of more than 220 crore vaccinations. Digital platforms are used for disease surveillance, programme delivery and facility management. Paperless authorisation and claims settlement for over 60,000 beneficiaries admitted each day for secondary/tertiary care under the Pradhan Mantri Jan Arogya Yojana (PM JAY) is supported digitally. India is embracing artificial intelligence and a number of solutions are being developed. These innovations are making health systems stronger, improving the responsiveness of care delivery, and promoting equitable access, making steady progress towards health goals of Viksit Bharat @ 2047. The country's deep and wide-ranging expertise in digital health is not only for India, but is also available for other countries to adopt and use. India's approach demonstrates that well-designed and effectively governed digital solutions can protect the right to health, and foster more resilient, inclusive health systems for the future.

Keywords: right to health, digital health technologies, digital solutions

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1. Introduction

1.1 Right to health and its global evolution

For years, healthcare has remained a central aspect of human development globally. The World Health Organization (WHO), constituted in 1946, which remains the global voice for all matters related to the health of individuals, defines in its preamble, health as 'a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity'. It also states that 'the enjoyment of the highest attainable standard of health is one of the fundamental rights of human beings without distinction of race, religion, political belief, economic or social condition.'

Borrowing from the WHO Constitution, in 1948, the Universal Declaration of Human Rights (UDHR) became one of the first to mention health as essential to an adequate standard of living (Article 25) under international law. It described the right to health not only as access to medical care but also through underlying factors such as access to safe drinking water and sanitation, adequate nutrition and housing, a healthy living and working environment, and protection from discrimination based on poverty, gender, or other characteristics.[2] Regardless, it was not until the late 1990s that the international community began to pay greater attention to the 'highest attainable standard of health' as a fundamental human right.[3] As conversations grew louder on global platforms, national and international policy frameworks emerged, integrating Right to health' within healthcare systems.

1.2 Right to health as envisioned by India

In India, the 'right to health' is not explicitly stated as a fundamental right. However, the judiciary has interpreted it as such under Article 21 of the Constitution, considering it an extension of the 'right to life.' Through various judgments delivered by the country's judicial system, the right to life is now interpreted as encompassing the basic rights to food, clothing, and shelter, as well as the rights to health and medical care, and to an appropriate environment, including ecological balance, clean air, water, and more.[4]

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[1] WHO, 'WHO Constitution' (WHO) https://www.who.int/about/governance/constitution

[2] Lawrence O Gostin et al., '70 years of human rights in global health: drawing on a contentious past to secure a hopeful future' (2019) 392 The Lancet 2731 <https://pmc.ncbi.nlm.nih.gov/articles/PMC7137746/>

[3] Paul Hunt, 'The Human Right to the Highest Attainable Standard of Health: New Opportunities and Challenges' (2006) 100 Transactions of the Royal Society of Tropical Medicine and Hygiene 603 <https://doi.the org/10.1016/j.trstmh.2006.03.001>

[4] Soumitra Kumar Chatterjee, 'Right to Health, Constitutional Safeguards and Role of Judiciary' Odisha Review (April 2016) https://magazines.odisha.gov.in/Orissareview/2016/April/engpdf/86-90.pdf

As per the provisions of the Indian constitution, health is a State subject, i.e. it is the primary responsibility of the State governments to provide appropriate healthcare services to its citizens. The Central government however plays a crucial role in articulating national priorities, developing policies and allocating finances. In its history of tackling health emergencies and pressing public health concerns, the Central and State government have functioned in tandem to cater to the population.

2. India's leadership in healthcare and technology

2.1 Milestones in India's journey towards better health

India has taken a thoughtful and viable approach to account for the diverse healthcare needs of its people. About 65 per cent of India's population resides in rural areas, and only a quarter of the health facilities are situated here. Health facilities in rural India are often criticised for poor functioning due to subpar infrastructure, shortage of skilled human resource and lacking quality in service delivery. Ensuring access, affordability and quality for these citizens has remained a top priority for the country's health policymakers.

To address the pressing need for better healthcare in rural areas, India launched the National Rural Health Mission (NRHM) in 2005, which was later integrated into the National Health Mission (NHM). The primary objective was to strengthen the delivery of primary healthcare. Central to India's primary healthcare system is a three-tier model, comprising *Ayushman Arogya Mandirs* (at sub-centres and Primary Health Centres) and Community Health Centres (CHCs), all serving as the first point of contact for rural and remote populations. While the NHM initially concentrated on improving maternal, child, and adolescent health outcomes, its mandate has since broadened to include a comprehensive range of services, such as screening and management of non-communicable diseases (NCDs) and expanding access to mental and elderly healthcare.[5] Efforts to improve Maternal and Child Health (MCH) outcomes have yielded positive results for the country. The maternal mortality ratio (MMR) dropped from 130 in 2014-16 to 93 in 2019-21 per 100,000 live births.[6] Similarly, the infant mortality rate (IMR) declined from 44 per 1,000 live births

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[5] National Health Systems Resource Centre, Operational Guidelines for Comprehensive Primary Health Care Through Health and Wellness Centres https://nhsrcindia.org/node/736

[6] Ministry of Health and Family Welfare, 'India Witnesses a Steady Downward Trend in Maternal and Child Mortality Towards Achievement of SDG 2030 Targets' (Press Information Bureau, 10 May 2025)

in 2011 to 25 per 1,000 live births in 2023[7]. *Ayushman Bharat Pradhan Mantri Jan Arogya Yojana* covers 60 crore people for secondary and tertiary care in over 30,000 empanelled government and private hospitals. Out of pocket expenditure as a proportion of the total health expenditure has declined from 63 per cent in 2013-14 to 39.4 per cent in 2021-22. All this places India in a favourable position to achieve majority of its SDG targets.

2.2 India's strategy for technology and digital transformation in healthcare

India has emerged as an international leader in developing digital public infrastructure, through its deployment and development of interoperable, open and publicly government technological platforms. Launched in 2009, India's Aadhaar initiative has reimagined citizen identity verification and direct transfer of benefits and entitlements, thereby reducing resource leakage and risk of duplicate and fake identities. As of 2024, 138 crore Aadhaar numbers had been generated showing the scale of expansion of this intervention.[8] Another such example is that of the Unified Payment Interface (UPI), a technology which has revolutionised payments and receipts in the country. As of June 2024, UPI had facilitated over 24,100 crore transactions. In addition to identity verification, benefits transfer and financial transactions, India's Digital Public Infrastructure (DPI) systems are emerging in other sectors as well, including document verification (DigiLocker), knowledge sharing (DIKSHA), and government production (Government e-Marketplace (GeM)).[9] With 85.5 per cent of Indian households owning at least one smartphone, this high mobile phone penetration further underscores India's readiness to adopt digital solutions across sectors.[10]

Healthcare has become a key focus area for the development of DPIs, aimed at enhancing health service delivery by leveraging India's expertise in developing interoperable tools. Recognising the immense benefits of technology and digital tools in healthcare, the Ministry of Health and Family Welfare launched the Ayushman Bharat Digital Mission (ABDM) in September 2021 as a nation-wide programme. The programme is designed to establish a robust national

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7 Ministry of Statistics & Programme Implementation, 'Release of Publication '"Children in India 2025"', PIB (Press Information Bureau, 25 September 2025) https://www.pib.gov.in/PressReleasePage.aspx?PRID=2171202

8 Ministry of Electronics & Information Technology, 'Aadhaar: A Unique Identity For The People' (Press Information Bureau, 24 October 2024) https://www.pib.gov.in/PressReleasePage.aspx?PRID=2067940

9 Ministry of Information & Broadcasting, 'India's Digital Revolution: Transforming Infrastructure, Governance, and Public Services' (Press Information Bureau, 8 December 2024) https://www.pib.gov.in/PressReleasePage.aspx?PRID=2082144

10 Press Information Bureau, 'Mobiles – Catalysts of India's Digital Rise' (Press Information Bureau, 18 September 2025) https://www.pib.gov.in/PressNoteDetails.aspx?NoteId=155232&ModuleId=3&reg=3&lang=2

digital health ecosystem, enabling seamless and real-time information exchange and interoperability. By integrating health service providers and patients through unique health IDs, it seeks to address existing gaps in service delivery, infrastructure, and capacity. This initiative serves as the primary vehicle for driving digital health transformation across the country.

3. Key features of the ABDM include four core components, as listed below:

- Ayushman Bharat Health Account (ABHA) Number: A unique identifier for individuals to access and share medical records digitally.

- Healthcare Facility Registry (HFR): A comprehensive database of registered health facilities. This includes public and private hospitals, clinics, diagnostic labs, imaging centers, pharmacies, and more.

- Health Professionals Registry (HPR): A digital repository of registered health professionals across both modern and tradition systems of medicine.

- Unified Health Interface (UHI): An open network facilitating digital health services between patients and health service providers (HSPs).

Figure 1: Components of ABDM

Source: Adapted from https://abdm.gov.in/abdm-components

Under the Ayushman Bharat Digital Mission (ABDM), India has already created more than 83 crore ABHA (Ayushman Bharat Health Account) IDs, and more than 78 crore electronic health records have been linked to facilitate seamless exchange of patient health data. Furthermore, 4.3 lakh verified health facilities and 7.3 lakh verified healthcare professionals have been registered under the programme.[11]

Paperless authorisation and claims settlement for over 60,000 beneficiaries admitted each day for secondary/tertiary care under the Pradhan Mantri Jan Arogya Yojana (PM JAY) is supported digitally.

The COVID-19 pandemic accelerated the country's adoption of digital health solutions. India launched its national telemedicine service eSanjeevani in 2019, a revolutionary telehealth service which helped patients to have virtual consultations with doctors, by visiting their closest sub-health centre. Another example of a digital health initiative to have emerged out of COVID-19 was the CoWIN Application which facilitated easy appointment-booking by citizens, certificate generation and real-time updates.

Digital health tools are routinely being used to serve functions such as programme monitoring, teleconsultations, hospital management, supply chain management, emergency care response (through toll-free helplines), public health surveillance and more. Table 1 provides a summary of the select digital health initiatives used to support various health programmes in the country.

Table 1: India's Digital Health Ecosystem – Select Digital Applications

Intervention name	Key function
Programme monitoring	
Reproductive and Child Health (RCH) Portal	• Tracks key maternal, child, and family planning indicators, including ANC, PNC, delivery, and immunisation. • Alerts health workers of beneficiaries due for ANC, PNC, or immunisation. • Flags and helps monitor high-risk pregnancies. • Creates immunisation workplans for outreach.

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[11] National Health Authority, 'ABDM Public Dashboard' (Ayushman Bharat Digital Mission) https://dashboard.abdm.gov.in/abdm/

Intervention name	Key function
Nikshay (TB monitoring) portal	TB patient management and care • Create a database of all TB patients, including multi-drug-resistant cases • Monitoring of patients through data on diagnosis, follow-ups, treatment adherence, contact tracing and outcome details • SMS communications to TB patients based on the DOTS approach
NCD Portal	Screening and management of all aged 30+ for common NCDs (hypertension, diabetes, oral, breast, and cervical cancers) • Population-based screening for common NCDs and maintenance of records digitally • Tablet/mobile-based application for ASHA/ANM and web-based software for PHC, CHC, and DH facilities.
Hospital management systems	
Health Management Information System (HMIS)	Help facilities manage internal processes and workflows, and the digitisation of various other functions. • Capture of facility-wise information on RCH, immunisation, TB, OPD, IPD, surgeries, etc • Capture of infrastructure and manpower related information
Online Registration System (ORS)	A patient portal to provide patient-centric services through features of online appointment booking through Aadhar/ABHA/mobile number login, accessing lab reports, checking blood availability and online payment

Intervention name	Key function
Public health surveillance	
Integrated Health Information Platform (IHIP)/New Integrated Disease Surveillance Programme (IDSP)	A surveillance system to track disease trends and enable rapid outbreak response. IHIP is a revised and enhanced version of the IDSP. • The system features case-based real-time surveillance with health facility-level data entry. • Disaggregated data collected at an individual level • Three levels of data collection - syndromic (S Form) by ANMs, presumptive (P Form) by doctors and laboratory (L Form) by laboratories. • Real-time or daily reporting • 33+ health conditions are monitored • Data entered is geocoded for geographic reference
Telemedicine	
eSanjeevani	Provision of free remote medical consultations to bridge gaps in healthcare access in the country • Functions through a hub-and-spoke model. • Allows quick access to doctors via smartphones or the nearest Ayushman Bharat Health and Wellness Centres • Health workers or medical officers at AB-HWCs assist with tele-consultations by connecting patients to doctors or specialists located at hubs (secondary/tertiary level health facilities or medical colleges)
Public health surveillance	
TeleMANAS	Provision of equitable, accessible, affordable and quality mental health care to citizens • Patients can access 24*7 counselling or consultation for mental health care.

Intervention name	Key function
	• Calls are facilitated through a nation-wide toll-free number which connects to TeleMANAS cells staffed with trained counsellors and mental health specialists. • Individuals can access telephone-based counselling, psychotherapy, psychiatric consultations, referral services, including urgent care, video consultations, follow-up care and connections to in-person services. • A mobile app launched in 2024 offers video consultations, mental health resources and interactive activities.
Capacity building	
SAKSHAM (Stimulating Advanced Knowledge for Sustainable Health Management)	A Learning Management Information System (LMIS) of the MoHFW offering online training and medical education for health professionals nationwide. • A centralised repository for health-related resources, educational materials, capacity building and specialised training resources • Knowledge sharing through documentation and the exchange of best practices in health education and training
Procurement and supply chain management	
Drugs and Vaccine Management System (DVDMS)	To monitor real-time status of procurement and availability of essential medicines. • A web-based system for tracking purchases, inventory, and distribution of drugs and medical supplies across government health facilities and drug distribution counters (DDCs) in each State/UT. • Equipped with a central dashboard which features advanced analytical tools to capture key performance indicators related to stock-out, consumption pattern and more.

Intervention name	Key function
U-WIN	Streamlines and tracks immunisation for pregnant women and children between 0-16 years of age, aimed at enhancing universal access to immunisation. • Captures every vaccination under the Universal Immunisation Programme (UIP) • Free-of-cost vaccination available to all pregnant women and children for 12 vaccine preventable diseases
COVID-19 pandemic response	
CoWIN	A digital platform to capture data on the COVID-19 vaccination programme. • Facilitated beneficiary registration online or on-site (walk-in) • Allowed beneficiaries to book appointment slots based on their convenience in time and location • A multilingual platform that supported 12 languages • Tracked vaccination schedule and generates an instant vaccination certificate • Supported administrators through vaccine stock management, real-time dashboards and tracking adverse events following vaccinations
Arogya Setu	To track COVID-19 cases and notify citizens of potential exposure risks. • Bluetooth-based contact tracing by mapping of likely hotspots • Dissemination of COVID-19-related information • Available in 12 languages

Intervention name	Key function
State-specific initiatives (select examples)	
Andhra Pradesh ANM AP Health App	ANMs use the ANM AP Health App to: • Track pregnant and lactating women • Regularly monitor anaemic women • Screen adolescent and school going children • Household-level screening for NCDs and suspected cases referred to Mos • Alerts sent ANMs and MOs in case IFA supplementation stock is insufficient at the Anganwadi Centres (AWCs) Additionally, the state also has an e-ASHA application linked to Panchayats and municipalities. Any picture or information related to hygiene practices is posted by ASHAs and reaches concerned department who may take necessary action.[12]
Karnataka (Kolar district) Digital Nerve Centre[13] An initiative by Tata Medical and Diagnostics in partnership with the Department of Health and Family Welfare, Government of Karnataka	A healthcare delivery model aimed at streamlining processes in public health facilities and reducing patient overload in secondary and tertiary hospitals. • A hub (Nerve Centre) staffed with coordinators, nurses and doctors who can be accessed through a toll-free number to book appointments, seek counselling, clear queries, etc. • A patient care coordinator (PCCs) help patients with easy facilitation of consultations as well as video-consultations in case of absence of doctor. • A centralised data repository system for seamless exchange of information across providers.

[12] Sankala Foundation, 'Shaping the Future: Digital Solutions for Universal Health Coverage' (11 February 2025) https://sankala.org/wp-content/uploads/2025/02/Universal-Health-Coverage-Report-Final-11-Feb-2025.pdf

[13] Manohar Agnani et al., 'Leveraging Digital Solutions for Universal Health Coverage: Study of a Digital Health Initiative in Kolar, Karnataka' (Sankala Foundation 2024) https://sankala.org/product/leveraging-digital-solutions-for-universal-health-coverage/

Through its multitude of initiatives, significant progress has already been made in the country owing to digital health solutions. The CoWIN Application significantly strengthened India's COVID vaccination approach. By January 2023, India had administered more than 220 crore doses.[14] Furthermore, as part of India's Universal Immunisation Programme (UIP), the U-WIN portal has registered 10.48 crores beneficiaries (pregnant women and children), and facilitated 1.88 crore vaccination sessions, and a total of 41.73 crore vaccine doses recorded.

Subsequently, eSanjeevani, India's National Telemedicine Service has further improved access to care, particularly in remote and marginalised regions by connecting patients with doctors and medical specialists digitally. As of November 2025, the initiative has onboarded nearly 2.3 lakh providers, operationalised over 1.3 lakh spokes and 18,000 hubs, across 151 specialities. Since its launch, eSanjeevani has served more than 43 crore patients through teleconsultations.[15] Similarly, under the remarkable TeleMANAS initiative, catering particularly to the mental health needs of people, has set up 54 TeleMANAS cells across 36 States/UTs, having delivered more than 20 lakh teleconsultations through its helpline number.[16]

These efforts and simultaneous achievements serve as evidence of how digital tools are better serving the Indian population. Looking ahead, India's utilisation of digital technologies in healthcare is set to accelerate. Artificial intelligence (AI) tools are taking centre stage in these deliberations on advancing economic development and societal progress.[17] The IndiaAI Mission has identified healthcare as a key area for AI application development and is actively promoting the creation of innovative technologies in this sector.[18]

In the healthcare sector, the country is already witnessing a surge of promising AI-based interventions. AI solutions in diagnostics, clinical-decision support, self-help for health, triaging and counselling are already finding practical use. But all this is

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[14] Ministry of Health and Family Welfare, Government of India, 'World Immunization Day 2024: India's Immunization Drive: A Commitment to Universal doses Coverage and Health Equity' (Press Information Bureau, 09 November 2024) https://www.pib.gov.in/PressReleasePage.aspx?PRID=2071949

[15] eSanjeevani, 'Home Page' (Ministry of Health & Family Welfare, Government of India) https://esanjeevani.mohfw.gov.in/#/ accessed 27 November 2025

[16] Ministry of Health and Family Welfare, 'Update on National Tele Mental Health Programme (NTMHP)' (Press Information Bureau, 4 April 2025) https://www.pib.gov.in/PressReleseDetail.aspx?PRID=2118790

[17] NITI Aayog, Roadmap on AI for Inclusive Societal Development (October 2025) https://niti.gov.in/sites/default/files/2025-10/Roadmap_On_AI_for_Inclusive_Societal_Development.pdf

[18] Press Information Bureau, 'Transforming India with AI — ₹10,300+ Crore Investment & 38,000 Gpus Powering Inclusive Innovation' (12 October 2025) https://www.pib.gov.in/PressReleasePage.aspx?PRID=2178092

just the beginning. India will emerge as a global hub for AI-laden solutions for public health, health systems, clinical care, drug discovery, primary care and planetary health. Creating supportive environments for the development, rapid adoption, capacity development and responsible scaling of these technologies is therefore the way forward.

India ranks ahead of most countries in the development and deployment of digital health technologies, propelled by its IT capabilities and innovation enterprise. But our digital health leadership is for not only for our own health systems, but also for contributing meaningfully toward global digital health transformation. India has been a key supporter of the Global Initiative on Digital Health (GIDH), launched during India's G20 Presidency in 2023. With a dynamic start-up ecosystem serving as a powerhouse for technological innovation, India is well placed to go big on AI and shape future-ready digital health systems that benefit both the nation and the world.

4. Conclusion

In India, digital health tools have played a pivotal role in protecting citizens' right to health by enhancing healthcare access, increasing efficiencies in service delivery, and improving health outcomes.

Driven by *Viksit Bharat* vision, the nation aims to raise life expectancy from the current level of 71 years to 85 years by 2047. Digital health solutions layered with AI will play a decisive role in charting the journey ahead.

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India's Growing Elderly Population: Status, Trends and Implications For Health and Well-being

Bharat Lal* and Palak Chakraborty**

Abstract

The world is undergoing a notable demographic shift: people are living longer and fertility rates are falling. As a result, population ageing has emerged as a subject of public policy concern in the developed and developing countries. Notably, a majority of the world's older population now resides in developing countries. This can be attributed to the relatively faster pace of ageing in these countries. While the elderly population doubled over 150–200 years in developed countries, it is doubling in just 50–70 years.. Developed countries generally provide safety nets that address the fundamental needs of the elderly, including comprehensive long-term care. In contrast, such systems are often weak or absent in developing countries, leaving older population to manage themselves without any formal socio-economic support. India, too, is experiencing a rapid demographic shift with a rise in the share of the elderly population. Projections suggest that by 2050, the elderly share will double to 20.8 per cent of India's population, amounting to approximately 347 million. A growing elderly population presents significant challenges, including a high burden of non-communicable diseases, increased healthcare costs and greater demand for long-term care. As elderly leave the workforce, economic productivity may decline, increasing the need for enhanced social security measures. Addressing these issues requires an inclusive, supportive environment that ensures dignity and equal opportunities for older individuals.

Keywords: elderly population, demographic transition, social security, elderly wellbeing

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1. Introduction

1.1 The global rise of older populations

The world is undergoing a notable demographic shift: people are living longer and fertility rates are falling. As a result, population ageing has emerged as a subject of public policy concern in the developed and developing countries. Standardising the definition of ageing is crucial for meaningful international and regional comparisons. The United Nations (UN) commonly classifies a country's ageing status by the share of its population aged 60 or older. In many developed countries, the age of 65 is used as a benchmark for defining an ageing population: a country is considered 'ageing' if over 7 per cent of its people are above 65 years, 'aged' if it is 14 per cent or more, and 'super-aged' when the figure exceeds 20 per cent.[1]

As a result of this demographic transition, by 2050, the global elderly share (above 60 years) is projected to reach 2.1 billion, representing 21.1 per cent of the world's total population. According to the World Health Organization (WHO), by 2030, one in six people worldwide will be over 60 years old.[2] In fact, by 2050, those over 60 years are expected to exceed the number of adolescents and young adults aged 15–24.[3] The timing and pace of demographic transition varies across countries leading to different age structures at any given point in time. Since this transition started later in developing countries, they currently have larger youth populations, while most of the developed world is already experiencing growing shares of elderly.[4]

1.2 Significance for developing countries

More older people live in developing countries. This can be attributed to the relatively faster pace of ageing in these countries. While the elderly population doubled over 150–200 years in developed countries, it is doubling in just 50–70 years in most developing nations. Rapid population ageing increases

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[1] World Bank, World Bank Support to Aging Countries – An Independent Evaluation (World Bank 2019) https://ieg.worldbankgroup.org/sites/default/files/Data/Evaluation/files/AgingCountries.pdf

[2] World Health Organization, Ageing and Health (1 October 2025) https://www.who.int/news-room/fact-sheets/detail/ageing-and-health

[3] United Nations Department of Economic and Social Affairs (UN DESA), World Population Prospects 2022: Summary of Results (2022) https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/wpp2022_summary_of_results.pdf

[4] K Sivaramakrishnan, As the World Ages: Rethinking a Demographic Crisis (Harvard University Press 2018) http://www.jstor.org/stable/j.ctv2524zzf accessed 28 November 2025

the old-age dependency ratio but is not accompanied by a commensurate increase in wealth. As a result, investments needed to adapt systems for an ageing population are frequently overlooked in favour of other priorities.[5]

Between 2017 and 2050, Africa is projected to have the fastest-growing older population, with a 229 per cent increase. Latin America and the Caribbean (161 per cent) and Asia (132 per cent) will also see substantial growth in their elderly populations. By 2050, Latin America and the Caribbean will grow from 7.9 per cent (76 million) to 9.5 per cent (198 million) of the global elderly population, while Africa's share will reach 10.9 per cent. Asia, home to 57 per cent (549 million) of people over 60 in 2017, is expected to host 61 per cent (nearly 1.3 billion) of the world's elderly by 2050.[6]

The older population exhibits distinct characteristics compared to other age groups, most notably a higher prevalence of health issues, greater care requirements, increased financial vulnerability and reduced physical mobility. Developed countries generally provide social security that address the fundamental needs of the elderly, including comprehensive long-term care. In contrast, such systems are often weak or absent in developing countries, leaving older population to frequently manage without any formal support. Consequently, the responsibility of elder care usually falls disproportionately on women within households.[7]

2. India's elderly population: Status, trends and policy interventions in practice

2.1 How India is ageing: A national perspective

Although India's demographic transition commenced later than in developed countries, its progression has been considerably more rapid, a trend consistent with other developing nations.[8] This accelerated demographic shift can

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5   International Institute for Population Sciences & United Nations Population Fund, India Ageing Report 2023: Caring for Our Elders — Institutional Responses (UN FPA, New Delhi, 2023) https://india.unfpa.org/sites/default/files/pub-pdf/20230926_india_ageing_report_2023_web_version_.pdf

6   United Nations Department of Economic and Social Affairs (UN DESA), World Population Ageing (Highlights) (ST/ESA/SER.A/397, 2017) https://www.un.org/en/development/desa/population/publications/pdf/ageing/WPA2017_Highlights.pdf

7   HelpAge India Report, Elder Abuse In India – Role of Family in Caregiving, (2019)

8   Institute for Social and Economic Change (ISEC), 'BKPAI Working Paper 1' (ISEC Working Paper Series, February 2024) <https://www.isec.ac.in/wp-content/uploads/2024/02/BKPAI%20Working%20paper%201.pdf>

be primarily attributed to the rapid diffusion of advanced technologies, which have produced substantial improvements in health outcomes. Continuous declines in fertility, reductions in mortality and rising life expectancies are significantly altering age structures. While fertility rate fell from about 6.2 in 1950 to 2 in 2021, life expectancy at birth has risen from 36.98 years to 63.50 years over the same period.[9],[10]

As a result of these changes in fertility and life expectancy, India, too, is experiencing a rapid demographic shift with a rise in the share of the elderly population. The 2011 Census recorded 104 million individuals aged 60 or older in India, representing 8.6 per cent of the total population. The United Nations Population Fund (UNFPA) estimates this demographic to have exhibited sustained growth, reaching nearly 149 million (10.5 per cent of the population) by 2022. Projections suggest that by 2050, the elderly share will double to 20.8 per cent of India's population, amounting to approximately 347 million.[11] Census projections for 2021 to 2031 indicate that the elderly population in India will increase by 40.5 per cent, compared to a modest 8.4 per cent growth in the general population. Notably, the proportion of individuals aged 80 and above, i.e. the 'oldest-old', has also doubled in the last 65 years.[12]

2.2 Understanding ageing across India's states

The demographic shift in India exhibits considerable variation across states, attributable to differences in the timing of fertility and mortality transitions. Southern states consistently report the highest proportions of elderly. According to the 2011 Census, Kerala recorded the largest share of elderly citizens (12.6 per cent), followed by Goa and Tamil Nadu. Estimates by the Ministry of Health and Family Welfare (MoHFW) indicate Kerala to have maintained its leading position, with the elderly comprising approximately 16.5 per cent of the population in 2021. Other states with high proportions

9   Bhattacharjee NV et al., 'Global Fertility in 204 Countries and Territories, 1950–2021, with Forecasts to 2100: A Comprehensive Demographic Analysis for the Global Burden of Disease Study 2021' (2024) 403 The Lancet 2057–2099 <https://doi.org/10.1016/S0140-6736(24)00550-6>

10 Muniyandi M et al., 'A National-level Analysis of Life Expectancy Associated with the COVID-19 Pandemic in India' (2022) 10 Frontiers in Public Health 1000933< https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2022.1000933/full>

11 India Ageing Report 2023 (n 5)

12 National Statistical Office (NSO), Elderly in India (Ministry of Statistics & Programme Implementation, Government of India, 2021) https://mospi.gov.in/sites/default/files/publication_reports/Elderly%20in%20India%202021.pdf

include Tamil Nadu (13.7 per cent), Himachal Pradesh (13.1 per cent), Punjab (12.6 per cent), and Andhra Pradesh (12.3 per cent). In contrast, Bihar (7.7 per cent), Uttar Pradesh (8.1 per cent) and Assam (8.2 per cent) were estimated to have the lowest proportions of elderly persons.[13]

An increase in the proportion of elderly individuals exerts considerable influence on society, primarily by magnifying the caregiving burden on the working-age population. This demographic shift leads to a concurrent rise in the old-age dependency ratio, defined as the number of persons above 60 years of age per 100 individuals in the working-age group (15–59 years). According to the Longitudinal Ageing Study in India (LASI) Wave 1, 2017–18, Kerala has the highest old-age dependency ratio at 29.8, followed by Nagaland (23.8) and Puducherry (23.5). Most southern states and union territories (UTs) exhibited relatively high ratios. In contrast, Delhi reported the lowest old-age dependency ratio at 3.7, followed by Arunachal Pradesh at 10.5.[14]

A growing elderly population presents significant challenges, including a high burden of non-communicable diseases (NCDs), increased healthcare costs and greater demand for long-term care. As elderly leave the workforce, economic productivity may decline, increasing the need for social security measures to support basic sustenance, health and wellbeing in later years. Addressing these issues requires an inclusive, supportive environment that ensures dignity and equal opportunities for older individuals.

2.3 Socio-economic status of India's elderly

a. Living arrangement: As population age structures change, family sizes have become smaller, resulting in fewer family members available to care for elderly relatives. Approximately 2.5 per cent of elderly men and 8.6 per cent of elderly women in India live alone. Furthermore, only one in five elderly men and one in eight elderly women live with their

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[13] Ministry of Health & Family Welfare, Population Projections for India and States 2011–2036: Report of the Technical Group on Population Projections (Government of India, July 2020) https://mohfw.gov.in/sites/default/files/Population%20Projection%20Report%202011-2036%20-%20upload_compressed_0.pdf

[14] International Institute for Population Sciences (IIPS) et al, Longitudinal Ageing Study in India (LASI) Wave 1, 2017-18, India Report (IIPS, Mumbai, 2020) https://www.iipsindia.ac.in/sites/default/files/LASI_India_Report_2020_compressed.pdf

spouse.[15] The higher proportion of elderly women living alone indicates both their longer life expectancy and greater chance of widowhood. A 2023 study found that living alone was associated with lower levels of life satisfaction.[16]

b. Education levels: Between 1991 and 2011, the proportion of literate elderly rose from 27 per cent to 44 per cent. Nonetheless, poor literacy remains widespread among the elderly in India. Estimates suggest that over 56 per cent of India's elderly population is 'not literate'.[17] According to LASI 2017-18, only 13.05 per cent of senior citizens in India have completed 12 years or more of education, 10.85 per cent have less than 5 years of schooling and 54.8 per cent have never attended school.[18] Low digital literacy also poses significant challenge among the elderly. According to a survey by Agewell Foundation, approximately 93.37 per cent of older adults reported being unable to use any digital tools and over half (53.21 per cent) indicated that they would require training to benefit meaningfully from digital inclusion.[19]

c. Economic status and well-being: A large share of elderly individuals rely economically on others for their daily needs and upkeep, either wholly or in part. According to the 2011 Census, 54 per cent of the workforce was employed in agriculture and 60 per cent of rural households lacked bank accounts, leaving citizens with minimal opportunities to save for old age.[20] Presently, about 46 per cent of the population continues to engage in agriculture and allied activities.[21] Simultaneously, introduction of the *Pradhan Mantri Jan-Dhan Yojana* (PMJDY) has led to an increase in bank accounts from 147 million in 2015 to 561 million by

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[15] IIPS et al, LASI Wave 1, India Report (n 13)

[16] B Kandapan et al., 'Living Arrangement of Indian Elderly: A Predominant Predictor of Their Level of Life Satisfaction' (2023) 23 BMC Geriatrics 1 <https://doi.org/10.1186/s12877-023-03791-8>

[17] Ministry of Statistics and Programme Implementation (MoSPI), Elderly in India 2016 (Government of India, 2016) 63 65https://www.mospi.gov.in/sites/default/files/publication_reports/ElderlyinIndia_2016.pdf

[18] IIPS et al, LASI Wave 1, India Report (n 13)

[19] Agewell Foundation, Annual Report 2017 18 (2018) https://www.agewellfoundation.org/wp-content/uploads/2018/07/Annual_Report-2017-18.pdf accessed 28 November 2025.

[20] UNFPA India, Building Knowledge Base on Ageing in India: Increased Awareness, Access and Quality of Elderly Services — Thematic Paper 1.2 (n d) https://india.unfpa.org/sites/default/files/pub-pdf/ThematicPaper1_2.pdf

[21] Press Information Bureau, 'Transforming Agricultural Finance: Enhancing KCC limit to ₹5 lakh' (Backgrounder ID: 153713, 4 February 2025) https://www.pib.gov.in/PressNoteDetails.aspx?NoteId=153713&ModuleId=3

August, 2025.[22] Still, with limited old-age security, most elderly people remain financially dependent on their children and families.

2.4 Health and well-being of India's elderly

a. Low life satisfaction: According to LASI 2017-18, almost 32 per cent of elderly individuals reported low life satisfaction.[23] Beyond the vulnerability stemming from financial insecurity, their quality of life is greatly affected by issues such as chronic health conditions, physical disabilities, psychological challenges, age-related discrimination and neglect by family and relatives.

b. Chronic disease burden: Health plays a crucial role in determining the opportunities and resources available to older individuals. According to LASI 2017-18, one in four elderly individuals reported poor self-rated health (SRH), indicating that longer life expectancy has not necessarily led to better health in later years.[24] One-fifth of the elderly population was found to have at least one chronic disease.[25] Additionally, nearly a quarter (24.1 per cent) reported multiple morbidities.[26]

The most common chronic conditions among those aged above 60 are cardiovascular diseases (35.6 per cent), hypertension (32 per cent) and diabetes mellitus (13.2 per cent). Furthermore, 19 per cent of individuals over 60 years suffered from some form of bone or joint disease, affecting one in every five people in this age group. Mental health is also becoming increasingly important, with LASI reporting that 30 per cent of the elderly population experience depressive symptoms and nearly 8 per cent have probable major depression.[27]

[22] Press Information Bureau, '11 Years of PM Jan Dhan Yojana: Banking the Unbanked' (Backgrounder ID: 155102, 27 August 2025) https://www.pib.gov.in/PressNoteDetails.aspx?NoteId=155102&ModuleId=3

[23] IIPS et al, LASI Wave 1, India Report (n 13)

[24] ibid.

[25] Jana A and Chattopadhyay A, 'Prevalence and Potential Determinants of Chronic Disease among Elderly in India: Rural Urban Perspectives' (2022) 17 PLOS ONE e0264937 <https://doi.org/10.1371/journal.pone.0264937> accessed 28 November 2025

[26] Shenkar Chauhan et al., 'Prevalence, Factors and Inequalities in Chronic Disease Multimorbidity Among Older Adults in India: Analysis of Cross sectional Data from the Nationally Representative Longitudinal Aging Study in India (LASI)' (2022) 12 BMJ Open e053953 https://doi.org/10.1136/bmjopen-2021-053953 accessed 28 November 2025

[27] IIPS et al, LASI Wave 1, India Report (n 13)

c. Functional limitations and disabilities: An ageing population faces a greater risk of physical limitations and disabilities, which diminish older people's ability to carry out daily activities independently. According to the 2011 Census, the national prevalence of disability among the elderly was 20.82 per cent.[28] LASI 2017-18 identifies locomotor impairment (6 per cent) as the most common disability, followed by visual impairment (4 per cent) and mental and hearing impairments (3 per cent each), with speech impairment at 0.9 per cent. Over 15 per cent of elderly individuals in Karnataka (27 per cent), Dadra and Nagar Haveli (23 per cent), Odisha (19 per cent), and Tamil Nadu (18 per cent) reported at least one impairment. Simultaneously, 24 per cent of the elderly with visual impairments and 92 per cent of those with hearing impairments did not use spectacles or hearing aids, respectively.[29]

d. Food insecurity and poor nutrition: The nutritional status of elderly individuals is influenced by a range of risk factors such as socio-economic status, place of residence and gender. These elements significantly affect food intake and consequently, overall nutrition outcomes. According to LASI 2017-18, 6.4 per cent of the elderly reduced their meal size, 5.6 per cent went hungry at some point and 4.2 per cent did not eat for an entire day at least once in the past year. Across states, LASI 2017-18 found the highest prevalence of underweight elderly in Odisha (37.1 per cent), followed by Uttar Pradesh (36.6 per cent). At the same time, the incidence of overweight and obesity was greatest amongst the elderly in Punjab (28 per cent) and Chandigarh (21.5 per cent).[30]

e. Access to healthcare and health insurance coverage: Because of higher morbidity rates, older adults rely on healthcare services much more frequently than younger age groups. The UNFPA estimates that nearly 59 per cent of the elderly population had used outpatient services in the 12 months prior to the LASI survey, with two-thirds having sought care at

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[28] Nandita Saikia et al., 'Disability Divides in India: Evidence from the 2011 Census' (2016) 11 PLOS ONE e0159809 <https://doi.org/10.1371/journal.pone.0159809>

[29] IIPS et al, LASI Wave 1, India Report (n 13)

[30] IIPS et al, LASI Wave 1, India Report (n 13)

private facilities.[31] Health insurance coverage among the elderly remained critically low, with only 18.6 per cent in rural areas and 17.3 per cent in urban areas.[32]

f. Ageism or discrimination: Ageism or discrimination and stereotyping against the elderly, contributes to increased isolation and higher rates of illness. These factors heighten concerns about their overall safety and security.

3. Rights and policy framework for elderly welfare

Recognising the specific needs and increased vulnerability of its elderly population, India has developed a comprehensive governance framework to ensure their well-being. This framework consists of constitutional guarantees, legislative measures and targeted policies and programmes.

3.1 Constitutional and legal guarantees

Articles 21, 41, 46 and 47 of the Indian Constitution protects the rights and welfare of older adults. The Maintenance and Welfare of Parents and Senior Citizens Act (MWPSC), 2007, is a key legislative measure that enables elderly individuals to legally seek financial support from their children if they are unable to provide for themselves.

3.2 A robust policy framework

In addition to constitutional and legal protections, India runs a variety of programmes and schemes for the elderly, coordinated by several ministries. The Ministry of Social Justice and Empowerment serves as the nodal organisation, supported by the other ministries such as Ministry of Health and Family Welfare, Ministry of Rural Development, Ministry of Finance and Ministry of Housing and Urban Affairs.

a. Ministry of Social Justice and Empowerment (MoSJE): MOSJE, as the nodal agency, has acknowledged the challenges of an ageing population

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[31] UNFPA India, Public Health Care Utilization by Elderly in India: An Analysis of Major Determinants from LASI Data (Analytical Paper 7) (December 2023) https://india.unfpa.org/sites/default/files/pub-pdf/analytical_paper_7_-_determinants_of_public_health_care_utilization_by_elderly_in_india_-_final.pdf

[32] IIPS et al, LASI Wave 1, India Report (n 13)

and responded with a range of policies and programmes. The National Policy on Older Persons (NPOP), introduced in 1999, provides the foundation for state-level initiatives, emphasising financial security, healthcare, shelter and protection from abuse for the elderly. Furthermore, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was a key milestone, establishing legal provisions for the maintenance and support of older adults and ensuring their social and financial security.

b. Ministry of Health and Family Welfare (MoHFW): To address the complex healthcare needs of older adults, the MoHFW launched the National Programme for the Health Care of the Elderly (NPHCE) in 2011. This programme aims to provide seniors with accessible, affordable and high-quality healthcare. Efforts under NPHCE include the establishment of dedicated geriatric wards, physiotherapy and laboratory services, capacity building and research initiatives across all levels of care.

Notably, the *Ayushman Bharat Pradhan Mantri Jan Arogya Yojana* (AB-PMJAY), launched in 2018, offers secondary and tertiary hospitalisation coverage to poor and vulnerable populations. In 2024, the programme was expanded to cover all citizens aged 70 and older, irrespective of income.

Beyond the MoSJE and MoHFW, many other ministries have assumed critical and responsible roles in promoting the welfare of older persons through diverse policy initiatives. The Ministry of Rural Development (MoRD), under the National Social Assistance Programme, for example, administers the Indira Gandhi National Old Age Pension Scheme (IGNOAPS) and the Indira Gandhi National Widow Pension Scheme (IGNWPS) providing monthly pensions to elderly individuals and widows belonging to below-poverty-line households. In addition, MoRD operates the *Annapurna* Scheme, which allocates free food grains to eligible elderly individuals not covered under existing pension schemes. The Ministry of Finance has likewise introduced targeted measures to bolster the economic security of senior citizens. Notably, the *Pradhan Mantri Vaya Vandana Yojana* (PMVVY) protects elderly individuals from market-driven volatility in interest income by guaranteeing an annual return of 8 per cent.

4. Way forward: Harnessing elderly knowledge for inclusive development

Technological advancements have ushered in a global shift from primarily manual labour to more knowledge-intensive, intellectual forms of work. This transformation has created novel opportunities for meaningful engagement of older adults across economic and societal spheres. As worldwide populations witness sustained increases in longevity, there is a growing impetus among nations to leverage the accumulated experience, skills and social capital of older individuals. Countries with some of the highest proportions of ageing populations, such as Italy, Japan and South Korea, are at the forefront of introducing innovative policy reforms to enhance healthcare and social and economic inclusion of the elderly. These reforms encompass economic, social and health domains, underscoring a broader recognition that, when managed proactively, population ageing may catalyse social and economic growth.

Countries around the world are taking different steps to deal with an ageing population. To address shrinking workforces, some governments have raised the retirement age: Singapore's statutory minimum retirement age was set to 63 in 2022 (as against 60 years), and Japan aims to raise its re-employment age to 70 by 2030, as most people are living longer and staying healthier.[33] Flexible work options are also becoming common. In Canada, for example, phased retirement lets older workers gradually reduce their hours rather than stop working suddenly.[34] Today, there are also more opportunities for lifelong learning through initiatives like Universities of the Third Age (U3A), which help older people keep learning and growing.[35] Some countries, such as Singapore and the United Kingdom, are focusing on helping older workers learn new skills to keep up with workplace changes.[36],[37] Alongside work, governments are also encouraging social activities for older adults. Intergenerational programmes that bring

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[33] Legislative Council Secretariat, Promoting Maternal and Senior Employment in Singapore, Japan and Selected Places (Fact Sheet FS02/2025, 30 April 2025) https://app7.legco.gov.hk/rpdb/en/uploads/2025/FS/FS02_2025_20250430_en.pdf

[34] Government of Canada, 'Going from Work to Retirement – Phased Retirement' (Canada.ca) https://www.canada.ca/en/services/retirement/learn/going-work-retirement.html

[35] Marvin Formosa, 'Four Decades of Universities of the Third Age: Past, Present, Future' (2012) 34 Ageing & Society 42–66 <https://doi.org/10.1017/S0144686X12000797>

[36] SkillsFuture Singapore (n-d) 'SkillsFuture Singapore' https://www.skillsfuture.gov.sg/

[37] House of Commons Library, 'The Lifelong Learning Entitlement' (Research Briefing No CBP 9756, House of Commons Library, 09 September 2025) https://commonslibrary.parliament.uk/research-briefings/cbp-9756/

together older and younger people are becoming increasingly popular as they help people learn from one another, reduce loneliness and build stronger communities.

Moving forward, India should take an approach which not only integrates learnings from international experiences but also accounts for its unique context. To create a self-sustaining system, India must leverage the conventional ethos and moral values which form the core pillars of the Indian society. Caring for the elderly can then be viewed not as a state responsibility or policy response alone but more as a societal duty in which families, the community and youth take active responsibility for elderly caregiving. Strengthening these connections can foster a relationship where young people assist older adults and in return, benefit from their wealth of knowledge, skills and life experiences.

India must supplement its cultural strengths with deliberate structural reforms. This should include creating elder-friendly workplaces, offering flexible work options for caregivers and expanding community care programmes to reduce pressure on families. Investing in physical infrastructure — adaptations to public spaces and transport systems — and social infrastructure, such as day-care centres, respite care and community centres, can support active ageing and help older adults stay involved in society and the economy. Digital literacy programmes for seniors and easier access to health and social protection services would help older people remain independent and empowered.

Evolution of Disability Jurisprudence in India in the Last Decade (2016-2025)

Rajesh Aggarwal*

Abstract

This article examines the evolution of India's disability jurisprudence from 2016 to 2025, marked by a shift from a welfare-oriented framework to a rights-based regime aligned with the UNCRPD. It analyses key statutory reforms under the RPwD Act, 2016, developments in accessibility standards, and landmark judgments that expanded reasonable accommodation, structural compliance, and institutional accountability. Special attention is given to recent jurisprudence clarifying the powers and limits of the Chief and State Commissioners, particularly in issuing interim recommendations and enforcing accessibility. The article argues that these developments reposition Commissioners as active guardians of disability rights, advancing equality, dignity, and inclusion.

Keywords: disability jurisprudence, reasonable accommodation, RPwD Act 2016, accessibility standards

1. Introduction

The last decade has been transformative for India's disability jurisprudence. The legal narrative has shifted from a welfare or medical model to a rights-based, equality-centred framework grounded in constitutional morality and the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

The Rights of Persons with Disabilities Act, 2016 (RPwD Act) and a dynamic body of judicial interpretation have repositioned persons with disabilities (PwDs) as rights-holders rather than beneficiaries.

This article traces the legislative evolution, judicial milestones, and most recently the delineation of the powers and limits of the Commissioners for Persons with Disabilities, drawing upon decisions such as Jeeja Ghosh, Vikash Kumar, Seema Girija Lal, and Mukesh Kumar v. NPTI.

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2. Legislative and policy foundations

2.1 From the PWDA 1995 to the RPwD Act 2016

The 1995 Act's limited medical approach was replaced by the RPwD Act, which came into force on 19 April 2017. It aligns Indian law with the UNCRPD by expanding the definition of disability (Schedule–21 categories), codifying reasonable accommodation, and strengthening enforcement and penalties.

2.2 Key rights and duties

- Equality and Non-discrimination: Section 3 guarantees equality of opportunity and prohibits discrimination.
- Reasonable accommodation and accessibility: Sections 2(y) and 40–46 establish enforceable duties to ensure accessibility.
- Reservation: Section 34 provides 4 per cent reservation in employment; Sections 31–32 extend to education.
- Access to Justice: Section 12 mandates reasonable accommodations in all judicial/quasi-judicial forums.
- Penalties: Sections 89–95 impose fines for contraventions.

2.3 Institutional Architecture

- Central Advisory Board: Sections 60–65.
- State Advisory Board: Sections 66–71.
- District-level Committee: Section 72.
- Chief Commissioner (CCPD): Sections 74–78.
- State Commissioners (SCPDs): Sections 79–83.
- Special Courts & Public Prosecutors: Sections 84–85.
- National and State Funds: Sections 86–88.
- Offences and Penalties: Sections 89–95.

Together, these create a chain of accountability from policy formulation to quasi-judicial enforcement.

2.4. Accessibility standards

The RPwD Act provides for mandatory accessibility standards, whether it is for the built environment, transport, digital space, or for the public services. In the

case of consumer goods, it seeks the appropriate governments to promote development, production and distribution of universally designed products and accessories. Rule 15 of the RPwD Rules 2017 operationalises Section 40:

- Built Environment: Harmonised Guidelines and Standards for Universal Accessibility 2021 (MoHUA Notification 18 Oct 2022; G.S.R. 413(E), 5 Jun 2023).

- ICT Products and Services: BIS IS 17802 (Part 1): 2021 and (Part 2): 2022 (G.S.R. 359(E), 10 May 2023).

3. Judicial trajectory (2016–2020)

3.1 Pre-RPwD jurisprudence

In Jeeja Ghosh v. Union of India (2016 1 SCC 161), the Supreme Court grounded dignity and autonomy within Articles 14 and 21, foreshadowing the rights-based model later codified.

3.2. Early enforcement under RPwD Act

Cases such as Nipun Malhotra v. GNCTD (2018 SCC OnLine Del 10313) and Vikash Kumar v. UPSC (2021 8 SCC 645) expanded the meaning of reasonable accommodation and accessibility, signalling a move from declaratory to enforceable rights.

4. Deepening jurisprudence (2021–2025)

4.1 Structural compliance

Seema Girija Lal v. Union of India (2024) directed all States/UTs to constitute District Committees, Special Courts, and Disability Funds, reinforcing Section 72 and 84 compliance.

4.2 Education and functional assessment

In 2024, the Supreme Court held that exclusion from MBBS admission based solely on quantitative impairment (>40 per cent) violates Articles 14 and 21, insisting on functional evaluation and accommodation.

4.3 Employment and promotion

Following Rajeev Kumar Gupta Vs. UOI (June 2016), Siddaraju Vs. State of Karnataka (Jan 2020 and Sep 2021) and S.S. Sundram Vs. UOI (Contempt

873/July 2023), DoPT OM dated 28 December 2023 granted notional promotion to PwDs w.e.f. 30 Jun 2016.

4.4 Accessibility and universal design

High Courts (2023–25) increasingly reference Harmonised Guidelines 2021 and IS 17802 to enforce digital and physical accessibility. However, the Interim Order dated 08.11.2024 of the Hon'ble Supreme Court in Rajive Raturi Case, created a paradigm shift, which not only paved way for laying down of mandatory and time bound accessibility standards, it also, in a first from any judicial bench, clarified that the governments at centre and state are competent to impose fines under the Act for non-compliance with the RPwD Act. This led to creation of 6 sub-groups by the Central Government and the draft mandatory accessibility standards are now in the final stage of deliberations within the government machinery after collecting the opinions of experts, members of the disability community and the public at large. This also led to the CCPD imposing fines to the defaulting state and non-state agencies in 2025.

5. The CCPD and SCPDs as quasi-judicial institutions: Mandates, powers and limits (2024–2025)

5.1 Delhi High Court: Mukesh Kumar v. National Power Training Institute (LPA 980/2024, 02 Apr 2025)

The Division Bench clarified that the CCPD's jurisdiction under Sections 75–76 encompasses both final and interim recommendations.

In para 49, the Court held that a direction to 'keep transfer in abeyance'—though not a court-style injunction — is a valid interim recommendation requiring consideration under Section 76.

Thus, authorities must act upon or record valid reasons for non-acceptance within the statutory period, communicating them to both the CCPD and the complainant. In other words, the authorities being recommended to by the CCPD or the SCPD, do not have the option of remaining mum on the recommendations and to that extent the orders of the CCPD or SCPDs are binding. This interpretation empowers the Commissioner to issue urgent protective measures during inquiry while respecting administrative autonomy.

5.2 Bombay High Court (Goa Bench): Canara Bank v. SCPD Goa (W.P. 687/2024, 02 Dec 2024)

The Court quashed directions requiring a public apology and 'volunteering' service, holding that SCPDs cannot impose extra-statutory penalties. Their authority is recommendatory, not punitive, but their valid recommendations continue to attract the Section 81 duty to act or explain.

5.3 Supreme Court PILs: Dr Satendra Singh

The pending PIL seeks to strengthen the Commissioner system — uniform assessment centres, capacity-building, and compliance monitoring — signalling the Supreme Court's intent to institutionalise the CCPD/SCPDs as central pillars of disability governance.

5.4 Practical rule-set emerging

1. Inquiry + Recommendation Model: Final and interim recommendations permissible; addressees must act or give reasons within three months (Sections 75–76 / 80–81).

2. Character of interim directions: 'Stay' orders function as interim recommendations — administratively non-binding but legally significant, demanding a reasoned response.

3. Rights filter in service matters: Commissioners may review transfers or promotions if they infringe RPwD rights (non-discrimination, accommodation, reservation). But, they should refrain from intervening in service matters, beyond what is provided in the Act or the rules or instructions issued in pursuance thereof

4. No extra-statutory punishments: Any penal outcome must track Chapter XVI; Commissioners may instead recommend disciplinary or sensitisation measures.

5. Drafting hygiene: Frame orders as specific, time-bound recommendations linked to statutory duties and standards (Sections 3, 12, 20, 31–34, 40–46; Harmonised Guidelines 2021; IS 17802).

This jurisprudence thus re-positions Commissioners as active guardians of rights with pragmatic, reviewable powers — not merely advisory figures.

6. Illustrative case law (2016–2025)

Case	Year	Holding
Jeeja Ghosh v. Union of India	2016	Recognised dignity and equality in travel; precursor to rights model.
Rajeev Kumar Gupta v. Union of India	2016	Reservation in promotion for PwDs.
Nipun Malhotra v. GNCTD	2018	Mandated accessible public transport.
Vikash Kumar v. UPSC	2021	Reasonable accommodation held a legal right.
X v. State of Maharashtra	2023	Intersectional rights of women with disabilities.
Seema Girija Lal v. Union of India	2024	Directed nationwide structural compliance.
Mukesh Kumar v. NPTI	2025	Affirmed power to issue interim recommendations requiring consideration under S. 76.
Canara Bank v. SCPD Goa	2024	Limited punitive overreach; confirmed recommendatory jurisdiction.
Nipun Malhotra v. Sony Pictures (Aankh Micholi Case)	2024	Sensitivity in dealing with disability issues, creating a balance between genuine laughter and mocking.
Rajive Raturi v. UOI	2024	Providing a floor under the ceiling, setting minimum non-negotiable accessibility standards.
Pragya Prasoon v. UOI & Amar Jain v. UOI	2025	Equating digital accessibility to the fundamental right to life under Article 21.

7. Continuing challenges

Despite judicial clarity, several gaps persist: incomplete state-level institutionalisation, uneven accessibility audits, medicalised certification, and limited awareness among administrators and employers.

The CCPD's monitoring under Section 76 and Rule 38 remains crucial to bridge these deficits.

8. Implications for the Commissioners

- Strengthen enforcement: Track compliance with Section 76/81 timelines and publish quarterly reports.

- Capacity building: Train officers in drafting lawful recommendations.

- Accessibility audits: Use notified standards as enforcement benchmarks. Create a larger pool of certified auditors.

- Coordination: Work with DoPT, MoHUA and DEPwD to align sectoral compliance.

9. Conclusion

Between 2016 and 2025, India's disability jurisprudence has matured from declarative compassion to enforceable equality.

The RPwD Act's architecture, energised by an assertive judiciary, has embedded reasonable accommodation, accessibility, and institutional accountability into the rule of law.

The latest rulings — especially the Rajive Raturi Vs UOI and the Mukesh Kumar Vs NPTI — confirm that the CCPD and SCPDs possess real, structured authority to issue both final and interim recommendations and also have powers to impose fines, compelling a duty of response.

This transforms them from passive advisers into active guardians of disability rights, ensuring that the promise of inclusion and dignity envisioned by the RPwD Act becomes a lived reality across India.

The CCPD has recently issued wide ranging recommendations affecting individual rights such as admissions, employment, and accessibility, and also on suo motu cases affecting larger public interests, such as issue of UDID Cards, implementation of DDRS and DDRC schemes, use and promotion of sign language in education, public procurement, post recruitment training, skill development of PwDs, etc.

These orders can be seen on the website of the CCPD (Home-Grievance/Cases-Final Orders of CCPD Or Interim Orders of CCPD).

India's Rights-Based Approach to Development-Driving SDGs at Unprecedented Scale

Shombi Sharp*

Abstract

India's development trajectory illustrates how human rights can serve as a powerful catalyst for achieving the Sustainable Development Goals (SDGs). While global SDG progress has slowed due to overlapping crises, India has demonstrated resilience by embedding rights-based principles—dignity, equality, participation, and accountability—into laws, schemes, and governance systems. Legal guarantees such as the National Food Security Act, the Mahatma Gandhi National Rural Employment Guarantee Act, and the Right to Education Act have strengthened social protection, reduced vulnerability during shocks like COVID-19, and advanced health, education, and livelihoods. Complemented by digital public infrastructure and data-driven monitoring through the SDG India Index and Multidimensional Poverty Index, these measures have accelerated poverty reduction and improved last-mile delivery. India has also shaped global SDG discourse through its G20 leadership and active engagement in UN human rights mechanisms. Its experience underscores that sustainable development is most durable when grounded in universal human rights and inclusive institutions.

Keywords: sustainable development goals, development, human rights

1. Introduction: Human rights and the SDGs mirror India's aspirations for development

The achievement of the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) hangs in the balance. This universal framework was agreed by all United Nations Member States in 2015 to end poverty, ensure economic growth benefits all and put the planet on a pathway to environmental sustainability by the end of this decade. Yet today, 10 years later, the Goals are seriously off track globally. From the COVID-19 pandemic to the conflicts in Gaza,

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Sudan and Ukraine, recent multiple and overlapping crises have reversed gains in poverty reduction, overwhelmed government budgets with rising debt, and expanded the financing gap for the SDGs to an estimated $4 trillion annually in developing countries alone.

In India, however, progress towards sustainable development has been more resilient to global headwinds. India's long-standing commitment to human rights, rooted in its historical independence struggle, has been a major instrument of this resilience. As one of the largest and one of the most diverse democracies, India has demonstrated that embedding a rights-based approach to services and protections not only protects vulnerable groups but serves as an engine for durable SDG progress. Through legal, institutional, and participatory pathways, this has provided a blueprint for transforming ambitions into sustainable outcomes. The story of India's development successes demonstrate clearly that human rights implementation accelerates, protects and promotes achievement of inclusive and sustainable development.

Both the SDGs and internationally recognised human rights frameworks share the foundational values of dignity, equality, participation, accountability, and universality. The aspiration of each SDG has roots in international human rights law. And these in turn reflect many aspects of the Gandhian *swaraj* philosophy, which not only proposed a vision of self-rule and liberation that entails political independence but also argued for collective economic and social self-sufficiency to achieve a liberated, just, and inclusive society. While many of these ideals were at the heart of India's freedom struggle, not by accident they have also resonated as core, universal principles of global importance.

Drafting of the Universal Declaration of Human Rights (UDHR) began in 1947, right after the birth of the UN and the same year that India gained its independence. India has had an association with the codification of international human rights commitments since the beginning. India was a member of the drafting committee and its representatives significantly contributed to the final text. This occurred concurrently with India's own constitution drafting, and principles from the UDHR were integrated into India's constitution. Key contributions from Indian delegates included adding 'political opinion' and 'colour' to non-discrimination clauses and advocating for women's rights by replacing 'men' with 'human beings'.

Beyond the UDHR, India contributed to the drafting of other key conventions over the following decades. These include the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on Civil and

Political Rights (ICCPR), which, together with the UDHR, constitute what is known as 'the international bill of rights'. India also contributed to the drafting of the treaties on gender, disability, and children's rights *inter alia*.

Likewise, India, as a powerful voice for the Global South, was a key drafter of the 2030 Agenda for Sustainable Development. During the post-2015 agenda discussion at the UN in the lead-up to agreement on the SDGs, India participated in discussions and submitted statements, for example, advocating for the 'five Ps' (people, prosperity, planet, peace and partnership) as a communications framework and emphasising the importance of 'equity' together with 'justice' in the formulation of the Goals. Many proposed SDGs aligned with India's long-standing national development goals, grounded in its experience as a former colonised country seeking to realise self-determination and enhancement of its capabilities. In this way, India's commitment to the SDGs can be seen as a continuation of its long-term vision.

India's position towards the SDGs from the outset was in many ways guided by another principle also articulated by Gandhi, of ensuring that development benefit the poorest and weakest, a theme echoed in the country's statements during the SDG negotiations. What we call today Gandhi's talisman is indeed an early and insightful expression of the transformative promise of 'leave no one behind', which today lies at the heart of the SDGs. With 2030 soon approaching, Prime Minister Modi has articulated a new, longer-term vision of *Viksit Bharat* 'developed India' by its 100th anniversary in 2047. In many ways, 2030 and 2047 represent two stepping stones on the same path to right-based peace and prosperity.

Table 1: The 17 Sustainable Development Goals and international human rights that enable their implementation

SDG	Human Right	Related scheme or legislation
SDG 1: End Poverty	Right to an adequate standard of living (UDHR, ICESCR)	National Rural Livelihoods Mission
SDG 2: Zero Hunger	Right to food (ICESCR)	National Food Safety Act / PDS
SDG 3: Good Health	Right to health (ICESCR, CRC)	Ayushman Bharat Yojana

SDG	Human Right	Related scheme or legislation
SDG 4: Quality Education	Right to education (UDHR, CRC)	RTE India, National Education Policy
SDG 5: Gender Equality	Non-discrimination (CEDAW, UDHR)	Sexual Harassment of Women in the Workplace Act, Right for Persons of Disabilities Act
SDG 6: Clean Water/Sanitation	Right to water/sanitation (ICESCR)	Jal Jeevan Mission, Swach Bharat Mission
SDG 7: Affordable and Clean Energy	Right an adequate standard of living (UDHR, ICESCR),	PM Surya Ghar, PM-KUSUM, Production Linked Incentives Scheme
SDG 8: Decent Work and Economic Growth	Right to work and to just and favourable conditions of work (UDHR, ILO core conventions), Prohibition of child labour (CRC)	Mahatma Gandhi National Rural Employment Guarantee Act
SDG 9: Industry, Innovation and Infrastructure	Right to enjoy the benefits of scientific progress and its applications (UDHR, ICESCR)	Production Linked Incentives Scheme, Make in India
SDG 10: Reduced inequalities	Right to equality and non-discrimination (UDHR, ICCPR, ICESCR)	PM Jan Dhan Yojana
SDG 11: Sustainable cities and communities	Right to adequate housing (UDHR, ICESCR)	Smart Cities Mission
SDG 12: Responsible consumption and production	Right of all people to freely dispose of their natural resources (UDHR, ICESCR)	Mission LiFE

SDG	Human Right	Related scheme or legislation
SDG 13: Climate action	Right to a clean and healthy environment (UDHR, ICESCR)	National Adaptation Plan
SDG 14: Life below water	Right to a clean and healthy environment (UDHR, ICESCR)	O-SMART, Sagarmala Programme
SDG 15: Life on land	Right to a clean and healthy environment (UDHR, ICESCR)	National Biodiversity Plan
SDG 16: Peace, justice and institutions	Right to access to justice (UDHR, ICCPR), Right to access to information (UDHR, ICCPR)	Mission Shakti: Nari Adalat, Nirmay and Meri Panchayat Applications
SDG 17: Partnership for the Goals	Right to development (UDHR, ICESCR)	Goods and Service Tax reform, Direct Benefit Transfer

A human rights-based approach to the SDGs offers unique advantages. Statutory legal guarantees help safeguard against political or budgetary backsliding. For example, Indian laws implementing the right to food and the right to work are excellent examples of rights-based approaches to sustainable development embedded in national law. Human rights-based approaches also provide mechanisms for inclusive participation with a focus on marginalised and at-risk populations to ensure that no one is left behind by sustainable development. Human rights-based approaches also promote enforceable accountability under both national and international legal systems to ensure national commitments under the 2030 Agenda are translated into a codified social contract between governments and their citizens.

2. Rights-based resilience to global headwinds

Laws protecting and implementing international human rights obligations have been a key catalyst improving human development outcomes in the country and

ensuring the country's resilience to global headwinds to SDG progress, such as during the COVID-19 pandemic. For example, the National Food Security Act (NFSA), 2013 has established the world's largest food security programme, providing subsidised grains to more than 800 million people, or roughly 60 per cent of India's population.

The law makes the right to food a justiciable entitlement, with transparent eligibility, grievance redressal officers at the district level, and priority for pregnant women and children. This gives impetus to state and local officials to put those rights into practice, such as in Odisha, where grassroots monitoring of NFSA through social audits has reduced exclusion errors and increased women's participation in food distribution committees. Odisha's partnerships with community-based organisations have allowed more responsive and timely interventions. This has led to declines in 'missing beneficiaries' and has spurred innovative programmes ensuring midday meals were delivered to children's homes during COVID lockdowns — mitigating malnutrition spikes.

Another important example is the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), which provides a legal guarantee of employment — mandating 100 days of work for every rural household annually. In 2020-21, the programme enrolled more than 135 million workers (more than 50 per cent were women), providing a crucial buffer during the pandemic when urban job losses forced mass return migration. Rigorous impact evaluations confirm reductions in poverty and rural distress, with particular gains for lower-caste and minority households. During the pandemic, MGNREGA uptake promoted faster recovery from COVID's income shocks. The job guarantee also creates important hard and soft infrastructure that creates links with other SDGs. For example, in Rajasthan, women's collectives used MGNREGA worksites to pilot water conservation and nutrition garden projects, leading to improved SDG-2 and SDG-6 outcomes and increased asset ownership among female-headed households.

3. Driving dignity for a developed India

Laws and schemes implementing human rights have been key instruments in enabling all Indians to enjoy dignity and improved capabilities on the country's pathway to becoming developed. The Right of Children to Free and Compulsory Education Act (RTE), 2009 is a pathbreaking law that provides free schooling for children aged six to 14, with mandatory reservations for disadvantaged groups in private and state schools. India's Gross Enrolment Ratio has reached 99.7 per cent for primary levels since implementation of the act. In Kerala, a 'front-runner' state

on the SDG Index, RTE has been leveraged to mainstream migrant and Dalit children through community outreach and after-school support. Kerala's Wayanad district showed a 92 per cent reduction within five years in the number of out-of-school tribal children, attributed to localised inclusive governance.

Government schemes are also powerful vehicles for implementing human rights, such as by increasing access to health and social protection to citizens. The *Ayushman Bharat* scheme (PM-JAY) delivers health insurance to 500 million low-income Indians, reducing out-of-pocket expenditures and aligning with SDG-3 and the right to health. COVID-19 was a dramatic shock, particularly affecting low-income households including urban migrants and informal sector workers. Rights-based innovations — such as health 'mohalla' clinics in Delhi — helped ensure primary access to these previously underserved communities.

As a part of its SDG journey, India has also made important progress by implementing rights to water, sanitation, housing, and other social and economic rights. Jal Jeevan Mission has provided tap water connections in rural areas, extending coverage to 80 per cent of rural households. The Swachh Bharat Mission declared India 'open defecation free' by 2019, although sustainability and maintenance of facilities remain important policy priorities. Rights-based monitoring via local committees, especially in women-led villages, improved latrine usage and maintenance rates. In Tamil Nadu, partnerships between state government and UN agencies piloted community mapping of unimproved sanitation and public scorecards, increasing latrine functionality and child health scores post-intervention.

4   Participation for people, prosperity and planet

Accountability, participation, and monitoring in a country as large and diverse as India have been critical to benchmarking and tracking progress and ensuring implementation. Digital approaches to facilitate service delivery have harnessed the country's impressive IT sector by creating world class digital public infrastructure. Secondary benefits have been wide-ranging, for example major increases in the financial inclusion of women and rural communities through access to digital banking.

Equally, an emphasis on data-driven measurement of progress has revolutionised governance across the country by harnessing the country's impressive statistical system. The Ministry of Statistics and Programme Implementation (MoSPI) has adapted the rights elucidated in the global SDGs into a National Indicator Framework. The SDG India Index launched by NITI Aayog uses this data to track progress across the country's states and union territories, driving 'collaborative and compet-

itive federalism'. Between 2018 (score 57) and 2024 (score 71), overall national progress increased, with 'front-runner' states (Kerala, Himachal Pradesh, Tamil Nadu) demonstrating sustained reforms and 'aspirant' states (Bihar, Uttar Pradesh) showing targeted improvement strategies.

The UN in India has been pleased to partner with both MoSPI and NITI Aayog, including through a unique tripartite Memorandum of Understanding (MoU) and ongoing deliberations of the country's Data for Development Forum to adapt and improve tracking of progress on the Global Goals to India's specific context. Cooperation between government ministries and departments and the UN has created a powerful ecosystem for exchanging good practices and distilling lessons learned from implementation that benefit not only all Indians but create valuable examples for other countries trying to improve their digital infrastructure and data-driven governance.

Thanks to the focus on collaborative and competitive federalism, individual states have been important innovators in driving the continuous improvement in digital delivery and monitoring. Bihar improved SDG-2 metrics (hunger) via digitizing ration card databases and scaling direct benefit transfers to women-headed households in Gaya and Purnia districts. Odisha's block-level planning reduced dropouts in tribal-dominated Sundargarh through collaboration with local NGOs and parent groups.

Data has also been used to track the overlapping and intersecting dimensions of development progress faced by individual households. India's national multidimensional poverty index (MPI) is based on a globally recognized comprehensive measure that captures poverty in multiple dimensions beyond monetary aspects. The MPI methodology is rooted in the literature on capabilities approach and inspired by the human rights approach, which values all dimensions of progress equally. MPI's global methodology is based on the robust Alkire and Foster (AF) method that identifies people as poor based on a universally acknowledged metric designed to assess acute poverty, providing a complementary perspective to conventional monetary poverty measures. The National MPI in India, developed by NITI Aayog with support from the Oxford Poverty and Human Development Initiative (OPHI) and UNDP, has tracked improvements nationally and at state level along 12 specific indicators under three dimensions encompassing health, education and standard of living, which align closely with rights guaranteed by the UDHR as well as the ICESCR.

With an estimated 248 million people escaping multidimensional poverty over the past decade, NITI Aayog estimates that India has registered a significant decline in

multidimensional poverty from 29.17 per cent in 2013-14 to 11.28 per cent in 2022-23. While the performance of states varies, some states which traditionally had high poverty have made remarkable progress in helping people escape poverty, thus reducing inter-state disparities. Uttar Pradesh registered the largest decline in the number of poor with 59. 4 million people escaping multidimensional poverty during the last nine years followed by Bihar (37.7 million), Madhya Pradesh (23 million) and Rajasthan (18.7 million). The progress observed across the country largely can be credited to the schemes and laws like those described in the previous sections rooted in the human rights-based approach.

India's institutional frameworks for human rights and SDG implementation continue to pave the way for further progress. The National Human Rights Commission and State Commissions conduct audits, handle complaints, and review social scheme implementation. For example, in Chhattisgarh, the State Commission's intervention led to the resumption of food deliveries to remote tribal hamlets after a monsoon. The UNDP's SDG Coordination Centres, UNICEF's child-friendly panchayat certification, and UN-Habitat's voluntary local reviews have enabled context-sensitive innovations and supported local governments in aligning planning with rights-based benchmarks.

5. Global leadership for right to development

Given India's impressive performance on the SDGs over the last decade, India's voice in global discussions of SDG progress, especially given the current global headwinds, has been pivotal and visionary. Under India's presidency, the New Delhi Leaders' Declaration led the G20 to adopt a global SDG action plan, harnessing India's own experience in areas such as data for development and Lifestyles for Environment. Lifestyles for Environment, which began as an India-led mass movement to nudge individual and community action to protect and preserve the environment in line with every individual's right to a healthy and clean environment, has now been endorsed by the G20 as well as the UN. The UN Environmental Assembly at its sixth meeting endorsed mainstreaming Lifestyles for Environment in international approaches to the circular economy.

Through intergovernmental platforms at the UN, as well through initiatives such as India's G20 presidency in 2023, the key lessons of India's success are being increasingly shared with other countries, enabling peer learning and fruitful South-South cooperation among developing countries. An excellent recent example was India's 2025 Voluntary National Reviews (VNR) presented at the UN High-Level Political Forum (HLPF) in New York in July 2025. India's 2025 VNR consultation process

incorporated feedback from more than 1,000 stakeholders, with 50+ sessions dedicated to at-risk populations (e.g. LGBTQI+, religious minorities, persons with disabilities). National and subnational consultations informed the VNR's analysis, social inclusion metrics and findings. Voices from across the country were empowered in the process and the examples of their development experiences now inform other UN Member States.

India has also been a committed participant in the UN Human Rights Council and its treaty body mechanisms. As of 2025, India has again become a member of the Council. The country's active participation in the Universal Periodic Review (UPR) process and engagement with treaty bodies (ICCPR, CEDAW, CRPD) have showcased government commitments to tackle violence, expand legal aid, and target gender-based exclusion. They have also led to acknowledgement and lessons learned by other developing countries from India's experience in harnessing human rights-based approaches for accelerating SDG progress.

6. Conclusion

India's rights-based approach to development has shown the potential for universal, digital inclusion to enable grievance redress and service delivery. It has also shown the benefit of mainstreaming intersectional approaches — tackling gender, youth, and social identity in all domains. India's example demonstrates the potential for evidence-based budgeting, targeting and monitoring using SDG–human rights links to target development resources effectively. As India's last-mile delivery efforts continue, countries can also learn from how India is institutionalising whole-of-society mechanisms (civil society, private sector, youth, and district-level marginalized groups) in all SDG policy cycles and reviews.

India's experience proves that the SDGs and human rights are inseparable. Legal entitlements, robust monitoring, social audits, and stakeholder participation have delivered measurable advances even amid global crises. Gaps — especially on inclusion, intersectionality, and implementation — may persist and last-mile delivery must remain the focus of reform and collective action. International peer learning, treaty body recommendations and robust national institutions can ensure that 'leaving no one behind' is not rhetoric, but a realised principle in every community. Other countries and stakeholders can draw from this rights-based roadmap, accelerating SDG achievement globally for a just and sustainable future. And looking further ahead, India is positioned to continue its important leadership role as the 2030 Agenda and 2047 *Viksit Bharat* in many ways represent two stepping stones on the same path to peace and prosperity.

Human Trafficking and Human Rights: Turning Commitments into Action

Bhamathi Balasubramaniam*

Abstract

This paper explores the transformation of India's anti-human trafficking governance from a law-enforcement perspective to a human rights-based framework. Drawing on international conventions, constitutional guarantees, and pioneering national initiatives, the study situates India's evolving response within the broader global context of trafficking prevention, prosecution, and protection. The research underscores how multi-level governance — spanning state agencies, judicial interventions, civil society, and survivor-led movements — has reshaped the discourse on trafficking as a rights and governance issue rather than as a mere criminal act. The paper highlights India's pioneering institutional mechanisms such as Anti-Human Trafficking Units (AHTUs) for investigating, reporting and monitoring trafficking cases. Drawing on qualitative evidence and case studies, this paper examines the interplay between community-led and survivor-centred interventions, technological structures and trafficking outcomes. This work finds India's rapidly evolving technological landscape of human trafficking has transformed trafficking operations by enabling traffickers to exploit digital networks that evade traditional surveillance, precisely target vulnerable populations, and expand their reach with anonymity. The digital tools enable exploiting legal and jurisdictional loopholes to operate with impunity. These are unprecedented challenges for policymakers, civil society, and law enforcement. However, digital initiatives evolved in India is anchored in an approach that sees both cyber ecosystems and technology as an enabler and shield to overcome risks. India's experience demonstrates that when strong laws are backed by accountable governance and strong community collaborations centered on the dignity and empowerment of survivors, then commitments to end human trafficking can translate into tangible human rights outcomes. India's evolving model, combining legal reform, digital innovation, and community-based support, offers valuable lessons for other countries seeking to build rights-cantered, survivor-led systems to combat trafficking effectively and humanely.

Keywords: human trafficking, trafficked survivors, rights-based approach, technology, AHTUs, digital governance, institutional convergence

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1. Introduction

According to the United Nations Office on Drugs and Crime (UNODC) reports, human trafficking represents grave violations of human rights worldwide. It is modern-day slavery in its worst form. Millions of persons, mainly women and children, are trafficked interstate, intrastate and internationally for purposes of sexual exploitation, forced labour and other forms of slavery–like conditions.[1]

Within the Indian context, trafficking manifests in multiple intersecting forms, ranging from bonded labour and domestic servitude to cyber-facilitated sexual exploitation. The complex interplay of poverty, gender inequality, migration, and digital vulnerability has made trafficking of women and children a profound governance and human rights challenge.

2. Global human rights frameworks and legal instruments

The Human Rights-Based Approach (HRBA) emerged in the 1990s as a normative framework for translating human rights standards into governance practice. It is anchored in four key principles: universality and inalienability, indivisibility, participation, and accountability. When applied to anti-trafficking governance, HRBA reframes trafficked persons not as 'victims' or 'objects of rescue' but as rights-holders entitled to protection, redress, and participation in decision-making. An HRB lens mandates that state responses to trafficking must ensure procedural fairness, gender/ child sensitivity, and access to justice. It emphasises institutional capacity-building and inter-agency coordination that embed human rights at every stage — from prevention and investigation to reintegration.[2]

The world-wide response to human trafficking is anchored in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), supplementing the UN Convention against Transnational Organized Crime (UNTOC). Known as the Palermo Protocol, this landmark instrument positioned trafficking as a human rights violation and provided the first universally accepted definition of trafficking and established the triadic framework of response: prevention, protection, and prosecution It mandates international cooperation and victim-centred protection measures, thus providing a global policy

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[1] United Nations Office on Drugs and Crime, 'Global Report on Trafficking in Persons 2024' (Vienna: United Nations, 2024) https://www.unodc.org/documents/data-and-analysis/glotip/2024/GLOTIP2024_BOOK.pdf

[2] Office of the United Nations High Commissioner for Human Rights, 'Human Rights and Human Trafficking: Fact Sheet No 36' (Geneva: UN, June 2014) https://www.ohchr.org/sites/default/files/Documents/Publications/FS36_en.pdf

template on principles and minimum standards for anti-trafficking action. Complementary instruments include the CRC, 1989, CEDAW, 1979, and ILO Convention 182 on the Worst Forms of Child Labour (1999). In addition, regional multi country frameworks like SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002) impose obligations on each participating nation pursuant to commitments made.[3]

3. Anti trafficking governance landscape

3.1 Constitutional framework

Article 23 of the Constitution of India prohibits human trafficking in every form. Going by the mandate in the Preamble, which states that our Constitution is given by 'we the people of India' to 'ourselves', it becomes incumbent on each citizen in the country to ensure that nobody is trafficked. Moreover, the Directive Principles of State Policy (Articles 39 and 42) reinforce the state's duty to protect vulnerable populations, particularly women and children, from exploitation.

India has undertaken extensive legislative and policy reform, weighing compliance with global human rights mandates in the landscape of country's complex social realities. India's policy landscape reflects a dynamic interplay between global norms and local realities. Moving from policy formulation to praxis, India adopted the Palermo Protocol leading up to the amendment of the Indian Penal Code (Section 370), further paving the way for the establishment of AHTUs nationwide.

3.2 Legislative framework

The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for anti trafficking for commercial sexual exploitation. With the enactment of the Bharatiya Nyaya Sanhita (BNS) replacing the IPC provisions section 370, Section 143 defines trafficking of persons as follows.

a) Whoever, for the purpose of exploitation, recruits, transports, harbours, transfers, or receives a person or persons by: using threats; force/coercion; abduction; fraud/deception; abuse of power; inducement (payments/benefits) ... commits the offence of trafficking. Explanation 1: The expression 'exploitation' shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, beggary or forced removal of organs.

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[3] SAARC Convention On Preventing And Combating Trafficking In Women And Children For Prostitution (2002)

b) BNS elevates clarity by separating exploitation as a distinct offence from habitual slave-trading — this is significant for a governance/policy analysis as it allows measuring policy to praxis by seeing how institutional mechanisms (AHTUs etc) would now operate under the updated code. For gender and child-focused perspectives: the provisions emphasise child trafficking and child exploitation as aggravated forms of offence.

c) Protection of Children from Sexual offences (POCSO) Act, 2012, is a special law to protect children from sexual abuse and exploitation. Other legislations relevant in this context are Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, and the Transplantation of Human Organs Act, 1994. State specific legislations to deal with the concern include The Punjab Prevention of Human Smuggling Act, 2012.

d) The Information Technology (IT) Act, 2000 plays an increasingly crucial role in addressing HT and safeguarding human rights in the digital era. As trafficking networks expand into online spaces — through social media, encrypted messaging, and through the dark web — the IT Act provides the legal foundation for regulating digital intermediaries, detecting cyber-facilitated exploitation, and ensuring accountability of online platforms. Under Sections 66E, 67, 67A, and 67B, the Act criminalises the transmission, publication, or storage of obscene or sexually exploitative material, particularly those involving women and children. The provisions are frequently invoked in cases of online sexual exploitation, grooming, and pornography linked to trafficking networks. The 2021 IT (Intermediary Guidelines and Digital Media Ethics Code) Rules expanded these protections by imposing due diligence obligations on intermediaries, including the mandatory removal of child sexual abuse material (CSAM), deep fakes, and non-consensual imagery within specific timelines.

4. National institutional framework

4.1 National Human Rights Commission (NHRC)

The NHRC has played a key role in shaping the country's anti-human trafficking (AHT) framework, functioning as both a watchdog and catalyst for rights-based governance. NHRC's engagement with trafficking issues extends well beyond legal enforcement — it seeks to integrate a human rights perspective into prevention, protection, rehabilitation, and systemic reform. Recognising the need for a coordinated institutional response, the NHRC set up a Core Group on

Bonded Labour and Human Trafficking, bringing together representatives from the MHA, the MWCD, the Ministry of Labour and Employment (MoLE), police officials, and leading NGOs. This forum became a policy incubator for several state-level task forces and guidelines later adopted by the Government of India.

NHRC has published a study titled 'Trafficking in Women and Children in India' in 2005. The study is a seminal work shedding light on one of the most pressing human rights issues in India and delves into the intricate web of exploitation, abuse, and trafficking that affects countless women and children across the country. Through compelling narratives and statistical analysis, it exposes the harsh realities faced by victims, examines the root causes of trafficking, and advocates for comprehensive measures to combat this grave violation of human dignity. With its blend of rigorous scholarship and a call to action, this book serves as a crucial resource for policymakers, activists, and anyone committed to the fight against human trafficking in India.

In the years since, the NHRC has issued numerous advisories and guidelines to strengthen state-level action. For example, its 2017 Advisory on Combating Trafficking of Women and Children urged all states to create state-level coordination committees for convergence between police, social welfare, and legal aid departments, institutionalise SOPs for victims rights-based rescue and rehabilitation. This ensures that survivors are treated as rights holders, not as offenders.

The NHRC also plays a quasi-judicial and monitoring role, exercising its statutory powers under Section 12 of the Protection of Human Rights Act to inquire into cases of trafficking, issue summons, recommend compensation, and direct remedial measures. Several suo moto inquiries — such as those on the trafficking of tribal women in Jharkhand (2018) and the rescue of bonded labourers from brick kilns in states like Uttar Pradesh and Haryana — have led to direct interventions, including rehabilitation and prosecution of traffickers.

NHRC's institutional strategy lies in its emphasis on capacity building and sensitisation in collaboration with the Judicial Academy, the Bureau of Police Research and Development (BPR&D), and UNODC, the Commission has organised training workshops for police, prosecutors, and judicial officers across India using its model training manual on *Human Rights and Trafficking,* published in 2016.

NHRC had sponsored a project entitled 'A Study on the Status, Functioning and Effectiveness of Swadhar Greh and Ujjawala Homes for Women and Adolescent Girls in the States of Rajasthan, Gujarat, Assam, Chhattisgarh and Tamil Nadu' in collaboration with Gujarat National Law University.

The Commission funded a research project titled 'Trafficking of Women and Children- Challenges and Remedies' conducted by the Bharatiya Institute of Research and Development (BIRD). Field studies were conducted across source states such as Assam, West Bengal, Jharkhand, and Uttar Pradesh, as well as destination states including Delhi, Maharashtra, Tamil Nadu, and Karnataka.

The Commission has also sponsored an ongoing research project titled 'Human Trafficking: An Evaluation Study of Functioning of AHTUs' undertaken by the Centre for Studies in Social Sciences, Calcutta.

4.2 The Ministry of Women and Child Development (MWCD)

The MWCD leads the evolution of rights-based response, integrating constitutional guarantees with global commitments under CEDAW and the Palermo Protocol.

The Ujjwala (meaning 'brightness' or 'radiance') Scheme (2007) institutionalised a comprehensive model of prevention, rescue, and rehabilitation through partnerships with civil society. By 2023, more than 450 homes had assisted over 25,000 survivors (MWCD, 2023). A study conducted by Christ University (2012–14) in Karnataka evaluated the Ujjwala implementation and found that the home in the Khordha district (Odisha) had rescued 169 women (including minors) and provided vocational training in tailoring, bamboo craft and kitchen-gardening as part of the reintegration pathway. The report notes that young women rescued from brothels became peer educators and anti-trafficking advocates; survivors established their own small businesses after vocational training; community vigilance groups prevented retrafficking. The same sources notes that while Ujjawala demonstrates how a rights-oriented rehabilitation scheme can shift the paradigm from rescue only to empowerment and reintegration, it also reveals the critical need for sustained resources, monitoring, and inter-agency coordination among NGOs, law-enforcement, and state agencies.

The *Swadhar Greh* Scheme is a short to long term rehabilitation-based multipurpose programme (2015), which offers shelter, counseling, psychosocial

support and livelihood support to women in distress, including survivors of trafficking through a network of over 370 centers.

The One Stop Centres (OSC) or Sakhi Centres were also launched in 2015, under the Nirbhaya Fund (administered by the MWCD) to provide integrated emergency support and assistance to women in distress (including survivors of trafficking) in a hospital set up or administrative complexes through 1100 centres. The services include medico legal aid, medical care, and shelter, temporary shelter, police assistance, and trauma counselling. Though not without some implementation challenges, the scheme showcases how integrated service delivery models can be a vital component of a rights-based prevention-protection architecture.

The MWCD's draft Rehabilitation Policy for Trafficking Survivors (2021) frames survivors as rights holders, emphasising agency and consent. The policy developed with the NHRC and UN Women has reconceptualised rehabilitation as a continuum emphasising survivor agency, consent, and participation.

Inter-ministerial coordination underpins MWCD's strategy. It collaborates with the MHA on policing and AHTUs, the Ministry of Labour and Employment on bonded-labour rehabilitation, the Ministry of Skill Development on vocational training, and the Ministry of External Affairs on cross-border repatriation.

Despite progress, challenges remain. The 2025 MWCD Strategic Plan proposes an integrated management information system linking OSCs, CWCs, and AHTUs, alongside survivor feedback mechanisms for accountability. However, through these efforts, MWCD has advanced India's constitutional promise of dignity and equality. The next phase must embed survivor leadership in policy design, scale data-driven interventions, and institutionalise gender-responsive budgeting — transforming victims into rights-bearing citizens.

4.3 Ministry of Home Affairs (MHA)

MHA coordinates law enforcement, issues periodic advisories, and interfaces with relevant ministries. It serves as the central coordinating authority for India's law enforcement response to human trafficking, ensuring coherence between investigative, preventive, and rehabilitative measures.

At the forefront of this institutional response are the AHTUs, specialised district-level cells established and fully funded by the MHA. These units are

now operational across all districts of India and function as the backbone of field-level coordination. Each AHTU brings together police officers, social welfare personnel, prosecutors, and NGOs to ensure a comprehensive and survivor-centred approach to trafficking investigations. Through this multi-agency collaboration, the AHTUs enable faster victim identification, evidence-based prosecution, and referral to protection and rehabilitation services.

In parallel, the MHA partners with the judiciary and training academies to conduct judicial colloquia and state/ regional capacity-building programmes. These initiatives sensitise law enforcement officers, prosecutors, and judges to the complexities of trafficking cases, ensuring that victims are treated with dignity and that prosecutions are both rigorous and trauma-informed.

The Ministry's efforts are supported by comprehensive funding under the Nirbhaya Fund, which has been instrumental in establishing and strengthening AHTUs, shelter homes, forensic laboratories, and other victim-support infra-structures across the country. Police forces are increasingly trained in cyber-investigation and child protection.

4.3.1 Anti trafficking digital architecture

The CCPWC is a comprehensive scheme implemented under the Nirbhaya Fund with the primary objective of creating an effective mechanism to handle and prevent cybercrimes against women and children across the country. The NCRP is an online portal (www.cybercrime.gov.in) launched under the CCPWC scheme to facilitate victims/complainants to report all types of cybercrime complaints online from anywhere, anytime, with a special focus on crimes against women and children. Cyber Forensic-cum-Training Laboratories in States/UTs provide necessary forensic support for cybercrime investigations.

The MHA uses the above entities and provisions to combat cybercrime in India, primarily through the Indian Cybercrime Coordination Centre (I4C), which functions as the national hub of cyber intelligence strengthening both preven-tive surveillance and investigative response for crimes committed in the digital domain, including that of trafficking. The I4C uses a real-time dashboard to track such activity. Its five Joint Cyber Coordination Teams (JCCTs) work with police and cyber experts across the country to trace traffickers who hide behind digital anonymity.

The National Cybercrime Threat Analytics Unit (TAU) is a key vertical of the I4C. It serves as a platform for law enforcement agencies (LEAs) to facilitate data sharing by collecting cybercrime data from various sources, including the NCRP, CCTNS, National Database on Sexual Offenders (NDSO) for dissemination to concerned agencies for action. This interconnected system helps ensure India's digital governance of anti-trafficking and other crimes is more coordinated, intelligence-led, and effective by enabling seamless data exchange and analysis across different jurisdictions and agencies.

Further digital traces such as geo-tagged images, video metadata, and online payment records are forensically analysed and cross-referenced with NGO and shelter data. This protocol enables timely rescue operations and helps in the identification of victims from digital evidence trails — particularly those subjected to sexual exploitation, pornography circulation, or trafficking through online job fraud. These AI-based alerts have directly supported rescue missions coordinated through AHTUs especially in Maharashtra, Telangana, and West Bengal. The I4C model reflects India's emerging digital governance framework for combating human trafficking — one that combines legal mandates, institutional coordination, and algorithmic surveillance.

Machine learning (ML) tools are widely used to identify signs of online human trafficking. These technologies analyse vast amounts of data to spot patterns and anomalies that a human investigator might miss, such as repeated keywords in fraudulent job advertisements or suspicious networks of recruiters.

MHA launched the Crime Multi-Agency Centre (Cri-MAC), *which facilitates dissemination of information about significant crimes*, including human trafficking cases, across the country on real time basis. It is a model presented in global forums as a best practice.

5. Ministry of Electronics and Information Technology (MeitY)

MeitY is the nodal ministry for administering the IT Act. The provisions of the IT Act, along with the Immoral Traffic (Prevention) Act, 1956 (ITPA), align with constitutional guarantees like Article 23 (Prohibition of Trafficking and Forced Labour) by upholding right to privacy, human dignity, and prevention of and protection from exploitation in the digital space. The Supreme Court has linked human trafficking violations to Articles 21 (Right to Life). The act ensures that the digital domain is not

a lawless space. An MoU has also been signed between the National Crimes Record Bureau (NCRB), Ministry of Home Affairs (MHA) and National Center for Missing and Exploited Children (NCMEC), USA regarding sharing of Tip Line reports on online child explicit material and child sexual exploitation contents from NCMEC. The Tip Lines, as received from NCMEC, are being shared with States/UTs online through the NCRP for taking further action.

6. Regional and bilateral engagement

India is a signatory to the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. A Regional Task Force was constituted to implement the SAARC Convention, and India has actively participated in convening meetings, sharing experiences and capacity-building.[4] The MoUs with Bangladesh (2015) and UAE (2016) has strengthened bilateral cooperation and represents a significant move in formalising and strengthening the mechanisms available for bilateral cooperation.[5] This includes establishing joint task forces to take coordinated action against traffickers, touts, and agents through regular review meetings. The MoU, alongwith SOPs provide a formal mechanism for the expeditious repatriation of identified victims. There is an open exchange of information on including data base of traffickers trafficking routes, networks, and modus operandi. The agreement emphasise rights-based approach towards trafficked victims allowing greater scope for protection and support the MoU with the UAE, signed in 2016, focuses on cooperation to address both forced labor and sexual dimensions of trafficking to West Asia with a thrust on prevention the exploitation of migrant workers.

7. Institutional interfaces and collaborative governance with NGOs and civil society organisations

There has been multi-tiered engagement of state institutions with civil society organisations (CSOs) in addressing human trafficking and child rights. This collaboration, spanning from policy advocacy to community-level implementation, demonstrates effective institutional interfaces and collaborative governance. For policy

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[4] UN Women: Women Count, 'Global Database on Violence Against Women and Girls' https://data.unwomen.org/global-database-on-violence-against-women/country-profile/India/country-snapshot

[5] Memorandum of Understanding between the Government of the Republic of India and the Government of the People's Republic of Bangladesh on Bilateral Cooperation for Prevention of Human Trafficking, Especially Trafficking in Women and Children (signed 6 June 2015) https://www.mea.gov.in/

Memorandum of Understanding between the Government of the Republic of India and the Government of the United Arab Emirates on Cooperation in Preventing and Combating Human Trafficking (signed 25 January 2017) https://www.mea.gov.in/images/amb1/India_UAE_MoU.pdf

advocacy, organisations like *Bachpan Bachao Andolan* (BBA), *Shakti Vahini*, *Prajwala*, and HAQ: Centre for Child Rights have helped integrate survivor voices and gender-sensitive perspectives into policies. NGOs such as *Sanlaap* and *Gudiya* provide direct essential services including rehabilitation shelters, legal clinics, and community reintegration programmes in the field. NGOs conduct awareness campaigns and livelihood programmes to tackle underlying vulnerabilities like poverty, gender inequality, and unsafe migration through community and grass-roots engagement. BBA has led large-scale child rescue campaigns, while grassroots organisations in states like Bihar, Odisha, and Rajasthan engage women's collectives to monitor risky migration patterns, through grassroot surveillance.[6]

7.1 Digital governance and technology partnerships with NGOs

As trafficking networks increasingly migrate online, Digital governance and technology partnerships with NGOs play a crucial role in modern anti-trafficking efforts, integrating technological tools with human intervention to combat online exploitation. NGOs actively assist in critical functions like digital case mapping, running online awareness campaigns, and providing specialised training sessions for law enforcement and educators. This training helps them identify online grooming tactics and potential exploitation. Many organisations employ advanced technologies to enhance their impact. These tools include AI-assisted Dashboards, which is used to analse and visualise trafficking patterns, Open-Data Mapping tools that help track the movement and operations of trafficking networks across different states and operating Integrated Helplines directly linked to national resources like the National Cyber Crime Reporting Portal (NCRP) and the 1930 Helplines. Cyber Peace Foundation, involved in awareness campaigns and training sessions to help identify and prevent online exploitation, and A21 India, work alongside other entities in digital case mapping and educational initiatives focused on anti-trafficking efforts.[7]

7.2 Survivor leadership

Civil society organisations have been instrumental in operationalising survivor-centered governance. This involves shifting from rescue-based interventions to empowering survivors as decision-makers in their recovery journey.

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[6] Bachpan Bachao Andolan, 'Fight Against Trafficking' (Bachpan Bachao Andolan) https://bba.org.in/fight-against-trafficking/

[7] International Centre for Missing & Exploited Children, 'ICMEC and CyberPeace Foundation Announce the Formation of Specialized Police Units to Combat Online Child Sexual Exploitation in India' (ICMEC, 27 July 2022) https://www.icmec.org/press/icmec-announces-the-formation-of-specialized-police-units-to-combat-online-child-sexual-exploitation-in-india/

Programmes like *Prajwala's A Home for Every Rescued Girl* and *Justice and Care's Survivor Leadership Program* exemplify this transformation. Survivors are not merely recipients of aid but active participants in shaping policies, leading peer-counseling groups, and advising on ethical data-sharing protocols. These initiatives embody the principle that justice in anti-trafficking governance is not achieved through institutional efficiency alone, but through the restoration of agency, autonomy, and choice to those who have been exploited.

7.3 Legal empowerment and strategic advocacy

Civil society has also informed judicial activism, as seen in landmark cases, such as, *Vishal Jeet v. Union of India* (AIR 1990 SC 1412), Bachpan Bachao Andolan v. Union of India (2015), Guria Swayam Sevi Sansthan v. Union of India & Ors. (2025) to strengthen anti human trafficking jurisprudence. The last two landmark judgments mandate coordinated action among law enforcement agencies for tracing missing and trafficked children.

8 Case studies

8.1 Case study 1: Integrated AHTU–Community responses in the digital era: The case of Operation Smile and Muskaan

Two flagship initiatives — Operation Smile and Operation Muskaan, launched under the MHA, were nationwide campaigns were designed to identify, rescue, and rehabilitate missing and trafficked children across India. Both initiatives operate under a multi-stakeholder model involving local police, AHTUs, Child Welfare Committees (CWCs), and non-governmental organizations (NGOs). The operations are executed in coordination with state and district administrations, emphasising inter-agency collaboration and public participation. Community policing plays a pivotal role in these missions. Citizens, social workers, and child protection volunteers are encouraged to report missing children and suspicious activities through digital platforms such as TrackChild — the national portal for tracking missing and found children — and *Khoya-Paya*, a citizen-driven initiative for public participation in tracing children. According to the MHA, over 76,000 children were rescued under these initiatives.[8]

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[8] A Girija, 'A Study on Operation MUSKAAN – Concept, Need, and Importance of Missing Children' (2023) International Journal of Advance Research and Innovative Ideas in Education, 9(1), 1893–1897 <https://ijariie.com/AdminUploadPdf/A_Study_on_Operation_MUSKAAN_Concept__Need__and_Importance_of_Missing_Children_ijariie22449.pdf>

8.2 Case Study 2: The Prajwala–Telangana police partnership model – A digital era innovation in community-driven anti-trafficking governance

The partnership between Prajwala, a Hyderabad-based NGO recognised for its survivor-centered, rights-based approach to rehabilitation and reintegration, and the Telangana police stands as one of India's most innovative and impactful models of police–civil society collaboration in combating human trafficking. Prajwala assists the AHTUs and Cyber Crime Wing in identifying digital trails, while also providing trauma-informed counselling and prosecution support. Prajwala reports that, in partnership with Telangana Police/AHTUs, it uses a secure digital case-management platform for rapid evidence-sharing and coordinated case management. This facilitates real-time evidence sharing between the AHTUs, prosecutors, and NGOs. This system enhances the speed, accuracy, and coordination of case management, addressing a long-standing challenge in trafficking investigations — poor inter-agency communication and data fragmentation.[9] From a global perspective, this partnership are recognised as international best practices by the UNODC.

8.3 Case Study 3: The West Bengal (WB) AHTU–community vigilance model – digital networks for collective protection

The Anti-Human Trafficking Unit (AHTU) of West Bengal, in partnership with Kolkata-based NGO Sanlaap, has pioneered a community-driven anti-trafficking framework that combines participatory governance, digital collaboration, and grassroots vigilance. West Bengal's long-recognised vulnerability as a trafficking corridor — owing to porous borders with Bangladesh and Nepal — has shaped an operational model in which local *panchayats*, self-help groups, NGOs, and AHTUs share timely information through WhatsApp alert networks and other rapid-communication channels. These real-time reporting mechanisms enable immediate coordination between district AHTUs and frontline responders, strengthening post-rescue protection and helping to prevent re-trafficking. Reviews and programme evaluations attribute improved reporting rates and notable reductions in re-victimisation in areas where community vigilance and digital alerting are active, underscoring the value of low-cost, locally-led information networks in converting policy commitments into rapid action.[10]

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[9] Prajwala, Annual Report 2020-21 (Global Giving, 2021)
https://www.globalgiving.org/pfil/1564/Prajwala_Annual_Report_202021_1.pdf

[10] United Nations Office on Drugs and Crime, 'Compendium of Best Practices on Anti-Human Trafficking (Cases 1-50)' (Government of India, undated) https://www.unodc.org/pdf/india/publications/compendium_best_practices_1_50.pdf

8.4 Case study 4: Live-streaming abuse via webcam-Operation Blackface, 2021

'Operation Blackface' initiated by the Maharashtra Cyber Crime Branch in 2021 is actively online sexual exploitation through use of CSEAM in India. The operation resulted from a tip-off provided by Interpol through the NCRB to the Maharashtra police. Maharashtra police were trained by Interpol's South Asian wing to use software designed to track online CSEAM. The trained officers formed the core of the Tactical Response Against Cyber Child Exploitation (TRACE) Unit and subsequently trained officers from other states. The case exposed insufficient international cooperation channels, jurisdictional barriers, and notable delays in digital forensics. A total of 25,000 cases of child pornography being uploaded were reported in the five months between September 2019 and January 2020 across the country.[11]

9. Challenges and the way forward

India's anti-trafficking policy architecture reflects significant progress. Yet, the distance between policy design and lived reality remains. Survivors continue to face structural inequities — unsafe migration, gender-based violence, and economic vulnerability — that perpetuate cycles of exploitation. Institutional fragmentation, and uneven inter-ministerial coordination impede the continuity of care and justice. Moreover, as technology evolves faster than governance frameworks, trafficking networks adapt swiftly, exploiting regulatory gaps and cross-border digital anonymity.

The path forward lies in deepening India's rights-based architecture through integration, innovation, and inclusion. Integration demands seamless coordination among ministries, law enforcement, civil society, and private actors. Innovation calls for digital intelligence tools, survivor-led entrepreneurship, and real-time data systems to enhance accountability. Inclusion requires centering survivors as agents of change shaping the systems that once failed them. Turning commitments into action demands a continuous reaffirmation of constitutional morality and global solidarity. When prevention is rooted in empowerment, protection anchored in justice, and rehabilitation framed by human dignity, the promise of human rights moves from aspiration to realisation.

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[11] Press Trust of India, 'In 18 Months, 105 Arrested for Creating, Circulating Child Pornography in Maharashtra: Police' (NDTV, 30 July 2021) https://www.ndtv.com/india-news/in-18-months-105-arrested-for-creating-circulating-child-pornography-in-maharashtra-police-2498773

Access to Water, Sanitation, and Energy is a Human Right

Sunita Narain*

Abstract

The climate crisis has ushered in a new era marked by extreme weather, deepening vulnerability, and widening inequalities. As warming accelerates and the global carbon budget diminishes, millions without access to basic energy, water, and sanitation face intensified risks to health, livelihoods, and dignity. India's experience demonstrates how rights-based approaches can enhance resilience by investing in natural capital, decentralised water systems, community-led sanitation, and clean energy access. Programmes such as the Jal Jeevan Mission, the national sanitation movement, Ujjwala, and the PM-Surya Ghar rooftop solar scheme illustrate how addressing basic rights—safe water, functional sanitation, and clean energy—strengthens human development while mitigating climate-induced distress and forced migration. These interventions highlight that sustainability depends on affordability, behavioural change, circular resource use, and empowering communities to manage local ecosystems. In a climate-risked world, securing basic rights through inclusive, decentralised systems is central to safeguarding human wellbeing and advancing long-term resilience.

Keywords: climate vulnerability, basic rights, water–sanitation–energy, resilience

1. Introduction

The beginning of the time of climate change is being marked — when each day some part of the world is hit by extreme weather events; when a new record of heat or cold stress is made and then remade, when communities already living on the margins of survival are devastated to the point of being unable to recover from the frequent disasters. This is a different era of our common world. Scientists describe this as the anthropocene epoch, which in geological time is defined as the period when human activities have significant impacts on the planet's climate and ecosystems. Everything that we have done for human progress — for increased well-being and wealth generation — has breached national as well as planetary boundaries.

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At current rates, the world will run out of the carbon budget — how much it can emit to limit global warming to 1.5°C — by 2030. But there are vast numbers of people who do not have access to basic energy. They need energy for their development. This is about the basic rights of all humans.

It is also clear that the increasing numbers of disasters because of growing intensity and frequency of weird and abnormal weather devastate the lives of millions. Their impoverishment and marginalisation will add to their desperation to move away from their lands and to seek alternative livelihoods. Their only choice will be to migrate to the city or to another country. The double-jeopardy in the interconnected world is the push — lack of options — and the pull — bright lights that suggest a choice to better futures. This will add to the already volatile situation of boat people and migrants at the border walls, making our world insecure and violent.

It is recognised that this migration can be reversed by investments in natural capital and wellbeing. Migration has been stemmed in places where village communities have built local economies by rejuvenating water systems to bolster productivity, adopting low-input agriculture and engaging in similar activities. This is the reason India's national rural employment guarantee programme, which gives minimum wages for 100 days to adults for work on ecological improvement remains the biggest 'coping' mechanism for the country. This is where a huge opportunity exists to build resilience and economic opportunities for the future.

In this climate risked times, there is a need to link the agenda of basic rights to water, sanitation and energy to the question of human survival and human rights. The programmes of the Government of India (GOI) to provide access to drinking water, to functional toilets in all households and to cooking energy and now distributed rooftop solar power need to be understood in this context. These are critical initiatives to build human dignity, in the face of all adversity. It is also clear that these programmes are work in progress but what is important is the fact that each programme has evolved to address the problems in implementation and has found new pathways to solve, what can only be called the world's most wicked problems.

2. Access to water: Changing paradigms to ensure delivery and affordability

The fact is clean water remains the most important preventive health measure in the world. Most of us are comforted by the fact that we can get water from our taps and if we find that this is not clean enough, we simply switch to buying and drinking bottled water. But large numbers of people in the world still unable access clean

potable water and it is borne by the fact that one of the highest burden of disease of children in our interconnected world is diarrhoea and cholera — both are waterborne. The challenge is not just about supply of clean water, it is also about ensuring that available water is not contaminated.

The bright spot is that there is an awareness as what needs to be done. Water is a replenishable resource; harvest every drop of rainwater; build local water storage systems; change diets so that we eat water prudent crops; and recycle and reuse every drop of wastewater.

But the most important lesson is to ensure that everybody has access to water. Therefore, reworking the water and wastewater management systems is essential so as to make them affordable for all. Though the current delivery system can reach some households with relatively clean water, but it is expensive. The longer the pipeline to bring water from further away distances, the higher the cost of supply. This adds to the inequities in water distribution — large numbers of people in our cities do not get access to piped water supply. They get water in tankers or depend on dirty and unreliable water sources for drinking and other needs, which in turn increases their health burden. Further, the higher the cost of water supply, the lesser the financial resources with the water utility to invest in sewage treatment. So, the dirty water flows into waterbodies and the cost of cleaning them becomes prohibitive.

Indian policy makers have realised that they ought to re-design supply in order to cut the length of the pipeline, by investing in local water harvesting systems. Similarly, demand needs to be redesigned by reducing water usage thereby reducing water wastage. In corollary, redesigning sewage management can help treat wastewater to return manure to the land and clean water to our rivers. The bottom line is that it must be affordable for all, or it will not be sustainable for any.

The Indian executive has learnt from experience that even as water supply 'reached' the villages, the number of villages which again fall into the 'unreached' category also grows. This zero-sum situation arises because water supply is not only about building pipes but about ensuring the sustainability of the source of the water system. So, even as water supply 'reaches' the village, the source dries up or gets contaminated, and as a result, the built and delivered infrastructure breaks down.

The key challenge then is to ensure sustainability of the water supply systems, particularly the source of water supply. The government of India's ambitious and much needed Jal Jeevan Mission (JJM) has recognised this fundamental flaw in water

infrastructure projects and has stressed that its objective is sustainability so that water continues to flow in pipes and taps. This requires focus on improving the durability of the water asset that is created i.e. ensuring that the pond or lake or tank is not encroached and that the watershed — so critical for the drainage to be secured — is not destroyed. In this way, JJM's most important objective is to provide a 'functional' tap in every home. Hence, the promise is clean water, and not just the provision of the tap.

This necessitates the state government to ensure sustainability of the source of the water system in their implementation. It involves securing that the water source, river, lake or well, is recharged and it is not polluted.

In all this greywater, defined as wastewater from all other human uses other than toilets, is part of the source-sustainability story of water supply. About 80 per cent of the water supplied to households is discharged as wastewater. Further, in rural households, the sanitation programmes focus on building toilets which use minimal water. In this case, the wastewater is mostly from other uses — bathing, washing clothes, cooking and washing utensils etc. This grey water becomes another source of contamination as it is discharged into the open creating pools of water and breeding grounds for vectors and other diseases.

As a result, scarce water is wasted. Therefore, greywater management, to reuse that used water for cultivation or for recharging groundwater is key to source sustainability. This is water to water or not water to waste.

The Indian experience has been invaluable in teaching, not just us, but the world how water management can be reinvented so that it is affordable and so sustainable; it puts water in the hands of communities and focused on decentralised recharge and reuse. Making water everybody's business is the only way ahead.

This is even more important in today's climate risked world. In this decade, we will witness the revenge of nature as climate change impacts grow. So, it is imperative to scale up the work to invest in water systems and to make them durable, not just to withstand another rain, but another deluge. Besides, speeding up the work is critical, because climate change will certainly bring about more rain, but in fewer rainy days. This implies doing much more to capture the rain, when and where it falls so that groundwater is recharged. India's water future is about its water wisdom and in this it must be recognised that water and culture go together. Water shortage is not about mere failure of rain. It is about the failure of society to live and share its water endowment. So, India can be water-secure, because it is water-wise.

3. Sanitation is more than building toilets

Many years ago, Mahatma Gandhi had said that sanitation is more important than independence. Lack of sanitation leads to avoidable deaths of infants and adds to the burden of malnutrition and stunting. It is also about human dignity for all. The government of India's goal to end open defecation has been seminal in addressing this challenge. But what made the difference is that the programme for sanitation accepted that its goal is not to build toilets, but to increase the demand from community for the use of toilets. It is about changing behaviour; about building literacy about the need for sanitation because it is about a basic human right.

In the past reports revealed that toilets were constructed but not utilised. The 2015 report of the Comptroller and Auditor General had found that 20 per cent of the toilets built under government programmes remained locked or used as storerooms. In 2015 again, the National Sample Survey Office (NSSO) found that the use of toilets was the highest in states like Sikkim, Kerala and Himachal Pradesh where people were aware of the pitfalls of lack of sanitation. Hence, the programme focussed on creating a demand for toilets — it was about building literacy about the link between toilets and health and human dignity.

By 2019, India had built 100 million toilets and declared the country open defecation free. But more importantly, its surveys found that over 96 per cent who had access also used the toilets suggesting an important change in behaviour. The Economic Survey of that year revealed that that the gains of the toilet programme were showing up in health indicators — there was a dramatic reduction in diarrhoea and malaria cases in children below 5 years of age in districts with high coverage of toilets in households. There is no doubt that India's achievement will go a long way for the world to meet its sustainable development goals of universal coverage to toilets and safe disposal of excreta.

The challenge is now to ensure that this success is sustainable; that toilets built have water connections; the toilets are clean and well maintained and that people continue to demand the usage of safe sanitation. This signifies that as with all development programmes, it is a work in progress. It is about learning and implementing the change that is needed.

For instance, the government has recognised that even if the toilets are built and used, the health challenge will remain unless the human excreta is safely handled. This is where the programme's focus is: to build individual toilet that can decompose excreta for disposal and reuse. Or to ensure that this excreta is collected, treated and then reused on the land. But the fact is sanitation is more than toilets; it

is about changing mindset; behaviour and investing in innovative technologies that will add to circularity of waste. This is about investment so that human dignity is not compromised.

4. Clean energy is about distributed energy for distribution to all

Energy is a determinant of general economic wellbeing. Therefore, it is crucial that the future trajectory of energy, particularly clean energy, for the global challenges that confront us is discussed so as to reset the global agenda for energy.

The key challenge is to provide clean cooking energy to millions of women in the world. Women, across the countries of the South are exposed to toxic emissions because of the biomass they burn to fuel their cooking stoves. Even in 2030, the International Energy Agency estimates that 33 per cent of the world's population will continue to cook on biomass, which adds to the health challenge.

The Indian government's much needed national UJJWALA programme provides cheaper LPG cooking energy to households below the poverty line. It transfers subsidy from the rich to the poor. This has been an important intervention to reduce the health burden of women and to provide basic energy to all.

But despite this impressive programme, many households continue to use biomass fuel — everything from firewood, leaves and cowdung — to cook food. Because this fuel is free and the labour of women is always discounted as is their health. There is a definite correlation between income and cooking fuel. So, many households do not get the refill of their cylinder as frequently as they must. Thus, the 'other' energy crisis still exists. But this entails the government's efforts to provide energy access is so critical.

This necessitates that an altogether different discourse about clean energy and renewable power is initiated. There is a need to reinvent the clean energy imperative, and to redefine its objective so that it can meet societal needs. It must meet poor's energy, clean air and climate change needs. Further, energy security for vast numbers of the poor requires an energy delivery system that is different. It will require reaching energy, which costs less but is advanced and cleaner, into households that cannot even afford to buy basic fuel or light. It will require cutting length of supply lines, leakages and losses and everything else that makes energy costs more so that it is affordable. Hence, renewable energy becomes transformational —

not because it is produced — but because it is an agent of transformation of society and environment.

The opportunity here is enormous, and renewable energy is about a different tomorrow — a tomorrow that is green and inclusive. The technology is also designed to be modular and decentralised. As of today, large-scale renewable transition across the world has been fitted into the grid-based system, which was designed for fossil fuels. Thus, utility-scale solar or wind feeds into the same grid and the power is supplied to households and industries through distribution companies.

The rooftop solar system has been most preferred when consumers see an obvious cost advantage in producing their own electricity. The opportunity lies in how governments can use millions of roofs to put in place an energy system of the future and this seems to be taking off now. The PM-*Surya Ghar* (solar house) scheme, also called the free electricity scheme, is designed to reach million rooftops in the country. It targets the lower income residential segments. The objective is to leapfrog these households to cleaner energy, even as incomes increase and so does the demand for electricity. This ambitious scheme aims to reach 10 million house-holds by 2027 and will provide upfront money to households with consumption of up to 300 units of electricity per month. This is huge. It is estimated by the National Sample Survey Organisation (NSSO) that on an average, the bulk of Indian house-holds use less than 100 units of electricity per month.

Therefore, putting clean energy into the hands of the poor will allow the great leap forward i.e. millions of households can get clean energy and secure their health and livelihoods. This is the agenda of our common future; the make or break in building wellbeing for all so that the human rights of all are secured.

सर्वे
भवन्तु सुखिनः

Human Rights of Prison Inmates:
The Road Ahead

Dr. Meeran Chadha Borwankar*

Abstract

Indian ethos for human rights of prison inmates developed long before international community accepted them. However, the current system is facing serious challenges in the form of over-crowding, high number of under-trials and vacancies of prison staff. Despite the difficulties, prison administration all over the country is working for healthy living conditions, educational enhancement and skill development of inmates. Investment in human and technical resources by states, consistent engagement with academia, district legal service authorities and civil society organisations can aid in reformation and rehabilitation of prisoners. Active involvement of state human rights commissions, district and sub-divisional courts and local 'boards of visitors' is the way forward.

Keywords: over-crowding, under-trials, academia, legal-aid, external monitors, international scenario

> What should our jails be like in free India? All criminals should be treated as patients and the jails should be hospitals… . They need not have palatial buildings … . But the outlook of the jail staff should be that of physicians and nurses in a hospital. The prisoners should feel that the officials are their friends. They are there to help them to regain their mental health … . The popular governments have to issue necessary orders, but meanwhile the jail staff can do not a little to humanize their administration.[1]

Said Mahatma Gandhi much before prisons and rights of prisoners received the attention of society that had been treating them as worthless individuals. In fact, the concept of human rights came much later and the universal declaration of human

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[1] Mahatma Gandhi, 'India and the Non-violent Way' https://www.mkgandhi.org/momgandhi/chap31.php accessed 31 October 2025

rights was signed only on 10 December 1948 at the Palais de Chaillot in Paris, France. Describing them as the 'inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being'. It was a definite leap forward for the humanity. UN High Commissioner for Human Rights, Volker Türk had said that 'Human rights is a force to reckon with, not because it serves the interests of the powerful, but because it has captured the imagination of the powerless.'[2] The constitution of India unequivocally pledges basic human rights to all individuals including the most powerless i.e. prison inmates. The Nelson Mandela Rules with global standard for prisons and inmates (December 2015) adopted by the UN General Assembly, are a revision of the earlier 1955 standard Minimum Rules for the Treatment of Prisoners.

It took some time for the civil society to realise that prisoners' basic rights have to be accepted and respected. As the Supreme court correctly mentioned in Sunil Batra vs. Delhi Administration (1978) that 'Part III of the Constitution does not part company with the prisoner at the gates, and judicial oversight protects the prisoner's shrunken fundamental rights, if flouted upon or frozen by the prison authority.'

1. Over-crowding of prisons in India with high number of under-trials

The latest statistics released by the National Crime Records Bureau (NCRB) show that as on 31 December 2023 a total of 5,30,333 inmates were lodged in various jails of the country, with the occupancy rate of 120.8 per cent.[3] Of them 1,35,536 were convicts while the undertrials were 3,89,910. Rest were detenues/others. The actual strength of executive jail staff in various prisons during this period was 54,143.[4] Over-crowding of prisons with a very high number of under-trials (73.5 per cent during 2023) has become a chronic issue with prison administration. As against India, Japan has 15.2 per cent under trials, France 30.9 per cent, Germany 26.3 per cent, Kenya 42.9 per cent.[5] Though the spirit of 'reformation and rehabilitation' is deeply embedded in the ethos of prison administration, overcrowding and high number of under trials have serious implications on the rights of inmates. They, along with around 30 per cent vacancies in prison staff, are the most serious challenges faced by the Indian prison administration. However, jurists, academics

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[2] M J Altman, 'The Universal Declaration of Human Rights is Turning 75: Here is What You Need to Know', (United Nations Foundation) https://unfoundation.org/blog/post/the-universal-declaration-of-human-rights-is-turning-75-heres-what-you-need-to-know/ accessed 01 November 2025

[3] National Crime Records Bureau, Prison Statistics India 2023, Ministry of Home Affairs, Government of India, 8

[4] National Crime Records Bureau, Prison Statistics India 2023, Ministry of Home Affairs, Government of India, 257

[5] World Prison Brief, 'Japan' https://www.prisonstudies.org/country/japan accessed 3 November 2025

and civil society have been consistently pursuing access to the basic rights of prison inmates.

2. Right to life and dignity

'Right to life with dignity' one of the fundamental rights enshrined in Article 21 of the Constitution of India[6] includes prisoners' access to basic facilities like hygienic living conditions, clean water and toilets and healthy diet. It means providing weather friendly resources e.g. in cold climates offering warm clothing and hot water for bathing. It further includes taking care of the specific needs of vulnerable groups and those with disabilities e.g. for women inmates it means availability of sanitary napkins.

As per the data of National Crimes Records Bureau (NCRB), the percentage distribution of expenditure on various items on prison inmates during 2023-2024 roughly works out to be food 54.6 per cent, medical 4.3 per cent, welfare activities 0.9 per cent, clothing 1.0 per cent, vocational/ educational 0.4 per cent, others 38.9 per cent.[7] There is a definite need to invest more in the vocational, educational and welfare activities of prisoners.

Right to life and dignity also includes facilitation of inmates' contact with their families through phone and video calls and decent meeting areas for relatives. It has been made easier due to video conferencing facilities. However, meeting areas for families of inmates need attention of prison administration as many continue to be shabby and unfriendly.

The environment of respect for the rights of inmates is dependent on prison administration that is adequately staffed and well trained. Currently there are about 33 per cent vacancies in prisons. The sanctioned strength of jail-staff was 94,458, while the actual strength was 63,490 as on 31 December 2023.[8] As a result, prison personnel at many prisons are over- worked e.g. Jharkhand had 18 inmates per jail staff. There are practical implications of staff vacancies e.g. increase in jail breaks and crime inside the four walls. Prison superintendents therefore are found un-willing to relieve employees for refresher courses and concentrate more on the security, court work and routine administration of prisons. Correctional, reformative or rehabilitative activities take back seat, while even the Nelson Mandella Rules mention 'respect

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[6] The Constitution of India, Part III

[7] National Crime Records Bureau, Prison Statistics India 2023, Ministry of Home Affairs, Government of India, 277

[8] National Crime Records Bureau, Prison Statistics India 2023, Ministry of Home Affairs, Government of India, XX

for prisoners' inherent dignity and value as human beings[9] should be the focus of prison administration.

3. Right to health and medical care

Rights of prison inmates include access to prompt medical aid and mental health services. However, the reality on ground is different. Most states have not provided adequate number of medical officers in prisons. Besides, many government doctors are unwilling to work in prisons. This has resulted in inmates not getting adequate medical attention or mental health care e.g. there is only one medical staff per 738 inmates in Haryana, followed by Maharashtra 582 inmates per medical officer.[10] Very few prisons in India provide services of counsellors and psychiatrists though mental and emotional health of prison inmates has always been a challenge. NCRB data shows that among the 150 un-natural deaths of inmates during 2023, 96 were of suicide.[11] It demonstrates a high level of stress and anxiety among prisoners that need psychiatric intervention. Access to structured drug and alcohol rehabilitation too is available only in few central prisons like Tihar, New Delhi. Well-designed therapeutical, psychiatric and drug rehabilitation programmes would not only help inmates but also reduce recidivism as proved in Scandinavian countries.

Technology has in a limited way helped to get over this hurdle through video conferencing between medical officers and prison inmates. Many countries in the west are using tele-medicine, tele-health and psychiatric consultations and evaluations through video access. Texas Tech University and its medical branch has tied up with the state prisons to increase inmate access to health-related issues through telemedicine technology.[12]

Tele-medicine is especially useful in India as police escorts for taking inmates to hospitals are often unavailable. States like Maharashtra have started using tele-medicine in a big way. Data released by the National Crime Records Bureau shows that 1,156 jails out of total 1,332 jails were equipped with Video Conferencing (VC) facility by the year 2023.[13] Encouraging prison administration to use tele-medicine and tele-counselling is the way forward.

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[9] United Nations General Assembly Resolution adopted by the General Assembly on 17 December 2015
   https://docs.un.org/en/A/RES/70/175 accessed 02 November 2025

[10] National Crime Records Bureau, Prison Statistics India 2023, Ministry of Home Affairs, Government of India, 258-259

[11] ibid., 178

[12] Secure Video, 'Telemedicine is Revolutionizing Inmate Care Within Texas Prisons'
   https://securevideo.com/telemedicine-is-revolutionizing-inmate-care-within-texas-prisons/ accessed 02 November 2025

[13] National Crime Records Bureau, Prison Statistics India 2023, Ministry of Home Affairs, Government of India, 282

4. Right to timely legal aid

Inmates are entitled to timely legal advice, more so when more than 70 per cent are under trials. In Hussainara Khatoon vs State of Bihar, a very important case, the supreme court reiterated that the right to speedy trial is a fundamental right under Article 21 of the Constitution. Many prisoners access legal aid through District Legal Services Authority (DLSAs) and Non-Governmental Organizations (NGOs). Though undertrials reach out to them more frequently, even convicts need them for parole, furlough and appeals. Involving law universities and law colleges can further boost prompt and professional legal advice to prisoners.

5. Right to personal growth through education, skill development, and reasonable wages through work

Prisoners who work have the right to reasonable wages and most states review them at regular intervals. Routine prison tasks like cleanliness, cooking etc. are generally undertaken inmates at the decided renumeration. Besides, motor mechanics, electrical and computer training, LED bulb making have become popular skills. While carpentry, weaving, tailoring, bakery and mason work continue to be the traditional skills imparted in different prisons. Tailoring and stitching courses for female inmates continue to be widespread. States pursue special skills too e.g. prisons in Tripura impart training related to bamboo industries, Tamil Nadu for leather work and shoe making, Punjab in *Sahaj Phulkari*, a special embroidery programme. These skills enable inmates to find jobs and earn livelihood post their release. Many prisons collaborate with state skill development departments for imparting vocational skills. In Andhra Pradesh, during 2022-23, 175 inmates enrolled in the Certificate for Food and Nutrition (CFN) course offered by the Indira Gandhi National Open University (IGNOU).

Most prisons provide library facilities and reading rooms. Access to education in collaboration with National Institute of Open Schooling and Open Universities has been organised by various prisons like Odisha, Gujarat, Haryana, Goa, Karnataka. Organising awareness sessions on government schemes and filling of relevant documents too are being undertaken by states.

However, NCRB data shows that few States have no correctional staff e.g. Haryana (25,833 inmates) Punjab (31,529 inmates), Uttar Pradesh (98,849 inmates) do not have any correctional staff.[14] This is very harmful for the policy of reformation and rehabilitation of inmates. Engaging qualified social workers is the way forward.

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[14] National Crime Records Bureau, Prison Statistics India 2023, Ministry of Home Affairs, Government of India, 258

6. Training of prison staff

Continuous and comprehensive training of prison staff about the rights of prisoners and use of new technology is essential. Ladakh has reported highest share of 89.3 per cent in training its jail staffs (refresher/ specialised/ re-orientation) during 2023 followed by Haryana (64.1 per cent) and Andhra Pradesh (55.4 per cent).[15] In view of staff shortages many prisons do not relieve their staff for training. Providing either online training courses or through hybrid mode is a good option. Only a well-trained staff with collective commitment to human rights of prison inmates can execute these policies on ground.

Some states have taken substantial steps to ensure that rights of prisons are respected and their grievances are addressed to. Kerala Prisons & Correctional Services (Management) Act 2010 stipulates that each jail constitutes a grievance redressal committee and installs sealed complaint boxes in all prisons. Addressing inmates' grievances through complaint boxes and displaying contact details of senior officers on prison websites has been replicated in many prisons. In Kerala, even 'close relatives of inmates are free to call in emergency situations'.[16] Mahatma Gandhi had encouraged prisoners to bring their complaints to the 'notice of the authorities in a becoming manner. They should so behave in their little community as to become better men when they leave the jail than when they entered it'.[17]

7. External monitors for ensuring human rights of prison inmates

Active involvement of external monitors to ensure respect for inmates' rights can strengthen the system further. Some such institutions have been created by law while others have evolved with time. Following have vigorously contributed in this regard.

7.1 Courts

Courts have considered it their duty to protect human rights of all, including those of prisoners. In Mohd. Giasuddin Vs. State of AP, the Supreme Court has mentioned that 'the state has to rehabilitate rather than avenge.'[18] Taking suo moto cognizance many times, courts have held that prisons are not for 'exclu-

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[15] National Crime Records Bureau, Prison Statistics India 2023, Ministry of Home Affairs, Government of India, 261

[16] Kerala Prisons and Correctional Systems, 'Grievance Redressal System' https://keralaprisons.gov.in/grievance-redressal-system.html accessed 31 October 2025

[17] Mahatma Gandhi, 'India and the Non-violent Way' https://www.mkgandhi.org/momgandhi/chap31.php accessed 31 October 2025

[18] Giasuddin Vs. State of AP, [AIR 1977 SC 1926]

sion' of inmates but to prepare them for a smooth re-integration in the society. But while the supreme court and high courts take their monitoring seriously, the over-burdened district and sub-division level judiciary sometimes do not do so. Regular sensitisation of judicial officers to this important task is essential.

7.2 Human right commissions at the national and state levels

By establishing the National Human Rights Commission and states commissions, another effective mechanism has been introduced to further the cause of human rights of prisoners. Aggrieved citizens including prison inmates and their relatives freely use these forums. As per the data of NCRB, 395 complaints were received by NHRC from prisoners or others (in-favour of the prisoners, others can also lodge complaints) during 2023. The highest numbers were from Punjab (108), Odisha and Delhi (50 each) and Bihar (34).[19] While 501 complaints were received by SHRCs from prisoners during 2023. The highest number were by SHRC Punjab (236), Madhya Pradesh (74) and Rajasthan (34).[20]

7.3 Local monitors

State Prison Manuals have traditionally created 'The Board of Visitors' as external mechanism to supervise the working of prisons as well as their treatment of inmates. They generally comprise of the District Judge, District Magistrate, District Superintendent of Police, Chief Medical Officer, Executive Engineer etc. A few public representatives, social workers, especially women, and nominees of SHRCs are the non-official board members. Similar committees exist at the sub-divisional levels. These boards and committees are expected to regularly visit jails and look into 'the quality and quantity of prison diet, condition of the kitchen and hospital, availability of medicines, hospital management, medical treatment of the prisoners, sanitary arrangements, aspects of vocational trainings, literacy program, and library facility for the prisoners.'[21] Unfortunately, some states have not established these boards or nominated non-official members.

7.4 Involvement of NGOs, civil society groups and academia

Non-Governmental Organizations (NGOs) and civil society groups working in the field of human rights can also act as external monitors of healthy prison

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[19] National Crime Records Bureau, Prison Statistics India 2023, Ministry of Home Affairs, Government of India, 245

[20] ibid.

[21] Model Prison Manual 2016, Ministry of Home Affairs, Government of India, 279, para 29.13

environments. Practical experience shows that administration does not trust NGOs as some of them access prisons for publicity purposes. But those with a good record or the ones associated with academia like 'Prayas', a field action project of 'Centre for Criminology & Justice', Tata Institute of Social Sciences (TISS), Mumbai, has been associated with Maharashtra prisons for nearly quarter of a century now. It has definitely helped prison administration in creating rights friendly atmosphere. Many times Prayas workers have aided inmates to access their families, get legal advice and successfully worked for rehabilitation of released prisoners. Such collaborations are a win-win for all the stake holders.

7.5 Indian prisons and correctional services

To bring uniformity to prison administration and its reformation and rehabilitation efforts in the country, Prison Manual 2016, guidelines issued by the Ministry of Home Affairs has proposed creation of 'an All-India Service to be called 'Indian Prisons and Correctional Services'. And that it should be constituted by the Union Government under Article 312 of the Constitution of India.[22]

8. International scenario

Respect for the human rights of prisoners got a boost through the 'The Nelson Mandala Rules of 2015'. Though many nations on their own had concluded that prisons are not the centres for punishment, exclusion or 'avenge'. This change of approach has shown good results e.g. Finnish prison department adopted a model focussed on humane and just treatment of its inmates and could thus reduce recidivism. Cebu prison in Philippines focuses on creative and constructive activities which has made it a model for rehabilitation-focused incarceration.[23] HMP Addiewell prison in Scotland, UK, invests its resources for prisoners' education, rehabilitation and anti-substance abuse programmes. Pondok Bambu prison in Indonesia provides comprehensive healthcare services, including mental health support and counselling, ensuring that inmates receive the care they need.[24] Respect for the human rights of prisoners has thus gained momentum all over the world as they reduce reoffending rates and promote positive change.

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[22] Model Prison Manual, (2016), Ministry of Home Affairs, Government of India, 281

[23] Simon Burge, '14 Best Prisons in the World to Serve Time' (2024) (1October) ISJ
https://internationalsecurityjournal.com/best-prisons-in-the-world/ accessed 04 November 2025

[24] ibid.

9. Conclusion

The ultimate aim of any civil society is to create humane and just prison environment. It is true for Indian prisons too, but they are severely handicapped due to overcrowding, high number of under-trials and staff vacancies. Though a state subject, prisons can find long-time solutions if union government and states work together in this regard. Strengthening of external monitors, wide-ranging coordination among prison administration, district legal services authorities (DLSAs), academia, non-governmental organizations (NGOs) and civil society is the way forward.

सर्वे
भवन्तु सुखिनः

Upholding Dignity: Success Stories of the National Human Rights Commission of India

Joginder Singh*

Abstract

Since its establishment under the Protection of Human Rights Act, 1993, the National Human Rights Commission of India (NHRC) has functioned as the principal institutional mechanism to protect and promote human rights across the diverse contours of the republic. Drawing inspiration from the Paris Principles and constitutional guarantees, the NHRC has deployed its quasi-judicial, advisory and monitoring powers to address systemic violations and individual grievances alike. This article synthesises a selection of the Commission's detailed interventions, success stories drawn from custodial torture, deaths in custody, illegal detention, right to health, environmental harms, and the rights of marginalised communities, and analyses their legal and administrative outcomes. By providing case-by-case descriptions, recommendations, and follow-up measures, the paper demonstrates how the NHRC converts constitutional values into enforceable administrative practice, contributes to institutional reform, and advances a rights-based culture in governance.

Keywords: National Human Rights Commission, custodial torture, right to health, police accountability, environmental justice, SC/ST rights.

1. Introduction: Mandate and institutional role

The NHRC was constituted under the Protection of Human Rights Act, 1993, with the object of investigating complaints of human-rights violations, recommending remedial measures, and advising the government on human-rights issues.[2]

The said Act translates the Paris Principles into domestic law and empowers the Commission to inquire into violations either based on petition(s) from aggrieved persons or on its own motion (*suomotu*).[3] Over the past three decades, the NHRC has

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[2] Protection of Human Rights Act, 1993 (No. 10 of 1994)

[3] UN General Assembly Resolution 48/134, "Principles relating to the Status of National Institutions (Paris Principles)," 20 December 1993

evolved from an investigatory body into a multifaceted institution that issues advisories, undertakes spot inquiries, conducts camp sittings, and promotes human-rights education programmes.

This paper adopts a case-based approach. Each case discussed below is taken from the NHRC's compilation of 'Success Stories' and illustrates not only the factual circumstance but the Commission's reasoning, recommendations, and the remedial actions taken by the State and other stakeholders. The goal is to show how the Commission's interventions effectuate the constitutional promises of Articles 14 and 21 and catalyse systemic reform.

2. Custodial torture: Cases, interventions and impact

Custodial torture strikes at the core of individual dignity and the rule of law. The NHRC has consistently intervened in cases where illegal detention, physical abuse, and custodial deaths have been alleged. Three illustrative matters are discussed here in detail.

2.1 Jahanabad–Chandpur, Uttar Pradesh (2003)

In May 2003, a victim was allegedly picked up by the police of Jahanabad Police Station, Fatehpur, Uttar Pradesh, and illegally detained for seven days. During this period, the victim was reportedly subjected to severe physical torture. Thereafter, the police transferred him to Chandpur Police Station, where the torture continued; in desperation, the victim set himself on fire inside a lock-up on 2 May 2003.[4] On receipt of this matter, the Commission directed the State to investigate. The Commission's examination revealed that Crime No. 102/03 under Sections 342/323 IPC had been registered against the police officials prima facie responsible, following an investigation by the Crime Branch. The NHRC recommended immediate interim relief of ₹1,00,000 to the victim, a measure that was complied with by the state government. Disciplinary and criminal proceedings, including the filing of charge- sheets against the Station-In-Charge (SI) and constables, were recorded. The administrative measures, withholding of increments for a year and departmental action were crucial to signal institutional accountability and deterrence.[5]

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[4] NHRC Case: Jahanabad–Chandpur (Crime No. 102/03), 2 May 2003; NHRC file reference 5782/24/2003-2004

[5] ibid.

2.2 Banaras Hindu University (BHU) student case

Another grave manifestation of custodial torture involved a student of Banaras Hindu University (BHU), who was held in police custody and subjected to inhuman and degrading treatment intended to elicit information about the accused persons in a murder investigation. The victim was forced to urinate on a coiled electric stove, which inflicted severe spinal injuries, kidney damage, and resulted in long-term disability and medical complications. Upon intervention by the Commission, the state authorities and police submitted reports acknowledging the victim's trauma and violation of his human rights. The NHRC recommended interim compensation of ₹10,00,000, disciplinary action against the erring police officials, and that the State should arrange comprehensive medical treatment at PGIMER, Lucknow or AIIMS, New Delhi, as per the victim's preference; travel expenses for the patient and a caregiver were to be borne by the State.[6]

2.3 Dhapu Devi and family (Rajasthan, 2022)

In June 2022, the Commission investigated allegations concerning Smt. Dhapu Devi and other women from her household who were allegedly arrested by police without sufficient cause. The NHRC's inquiry found several violations: the arrests were held to be illegal; Smt. Dhapu Devi was not permitted to breastfeed her three-month-old infant; her two minor children were left unattended at home during the arrest; and one woman arrested was not permitted to answer a call of nature. The Commission concluded that these actions constituted grave violations of Article 21 as well as gender-sensitive rights. It recommended monetary relief of ₹2,00,000 each to Smt. Dhapu Devi and her minor children, and ₹1,00,000 each to six other arrested women. Further, the Commission ordered training programmes to sensitise police officials on legal provisions and human-rights obligations, and imposed a penalty of withholding one year's increments under Rule 32 CCA against delinquent personnel. Compliance reports confirming payment of interim relief were submitted and the case was closed.[7]

These three cases exemplify NHRC's dual approach: immediate relief to victims and institutional measures, disciplinary actions, training, and advisories, to deter future violations.

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[6] NHRC Case No. 24/4623/96-LD (Banaras Hindu University student case)

[7] NHRC Case No. 4422/20/19/2022 (Dhapu Devi and others); compliance reports received

3. Right to Health: Enforcing Article 21 through medical interventions

The right to life under Article 21 includes the right to health, which the Supreme Court has interpreted expansively. The NHRC's interventions in health-rights matters often address access, delay in treatment, and administrative obstacles that impede timely care.

3.1 The Begusarai child awaiting cardiac surgery

A particularly compelling case involved a six-year-old boy from Begusarai, Bihar, who had been waiting for cardiac surgery since 2019. The child's family reported that despite regular visits to the All India Institute of Medical Sciences (AIIMS), New Delhi, operation dates were repeatedly rescheduled. On one occasion, the family was asked to deposit ₹60,000 for the surgery and ₹8,000 for tests, yet the operation did not take place, causing the child's physical development to be adversely affected. The NHRC took suo motu cognisance and constituted a fact-finding committee to examine institutional delays and procedural bottlenecks. Following inquiries and directions, the child was operated upon successfully and discharged. The Commission further recommended that AIIMS and similar tertiary institutions develop systems to reduce waiting lists and improve transparency in scheduling, to uphold the basic human right to timely medical care.[8]

3.2 Medical stipend delay: Gandhi Medical College, Bhopal

In 2022, an intern at Gandhi Medical College alleged non-payment of stipend and related benefits in contravention of circulars and applicable regulations. At NHRC's intervention, the Dean confirmed that stipends for the period in question had been paid and the complainant subsequently withdrew his complaint. This matter underscores NHRC's role in remedying administrative lapses that affect trainees and junior medical professionals, a workforce critical to delivering public health services.[9]

The NHRC's health jurisprudence consolidates the principle that public hospitals and medical institutions are accountable to the rights framework and must ensure timely treatment, reasonable standards of care, and redress for administrative failures.

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[8] NHRC Case No. 2132/30/3/2024 (Begusarai child awaiting cardiac surgery); AIIMS fact- finding committee constituted.

[9] NHRC Case No. 1481/12/8/2022 (Gandhi Medical College stipend matter)

4. Deaths in custody and police firing: Proportionality and training

Deaths resulting from custody and use of force by police demand rigorous scrutiny. The NHRC's investigations deploy medico-legal evidence, inspection reports, and administrative reviews to determine culpability and recommend remedies.

4.1 Bhopalgarh, Jodhpur District (Death in Police Custody)

A case from Bhopalgarh concerned the death of a detainee while in police custody and during treatment at the Government Hospital in Jodhpur. The Commission, after examining medical opinions from its panel of forensic experts and the investigation division's reports, concluded that the death amounted to a violation of human rights attributable to police negligence. It was evident that the injured person had not been promptly taken to the nearest hospital; instead, the person was kept at the police station, exacerbating injury and leading to death. The NHRC recommended initiation of departmental proceedings against responsible officials and recommended interim monetary relief. The State, in response, proceeded with departmental punishments for lapses and provided the relief as recommended.[10]

4.2 Baddi, Himachal Pradesh (Police Firing, 2017)

The death of Kamal Kant at Sagar at a police check post in Nalagarh, Baddi, raised serious questions of training and weapon safety. The NHRC's inquiry found that the head constable involved was inadequately trained in handling an automatic weapon (AK-47) and failed to exercise due care. Since the use of lethal force requires adherence to standards of necessity and proportionality, the Commission held the State responsible and recommended compensation of ₹5,00,000 to the family of the deceased, with directions to ensure proof of payment before closure of the case.[11]

Through such decisions the NHRC underscores the State's duty to regulate, train, and monitor its agents who exercise coercive powers.

5. Delay in FIR registration and investigative lapses

Timely registration of First Information Reports (FIRs) and prompt investigative action are essential to preserve evidence and secure justice. The NHRC has repeatedly addressed cases where inaction or delay has led to grave consequences.

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[10] NHRC Case No. 1539/20/19/2016-PCD (Death in police custody, Bhopalgarh, Rajasthan)
[11] NHRC Case No. 131/8/11/2017 (Death in police firing, Baddi, Himachal Pradesh)

5.1 Haryana missing person and subsequent murder (2020)

A complainant reported that his wife was missing as of 22 January 2020; a crime was registered, but police failed to act diligently. The body was discovered on 31 January 2020, the result of rape and murder. The NHRC's examination revealed that investigative agencies had failed to collect critical CCTV footage, did not interrogate primary suspects with due urgency, and took no concrete steps to trace the victim in the intervening period. These lapses resulted in loss of crucial scientific evidence and impeded timely accountability. The Commission issued a show-cause notice to the state government and recommended compensation of ₹3,00,000 to the next of kin alongside departmental action against erring officers.[12]

5.2 Katihar, Bihar: Wrongful detention by mistaken identity

In an instance of wrongful detention, a complainant in Katihar was detained for approximately 22 hours after being mistakenly implicated due to sharing the same name with an actual accused. The NHRC found a clear violation of the complainant's liberty and ordered departmental action against the concerned Sub-Inspector, along with compensation of ₹2,00,000 to the victim.[13]

These matters reinforce the NHRC's stance that procedural diligence protects substantive rights and that administrative negligence can amount to human-rights violations.

6. Rights of marginalised communities: Land fraud and SC/ST protections

Guarding socio-economic rights, especially of marginalised groups, is intrinsic to NHRC's mandate. The Commission has intervened in matters involving fraudulent land mutations, deprivation of housing benefits, and discrimination against scheduled castes and tribes.

6.1 The 'Living Dead' farmers of Uttar Pradesh

A notorious fraud methodology involved the manipulation of revenue records to declare living farmers as deceased, enabling illegal mutation and transfer of land. One of the most prominent victims, Lal Bihari (popularly known as 'Mritak'), brought attention to the widespread problem. Acting on petitions

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[12] NHRC Case No. 1357/7/12/2020-WC (Delay in registration of FIR; Haryana missing- person case)

[13] NHRC Case No. 2544/4/16/2017 (Wrongful detention, Katihar, Bihar)

and judicial references, the NHRC urged the State Government to correct records, initiate disciplinary and criminal proceedings against revenue officials implicated in the fraud, and conduct comprehensive surveys to identify and rectify other manipulated cases. The Principal Secretary of the Revenue Department reported detection of numerous cases; subsequent surveys revealed many more manipulations. Ultimately, land titles were restored to hundreds of victims, disciplinary action initiated against 97 officials, and criminal proceedings advanced against 81. Overall, 335 victims were rehabilitated through NHRC-driven interventions.[14]

6.2 Scheduled Castes and Scheduled Tribes atrocities and administrative remedies

NHRC's work also includes monitoring application of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and advising on corrective measures where necessary. The Commission seeks to ensure that legislation intended to protect marginalised groups is implemented in spirit, that victims receive compensation, and that perpetrators are dealt with through both criminal and administrative processes.

7. Environment, public health and occupational safety

Environmental degradation and occupational hazards bear directly on human rights. The NHRC has intervened in cases ranging from contamination of drinking water to electrocution due to utility negligence.

7.1 Fluoride contamination in Jharkhand

The Commission examined reports of fluoride contamination in drinking-water supplies across 24 districts of Jharkhand. Fluorosis, a preventable disease at scale, exposed systemic failures in provision of safe potable water. NHRC issued recommendations to the state for immediate mitigation measures, provision of safe alternatives, infrastructure improvements, and public-health awareness campaigns. The Commission's recommendations emphasised the state's duty to provide clean drinking water as part of the right to health and life.[15]

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[14] NHRC Case No. 24641/24/1999-2000 (Living dead farmers; Uttar Pradesh)

[15] NHRC Case No. 1054/34/7/2011 (Fluoride contamination, Jharkhand)

7.2 Electrocution at Tulu village, Odisha

A 22-year-old man died after coming in contact with an 11 KV line that lacked adequate horizontal clearance. The Commission found the electricity distribution company vicariously liable for negligence and recommended interim compensation of ₹5,00,000 to the next of kin and departmental action against erring officials. A chargesheet was filed in respect of the responsible employees.[16]

In such cases, the NHRC's recommendations often require coordination between multiple departments, electricity utilities, public health, and local governance to prevent recurrence and ensure accountability.

8. Correctional measures, training and sensitisation

An important element of NHRC's strategy is to combine case-specific redress with preventive institutional measures. For example, following findings of custodial abuse, the Commission routinely asks for training for police personnel on legal provisions, human-rights norms, and gender-sensitive handling of detainees. In the Dhapu Devi matter, targeted police sensitisation programmes were mandated and implemented. Similarly, following incidents of custodial torture and death, the NHRC has emphasised compliance with established safeguards, such as the DK Basu directives, and has issued advisories to strengthen police procedures, improve medical care in custody, and ensure proper record-keeping.[17]

9. Outreach, access to justice and NHRC's online mechanisms

To democratise access, the NHRC developed an Online Complaint Management System supporting complaints in 22 languages, enabling individuals from remote areas to file grievances. The Commission routinely conducts camp sittings and open hearings to reach marginalised communities and holds core group meetings with civil-society organisations to monitor implementation of recommendations. Internships and collaboration with academic institutions foster research and build capacity among emerging human-rights defenders. These outreach measures have helped increase both the visibility and responsiveness of the Commission.[18]

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[16] NHRC Case No. 3115/18/0/2022 (Electrocution, Tulu Village, Odisha)

[17] DK Basu v. State of West Bengal, (1997) 1 SCC 416; NHRC advisories on custodial safeguards (various years)

[18] NHRC Annual Reports and Online Complaint Management System; NHRC Outreach Programmes and Internships

10. Conclusion: Lessons and the way forward

The success stories chronicled in this paper demonstrate NHRC's capacity to convert constitutional norms into administrative action and to nudge institutional reform. Through a combination of victim-centred relief, disciplinary accountability, advisories, and capacity- building, the Commission mitigates harms and builds structures to prevent recurrence. Nevertheless, challenges persist. Implementation of NHRC recommendations by state agencies remains uneven; follow-through often depends on political will and administrative capacity. Strengthening compliance mechanisms, improving inter-agency coordination, and institutionalising human-rights training in police and health services are priorities for sustaining the gains achieved.

Ultimately, the NHRC's strength lies in its ability to synthesise legal reasoning, forensic evidence, and administrative remedies to uphold dignity and justice. The cases discussed herein, taken from the Commission's own success stories, illustrate that while human-rights violations may be varied in form, a principled, procedural, and compassionate response can restore rights and prevent future harm. The Commission will continue to work with State and civil-society partners to ensure that human rights are a lived reality for all citizens.

सर्वे
भवन्तु सुखिनः

Protection of Ecological, Livelihood, Art and Craft in India in the Context of Cultural Rights

Amitabh Pande*

Abstract

Culture is the core on which the structure and several features of any community and society stand and maintain their uniqueness. Culture differs, geographically, ecologically, and element-wise, like kinship, language, knowledge and technology, belief, social structure and worldview, etc. Every culture has its right and needs to be protected, conserved and sustained as well as respected in the multicultural world. This paper discusses the importance of culture and rights from the human rights perspective and advocates for the protection and conservation of it legally, culturally, across states and nations. Due to colonial control, the protection of culture has become more imperative because the laws made under the colonial systems were inequitable and repressive. However, gradually understanding of cultural rights has been given its protection and space now. When the world is looking for sustainability, which has three pillars, namely, economy (efficiency), environment (effectiveness) and culture (equity). The cultural right becomes more relevant to ensure equity and diversity to achieve sustainability.

Keywords: culture, language, art, heritage, cultural rights

1. Introduction

Anthropologists have given several definitions of culture, like Taylor E B. defines 'culture is that complex whole which includes knowledge, belief, art, morals, law, customs and any other capabilities and habits acquired by man as a member of society.' Culture is an essential feature of any community. It acts as a core element and may have diverse features from others. These features are worldview, belief, dialect or language, customs, ritual, technology, ecological knowledge, etc. India has more than 1000 communities living in 14 agro-climate regions and having different livelihood and belief systems. About 705 are Scheduled Tribes (ST), 75 are Particu-

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lar Vulnerable Tribal Groups (PVTG), about 100 Denotified Tribes (DNT), besides hundreds of communities practising arts and crafts in 16 segments like metal, wood, pottery, performing art, wool, etc.

2. Language and cultural rights

Noam Chomsky viewed language and culture as having both innate and environmental components, though he emphasised the biological, innate basis of language acquisition, which is universal across cultures. Language gives meaning to culture, traditions and worldview; it was a factor which made human civilisation grow and progress. Lévi-Strauss (1963), a renowned anthropologist, viewed language and culture as analogous systems, with both being structured by underlying 'grammars' of binary oppositions. He argued that culture operates like language, using symbols (like myths, rituals, and stories) that gain meaning not in isolation but through their relationships within a larger system. Presently, there are about 3000 dialects and 22 languages are spoken in India. Most dialects are oral and lack a script. The census of India only records language or dialect for communities having more than 10,000 members. But, there are several ST, PVTG, and DNT communities who are less than 10,000 in numbers and have different dialects, hence they lack recognition. Owing to lack of protection and documentation, presently, about 197 dialects have become extinct; it is presumed that these dialects may belong to these marginalised communities. It is believed that once a language is lost, a culture is lost. Therefore, the preservation of language is a right of the community; therefore, human rights need to include preservation of language and work on sustainability. Besides, the heritage of communities is also communicated through dialects or language through belief, folklore and tales. For example, in the Northeast India, there are about 200 subgroups of *Janajati* communities with as many dialects; the preservation of their heritage rights is the need of the hour as they are rapidly declining due to westernisation and globalisation. Language helps in understanding the community's beliefs and culture.

3. Livelihood and rights

Given the ecological context and technological development, communities have progressed at different paces and at varying levels of livelihood design. This has given diversity in regions and countries, which has led to diverse modes of sustenance, like making a living using natural resources — small game hunting and nomadic life practised by DNT or PVTG communities across India, pastoral or transhuman or animal husbandry as primary livelihoods like *Gaddi* of Himachal

Pradesh, *Rabari* of Gujarat, for example. Communities living around the sloppy mountain forests, or the Northeast region, had taken to shifting cultivation as a livelihood for several PVTGs and STs, such as the *Baiga* in Madhya Pradesh and the *Bondo* of Kalahandi district, Odisha. Access to natural resources and commons is most difficult, and it hampers community cultural rights to sustainable livelihood and customary rights for rite de passage. Agriculture is practised on a large scale with diverse ecological settings and land producing a variety of millets, gene pool cereals across India, along with modernised agriculture through the green revolution. India has a rich diversity of crops grown in India, which is facing the challenge of extinction due to market-based agriculture.

The third largest population practising art and crafts work as a livelihood, which ranges from metal work to performance art. These communities are mostly dependent on common-pool resources and sustainable management is a concern. The aim is to say that, diversity of livelihood needs protection as per central and state laws and policies to ensure community rights and livelihood. From independence, rights-based policies are made in forestry, environment, biodiversity, community rights, and also habitat issues. But most of them follow an institutional framework instead of a community design, right-based policy. Like for example, the Biodiversity Act has provisioned Access to Benefit Sharing (ABS), but community diversity of engagement and livelihood-related biodiversity varies from community to community and region to region.

4. Ecological rights of the community and present protection

Nature-based livelihood is practised by several communities engaged in nomadic and small game hunting, pastoralism and forest fringe villages within 5 km of the periphery of a forest area. As per Jodha (1992) about 55 per cent of food requirements and livelihood needs are met through the village commons and forests nearby. The belief systems like sacred groves, which are ecological, cultural sacred spaces, are found to exist among several communities and states from the Northeast to Kerala. Conservation of community belief systems needs to be addressed through ecological rights. However, the Forest Rights Act has included sacred groves, but further effort to legally secure these eco-cultural spaces is needed.

In the era of climate change, the rights of communities gain significance in the face of climatic calamities, and naturally recurring climatic disasters. The threat to communities living in the Himalayan region, coastal or forest areas, is raising questions of

environmental justice, i.e. why should vulnerable communities pay the cost of development hazards. The adaptation of these communities needs to be studied and used for developing rights-based polices.

5. Health rights and culture

In India, *Janajati* in general and forest fringe villages in particular have traditional health specialists who provide non-codified herbal healing to communities where the modern medical system is not available (Reddy, 2022). According to records, 30 per cent of villages in India are forest-fringe villages. About 60 per cent of India is supported by traditional healing specialists. The knowledge and services of these traditional healers are under threat, both due to external forces and lack of government support. The rights of traditional healing specialists need to be addressed through protection under the human rights domain. The right to protect the livelihood of non-codified traditional healers is important for both protecting knowledge and practice, and ecological knowledge, which helps in the conservation of ecological biodiversity.

6. Arts, crafts, and cultural rights protection

Majorly, traditional communities are involved in art and craft work. it ranges from textile, pottery, basketry, metal art like *Dokra* art, and folklore. Stone carving work, to performing art like renowned Padmashri artist Teejan Bai of Pradhan Gond. These art forms are community knowledge and are collectively owned and transferred orally from generation to generation. They are a repository of the particular community's worldview and belief system. For example, Gond community has 13 subgroups, and each subgroup has distinct folklore-based painting forms. These art forms are under threat of copyright under IPR as they are privatised by an alluring few members by paying nominal money. Protection to these collective art and craft is essential because it is associated with the community's belief, knowledge and livelihood. The cultural right to practice and preserve one's art and craft form is important from the equity principles of natural justice. Though efforts have been made but challenges of protecting collective knowledge and skill lack clarity and legal support.

7. Conclusion

Culture is the central element of any civilisation and its survival. The protection of diverse cultural rights and their features is the duty of a democratic nation and society. Cultural diversity is essential for knowledge and ecological conservation, as

most cultural practices are linked to nature. The role of the human rights commission became more important to protect the cultural rights and collective knowledge through IPR and make more provisions in the legal system to ensure the cultural rights of traditional healing knowledge, art and craft, and ecological knowledge.

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सर्वे
भवन्तु सुखिनः

Mission LiFE and Human Rights

Yugal Kishore Joshi*

Abstract

The intricate interplay between individual and collective lifestyles, sustainable environment, and human rights stands at the core of India's ancient wisdom and contemporary constitutional vision. Mission LiFE, rooted in India's philosophical heritage, constitutional jurisprudence, and global responsibility, provides a compelling model to link behavioural change with rights-based environmental protection. As India and the world advance toward environmental justice and climate resilience, integration of traditional ethics, legal rights, and participatory movements will remain vital. This article explores how Mission LiFE helps in creating a sustainable and healthy environment, that is a prerequisite for enjoying most human rights — life, health, food, and water. Conversely, environmental harm disproportionately affects marginalised populations, compounding inequalities in health, gender, and socio-economic status.

Keywords: environmental rights, sustainable lifestyles, human rights, mission LiFE

1. Introduction

We, human beings, are one among the youngest arrivals on planet earth. We are here since last 300 thousand years only, a tiny period in comparison to an approximate 4.2 billion years old history of the planet. We share this planet's resources with millions of other species and billions of fellow human beings. Each directly or indirectly dependent on others for sustenance, growth, well-being and for life itself.

That's why the ancient wisdom pronounces:

विशोकं सुखं क्षमार्थं धर्म्यं चैवापरायणम्।
अभयान्नमित्योदारं आद्यन्तं मित्रकारकम्।।[1]

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[1] Bhagwad Gita, Ch.6, Verse 29

Lord Krishna says, a person who neither hates nor desires, who is friendly and compassionate to all living beings, free from attachment and ego, balanced in pleasure and pain, and forgiving, such a one is dear to me. These lines aptly summarise, ethical and sustainable behaviour towards one and all, thus delineating not only the ethos of Lifestyle for Environment (LiFE) but also the philosophy of human rights.

All humans born are equal is the fundamental of the human rights. Therefore, every human being has the right to a dignified life, to pursue profession/s, religion and a way of life of her own choice, and availability of fair means to protect herself. Human rights — as the Universal Declaration of Human Rights (1948) preamble states — are a recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family and are the foundation of freedom, justice and peace in the world.

Complimenting it, the LiFE movement, as championed by India, emphasises the connection between individual and collective lifestyles and the health of the environment, seeking to promote 'mindful and deliberate utilisation' over 'mindless and destructive consumption'. The holistic integration of these ideals is deeply rooted in India's ancient philosophical and legal traditions.

2. Inequality and its impact on human hights and environment

Inequality undermines the realisation of human rights by creating significant disparities in access to basic needs such as healthcare, education, and legal protection. Globally, over 70 crore people still live in extreme poverty, and marginalised groups — including women, ethnic minorities, and people with disabilities — often suffer disproportionately from discrimination and deprivation.[2] These traditionally ingrained inequalities hinder the fulfilment of fundamental rights enshrined in the Universal Declaration of Human Rights, including the rights to adequate housing, food, and health.

Environmental impacts of inequality are also substantial. Vulnerable and lower-income communities tend to experience higher exposure to pollution, inadequate sanitation, and unsafe living conditions.[3] For instance, more than 90 per cent of air pollution-related deaths occur in low- and middle-income countries, illustrating the

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[2] United Nations, 'Inequality and Human Rights' (2021)
[3] World Bank, 'Poverty and Air Pollution' (2023)

direct link between socio-economic status and environmental health outcomes. Such communities frequently lack resources for adaptation and resilience in the face of environmental hazards, leading to a cycle of environmental injustice.

Moreover, data shows that unequal societies are less effective in addressing environmental challenges and achieving sustainability. Wealth and resource concentration within a small elite often results in overconsumption and ecological degradation, while the poorest lack both voice and power to influence environmental decision-making. As the Global Inequality Report 2022 indicates, the richest 10 per cent emit nearly half of the world's greenhouse gases, further compounding global environmental risks.[4] Bridging these divides is vital not only for human rights but also for fostering collective action on pressing environmental issues.

3. Power of the collective behaviour change

The least-cost pathway for limiting global warming to 1.5°C, is through increased efficiency measures, electrification, fuel switching, and sustainable consumption practices in key sectors like buildings, transport, and industry.[5] The UNEP report emphasises that collective action, including changes in consumption patterns by a significant portion of the population, is critical to closing the emissions gap and meeting climate goals.

The potential for such transformative emission reductions lies not in technological advances alone, but in widespread behavioural change. Key sectors — such as housing, transport, and food — make up the bulk of lifestyle-linked emissions, with efficiency improvements and conscious consumption driving major gains. Policies that encourage walking, cycling, the use of renewable energy, reduction of food waste, and substitution of short-haul flights with rail transport are emphasised as powerful levers. If only one eighth of global population prioritise these practices, the cumulative effect could contribute a 20 per cent reduction in emissions.

Such widespread adoption of sustainable living supports the right to a safe, clean, healthy, and sustainable environment proclaimed by the United Nations Human Rights Council. When sustainable development and environmental protection are prioritised, marginalised communities — often most affected by environmental degradation — stand to benefit the most. This shift reduces exposure to pollution, enhances access to essential resources like clean water, and helps ensure

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4 Lucas Chancel, et al., World Inequality Report 2022, (World Inequality Lab wir2022.wid.world)

5 UN Environment Programme, UNEP Emissions Gap Report, 2024

intergenerational well-being. In this way, sustainable living does not only advance environmental goals but also strengthens core human rights — particularly for vulnerable populations who bear the brunt of the climate crisis.[6]

4. Mission LiFE

Envisioned and articulated by the Prime Minister Narendra Modi at Glasgow in COP26, Lifestyle for Environment or LiFE champions mindful consumption and pro-environmental individual and communal action. It aspires to transform both demand-side behaviours and supply-side policies. The core principle of LiFE is voluntary adoption of *Mindful Use of Resources*, that is replacing wasteful consumption with resource-efficient mindful habits by the individuals and the community. To make an impact on climate change the LiFE prescribes a mass movement for sustainable living, led by the pro-planet people worldwide.

Specific LiFE recommendations echo traditional wisdom, such as using cloth bags, conserving water, promoting recycle and reuse, use of renewable energy, shunning unnecessary use of energy and other resources, working with local communities to restore and rejuvenate local biodiversity, adopting planet friendly agriculture and dietary practices among many other options.

In Mission LiFE, first step is to bring a change in demand by nudging individuals to adopt eco-friendly habits. This creates a change in supply, when markets adapt to sustainable preferences. These two then bring about a change in policy when the State supports for sustainable production and consumption.

Thus, Mission LiFE has its roots in traditional, environment friendly and sustainable way of life. It is not a backward-looking mission, but advocates judiciously integrating sustainable lifestyle elements in modern way of living. As Prime Minister Narendra Modi says, 'LiFE borrows from the past, operates in the present and focuses on the future'.[7]

LiFE encourages individuals and communities to bear responsibility for a healthy planet. Understanding the essence and inter-connectedness of indigenous practices and using that to shape future policies that guide people towards positive climate action at an individual level is what required today.

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[6] United Nations Environment Management Group, Upholding the Human Right to a Healthy Environment to Address the Triple Planetary Crisis (28th Senior Officials Meeting of the EMGSOM.28_INF_4, 2022)

[7] NITI Aayog, Thought Leadership for LiFE, 2023, Government of India

5. The roots of environmental ethics and rights

Ancient Indian literature and philosophy advanced a vision of harmony between humanity and nature, presaging modern discourses on environment and rights. The Vedas and Puranas extolled the sacredness of rivers, forests, and all living beings, advocating principles of ecological balance and compassion. Vedic traditions emphasised principles such as Ṛta (universal order), linking natural cycles and ethical living. The Indian thought and teaching make humans not the masters of the world, but a trustee of its resources. As the seer in Ishopanishad pronounces:

ईशावास्यमिदं सर्वं यत्किञ्च जगत्यां जगत्।
तेन त्यक्तेन भुञ्जीथा मा गृधः कस्यस्विद्धनम्॥[8]

(All this, whatever moves in this moving world, should be covered by the Lord. Protect and enjoy it with detachment. Do not covet anyone's wealth.)

The Manusmriti instructs followers to avoid causing harm even in distress, and prescribes compensation for injury to plant and animal life. The Atharvaveda promotes water purity and wildlife protection, demonstrating a sophisticated awareness of environmental health. Jain and Buddhist Texts emphasised *ahimsa* (non-violence), extending compassion to all sentient beings.

These ancient views constructed an ethical and quasi-legal framework for environmental protection, built around duties and stewardship — concepts resonant with modern 'duty-based' environmental principles.

The colonial era saw resource exploitation and legal shifts that undermined traditional models. However, environmental consciousness persisted, surfacing in reform movements and early legal discourse during the late 19th and early 20th centuries.

6. Human rights and environment in the Constitution

The Constitution of India enshrines fundamental rights, notably Article 21 — the right to life — which Indian courts have interpreted to include the right to a healthy environment. Article 48A, a Directive Principle, guides the state to protect and improve the environment. Article 51A(g) prescribes a citizen's duty to improve the natural environment and demonstrate compassion to living creatures.

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8 Isha Upanishad, Verse 1

The Indian judiciary has evolved robust environmental jurisprudence in last few decades. For example, under the Public Trust Doctrine pronounced in MC Mehta v. Kamal Nath (1997), the state holds the natural resources as a trustee. Subhash Kumar v. State of Bihar (1991) makes access to clean water and air a fundamental right to the citizens. In Virender Gaur v. State of Haryana (1995), the environmental protection has been made integral to the right to life. Ranjitsinh v. Union of India (2024) recognises fundamental right against adverse climate effects, further expanding the scope of constitutional protection. These cases underscore the indivisibility of environmental and human rights, and cement the justiciable status of environmental rights within the constitutional framework.

Internationally, the United Nations Universal Declaration of Human Rights and subsequent covenants, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), have recognised clean environment as intrinsic to human dignity and quality of life. Recent UN General Assembly resolutions (e.g. 2022) have explicitly recognised the human right to a clean, healthy, and sustainable environment.

7. Lifestyle changes

Carbon intensive lifestyle in industrialised countries fuel global aspirations and drive consumption. Advertising and social media also play a significant role in promoting consumerism. The wealthiest 1 per cent have more than twice the emissions of the poorest 50 per cent.[9] The riches of the world are responsible for more than half of global emissions, but the global middle class also not far behind. Over last two decades its number has swelled and its purchasing power and hence consumption has gone up.

LiFE puts a mindful eye over unnecessary consumption, that increases the carbon emissions and further aggravates the equality. For example, the buildings that we live in or our modes of travel contribute greatly to carbon emissions. A sector wise look at individual choices and what Mission LiFE can help is described through four examples below.

7.1 Transport

Each time we use a motorised transport, we burn fossil fuels and release Green House Gas (GHG) emissions. On an average, a small car emits 1,470 kg CO_2 annually. Average GHG intensity per person is least in railways, two/three

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[9] United Nations, Environment Programme, Climate Action Note (9 November 2021)

wheelers, buses and mini-buses than any small car. The contribution of these modes in global CO2 emissions is a lesson in itself. The passenger roadways traffic contributes 45 per cent, roadways freight contributes 29.4 per cent, and aviation 11.6 per cent. Compared to these, railways contribute only 1 per cent.

LiFE offers few choices that can significantly reduce this burden. This can be done by, choosing to walk and cycle for smaller distances, using public transport over private modes, preferring trains over flights or cars for inter-city travel, implementing fuel efficient practices while driving and car pooling to go to work or school.

7.2 Fashion

About 10 per cent of global GHG emissions are caused by clothing and footwear production.[10] With increase in income and garments getting cheaper, more people are buying more cloths and using them for shorter periods. Globally, on an average, a person buys 5 kgs cloths a year, whereas in Europe, the figure is as high as 26 kgs.[11] Only a fraction of total fibers used in making cloths is recycles. Rest lands in landfills or incinerated. And, 40 per cent of purchased clothing is never used.[12]

Some of the lifestyle changes that can reduce this burden are: buying cloths only when one needs; using a mix and match approach to reuse garments often without appearing repetitive; repairing cloths and donating them to the less fortunate, instead of trashing them; and choosing cloths of natural fibres, specially those that are substantially grown and manufactured.

7.3 Water

In climate change era, water is extremely important for health and well-being, power generation and manufacturing, agriculture and food production etc. In fact, we drink only 2-4 litres of water per capita per day for our survival, but water is required in the production of everything we use, be it food, cloths, raw materials, good and energy. Agriculture uses 72 per cent of all freshwater withdrawls, 12 per cent by the industries and rest by municipalities. When global water demand is expected to increase by 20 to 30 per cent by 2050, water scarcity and water stress loom large over the world. Around 2.3 billion people are already living in water stressed areas. Therefore, ensuring that everyone

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[10] United Nations, Climate Change, UN Helps Fashion Industry Shift to Low Carbon (2018)

[11] European Environment Agency, Textiles in Europe's Circular Economy (9 March 2021)

[12] The World Bank, How Much do Our Wardrobes Cost to the Environment? (23 September 2019)

has access to sustainable water availability is a critical climate change mitigation strategy for the coming years. Therefore, we need to focus on adopting following lifestyle changes that foster sustainable consumption and protect our water resources. These include, practicing water use efficiency in agriculture, municipality and industry, changing to water efficient taps and fixtures, monitoring and regulating household water consumption, rainwater harvesting, rejuvenation of waterbodies, cultivation and use of less water intensive crops like millets, using natural cleaners, and reuse of treated water etc.

7.4 Waste management

It is a common knowledge that as the world gets richer it discards more. For example, high income countries, which has 16 per cent population, generate about 34 per cent of global waste. As early as in 2016, it was estimated that 1.6 billion tonnes of CO_2 emissions were generated (5 per cent of global emissions) from solid waste disposal. [13]

Every year, 8 million tonnes of plastics pollute our oceans, marine eco systems and the global food chain. Due to lack of segregation at source, only 14 per cent of plastics generated is reused. Rest of the plastics, even if reusable, gets dumped in landfills or incinerated. Global e-waste generation is expected to reach 74 million metric ton per year by 2030. Presently only about 18 per cent of it gets recycled. Rest is mostly dumped or burnt rather than being collected for treatment and reuse.[14]

Closer to everyone's home, nearly a third of the food produced worldwide is wasted. This is surprising specially in view of the frequent drought and floods and stress on agriculture activities. A plethora of research material is available how waste pollutes our water and land resources. Urban and rural, both areas in India, show ugly dumps of solid waste.

Some of the simple lifestyle changes can alter this situation. LiFE promotes activities like, buying only when we need; investing in more durable products, instead of single use or use and throw ones; waste segregation at source; recycling goods that have reached the end of their lives into other useful products; and donating to the needy the items which we do not need any more.

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[13] Shilpa Kaza et al., What a Waste 2.0: A Global Snapshot of Solid Waste Management to 2050 (Urban Development, Washington DC, World Bank, 2018)

[14] Prayas se Prabhav Tak – From Mindless Consumption to Mindful Utilization (MoEFCC and UNDP 2022)

8. Practical examples of LiFE practices and human rights correlation

The embodiment of Lifestyle for Environment (LiFE) transcends abstract ideals, demonstrating tangible impacts on human rights through grassroots practices and policy initiatives both in India and globally. These examples highlight how conscious lifestyle choices foster environmental sustainability while simultaneously safeguarding and promoting human rights like health, dignity, and equality.

Some of the Indian examples are as follows:

8.1 Water conservation through traditional Rainwater Harvesting (RWH) in Rajasthan and Tamil Nadu

Traditional rainwater harvesting practices, such as the Johads in Rajasthan and Temple Tanks in Tamil Nadu, represent age-old community-driven LiFE initiatives aimed at sustainable water use. By collectively managing scarce water resources, these practices ensure access to clean water which directly corresponds to the human right to water and sanitation recognised by the UN and enshrined indirectly under India's right to life (Article 21). These efforts have enhanced water security, improved health outcomes, and empowered marginalised communities by ensuring equitable water access.

8.2 Promotion of millets and traditional diets

LiFE advocacy promotes the consumption of millets, traditional grains that require fewer inputs and water compared to rice and wheat. This practice ties directly to the right to adequate food and nutrition, critical human rights concerns. Millets also provide climate-resilient agriculture options to small farmers, supporting their livelihoods and economic rights.

8.3 Solid waste segregation and composting in urban local bodies

A few Indian cities such as Pune and Indore have institutionalised segregated waste collection and community composting under the Swachh Bharat Mission. This LiFE practice reduces landfill pollution, improves urban air and soil quality, and protects public health — reinforcing the fundamental right to clean air and a healthy environment. It also supports informal waste pickers' rights and livelihoods by formalising and dignifying their roles.

8.4   Solar micro-grids and clean energy access in rural India

Deployment of decentralised solar micro-grids in remote villages exemplifies LiFE by fostering clean energy use while enhancing energy access, a critical element underpinning social and economic rights, including education, health, and livelihood opportunities. Clean energy reduces pollution-related respiratory diseases, further linking lifestyle changes to the right to health.

Some of the international examples are:

8.5   Zero-waste community initiatives in Kamikatsu, Japan

The town of Kamikatsu has embraced a zero-waste lifestyle, with residents sorting waste into more than 30 categories to achieve near-total recycling and waste reduction. This LiFE practice upholds the right to a clean environment and underscores citizen agency in environmental stewardship. It also nurtures social cohesion and shared responsibility, linked to community and cultural rights.

8.6   Urban green spaces and public health in European cities

Cities such as Copenhagen and Amsterdam integrate extensive urban green spaces and cycle-friendly infrastructure, promoting sustainable lifestyles that bridge environment and human rights. Green spaces improve air quality, provide recreational opportunities, and reduce heat stress, safeguarding the right to health and well-being. Cycling culture empowers mobility and equality, contributing to social inclusion.

8.7   Community-led forest conservation in Brazil

Indigenous and local communities in the Amazon rainforest engage in sustainable forest management and conservation practices that align with LiFE principles. Preservation of the forest protects biodiversity and carbon sinks, essential for climate stability, while securing the rights of indigenous peoples to land, culture, and self-determination recognised under international law (UNDRIP). These practices demonstrate the intersection of environmental sustainability with collective human rights.

8.8   Participatory waste management in Cape Town, South Africa

In Cape Town, community-driven waste collection and recycling programmes empower informal waste workers, improving their livelihoods and workplace

safety — key human rights considerations. These LiFE initiatives help reduce environmental contamination in low-income neighbourhoods, addressing environmental justice and health equity.

9. LiFE practices with human rights

These examples collectively reveal that shifting towards sustainable lifestyles (LiFE) transcends ecological benefits to actively promote and protect fundamental human rights. By encouraging mindful consumption, ethical stewardship of natural resources, and community participation, Mission LiFE secures the right to water, food, and health by ensuring cleaner, safer, and equitable access to natural resources; promotes social and economic rights by empowering marginalised groups, preserving indigenous knowledge, and fostering sustainable livelihoods; enhance cultural and community rights by integrating traditional conservation wisdom and fostering participatory governance, and addresses environmental justice concerns by mitigating disproportionate environmental burdens on vulnerable populations.

In conclusion, a healthy environment is a prerequisite for enjoying most human rights — life, health, food, and water. Conversely, environmental harm disproportionately affects marginalised populations, compounding inequalities in health, gender, and socio-economic status.

Sustainable Development Goals (SDGs), especially SDG 12 (Responsible Consumption and Production), harmonise environmental protection and human rights in global discourse. International conventions, including the UN Watercourses Convention, recognise the priority of human needs and environmental flows in water sharing.

The intricate interplay between individual and collective lifestyles, sustainable environment, and human rights stands at the core of India's ancient wisdom and contemporary constitutional vision. Mission LiFE, rooted in India's philosophical heritage, constitutional jurisprudence, and global responsibility, provides a compelling model to link behavioural change with rights-based environmental protection. As India and the world advance toward environmental justice and climate resilience, integration of traditional ethics, legal rights, and participatory movements will remain vital.

सर्वे
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Maternal and Child Healthcare in India: A Journey of Progress

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Abstract

Maternal and neonatal health remain pressing global concerns, reflected in Sustainable Development Goal 3, which aims to reduce maternal mortality and end preventable deaths of newborns and children under five by 2030. Despite these commitments, substantial risks persist, with an estimated 260,000 maternal deaths in 2023, one every two minutes, with 92 percent occurring in low- and lower-middle-income countries. Addressing these disparities requires coordinated, sustained interventions. India has adopted a comprehensive, multi-sectoral approach to improving maternal and newborn health. Targeted initiatives under the National Health Mission were introduced to focus on aspects like nutrition, healthcare access, and system readiness, while complementary programmes such as the Jal Jeevan Mission, Mission Poshan, and Swachh Bharat Abhiyaan enhance water, sanitation, and nutritional outcomes, creating a multi-pronged approach towards the issue. India's progress has outpaced global trends. According to the UN IGME 2024 Report, between 1990 and 2023 the country achieved significant declines in under-five, neonatal, and infant mortality (78 percent, 70 percent, and 71 percent respectively), which highlights the effectiveness of its integrated efforts and offering important insights for global health strategies. The article focuses on this systematic approach of the government, including various schemes and programmes, and sheds light on how this has contributed to India's commendable success when it comes to ensuring maternal and newborn health.

Keywords: maternal health, newborn health, national health mission, maternal mortality

1. Introduction

A society is considered healthy only when its most vulnerable sections receive good quality and timely care over a sustained period. The commitment towards ensuring a healthy society becomes all the more important in the context of its maternal and newborn health. At the global level, Sustainable Development Goal 3, which talks

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about 'Good Health and Well-Being', specifically focuses on reducing global maternal mortality to under 70 per 100,000 live births by 2030 (SDG 3.1). Additionally, it also commits to the goal of ending preventable deaths of newborns and children under 5 years, reducing neonatal mortality to 12 per 1,000 live births and 25 per 1,000 live births (SDG 3.2). Women across the world remain extremely vulnerable during their pregnancies. This affects not just their own health, but also that of their newborns.

Globally, maternal health has been a cause for concern, with a maternal death occurring every two minutes, and approximately 260,000 women losing their lives during and following pregnancy and childbirth in 2023. Of these deaths, roughly 92 per cent occurred in low-and lower-middle-income countries in 2023. The enormity of the issue becomes evident, reinforcing the urgency with which both international and national actors seek solutions.

2. Strategic direct and indirect interventions

2.1 Direct intervention strategies

India, on the eve of independence, faced various socio-economic problems, including widespread poverty, poor literacy rates, and low life expectancy due to high birth and death rates. It is estimated that in 1957, the maternal mortality rate was 1287 deaths per 100,000 live births.[1] While various Five-Year Plans focused on reducing maternal mortality and focusing on immunisation, the priority was more on family planning than on targeting overall maternal health. In the 7th Five-Year Plan, there was a clear emphasis on reducing maternal and newborn mortality, as it weighed on immunisation of pregnant women and newborns.[2]

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1   R K Bakshi, 'Decadal Trends of Maternal Mortality and Utilization of Maternal Health Services in India: An Analysis of Data from the National Family Health Survey' (2025) BMJ Open 15 e40547788
    <https://pmc.ncbi.nlm.nih.gov/articles/PMC12178503/> accessed 17 November 2025

2   Government of India, Seventh Five Year Plan 1985–1990: Mid-Term Appraisal (Planning Commission, NIEPA DC, 1988)
    https://cprindia.org/wp-content/uploads/2022/12/Seventh-Five-Year-Plan-1985-1990.pdf accessed 16 November 2025
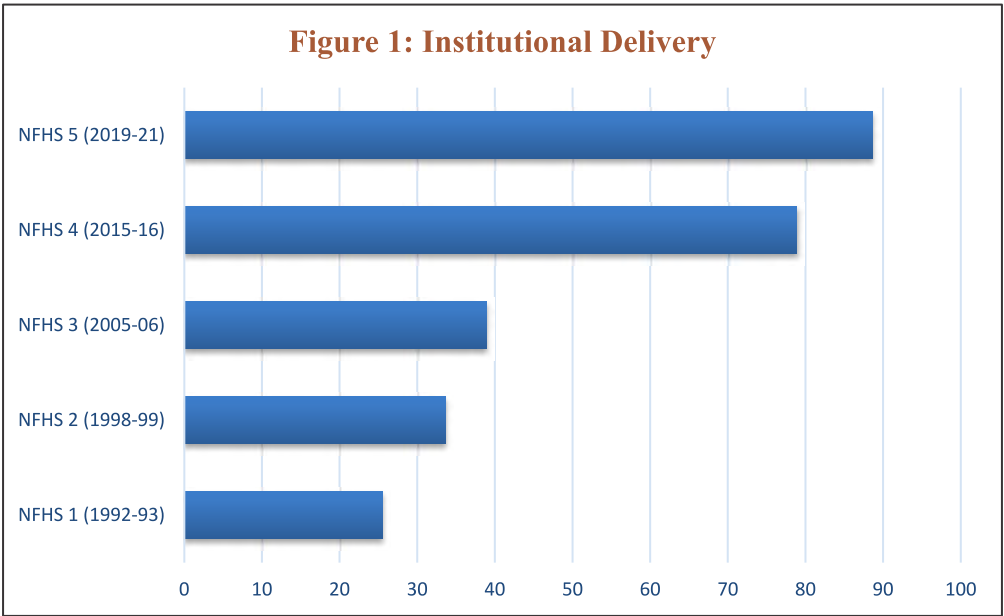
Figure 1: Institutional Delivery

NFHS 5 (2019-21)	
NFHS 4 (2015-16)	
NFHS 3 (2005-06)	
NFHS 2 (1998-99)	
NFHS 1 (1992-93)	

Source: National Family Health Survey Report (NFHS-1 to 5), Ministry of Health and Family Welfare (MoHFW), Government of India

Figure 2: Unmet Need for Family Planning

NFHS 1 (1992-93) NFHS 2 (1998-99) NFHS 3 (2005-06) NFHS 4 (2015-16) NFHS 5 (2019-21)

Source: National Family Health Survey Report (NFHS-1 to 5), Ministry of Health and Family Welfare (MoHFW), Government of India

Figure 3: Institutional Delivery
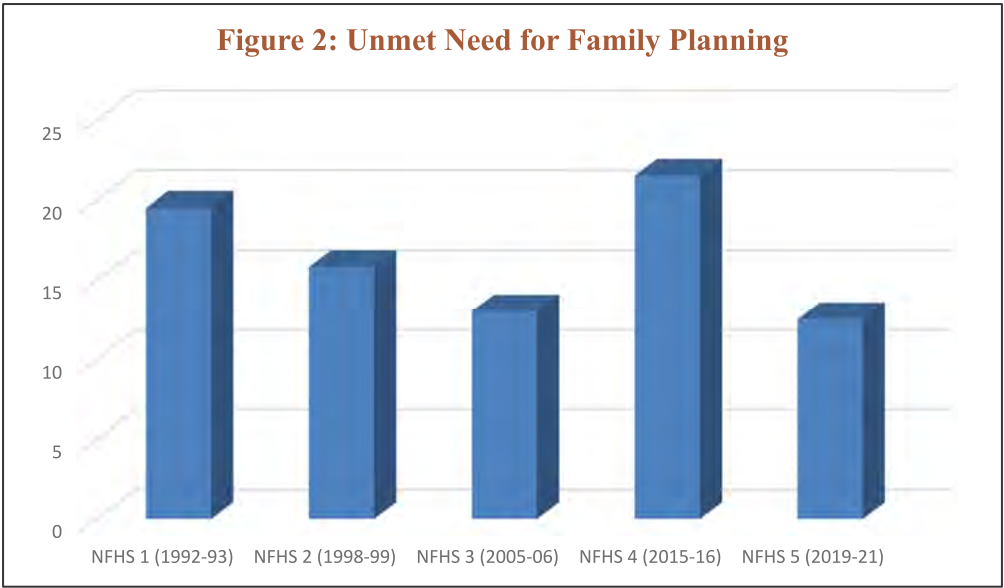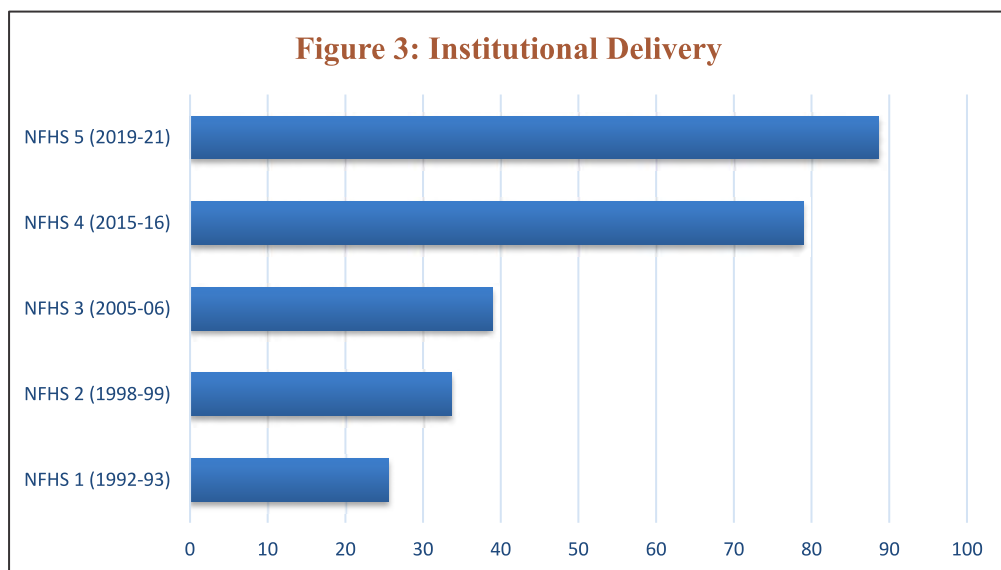
Source: National Family Health Survey Report (NFHS-1 to 5), Ministry of Health and Family Welfare (MoHFW), Government of India

Once the government recognised that women, especially pregnant women, were unable to access healthcare facilities due to lack of knowledge, stigma, and lack of resources, the government introduced the Auxiliary Nurse Midwife (ANMs) in the 1950s to focus specifically on maternal and child health. Over the decades, the functions of ANMs were extended beyond just maternal health and childbirth, to include family planning, immunisation, infectious disease prevention and care, mobilising eligible couples for sterilisation, etc.[3]

The 1990s were marked by a push towards ensuring overall maternal health instead of only focusing on childbirth, especially considering the growing international emphasis on women's reproductive health. Subsequently, the Government of India, with the support of UNICEF and the World Bank, introduced the Child Survival and Safe Motherhood and Reproductive and Child Health Projects (CSSM), which were aimed at providing safe child survival and motherhood services including but not limited to immunisation, antenatal care, promoting institutional deliveries by trained personnel, to name a few, and reducing maternal mortality from 4 to 2 per 1,000 live births.[4] The Repro-

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[3] Pyone T and others, 'Factors governing the performance of Auxiliary Nurse Midwives in India: A study in Pune district' (2019) *PLoS One* 14(12) e0226831<https://pmc.ncbi.nlm.nih.gov/articles/PMC6934276/> accessed 18 November 2025

[4] Kranti S Vohra et al., 'Maternal Health Situation in India: A Case Study' (2009) Journal of Health, Population and Nutrition 27(2) 184 <https://pmc.ncbi.nlm.nih.gov/articles/PMC2761784/> accessed 19 November 2025

ductive and Child Health Phase I (RCH-I) programme was also introduced around this time to add to existing initiatives on maternal health and childcare.

These initiatives, which were far more comprehensive and multi-dimensional, were developed with the recognition that maternal care must include primary care, post-conception, antenatal, and postnatal care, and involved collaboration with international organisations like the United States Agency for International Development (USAID), United Kingdom Department for International Development (DFID), Swedish International Development Agency (SIDA), and various civil society organisations.[5] India used a combination of large-scale government policies and targeted public health interventions, identifying the key challenges, and taking concrete steps to address maternal and newborn health in a holistic manner.

National Health Mission: A turning point in improving maternal and newborn health

The introduction of the National Health Mission (NHM), especially the National Rural Health Mission (NRHM), launched in 2005, is often seen as a watershed moment when it comes to maternal and newborn health in India. It focused on increasing institutional deliveries, community outreach, financial incentives, and robust primary healthcare.

The National Health Mission (NHM), through its *'Reproductive Maternal Newborn Child Adolescent Health Plus Nutrition'* (RMNCAH+N) strategy, integrates multiple flagship programs to address maternal and child health. Key initiatives include:

· *Janani Suraksha Yojana* (JSY): This scheme was launched in 2005 to promote institutional deliveries among vulnerable groups like women from Scheduled Castes, Scheduled Tribes and from BPL households.

· *Pradhan Mantri Matru Vandana Yojana* (PMMVY): Run by the Ministry of Women and Child Development, this scheme provides Rs. 5000/- to women for the first living child, with all women who have had children after 1 January 2017 being eligible to receive the benefits. Under PMMVY 2.0, starting April 2022, efforts are being made to promote positive behavioural change towards girl child by providing additional cash incentive for the second child if the child is a girl.

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[5] S O'Neil and K Clinton, An Examination of the Maternal Health Quality of Care Landscape in India (IssueLab 2017) https://www.issuelab.org/resources/28099/28099.pdf accessed 17 November 2025

- *Janani Shishu Suraksha Karyakaram* (JSSK): This initiative, launched in 2011, is aimed at reducing the expenditure for pregnant women and newborns by allowing them to access free delivery, including caesarean delivery, free transport, diagnostics, medicines, etc.

- *Surakshit Matritva Aashwasan* (SUMAN): The scheme provides quality no-cost healthcare to every woman and newborn who enter a public facility.

- *Pradhan Mantri Surakshit Matritva Abhiyan* (PMSMA): It offers pregnant women free, high-quality antenatal care on a fixed day — specifically the 9th of every month. In addition, the Extended PMSMA (e-PMSMA) strategy has been introduced to further strengthen antenatal care (ANC) services, particularly for women with high-risk pregnancies (HRP). It ensures continuous monitoring and individual tracking of HRP cases until safe delivery, supported through financial incentives provided to the identified high-risk pregnant women and the accompanying ASHA worker for three extra visits beyond the regular PMSMA check-up. As of November 2025, more than 6.76 crore pregnant women have received examinations under this scheme.

- *LaQshya*: The initiative is targeted at improving labour room and maternity operation theatre care during delivery and immediately post-birth.[6]

In addition to these schemes and initiatives, booklets with relevant information on diet, rest, danger signs, and benefit schemes are distributed to pregnant women in order to raise awareness. To track pregnant women and newborns so that they receive quality care, a Reproductive and Child Health Portal has been developed.

One of the major challenges in India has been providing healthcare access to rural and marginalised communities without compromising quality. To overcome this challenge, the Accredited Social Health Activist (ASHA) programme was introduced in 2005 under the National Rural Health Mission (NRHM) and later expanded into the National Health Mission (NHM). It was a crucial initiative to improve healthcare access in rural and marginalised communities without compromising quality. This programme created a trained female community health worker in every village, selected from within the community itself. The ASHA programme, now running successfully across

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[6] Ministry of Health & Family Welfare, 'Saving Mothers, Strengthening Futures: India's Success in Reducing Maternal Mortality' (Press Release, 21 March 2025) https://www.mohfw.gov.in/?q=/press-info/8564 accessed 16 November 2025

the country largely because of two reasons: one, ASHA workers serve as a vital link through which the public health system can reach the community, and two, the community trusts the ASHA workers, because they are women from the same community.

ASHA workers support the institutional deliveries, immunisation drives, health education, and facilitate access to the government health schemes, reaching the last mile of the vulnerable populations in rural India, who would otherwise not have access to such facilities, especially tribal women. Currently, over 10 lakh ASHA workers are working under the NHM, supported by Auxiliary Nurse Midwives and Anganwadi Workers to strengthen the healthcare system across India.

2.2 Indirect intervention strategies

To reach a significant milestone, it is essential that both dependent and independent variables align and mutually support each other, with policies designed to reinforce these shared objectives. The success of India's maternal and child health programmes stems not only from direct interventions but also from the crucial support of complementary schemes and policies. Ensuring maternal and newborn health requires a comprehensive approach that includes targeted interventions across multiple sectors, such as water and sanitation, health and hygiene, nutrition, medical infrastructure, and transportation in both rural and urban areas. This integrated framework is vital to effectively address the diverse factors influencing maternal and child outcomes.

The Government of India has introduced numerous initiatives over the years that have been supported indirectly to ensure quality healthcare for pregnant women and newborns, in addition to direct health interventions, such as delivery Points, First Referral Units, Maternal and Child Health Wings, Obstetric ICUs/HDUs, and Comprehensive Abortion Care services have been introduced as means of fortifying the healthcare infrastructure.[7] These measures, together with capacity building of health personnel and awareness campaigns, ensure holistic improvements in maternal health.

Access to clean drinking water is crucial for maternal health, as it reduces the risk of infections during pregnancy, childbirth and post-pregnancy, and supports better hygiene and nutrition for both mother and child. The Indian government has been making steady progress through initiatives like the *Jal Jeevan Mission* and the

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[7] ibid

Swachh Bharat Abhiyaan to ensure clean potable drinking water, as well as ensuring Water, Sanitation, and Hygiene (WASH) through the elimination of open defecation. As of 19 November 2025, 15,74,20,540 households (81.30 per cent) have received tap water connections.[8] As per the report of World Health Organisation regarding the '*Har Ghar Jal*' programme, nearly 400,000 deaths caused by diarrhea among children under five have been prevented by ensuring safe drinking water for all households in the country.[9] A study published in Nature provided strong evidence that improved toilet access under the *Swachh Bharat Mission* (SBM) has been associated with better child survival outcomes. The study estimated that enhanced sanitation coverage across the country helps prevent 60,000 to 70,000 infant deaths each year.[10]

Under the National Food Security Act, 2013, special provisions have been made for pregnant women and lactating mothers and children in the age group of 6 months to 14 years, entitling them to receive free nutritious meals through a widespread network of Anganwadi Centres and the Mid-Day Meal (MDM) scheme. Pregnant women and lactating mothers are further entitled to receive cash maternity benefit of Rs. 6,000 to partly compensate for the wage loss during the period of pregnancy and to supplement nutrition.

Under Mission Poshan 2.0, to combat malnutrition and anaemia, supplementary nutrition is provided through *Anganwadi* centres and is provided to children (6 months to 6 years), pregnant women, lactating mothers and adolescent girls (14 to 18 years in Aspirational Districts of States and North Eastern Region) for 300 days in a year. Finally, the *Anaemia Mukt Bharat* strategy, which falls under the *POSHAN Abhiyan*, focuses on developing newer and strengthening existing strategies to tackle anaemia in pregnant women and adolescent girls.

3. Reflection on India's journey of success

The journey of reproductive health in India is a powerful reflection of social reform, legal battles, and policy innovation. Over the decades, the country has moved from an era where women's reproductive choices were restricted by social norms and

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8   Ministry of Jal Shakti, Jal Jeevan Mission: India Report https://ejalshakti.gov.in/jjmreport/JJMIndia.aspx accessed 19 November 2025

9   Press Information Bureau, 'WHO Report Highlights Significant Impact of 'Har Ghar Jal' Program on Public Health and Economic Savings' (Ministry of Jal Shakti 09 June 2023) https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1930998

10 Press Information Bureau, 'Global Study by Leading Experts: Swachh Bharat Mission Drives Significant Reductions in Infant Mortality Rates in India' (Ministry of Jal Shakti 05 September 2024) https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2052319#

Figure 4: Maternal Mortality Ratio
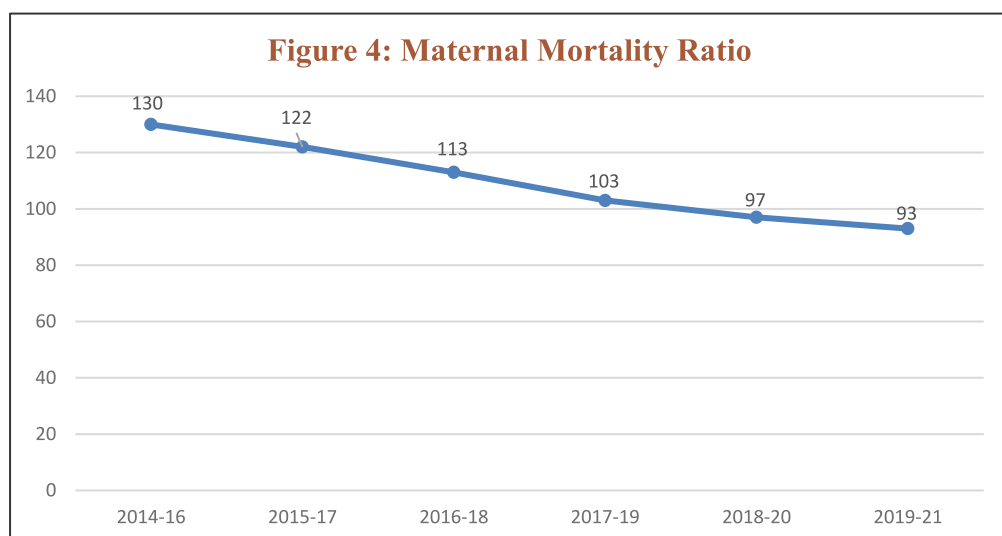
Source: Sample Registration System (SRS) Report 2021 released by the
Registrar General of India (RGI), on 07 May 2025[11]

legal structures, to one where the law and policy increasingly recognise these choices as core human rights, crucial for ensuring gender justice, non-discrimination, and the full realisation of every individual's right to health. Over the past three decades, India has achieved a remarkable decline in the Maternal Mortality Ratio (MMR), Crude Birth Rate (CBR), Total Fertility Rate (TFR), Infant Mortality Rate (IMR), and Under-5 Mortality Rate (UMR).

Maternal mortality remains a critical human rights issue in India, serving as a vital indicator of the quality and accessibility of healthcare services available to women. It reflects not only the effectiveness of maternal health interventions but also the broader commitment to upholding women's right to life, health, and dignity. Addressing maternal mortality is central to ensuring safe pregnancies and childbirth, and it reveals the extent to which healthcare systems respect and fulfill women's reproductive rights and equality. Sample Registration System (SRS) Report 2021, released on 07 May 2025, highlights significant progress in the key indicators of the maternal and child health care in India. As per the Special Bulletin on Maternal Mortality in India, Maternal Mortality Ratio (MMR) has decreased from 130 per lakh live births in 2014 to 93 per lakh live births in 2019-21.[12]

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[11] https://www.pib.gov.in/PressReleasePage.aspx?PRID=2128024

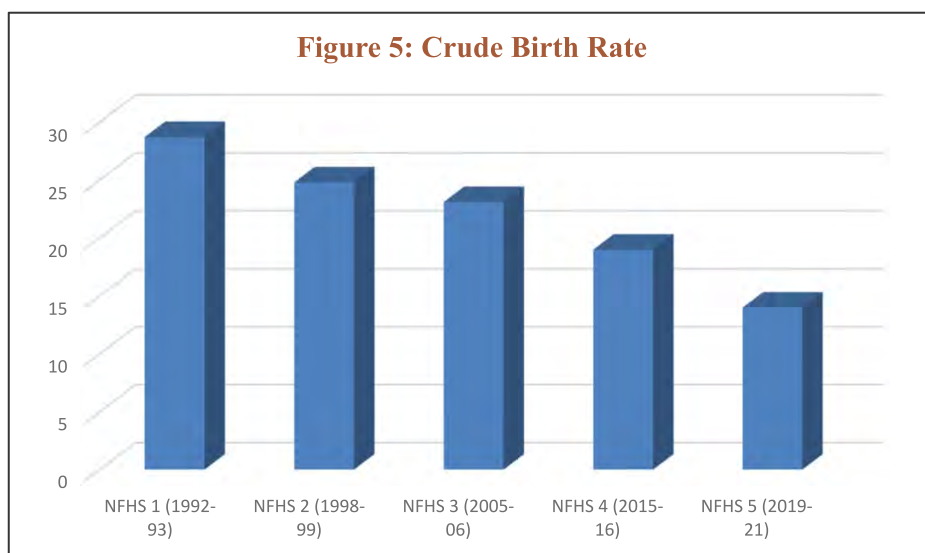[12] Ministry of Health & Family Welfare, 'India Witnesses a Steady Downward Trend in Maternal and Child Mortality Towards Achievement of SDG 2030 Targets: India's Progress Outpaces Global Averages' (Press Release, 10 May 2025) https://www.pib.gov.in/PressReleasePage.aspx?PRID=2128024 accessed 13 November 2025
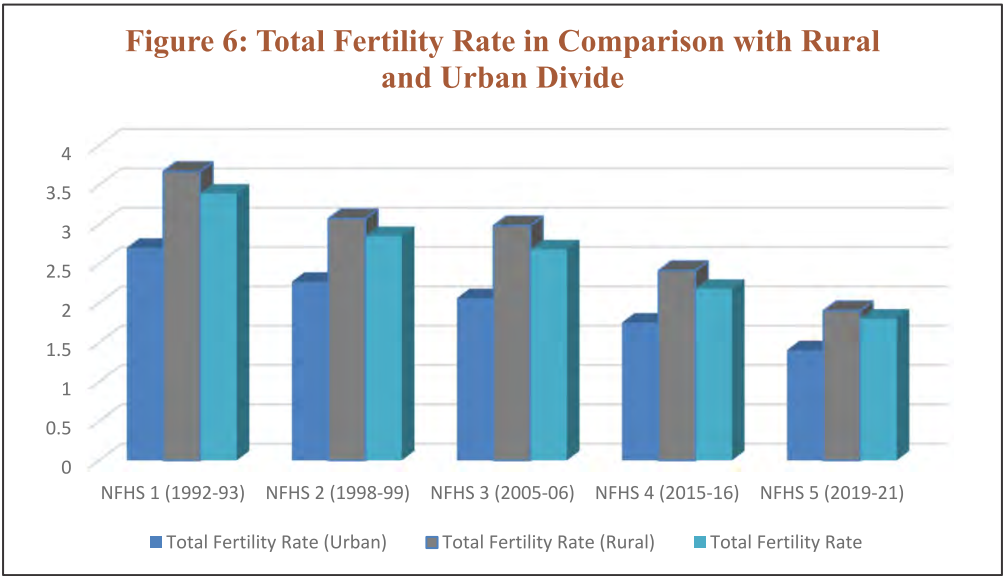
According to the National Family Health Survey data from NFHS-1 to NFHS-5, institutional deliveries in India have increased dramatically from 25.5 per cent in NFHS-1 to 88.6 per cent in NFHS-5. Similarly, the proportion of deliveries assisted by skilled healthcare workers has grown substantially, rising from 34 per cent in NFHS-1 to 88.6 per cent in NFHS-5.

United Nations Sustainable Development Goal (SDG) targeted for MMR at 70 per live 1,00,000 live births by 2030, as per SRS report 2021, 08 states of India have already attained the target Kerala (20), Maharashtra (38), Telangana (45), Andhra Pradesh (46), Tamil Nadu (49), Jharkhand (51), Gujarat (53), Karnataka (63). The National Health Policy (2017) of India targeted for MMR of less than 100 per 1,00,000 live births by 2020, which has been achieved by India.

Compared to global averages, India has made remarkable progress in reducing maternal mortality. According to the United Nations Maternal Mortality Estimation Inter-Agency Group (UN-MMEIG) Report 2000-2023, published on 7 April 2025, India's Maternal Mortality Ratio (MMR) has decreased by 23 points from 2020 to 2023. Over the last 33 years, from 1990 to 2023, India has achieved an 86 per cent reduction in MMR, far surpassing the global decline of 48 per cent. This significant achievement reflects India's sustained commitment to improving maternal health through strengthened healthcare infrastructure, targeted public health initiatives, and expanded access to quality maternal care.

Source: National Family Health Survey Report (NFHS-1 to 5), Ministry of Health and Family Welfare (MoHFW), Government of India

Figure 6: Total Fertility Rate in Comparison with Rural and Urban Divide

Source: National Family Health Survey Report (NFHS-1 to 5), Ministry of Health and Family Welfare (MoHFW), Government of India

Figure 7: Infant Mortality Rate, Neonatal Mortality Rate and Under-5 Mortality Rate
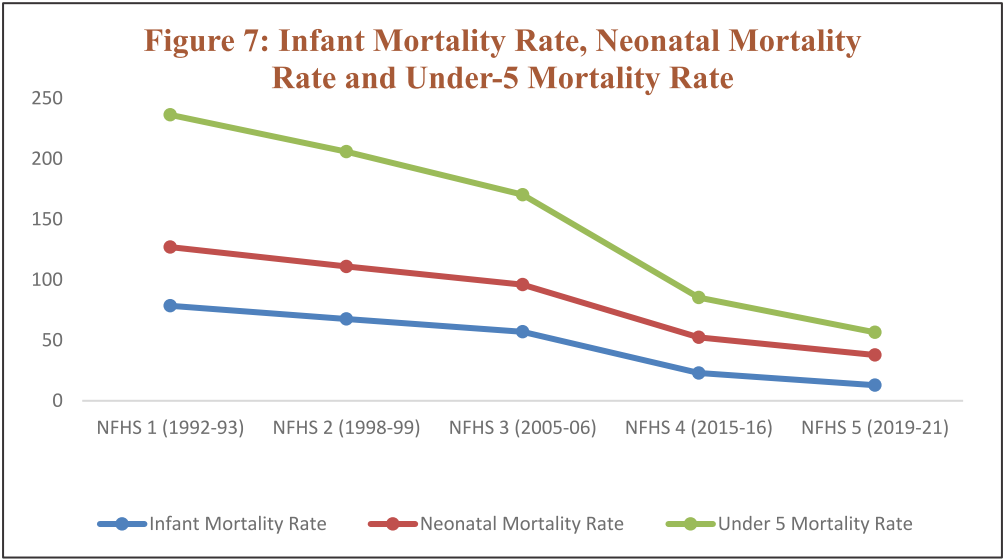
Source: National Family Health Survey Report (NFHS-1 to 5), Ministry of Health and Family Welfare (MoHFW), Government of India

India likewise demonstrates steady improvement in child mortality indicators. Crude Birth Rate (CBR) has decreased from 28.7 (NFHS-1) to 14 (NFHS-5). Similarly, the Total Fertility Rate (TFR) shows downward trends from 3.39 to 1.8. Most importantly, the TFR in rural areas shows a decreasing curve from 3.67 to 1.9.

Infant Mortality Rate (IMR) has decreased from 78.5 (NFHS-1) to 12.9 (NFHS-5), along with Neonatal Mortality Rate (NMR), from 48.6 (NFHS-1) to 24.9 (NFHS-5), and Under-5 Mortality Rate from 109.3 (NFHS-1) to 18.8 (NFHS-5).

India's progress, when viewed against global indicators, reveals that its maternal and child care outcomes have surpassed global trends. The United Nations Inter-Agency Group for Child Mortality Estimation (UN IGME) Report 2024, released on 24 March 2025, records notable improvements. According to the report, India ranks among the top-performing countries, achieving a 78 per cent decline in the Under-Five Mortality Rate (U5MR) compared to a global reduction of 61 percent; a 70 per cent decline in the Neonatal Mortality Rate (NMR) against 54 percent globally; and a 71 percent decline in the Infant Mortality Rate (IMR) compared to a global average reduction of 58 per cent during the period 1990–2023.[13]

4.   The way ahead

India used a combination of large-scale government policies and targeted public health interventions, identifying the key challenges. Data highlights that since independence, India has significantly reduced maternal and child mortality. Keeping in view that, as per the census 2011, out of India's total population, the rural-urban distribution of population is 68.8 and 31.2 per cent, respectively. India surpassed the global average in a few maternal and child mortality indicators. Despite the tremendous progress made by India, especially in the last two decades, inequalities persist regionally and socioeconomically, underscoring the ongoing human rights challenge to guarantee equitable healthcare access for all mothers and children, emphasising the state's obligation to prioritise reproductive justice and health equity.

India continues to report a significant number of maternal deaths, and a disproportionate share amongst these deaths is women from tribal and other marginalised communities. Women from marginalised communities often lack knowledge and access to quality healthcare facilities, because in most cases, they live in remote far-off locations which are difficult to access for the government. However, both the

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[13] United Nations Inter-agency Group for Child Mortality Estimation (UN IGME), Levels and Trends in Child Mortality: Report 2024 (UNICEF, WHO, World Bank Group and United Nations Population Division 2024) accessed 14 November 2025

central and the state governments have introduced numerous targeted interventions to ensure that no one is left behind.

Maternal and child health must not be seen simply as a women's rights issue, or a health issue. It conflates various human rights aspects, including the right to life, the right to equality, the right to health, to name a few. These rights are protected not just under the Fundamental Rights in the Indian Constitution but are recognised internationally through instruments like the Universal Declaration of Human Rights. Every year, thousands of women and newborn die preventable deaths, and it is upon the global community to recognise that this violation of their human rights cannot and must not be allowed to continue. Maternal and child health is the foundational basis of a healthy society, not just today, but for all our future generations.

सर्वे
भवन्तु सुखिनः

A People's Solidarity Can Strengthen the Rise of the Global South

Sandeep Chachra*

Abstract

This article analyses the contemporary rise of the Global South by situating it within shifting global power structures, expanding labour reserves, and the growing assertion of people's solidarities. It argues that demographic weight alone cannot secure justice or development unless accompanied by grassroots mobilisation and transformative state policy. As neo-colonial dominance weakens and new South–South formations emerge, communities across Asia, Africa, and Latin America are advancing a renewed decolonising consciousness. Youth-led protests, feminist movements, workers' organisations, and ecological struggles collectively challenge inequalities and demand people-centred governance. The article highlights the role of democratic decentralisation, human rights movements, and popular education in forging autonomous development pathways rooted in dignity, solidarity, and ecological balance. It contends that the Global South's rise will be meaningful only if governments align with these social energies to build a more just, democratic, and caring world order.

Keywords: global south, people's solidarities, decolonisation, democratic participation

1. Background and rationale

The term 'Global South' may be fluid, but its demographic and political significance is undeniable. World Economics estimates that a commonly used grouping of 99 countries in the Global South is home to over six billion people — about two-thirds of the world's population. Other estimates suggest that as much as 85 per cent of humanity lives in these countries. This share will grow in the coming decades, particularly with the demographic expansion of Africa.

The Global South is also the main site of the world's labour force. Nearly two-thirds of the world's working population is already located here, and this is projected to rise to around three-quarters by the middle of the 21st century. Yet this demographic weight has not translated into secure livelihoods, social justice, or political voice for the majority.

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An overwhelming share of working people in the Global South are engaged in 'informal' work. ILO data indicates that informal employment constitutes around 85.8 per cent of total employment in Africa and 68.2 per cent in Asia-Pacific. These figures do not even capture those who are completely out of work. By most indicators of social and economic progress, vast sections of the working classes remain in conditions of deep precarity.

Over the past three decades, many countries have seen the emergence of a distinct social category: a broad class of 'out-of-work people' — those who are unemployed, underemployed, or stuck in intermittent and insufficient work. Expanding labour reserves, coupled with their concentration in the Global South, have created a situation where large segments of the population cannot meet basic needs within a single wage relation, or even through wage work at all. Peasant and worker households straddle multiple labour regimes, rural and urban, combining wages, petty production and trade, simple use-values, and unpaid reproductive labour to secure their social reproduction.

For national governments in the Global South, this reality poses a double challenge and a historic opportunity: how to transform demographic and labour weight into social justice, democratic deepening, and autonomous development, and how to do so in ways that are rooted in people's solidarities rather than elite bargains.

2. Global shifts and the crisis of neo-colonial power

The rise of China, India, and several other Southern economies is reshaping the lebenswelt — the lived world — of peoples of the Global South. From being positioned as peripheral to a Northern-dominated global system, these countries have recorded rapid economic growth and visible developmental gains, especially in technology and infrastructure. China has emerged as one of the largest capital suppliers in the world —signaling a dramatic shift from the previous era where capital and power were overwhelmingly concentrated in Western countries now facing economic and political stagnation.

The infrastructure of neo-colonial rule — its financial dominance, ideological authority, and institutional control — is buckling. Over roughly the last two decades, the global economy has moved towards new patterns of trade, finance, and power whose centre of gravity is increasingly shifting to the Global South. This tectonic shift is evident in voting patterns and debates at the UN, but also in formations such as BRICS+, the assertive positions within the African Union, and the growing insistence on a more equitable global order.

At the same time, the Global North is witnessing a renewed rise of racist and exclusionary politics. Young migrant workers, students, and residency seekers — many from the Global South — are being directly targeted. The white supremacist project, of which racism has been a foundational premise, is 'coming home to roost' in the West, centuries after it inflicted devastating violence on colonised peoples.

Empires require moral and ideological narratives to justify their power. Today, the imperial enterprise has lost much of this ideological legitimacy. The moral imagination of humanity — its aspirations for dignity, equality, and planetary survival — is now in sharp conflict with the neo-colonial pursuits of the Global North.

In this context, the first decades of the 21st century are witnessing a new phase of decolonisation. This phase is no longer only about formal independence — most countries achieved that in the 20th century — but about dismantling the lingering economic, cultural, and epistemic structures of domination. The key question before governments in the Global South is: how can state policy align with and strengthen this deeper decolonising impulse, rather than blunt or co-opt it?

3. A new social consciousness from below

Across villages, towns, and informal settlements, communities in the Global South are asserting their right to live with dignity. Localised struggles — for land, wages, housing, education, gender justice, and ecological survival — are increasingly connected to global efforts to decolonise the political economy and democratise international governance institutions.

These everyday assertions are often led by youthful workers, women, farmers, and historically excluded communities, who are confronting inequality and injustice in their lived realities. Their demands are not simply for marginal improvements but for a more just social order.

Recent youth-led uprisings in Nepal, Bangladesh, Kenya, and Sri Lanka are examples of this new social consciousness. They are rooted in a deep desire for material improvement and social dignity, and they foreground a people-centric articulation of individual and collective rights. These movements compel a rethinking of what justice, equality, and development mean from the standpoint of the majorities in the Global South.

The manifold aspirations of these youthful majorities can no longer be suppressed or indefinitely postponed. They are becoming the life-force of planetary struggles.

For these energies to translate into durable transformation, cooperation between national institutions and social formations — unions, cooperatives, women's groups, farmers' organisations, youth networks, and other people's organisations — is indispensable.

Parallel to this, a new imagination is gathering strength among our peoples — an imagination that looks beyond the limits of Western-led development models towards people-centred, ecologically grounded futures.

4. The political identity of the Global South

The story of the Global South is not only geographic or economic. It is profoundly political. It is a story of a shared political identity forged over decades of struggle against colonial rule, racist hierarchies, patriarchy, and climate injustices driven by neo-colonial and extractive neoliberal models.

This identity is increasingly expressed as a quest for psychological liberation, in the sense articulated by Frantz Fanon: liberation not only from external domination but from internalised racism, casteism, and socio-economic mimicry. It involves building a 'national culture' that can serve as the foundation for a renewed national consciousness — one that resists both external domination and internal oppression.

In the 20th century, anti-colonial liberation struggles in Asia and Africa placed the task of building national consciousness at the centre of their projects. National sovereignty and self-determination were claimed not only in legal and territorial terms, but also in cultural, economic, and epistemic terms. The 1955 Bandung Conference embodied this choice of an autonomous path for the Global South.

Today, however, anti-imperialist consciousness is under strain. Social consent within many Southern countries is fragmented; popular energy is unevenly organised. The Global South has become a plural, contested space — with mass mobilisations coexisting alongside abstentions, contradictions, and powerful conservative currents. Yet this very plurality contains the potential for major democratic and transformative turns.

Dismantling the colonial mentality has been difficult and riddled with contradictions, especially given the persistence of deep inequalities and social discriminations. Neo-colonial trajectories still shape economies and institutions. And yet, it is clear that change is underway, driven by ordinary people and popular classes.

Amid these dynamics, India — with its vast and diverse population and its civilisational continuity based on pluralist values — remains a vital pillar of the 21st-century Global South. India can offer pathways for building new social and national consciousness that move beyond colonial mentalities. Its strength lies in combining postcolonial solidarity with pragmatic diplomacy and reimagining global cooperation not through dominance but through shared development, justice, and democratic values rooted in unity in diversity.

5. Democracy, decentralisation, and people's governance

The corrosion of multi-party liberal democracy is visible across the world. Procedural democracy and electoral competition have often lent themselves to elite capture, leaving large sections of the population feeling that these frameworks have not served their interests and sometimes seem barely distinguishable from authoritarian rule.

There is growing social consent for populist authoritarianism and a deepening erosion of trust in democratic institutions. The ILO's 2025 report, A State of Social Justice: A Work in Progress, observes that while the world has become healthier, wealthier, and better educated over the past 30 years, deficits in social justice persist. It notes that at least 71 per cent of a person's earnings globally are determined by the circumstances of their birth, and that trust in institutions has been declining since the early 1980s. Without concerted action to strengthen the social contract, this erosion could undermine the legitimacy of democratic systems and global cooperation.

For the Global South, genuine and rooted democratisation requires freeing democracy from colonial and institutional bondage. Democracy must move beyond narrow representational forms towards the more substantive vision articulated by Dr B. R. Ambedkar: political democracy infused with social and economic justice. In its limited legal and institutional form, 'democracy' has too often served neo-colonial interests.

However, many societies in the Global South possess rich traditions of participatory governance and collective decision-making. In India, practices such as *koodams* and *choupals* function as traditional community assemblies. In Southern Africa, the concept of *ubuntu* invokes shared humanity, interdependence, and collective living. Similar institutions and practices exist across Latin America, the Caribbean, West Asia, and Southeast Asia. These traditions hold a balance between rights, cultures, and nature and offer important resources for contemporary democratic renewal.

In recent decades, decentralisation and local governance reforms have become key components of democratic reform in the Global South. Governments in Latin America, Africa, and South Asia have attempted to devolve power from central authorities to local governments — often supported by progressive international organisations. Community-driven development projects have enabled local decision-making, with positive impacts on resource management and poverty alleviation.

In India, the 73rd and 74th Constitutional Amendments (enacted in 1992) provided a formal framework for rural and urban local governance, empowering Panchayati Raj Institutions and municipalities with greater authority and responsibility. These reforms resonate with Mahatma Gandhi's vision of 'village republics' — self-sufficient and self-governing communities. Today, with rapid urbanisation, this vision must extend to 'urban republics' in neighbourhoods and towns.

Although challenges remain — especially in terms of financial autonomy, administrative capacity, and meaningful participation — these reforms represent a significant shift toward inclusive, community-driven governance. A continued push for decentralisation across the Global South signals a commitment to a more participatory and just democracy, provided it is accompanied by genuine devolution of power and resources.

These are powerful ideas that, if deepened, can allow villages, towns, and urban neighbourhoods to blossom as 'little republics', linked through the unity and diversity of nations and transnational solidarities.

6. Human rights, people's participation, and social formations

The current global human rights landscape is marked by declining freedoms and rising abuses. Armed conflicts, wars, authoritarian regimes, repressive laws, and widening inequalities define our moment. As disparities within and between nations increase, discrimination against the weakest intensifies. New human rights risks emerge as technology races ahead of protective standards and policies. The climate crisis poses a particularly grave threat to the rights of nations and peoples in the Global South.

International law, national constitutions, and human rights institutions have contributed to significant advances in rights protection — especially in the post-colonial Global South. Yet, much more is required. Today, some of the most vital defences and advances in human rights are being led by social movements, people's organisations, and human rights and social justice defenders across the world.

These actors are holding states and corporations to account and demanding redistributive justice.

From the Geneva Conventions to the Refugee Convention, and the emerging calls for conventions on debt cancellation and reparative justice, we see efforts to expand the horizon of rights and responsibilities. The Global South is increasingly defined by collective resistance to new forms of exclusion: climate injustice, digital surveillance, casualisation and platformisation of labour, and the weakening of social protection systems.

Drawing on community-level experiences and local life-worlds, movements in the Global South are reframing human rights 'from below' — emphasising collective rights, ecological balance, and the moral imperative of dignity. Feminist, ecological, and decolonial perspectives are expanding the human rights imagination beyond a narrow focus on civil and political rights.

Rising female labour-force participation and women's expanding social consciousness, even in the face of backlash, are generating new energies for social action. Women's struggles for equality and dignity, combined with their experiences of precarious labour, are fuelling both social anxiety and transformative agency.

At the same time, the spread of 'out-of-work' conditions and the expansion of surplus labour create anxieties that can be manipulated into xenophobia, 'sons of the soil' movements, and violence against perceived outsiders — Dalits, religious minorities, migrants, Black communities, and others. These regressive trends pose serious challenges in the realm of social psychology and politics, but they also highlight the importance of building solidarities that can redirect anger towards structural transformation rather than scapegoating.

Across these terrains, we see strong trends challenging the epistemic dominance of the Global North and foregrounding Southern ways of knowing, organising, and imagining freedom.

To advance this struggle, it is not enough to democratise institutions; democracy must be deepened in everyday practice. Peoples' social formations — unions, cooperatives, self-help groups, farmer producer organisations, grassroots movements, and NGOs — are central to this project. They constitute the living infrastructure of people's protagonism.

A key policy task for governments in the Global South is to support and not suppress these formations: to protect civic space, recognise human rights defenders, and enable popular participation in shaping development and rights agendas.

7. The centrality of popular education and consciousness

At the heart of this long-term project lies education for human rights, justice, and constitutional values. Building the capacity of people to know, claim, and shape their rights is essential to the unfinished tasks of the post-colonial liberation project.

National governments have a crucial role in supporting popular education on constitutional values, human rights, social and ecological justice, and democratic participation. This work is most effective when carried out in collaboration with institutions mandated to protect rights and with movements and human rights and social justice defenders. Together, they can nurture the 'new woman and man' — new subjectivities capable of acting as protagonists in the struggles for justice and liberation.

8. Conclusion: From demography to people's solidarity

Today, the relevance of the Global South lies not only in its demographic weight or diplomatic presence, but in its living ecology of people's solidarities: climate justice movements, feminist economies, youth uprisings, struggles for labour rights, and efforts to decolonise knowledge, culture, and governance.

From Bandung's call for political freedom to today's demand for planetary justice, the Global South remains an evolving idea and practice — a collective insistence that another world is still possible. It asserts the right to epistemic sovereignty: to define knowledge, progress, and justice on its own terms rather than through Northern frameworks.

For national governments in the Global South, the policy challenge is clear. We must align with and strengthen people's solidarities rather than contain them. We have to deepen democracy, decentralisation, and rights in practice, not just in law. Build support for social formations that organise workers, women, youth, peasants, and marginalised communities. Pursue development paths that are just, ecological, and people-centred.

If these commitments are taken seriously, the rise of the Global South can become more than a geopolitical shift. It can be a breathing ecology of solidarities that contests inequality and builds alternate futures from the ground up. Futures of a more equal, democratic, and caring world order.

Right to Care: A Vital Ingredient in Advancing Nutrition Security

Dr Soumya Swaminathan* and Dr. Drishti Sharma**

Abstract

India has established a strong constitutional, legislative, and policy framework to safeguard children's nutrition, reinforced by its ratification of key international human rights instruments such as the United Nations Convention on the Rights of the Child (UNCRC) and International Covenant on Economic, Social and Cultural Rights (ICESCR). Laws including the National Food Security Act, the Right to Education Act, and flagship programmes like Integrated Childhood Development Scheme (ICDS) and POSHAN Abhiyaan create enforceable entitlements in areas directly and indirectly linked to nutrition.

Yet, despite this architecture, malnutrition persists impacting a substantial proportion of the population, particularly among socially marginalised children, due to either geographic isolation, infrastructure deficits, social exclusion, and weak accountability. This disconnect between rights in law and rights in practice underscores the need for a fundamental shift: from a siloed, welfare-oriented approach to a unified, rights-based framework.

This article analyses this gap, proposing a comprehensive solution that builds on existing programmes and policies, and that moves beyond welfare to a statutory 'Right to Care'. This universal, rights-based framework would be supported by a robust monitoring system and implemented by leveraging existing platforms for multisectoral action, ensuring equitable access and outcomes for every child.

Keywords: right to care, nutrition security, early childhood development (ECD), nurturing care, maternity benefits

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1. Strong existing right-based legal framework

A growing body of research confirms that the early years of a child's life, from birth to age five, are a uniquely critical period for cognitive and physical development.[1] Early childhood development (ECD) is a comprehensive process that goes beyond nutrition to encompass a child's health, safety, security, responsive caregiving, and opportunities for early learning.[2] Investing in early childhood development (ECD) has significant economic imperatives, as it fundamentally shapes a nation's human capital. Early interventions are more effective than remedial programmes later in life, yielding high returns in human capital and producing substantial economic and social benefits that exceed their costs. These benefits, which include improved school performance, higher earnings, and reduced crime, underscore the strategic value of early investment in disadvantaged children.[3]

It is within this context of the foundational importance of ECD that India has established a strong constitutional, legislative, and policy framework to safeguard these critical early years. This commitment is deeply embedded in its constitutional architecture and its participation in the international human rights system. India has ratified key international instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (UNCRC), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). These ratifications create binding obligations to align national policies with international human rights standards.

Domestically, the Constitution of India guarantees the right to life with dignity under Article 21, which the judiciary has interpreted to include the fundamental rights to food, health, and education.4 This ensures that every individual has a right to live with human dignity, and not just a mere animal existence.

India's constitutional framework, supported by judicial interpretation and statutory enactments, recognises several rights with a direct or indirect bearing on nutrition outcomes:

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1 Catherine E. Draper et al., 'The Next 1000 Days: Building on Early Investments for the Health and Development of Young Children'(2024)404 The Lancet 2094

2 World Health Organization, Nurturing Care For Early Childhood Development: A Framework For Helping Children Survive And Thrive To Transform Health And Human Potential (WHO, 2018)

3 James J Heckman, 'Skill Formation and the Economics of Investing in Disadvantaged Children.'(2006) 312 Science 1900

4 Olga Tellis & Ors v Bombay Municipal Corporation & Ors (1985) 3 SCC 545

- Right to Food – Read into Article 21 by the Supreme Court, this right is legally backed by the National Food Security Act (NFSA), 2013, which transformed food entitlements into legal rights.

- Right to Health – While expanding jurisprudence under Article 21 supports this right, it is operationalised through schemes like the National Health Mission (NHM), which aims to provide universal access to equitable healthcare.

- Right to Education – Article 21A and the Right of Children to Free and Compulsory Education Act, 2009, ensure access to schooling, and also provide nutrition support through the Mid-Day Meal Scheme (PM POSHAN). This is complemented by the Early Childhood Care and Education (ECCE) Policy, which provides a holistic framework for the care and education of children from birth to eight years old.

- Right to Livelihood – Recognised by the judiciary, this right is legally backed by the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005. Further strengthening social and economic agency, schemes like the National Rural Livelihood Mission (NRLM) mobilise rural households into self-help groups. To address historical inequalities, legislation like the Forest Rights Act, 2006, secures land rights for tribal communities, which is crucial for their livelihood and food security.

- Right to Equality and Non-Discrimination – Articles 14, 15, and 17 are essential for addressing inequities in service access for tribal and marginalised communities. The Panchayati Raj system, with its provisions for reservation of seats for women, further empowers them to participate in local governance and decision-making.

- Right to Social Security – Implicit in Directive Principles (Articles 39, 41, 42, and 47), this right is partially implemented through policies like the Maternity Benefit Act, 1961, as amended in 2017. This amendment significantly increased paid maternity leave to 26 weeks, introduced provisions for 'work from home', and mandated crèche facilities in certain establishments. A key example of this is the *Pradhan Mantri Matru Vandana Yojana* (PMMVY), a maternity benefit programme that provides cash incentives to pregnant and lactating mothers to compensate for wage loss.

2. Persistent malnutrition and implementation challenges

Despite India's robust constitutional and legislative framework, a significant gap persists between policy and outcomes, especially in public health and nutrition. According to the National Family Health Survey (NFHS-5), the prevalence of stunt-

ing among children under 5 years is 35.5 per cent, wasting is 19.3 per cent, and underweight is 32.1 per cent — indicating persistent high levels of undernutrition nationwide.[5] The burden of anemia is especially severe: 68 per cent of children under 5 are anemic, as are over 57 per cent of women aged 15–49 years.

Importantly, these challenges are not distributed equally; stunting, wasting, and anemia disproportionately affect marginalised groups such as Scheduled Castes, Scheduled Tribes, children with less-educated mothers, and those in the lowest wealth quintile.[6] And despite overall improvements and reduction of wealth-related gaps in child nutrition, inequities linked to caste and tribal status remain entrenched and need more urgent action from current policies and programs.[7]

The persistence of malnutrition, despite constitutionally guaranteed rights to life with dignity (Article 21) and the state's duties under Article 47, suggests that implementation challenges are not merely statistical anomalies. Reports have consistently highlighted systemic and operational gaps that limit the efficacy of landmark schemes such as POSHAN Abhiyaan and the National Food Security Act (NFSA).[8] These include inadequate programme scope, as evidenced by a primary focus on dietary interventions that underemphasise critical factors like drinking water, sanitation, hygiene, and stimulation. Furthermore, significant logistical and last-mile delivery challenges persist, with evidence pointing to issues like infrastructure and human resource gaps, and the geographical distance of PDS ration stores, in turn resulting in inconsistent coverage of services across states.[9] These implementation challenges in the policy-to-practice continuum represent a key area for further review and underscore the need for a more comprehensive and integrated approach to human rights-based programming.

3. Child care a key ingredient of rights-framework

Beyond these operational bottlenecks, a deeper analysis reveals a fundamental gap in the rights framework itself. The various rights — such as the right to food, land, and livelihood — are deeply interconnected, yet they are often addressed through

5   International Institute for Population Sciences (IIPS) and ICF, National Family Health Survey (NFHS-5), 2019-21: India(IIPS 2021)

6   Subramanian Rekha et al., 'Wealth Inequalities in Nutritional Status Among the Tribal Under-5 Children in India: A Temporal Trend Analysis Using Nfhs Data of Jharkhand and Odisha States - 2006-21.' (2023) 2 Dialogues in Health 100135

7   Drishti Sharma et al., 'Unveiling subgroup trends of stunting and wasting in Indian children: a serial cross-sectional analysis from National Family Health Surveys 3–5.' (2025) American Journal of Clinical Nutrition 1077

8   Public Health Resource Society, Prevalence and Causes of Malnutrition Among Under-five Children in Selected Geographies of India (Final Report 2023)

9   National Human Rights Commission (NHRC), Food and Nutritional Security among Scheduled Castes and Scheduled Tribes: Evidences from Three Indian States (NHRC 2023)

separate and siloed policies. This approach largely overlooks the central issue of a comprehensive 'nurturing care' framework, that ensures health, nutrition, safety, responsive caregiving, and early learning. Our field experience with working mothers has consistently shown that the absence of such a holistic system is the missing link. In many rural and urban settings, the absence of public crèches forces women to choose between their livelihoods and their child's well-being, with negative consequences for infant and young child feeding and health.

This is substantiated by data showing a significant gap in child care services. According to the Annual Status of Education Report (ASER) 2024 findings, a substantial portion of children still lack access to any early childhood education or care program (23 per cent), despite high preschool enrolment, particularly in rural areas.[10] While ICDS Anganwadi centres serve many children, their limited three-hour daily service is primarily focused on nutrition and basic stimulation. For children from six months to three years, the scheme provides take-home rations, with children beginning to spend time in the Anganwadi centre once they reach the age of three.[11] The gap to child care is further compounded by profound socioeconomic inequities, where children from poorer households, marginalised communities, and rural areas face disproportionate barriers to quality child care, perpetuating cycles of disadvantage.[12] Gender adds another layer to this challenge, as women bear the overwhelming burden of unpaid childcare responsibilities — averaging over 7.2 hours daily compared to just 2.8 hours for men.[13] This responsibility, combined with social factors like early marriage and childbirth, often either prevents women from joining or staying in the workforce, or leaves many children without consistent access to adequate care while their mothers must work outside the home.[14]

The immense need for childcare is also demonstrated by pioneering, yet fragmented, efforts. Pioneering models like Mobile Creches, an NGO that provides on-site services at urban construction sites, prove the positive impact of offering a safe, supervised environment with nutritious meals and early education. This not only improves child health but also enables mothers to work without compromising their children's care, thus addressing the gendered triple burden.[15]

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[10] Pratham Education Foundation, Annual Status of Education Report (ASER) (Pratham 2024)

[11] Department of Women and Child Development, 'Services Under the Integrated Child Development Services' Government of Delhi (Delhi 2017)

[12] Linda M Richter et al., 'Investing in the Foundation of Sustainable Development: Pathways To Scale Up for Early Childhood Development' (2016) The Lancet

[13] National Statistical Office (NSO), Time Use in India-2019(Ministry of Statistics and Programme Implementation 2020)

[14] Press Information Bureau(PIB) India's Care Economy (PIB 2024)

[15] Priti Salian, 'India: NGO-run Daycare Centres in Construction Sites Support Children of Migrant Workers' (Business & Human Rights Resource Centre 2018) https://www.business-humanrights.org/en/latest-news/india-ngo-run-daycare-centres-in-construction-sites-support-children-of-migrant-workers/ accessed on 5 November 2025

Karnataka's Koosina Mane scheme is a dedicated community-based childcare solution aimed at supporting rural working mothers.[16] Administered by local Gram Panchayats with converged funding from MGNREGA and other departments, this programme has set up crèches in up to 4,000 villages. By addressing the so-called 'triple burden' of work, childcare, and household duties, Koosina Mane enables mothers to participate more freely in wage work, thus fostering women's economic empowerment and child well-being. This integrated, community-centered model serves as powerful evidence that a dedicated focus on care infrastructure effectively bridges the gap between policy and practice. However, even as these models prove successful, their fragmented nature highlights the limitations of a policy-by-policy approach.

The Haryana State Creche Policy (2023), for example, is India's first comprehensive, standalone state policy dedicated to crèche facilities.[17] It sets a national benchmark by mandating that institutions with over 50 employees provide a crèche on-site and by ensuring children receive holistic care and education. However, this pioneering effort also highlights a crucial gap: its failure to reach the vast majority of women in the unorganised and informal sectors who need childcare the most. This disconnect demonstrates a need for a universal, rights-based framework that transcends employment type, geography, caste, and tribe.

A comprehensive solution requires moving beyond this policy-based approach to a statutory Right to Care, a proven strategy for holistic social and economic progress as demonstrated by international examples.

Sweden, for instance, enshrined childcare as a legal right under its Education Act (Skollagen), which mandates that all municipalities provide affordable, high-quality preschool for children from the age of one.[18] This system is heavily subsidised, with fees capped at a percentage of family income to ensure affordability and accessibility for all. This has not only fostered child well-being but has also dramatically increased female labour force participation.

South Korea, in response to declining fertility rates, has evolved its approach from a welfare-based system to a universal one. Its Infant and Childcare Act (1991) marked a turning point by framing childcare as a social responsibility.[19] Today, the govern-

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[16] Government of Karnataka, Guidelines for Koosina Mane (Child Care Centres) under Gram Panchayats (2022) Rural Development and Panchayat Raj Department & Women and Child Development Department

[17] Haryana Women and Child Development Department, Haryana State Creche Policy-2022 (Govt. Gazette Notification No. 45/01/2023-3SW, 21 July 2023)

[18] Skollag (SFS 2010:800)

[19] Infant and Childcare Act (Law No 4328, 1991)

ment provides significant financial support to all families, regardless of income, through a dual system of kindergartens and childcare centres, ensuring that children from birth to age five have access to care.

Building on these blueprints, a legally enforceable Right to Care would require a fundamental shift in governance and implementation. A comprehensive solution would move beyond the fragmented, policy-by-policy approach to a universal, statutory framework that is supported by a robust, rights-based monitoring system.

This new framework would be supported by:

- Integrated governance: A unified agenda would move beyond siloed departmental budgets to ensure financial sustainability and integrated service delivery. This would be achieved through converged funding models, similar to the Karnataka Koosina Mane scheme, to ensure cross-sectoral collaboration and shared responsibility.

- Leveraging existing platforms for multisectoral action: The solution would not require creating new delivery channels from scratch. Instead, it would integrate early childhood services into existing platforms. The health system, particularly through antenatal care and immunization drives, could serve as a primary entry point for delivering 'nurturing care' to the youngest children (from pregnancy to age two). Additionally, Anganwadi Centres (AWCs) could be upgraded from limited-hour nutrition centres to multi-purpose 'Care Hubs' offering full-day care and a wider range of services that address the triple burden on women.

- Robust Accountability and Monitoring: A legally enforceable Right to Care would hold the state accountable for tangible outcomes, not just outputs. This would be achieved through a rights-based monitoring framework that uses key indicators such as:

  o Child development indicators: Measuring the nutritional status and cognitive readiness of children.

  o Access and equity: Tracking the geographical spread of care and enrollment rates across marginalised communities.

  o Quality of care: Assessing the caregiver-to-child ratio, staff training, and the availability of age-appropriate learning materials.

  o Parental support: Quantifying the increase in female labour force participation and parental satisfaction.

4. Conclusion

India's journey toward securing child nutrition has been guided by a robust legal architecture, but a critical gap persists between rights on paper and rights in practice. Despite a strong constitutional and legislative framework, a systemic inability to address the central issue of care has led to persistent malnutrition, particularly among marginalised communities. To bridge this gap, India must move beyond fragmented, welfare-oriented policies toward a unified, rights-based approach. This investment not only improves women's economic participation today but also builds a healthier, more capable workforce for the future, yielding a dual economic dividend. The key recommendations are to codify a universal and statutory Right to Care, empower a rights-based institution like the National Human Rights Commission (NHRC) to ensure its implementation, and adopt a robust monitoring system that focuses on tangible outcomes rather than just outputs. This comprehensive approach is essential to transforming India's legal commitments into sustained and equitable development outcomes for every child.

Financial Inclusion as a Path to Equality: Lessons from India

Shashwat Alok* and Pulak Ghosh**

Abstract

Financial inclusion represents a fundamental human rights imperative, linking economic access to dignity and opportunity. India's decade-long journey toward universal financial inclusion offers crucial insights into how digital public infrastructure can overcome traditional barriers to financial access. Through the strategic deployment of the India Stack, comprising digital identity (Aadhaar), universal banking (Jan Dhan Yojana), and interoperable payments (UPI), India has demonstrated that financial inclusion at scale is achievable when governments create foundational infrastructure that reduces transaction costs and enables market innovation. This article examines how complementary interventions in savings, insurance, and credit create synergies exceeding their individual impacts, while acknowledging critical concerns about credit quality, sustainability, and the risk of over-indebtedness. The evidence suggests that while India has made remarkable progress in expanding financial access, questions remain about whether this credit expansion leads to productive investment or consumption, and whether current lending practices are creating sustainable pathways out of poverty or new forms of debt dependency.

Keywords: financial inclusion, equality, sustainability

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1. Introduction: The economic imperative of financial inclusion

Financial inclusion represents one of the most critical challenges facing developing economies in the 21st century. Despite substantial progress in expanding access to basic savings accounts globally, the path from financial access to genuine financial empowerment remains elusive for millions. Academic literature has long established the fundamental relationship between financial development and economic growth[1] & [2] yet translating this macroeconomic insight into tangible improvements in individual lives requires innovative approaches that transcend traditional banking models.

The barriers to achieving financial inclusion at scale are formidable and multifaceted. Transaction costs in traditional banking systems often make serving low-income populations economically unviable. Pre-2010 estimates suggest that the cost of onboarding a customer in India, involving physical collection and verification of paper documents, ranged between $15 and $23 per customer.[3] When a low-income household seeks to open a savings account with a deposit of INR 100 ($1.20), this cost far exceeds any potential interest margin. Information asymmetries prevent lenders from assessing creditworthiness among those without formal credit histories — the 'thin file' problem, where millions of potentially productive entrepreneurs remain invisible to formal lenders. Geographic dispersion, particularly in rural areas, raises the cost of physical infrastructure to prohibitive levels. Moreover, as Cole et al. (2013) demonstrates, non-price barriers such as lack of trust, limited financial literacy, and cultural factors often prove more binding than economic constraints alone.[4]

India's journey toward financial inclusion offers a compelling case study in how public dig- ital infrastructure can overcome these barriers. Rather than relying solely on market forces or government subsidies, India recognised that digital infrastructure, like physical infrastructure, creates foundational rails that dramatically reduce the costs of doing business. This approach enables a powerful complementarity between the government's social welfare mandate and the efficiency of competitive market enterprise.

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[1] Robert G. King and Ross Levine, 'Finance and Growth: Schumpeter Might be Right' (1993) 108(3)The Quarterly Journal of Economics 717–737

[2] Raghuram G. Rajan, and Luigi Zingales, 'Financial Dependence and Growth' (1998) 88(3)American Economic Review 559–586

[3] Franklin Allen et al., 'A Survey of Fintech Research and Policy Discussion' (2020) 20-21 Working Paper, Federal Reserve Bank of Philadelphia

[4] Shawn Cole et al., 'Barriers to Household Risk Management: Evidence from India' (2013) 5(1) American Economic Journal: Applied Economics 104–135

2. The architecture of digital inclusion: India's strategic approach

India's financial inclusion strategy represents a paradigm shift from traditional approaches. Instead of viewing financial inclusion as a costly social obligation, the government conceptualised it as an investment in economic connectivity with returns manifesting over extended horizons. The central insight was that the state's role is not to replace markets but to 'complete' them, investing in high-risk, low-return infrastructure that private actors could never build due to coordination failures. This vision crystallised through the creation of the 'India Stack' — a comprehensive digital infrastructure comprising unique identification (Aadhaar), universal bank accounts (Jan Dhan Yojana), and interoperable payments (Unified Payments Interface).

Figure 1: Digital Payment Revolution - UPI Adoption in India
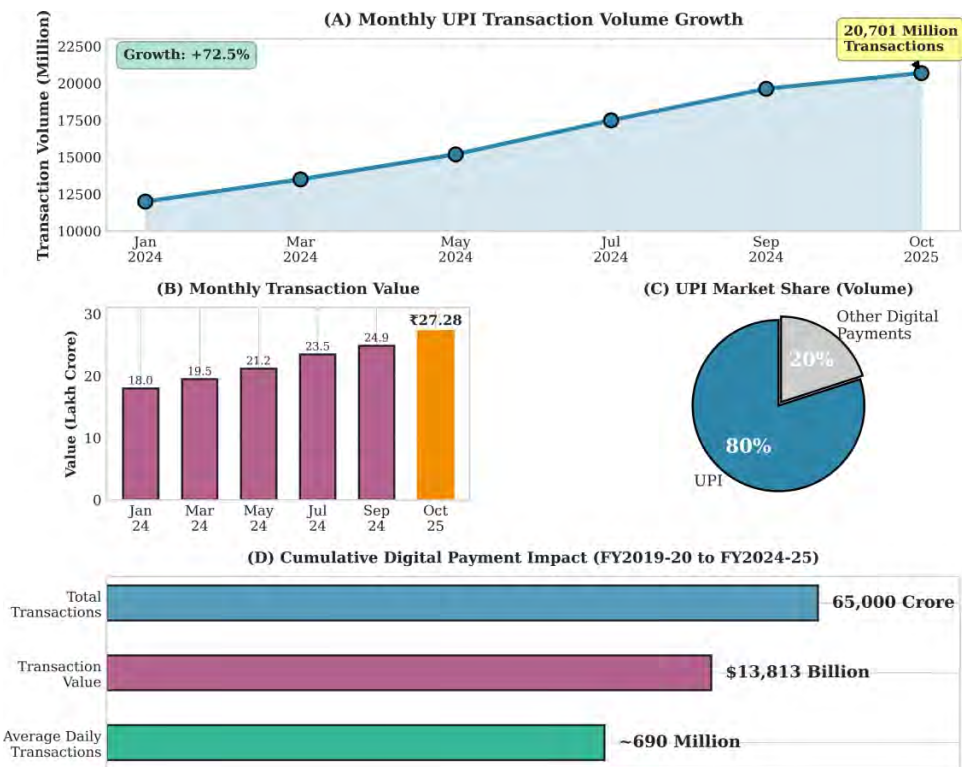
Sources: National Payments Corporation of India (NPCI) Product Statistics (2024-2025); Reserve Bank of India (RBI) Payment Systems Report; Economic Times & Business Standard (2025)

Note: UPI = Unified Payments Interface. Data as of October 2025 unless otherwise specified.

The economic breakthrough of Aadhaar was not just the identity card, but the e-KYC (Elec- tronic Know Your Customer) API that allowed instant verification. This reduced customer ac- quisition costs from approximately \$15–23 to \$0.15–0.50—a reduction of over 95 per cent.[5] This drastic reduction in marginal cost fundamentally altered the supply curve for financial services, making it economically viable for banks to open 'zero-balance' accounts.

The Unified Payments Interface (UPI), launched in November 2016, exemplifies this infrastructure-first approach. As documented in recent research[6], UPI created a zero-cost, cross-platform payment system that fundamentally altered the economics of financial services. UPI's interoperability enables users to create verifiable digital footprints across institutions, a crucial prerequisite for credit assessment in the absence of traditional credit histories.

The numbers speak to UPI's transformative impact: from 1 million transactions in October 2016 to nearly 20 billion monthly transactions by October 2025, with UPI accounting for 75per cent-85 per cent of all retail digital payment volume. This exponential growth was not accidental, but rather resulted from deliberate design choices: zero transaction fees for both consumers and merchants, real-time settlement, and simplified user interfaces accessible to even those with limited digital literacy. Figure 1 below provides aggregate statistics on UPI usage and growth.

Critically, this digital infrastructure does not replace market mechanisms but enhances them. Private firms can innovate and offer services atop these rails when business economics make sense, given dramatically reduced customer acquisition and service costs. When markets remain incomplete, as they inevitably do when serving less profitable segments, the government can step in with targeted interventions that complete these markets rather than displacing them.

3. Household financial resilience: A household balance sheet approach

Financial inclusion cannot be understood through the narrow lens of credit access alone. House-hold financial resilience depends on three interconnected pillars: savings mobilisation, risk protection through insurance, and productive credit access. India's approach recognised these interdependencies, designing interventions that create synergies exceeding the sum of their parts.

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5   Allen et al., 2020 (n3)

6   Shashwat Alok et al., 'Breaking Barriers to Financial Access: Cross-platform Digital Payments and Credit Markets' (2024) NBER Working Paper

3.1 Savings: The foundation

The *Pradhan Mantri Jan Dhan Yojana* (PMJDY), launched in August 2014, provided the essential foundation by ensuring universal access to bank accounts. Unlike previous village-level banking initiatives, PMJDY explicitly targeted household-level inclusion. Within three years, the programme opened over 300 million accounts, bringing previously unbanked populations into the formal financial system.[7]

However, account ownership alone does not guarantee usage. Recent government data acknowledges that approximately 13.05 crore accounts (roughly 23 per cent) are classified as inoperative, with no transactions for over two years.[8] Yet this also means that 77 pe cent of accounts remain active — a fundamental shift from the pre-2014 era where nearly half the country remained unbanked. Figure 2 below provides aggregate statistics on bank account penetration in India.

The success of India's approach lay in creating compelling use cases for these accounts. Direct benefit transfers for government subsidies incentivised regular account usage. The 'JAM Trinity' (Jan Dhan-Aadhaar-Mobile) became the diversion-proof mechanism for subsidy delivery, saving the exchequer billions in leakages and justifying the initial infrastructure investment. In FY 2024–25 alone, INR 6.9 lakh crore was credited directly to bank accounts under various DBT schemes. More importantly, these accounts became gateways to the UPI ecosystem, enabling even small vendors and informal sector workers to accept digital payments, thereby creating traceable income histories.

3.2 Insurance: Protection against volatility

The Ayushman Bharat scheme, launched in 2018, represents the world's largest publicly funded health insurance programme, covering 500 million beneficiaries. Recent research demonstrates that this programme significantly reduced loan delinquencies in implementing districts by protecting households against catastrophic health expenditures that would otherwise force distress borrowing at usurious rates or cause loan defaults.[9]

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7   Sumit Agarwal et al., 'Banking the Unbanked: What do 255 Million New Bank Accounts Reveal About Financial Access?' (2017) (17-12) Columbia Business School Research Paper

8   The Hindu, '23% of Total 56.04 crore PM Jan Dhan Accounts Inoperative' The Hindu (New Delhi, 18 August 2025) accessed 23 November 2025

9   Prasanna Tantri, 'How Does a Health Insurance Program Covering 500 Million Poor Impact Credit Market Outcomes?' (2024) 71(6) Management Science 4533–4551

Figure 2: Pradhan Mantri Jan Dhan Yojana PM-JDY - Universal Bank Accounts Initiative

(A) Share of Households with at Least One Member Having a Bank Account

(B) Persons (Age ≥18) with Bank Account

(C) Bank Account by Gender (Age ≥18)

Survey Period: July 2022 - June 2023

(D) Pradhan Mantri Jan Dhan Yojana (PMJDY) Impact
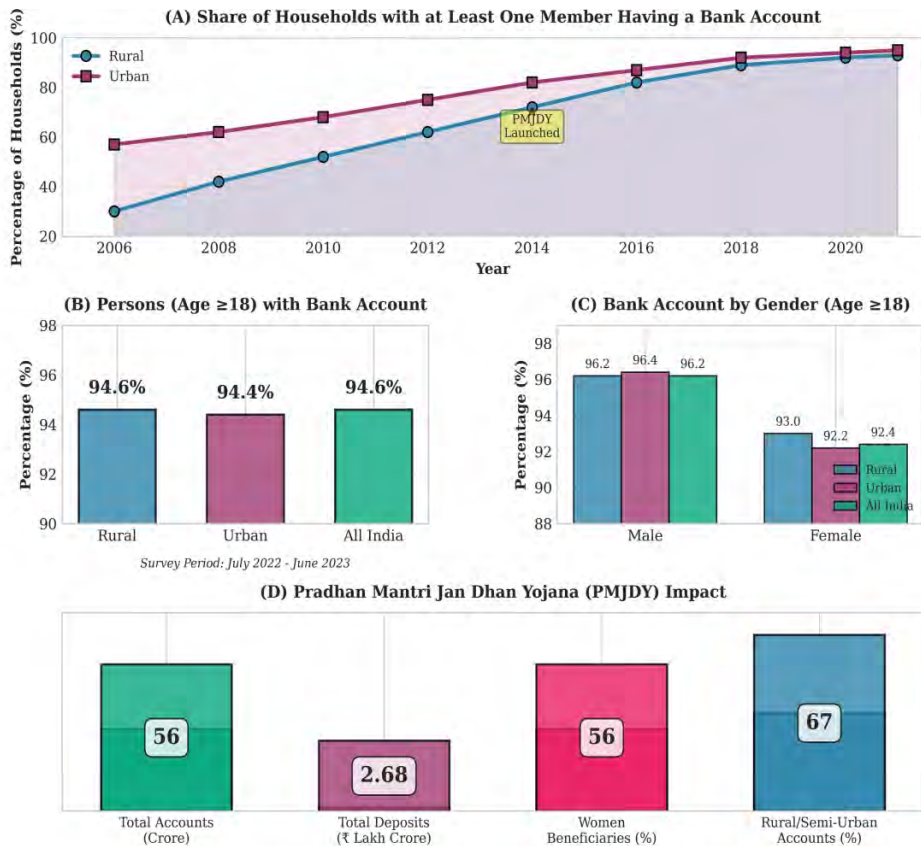
Sources: National Sample Survey Office (NSSO), Comprehensive Annual Modular Survey (CAMS) 2022-23, NSS Report No. 590; National Family Health Survey (NFHS), International Institute for Population Sciences; PMJDY Official Portal; Press Information Bureau (PIB), Government of India

Note: Panel A shows household-level data from NFHS. Panels B-C show individual-level data (age ≥18 years) from NSSO CAMS 2022-23. Panel D: PMJDY launched August 28, 2014; data as of August 2025. Bank account includes post office account or any account at a financial institution.

Figure 3: Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (PM-JAY) - Universal Health Coverage Initiative

Sources: Press Information Bureau (PIB), Government of India (November 2025); National Health Authority (NHA), Ministry of Health & Family Welfare; Economic Survey of India (2024-25); Ayushman Bharat PM-JAY Official Portal

Note: PM-JAY = Pradhan Mantri Jan Arogya Yojana. Data as of October 28, 2025.
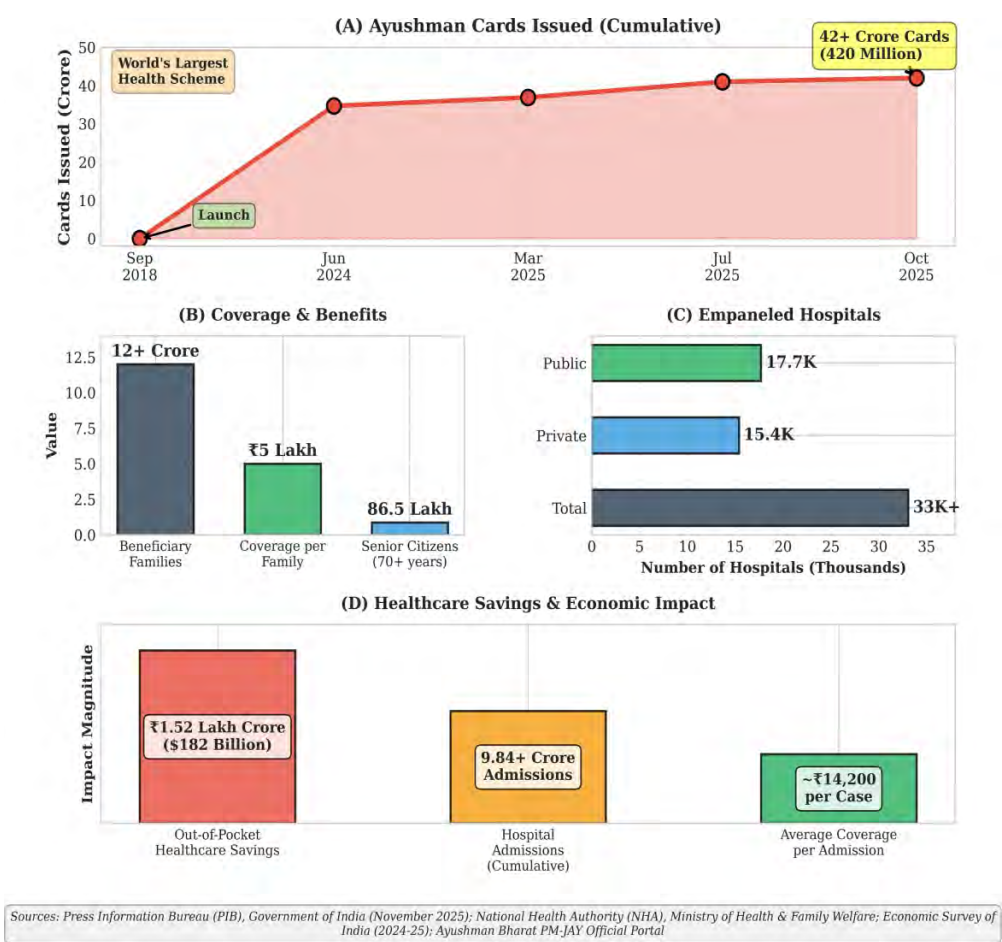
The programme offers coverage of INR 500,000 per household annually, with automatic enrollment for households identified as 'deprived' through socio-economic surveys. By empaneling over 20,000 hospitals, including private facilities, the scheme addressed infrastructural constraints while ensuring quality care. The economic impact extends beyond direct medical benefits — reduced precautionary savings requirements enable households to pursue more productive economic activities and potentially start small businesses, while improved loan repayment rates reflect the stabilising effect of insurance on household finances. Figure 3 above provides aggregate statistics on Ayushman Bharat penetration.

3.3 Credit: From access to empowerment

The creation of digital payment footprints through UPI fundamentally transformed credit markets. Research shows that UPI adoption substantially increased financial deepening, particularly for subprime and new-to-credit borrowers.[10] The differential response between banks and fintechs is particularly instructive: while banks primarily increased lending to prime borrowers, fintechs expanded across all segments, uniquely serving new-to-credit customers who previously lacked any pathway into formal credit markets.

Academic literature highlights the promise of these alternative new scoring models. Research by Agarwal et al. (2021)[11] using proprietary data from a large fintech lender in India demonstrates that alternative data captured from mobile phones — including the number and types of apps installed, measures of social connections, and borrowers' 'deep social footprints' based on call logs — can substitute for traditional credit bureau scores. Crucially, for 'unscorable' customers with no bureau file, these digital footprints provide robust signals of default probability, enabling lenders to expand credit access to financially excluded individuals without adversely impacting default outcomes.

This credit expansion did not come at the cost of increased defaults — at least not initially. Digital footprints enabled lenders to identify underserved but creditworthy borrowers, expanding access without compromising portfolio quality. Back-of-the-envelope calculations suggest that these new loans were economically significant, representing 2.8 times the urban monthly per capita expenditure and 4.7 times the rural monthly per capita expenditure for receiving households.[12]

4 Policy evolution: A decade of systematic progress

4.1 2014–2016: Building the foundation

The period began with PMJDY's launch, creating the account infrastructure necessary for digital financial inclusion. By 2016, over 255 million accounts had been opened, with rural areas accounting for 60 per cent of new accounts. The simultaneous rollout of Aadhaar biometric identification reached over 1 billion Indians, creating the authentication layer for digital transactions.

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[10] Alok et al., 2024 (n6)

[11] Sumit Agarwal et al., 'Financial Inclusion and Alternate Credit Scoring for the Millennials: Role of Big Data and Machine Learning in Fintech' (2021) Indian School of Business

[12] Alok et al., 2024 (n6)

The 2016 demonetisation episode, while controversial, inadvertently accelerated digital payment adoption. The sudden cash shortage pushed millions toward digital alternatives, with UPI transactions growing 900 per cent by end-2017 compared to pre-demonetization levels.

4.2   2016–2019: The digital revolution

UPI's launch coincided with Reliance Jio's entry into the telecom market, offering 4G internet at revolutionary prices — INR 5 per GB compared to INR 250–300 charged by competitors. This created powerful complementarities: regions with early Jio tower deployment and high UPI exposure saw significantly greater credit expansion, particularly to new-to-credit borrowers through fintech channels.

Government schemes multiplied during this period. PM-KISAN provided direct income support to farmers through bank transfers. MUDRA loans offered collateral-free credit to micro-enterprises. The PM Street Vendor's *Atma Nirbhar Nidhi* (PM SVANidhi) scheme, launched in response to COVID-19, provided working capital loans to street vendors, recognising them as micro-entrepreneurs deserving formal credit access.

4.3   2020–2024: Consolidation and expansion

The pandemic accelerated digital adoption across all segments. UPI's monthly transaction volume grew from 1.3 billion in January 2020 to over 10 billion by 2023. The government leveraged this infrastructure for emergency cash transfers, reaching millions within days, a feat impossible under traditional distribution mechanisms.

Credit markets transformed fundamentally during this period. Fintechs using alternative data expanded rapidly, with loan disbursements to new-to-credit segments growing at unprecedented rates. Traditional banks, while slower to adapt, began incorporating UPI transaction data into credit assessments, broadening their reach beyond prime borrowers.

5   Measuring impact: Evidence of transformation

The aggregate statistics tell a compelling story. Financial inclusion, measured by formal ac- count ownership, increased from 53 per cent in 2014 to over 94 per cent by 2023.[13] Credit penetration expanded dramatically, with the number of active

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[13]   Ministry of Statistics and Programme Implementation, Comprehensive Annual Modular Survey, 2022-23 (October 2024) Government of India

loan accounts growing by 77 per cent between 2017 and 2021, at a CAGR of 26 per cent. Perhaps most remarkably, the number of unsecured new loan accounts grew at a CAGR of 49 per cent between 2018-2020, driven largely by a growth in small-ticket loans (loan size < |50,000).

Digital payment penetration led by UPI is a significant driver of this credit growt.[14] Specifically, Alok et al. (2024) find that districts with high ex-ante exposure to UPI (through early-adopting banks) experienced 22 per cent greater credit growth compared to districts with low exposure. The quality of financial inclusion improved alongside its quantity — initially. Default rates remained stable or declined in the early years of expansion, indicating that new borrowers were not inherently riskier — they simply lacked opportunities to demonstrate credit-worthiness previously.

Per the Reserve Bank of India (RBI), digital payments grew at a CAGR of 52.5 per cent in terms of volume and 13 per cent in terms of value between 2014-2024. More importantly, rural areas, which have historically been underserved by formal finance, saw particularly dramatic improvements, with digital payment adoption rates gradually converging to urban levels. UPI is the most preferred transaction mode for nearly 38 per cent in rural, 37 per cent in semi-urban, and 43 per cent in India. Rural and semi-urban regions now account for 60 per cent of UPI transactions.[15]

5.1 Synergies and spillovers: The multiplier effect

The true innovation of India's approach lies not in individual programmes but in their orchestrated interaction. PMJDY created accounts, but without UPI, these might have remained dormant. UPI generated transaction data, but without Jio's affordable internet, adoption would have remained urban and elite. Insurance programmes like Ayushman Bharat freed household resources, but without credit access, this liquidity might not translate into productive investments.

Consider the journey of a street vendor: PMJDY provides a bank account, UPI enables ac- accepting digital payments from customers, creating a verifiable income stream. This digital trail enables access to formal credit through PM SVANidhi. Ayushman Bharat insurance protects against health shocks that

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14 Alok et al., 2024 (n6)

15 Ernst & Young, and Confederation of Indian Industry, *Financial Inclusion Through Technology and Literacy in India: Strategies for Sustainable Growth* (2024) accesssed 23 November 2025

might otherwise force loan defaults. Each component reinforces the others, creating resilience exceeding what any single intervention could achieve.

5.2 Case study: The street vendor's renaissance

Perhaps the most vivid illustration of India's financial inclusion model in action is the PM Street Vendor's Atma Nirbhar Nidhi (PM SVANidhi) scheme. Launched in June 2020 to support street vendors affected by COVID-19, it offers collateral-free working capital loans using a behavioral design known as 'laddering': first tranche of INR 10,000, second tranche of INR 20,000 upon repayment, and third tranche of INR 50,000.

The scheme incentivises digital transactions through cashbacks (up to INR 1,200 per year) for accepting payments via QR codes and provides a 7 per cent interest subsidy on timely repayment. This directly links credit to the digital trail creation discussed earlier.

Contrary to skepticism often directed at government loan programmes, PM SVANidhi has demonstrated remarkable repayment discipline. While NPAs under the broader *Pradhan Mantri Mudra Yojana* reached 9.8–13.5 per cent in certain portfolios during 2024–25, PM SVANidhi maintained robust performance. As of July 2024, out of 86.38 lakh loans disbursed, 31.73 lakh loans had been fully repaid to unlock higher tranches. The 'laddering' incentive works: vendors prioritise repaying the INR 10,000 loan quickly to access the INR 20,000 capital.

This validates the core thesis: credit can drive digital adoption, which in turn creates data for future credit.

6 Critical concerns: The quality and sustainability of credit expansion

While the expansion of credit access represents a remarkable achievement, fundamental questions remain about the nature and sustainability of this lending boom. These concerns strike at the heart of whether financial inclusion is genuinely empowering or potentially creating new forms of vulnerability.

6.1 The usage question: Productive investment versus consumption

Perhaps the most critical unknown in India's financial inclusion story is how newly accessed credit is being utilised. The limited available evidence raises

concerns. While policymakers hoped that expanded credit would fuel micro-entrepreneurship and productive investments, anecdotal evidence suggests substantial portions flow toward consumption, including discretionary spending on smartphones, motorcycles, and social obligations like weddings.

The absence of systematic data on credit utilisation represents a major blind spot in evaluating programme success. Without understanding whether loans finance productive assets that generate returns exceeding borrowing costs, we cannot assess whether financial inclusion is creating sustainable pathways out of poverty or temporary consumption smoothing that leaves borrowers worse off in the long term.

6.2 The price of inclusion: Interest rates and hidden costs

While digital infrastructure has reduced transaction costs, the actual price of credit for newly included borrowers remains concerningly high. Microfinance institutions continue charging interest rates ranging from 18–26 per cent annually, while digital lenders often charge even more when processing fees and other charges are included. For small-ticket loans with short tenures, annualised rates can exceed 36 per cent.

These high rates may reflect genuine costs and risks inherent in serving new-to-credit populations, but they also raise questions about sustainability. When borrowing costs exceed realistic returns from micro-enterprise investments, credit access may create debt burdens rather than economic opportunities. The lack of transparency in pricing, with complex fee structures obscuring true costs, particularly disadvantages financially unsophisticated borrowers. One key reform needed here is to simplify and increase transparency in loan contract terms, such as highlighting the effective cost of credit, inclusive of all hidden fees, rather than just the APR.

6.3 Debt trap dynamics: Early warning signs

Emerging evidence suggests concerning patterns of over-indebtedness in some regions. Multiple lending without adequate information sharing between lenders has led to borrowers accessing credit from multiple sources simulta-neously. The average number of active loans per borrower in some districts has increased from 1.2 to 2.8 between 2019 and 2023, suggesting either healthy credit deepening or dangerous over-leveraging.

The rapid growth of digital lending apps, many operating in regulatory gray areas, has exacerbated these risks. Reports of aggressive collection practices,

hidden charges, and loanrecycling (taking new loans to repay old ones) are becoming more common. While aggregate default rates remain manageable, they may be artificially suppressed by ever-greening and the continuous entry of new borrowers that masks deteriorating portfolio quality among earlier cohorts.

6.4 Information asymmetry in the digital age

While UPI transaction data provides new information for credit assessment, it may create its own distortions. Borrowers increasingly understand that digital transactions influence credit access, potentially leading to artificial transaction creation or manipulation. The gaming of digital footprints represents a new form of information asymmetry that traditional credit scoring models are not designed to detect.

Moreover, the algorithmic nature of fintech lending, while efficient, may embed biases or make systematic errors that only become apparent during economic stress. The COVID-19 pandemic provided an early stress test, with many digital lenders experiencing higher than expected defaults, raising questions about the robustness of alternative credit scoring models.

7   Remaining challenges: The unfinished agenda

Beyond concerns about credit quality and sustainability, other significant challenges persist in achieving truly inclusive finance.

7.1 Gender inequality

Despite remarkable progress, gender inequality in financial access remains particularly acute. While women account for 55 per cent of PMJDY accounts, the share of credit received by women under 30 remains disproportionately low at approximately 27 per cent, compared to 40 per cent for men.[16] Cultural barriers, limited asset ownership for collateral, and restricted mobility continue to constrain women's financial empowerment.

More concerningly, when women do access credit, it often comes through joint liability groups or with male family member guarantees, limiting their financial autonomy. The digitalisation of finance, while removing some barriers, may create new ones as women have lower smartphone ownership and digital literacy rates than men.

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[16] ANITI Aayog, 'From Borrowers to Builders: Women's Role in India's Financial Growth Story' (2025) accessed 23 November 2025

7.2 The last mile problem

The digital divide, while narrowing, has not disappeared. Remote areas still lack reliable internet connectivity, with nearly 25,000 villages lacking mobile coverage entirely.[17] Digital literacy remains limited among older populations and in certain regions. The sophisticated cyber-fraud ecosystem preys particularly on new digital users, potentially undermining trust in digital financial systems.

Language barriers compound these challenges. Most fintech applications operate primarily in English and Hindi, excluding millions who speak only regional languages. The complexity of terms and conditions, even when translated, remains beyond the comprehension of many users.

7.3 Regulatory gaps and systemic risks

Regulatory frameworks have not kept pace with innovation. The rapid proliferation of digital lenders has outstripped regulatory capacity, with hundreds of apps operating without proper oversight. Data privacy concerns grow as financial footprints expand, while data protection legislation and enforcement remain nascent.

The concentration of digital payments through a few large players raises systemic risk concerns. UPI's dominance, while enabling network effects, creates single points of failure. The lack of interoperability with international payment systems hinders remittance flows, a vital source of income for many businesses.

8. Conclusion

8.1 Lessons for global development

India's experience offers valuable lessons for other developing economies pursuing financial inclusion, both in terms of successes to emulate and pitfalls to avoid.

- First, public digital infrastructure can dramatically alter the economics of financial services, enabling sustainable market-based solutions where none existed previously. However, infrastructure alone is insufficient — complementary interventions in regulation, financial literacy, and consumer protection are essential.

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17 Sana Ali, 'Over 25,000 Villages Lack Mobile Connectivity, Govt Data Shows' Business Today (3 February 2022) accessed 23 November 2025

- Second, financial inclusion requires a systems approach, as isolated interventions rarely achieve transformative impact. The sequencing matters: foundational infrastructure (identity, accounts, connectivity) must precede more sophisticated services.

- Third, the government's role is not to replace markets but to complete them, intervening where market failures persist while enabling private innovation elsewhere. However, this requires sophisticated regulatory capacity to prevent exploitation of newly included, often vulnerable populations.

- Fourth, measuring success requires looking beyond headline numbers of accounts opened or loans disbursed to examine usage patterns, terms of access, and long-term impacts on household welfare. The absence of systematic data on these dimensions represents a critical gap in evidence-based policymaking.

- Finally, financial inclusion is not an end but a means — the ultimate goal is economic empowerment and improved livelihoods. Without attention to the productive deployment of credit and the sustainability of borrowing, financial inclusion risks becoming financial entrapment.

7.4 The promise and peril

India's financial inclusion journey demonstrates both the tremendous potential and inherent risks of rapid financial system expansion. The creation of digital public infrastructure has undeniably transformed access to financial services for hundreds of millions. The innovative combination of identity, payments, and account infrastructure created possibilities that neither government programs nor market forces alone could achieve.

Yet, as credit expands into previously unserved populations, fundamental questions about sustainability and impact demand urgent attention. Are we witnessing genuine financial empowerment or the creation of new dependencies? Does expanded credit access facilitate economic mobility or entrench existing inequalities through unsustainable debt?

The answer likely varies across contexts and populations. For some, particularly established micro-entrepreneurs and those with steady income streams, access to formal credit represents a genuine opportunity. For others, particularly those using credit for consumption or facing volatile incomes, current lending practices may create more problems than they solve.

Moving forward, India's financial inclusion agenda must evolve from focusing on access to emphasising responsible and productive finance. This requires better data on credit utilisation and its impact, stronger consumer protection frameworks, and innovative products that align borrowing costs with realistic returns from productive investments, perhaps using payment innovations like the digital rupee (e-rupee) to monitor end-use. Financial literacy and capability building must accompany the expansion of access.

As countries worldwide grapple with inequality and exclusion, India's experience provides both inspiration and cautionary lessons. Financial inclusion at scale is possible through public digital infrastructure and coordinated policy intervention. However, without careful attention to the terms, uses, and sustainability of financial access, inclusion efforts risk replacing one form of exclusion with another — transforming the unbanked into the indebted without genuine economic advancement.

The ultimate measure of success will not be the number of accounts opened or loans disbursed, but whether financial inclusion enables sustained improvements in livelihoods and genuine pathways out of poverty. This remains an open question, demanding continued research, policy innovation, and honest reckoning with both the promises and perils of financial inclusion.

Cervical Cancer Prevention: The Path Travelled and Way Ahead

Jayashree N.* and Hemanth Raj E.**

Abstract

Human papillomavirus (HPV) has been shown to have causal role for cervical cancer, which contributes to nearly 5 per cent of all cancers worldwide, with a disproportionately heavy burden in low-and middle-income regions like Southeast Asia and India. The article details the pathogenesis of HPV-related malignancies, driven by the persistent action of E6 and E7 oncoproteins that suppress host immunity and cell-cycle guardians.

Prevention efforts focus on prophylactic HPV vaccination providing primary prevention and screening for cervical cancer, providing secondary prevention. HPV vaccination offers high effectiveness against infection and precancerous lesions, as confirmed by global real-world data. Complementing this is cervical cancer screening, primarily through Visual Inspection with Acetic Acid (VIA) in low-resource settings, or Pap/HPV DNA tests, to detect pre-symptomatic disease. Implementation of a vaccination programme in adolescent age group pose challenges due to barriers at multiple levels from planning these preventive efforts to cmmunity impact, multiple challenges need to be faced. Implementing the programme at a small scale as a pilot and expanding its scope to a larger population will help reduce hurdles on the way to successful implementation. A well planned and executed pilot programme along with a committed and experienced team to sustain the programme thorough all steps from concept to implementation during its expansion will surely bring success to the programme.

The article highlights India's commitment, including the impending national rollout of the indigenous HPV vaccine for girls aged 9–14 under the Universal Immunisation Programme, and existing screening programmes under the NP-NCD and Ayushman Bharat. The existing socioeconomic disparities, sociocultural inhibitions and infrastructural challenges remain significant barriers. This article tries to bring efforts within the framework of WHO's '90-70-90' global elimination targets for 2030, emphasising that sustained commitment and coordinated public health measures are essential to eliminate cervical cancer as a public health problem.

Keywords: HPV vaccination, cervical cancer screening, barriers to screening, implementation challenges

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1. Introduction

Human papillomavirus (HPV) represents one of the most significant infectious etiological agents in global oncology, fundamentally altering the landscape of cancer epidemiology and prevention. With its established oncogenicity, HPV has emerged as the preeminent driver behind cervical cancer and is implicated in a spectrum of malignancies affecting both sexes. About 5 per cent of women in the general population are found to be infected with HPV. The prevalence of HPV infection is higher among women who are less than 30 years, with the rate falling after 30 years. The introduction of prophylactic HPV vaccines marks a transformative milestone in public health, offering the promise of curtailing HPV-driven cancers, particularly cervical cancer — a disease disproportionately burdening women in low- and middle-income regions.

1.1. Prevalence of HPV-related cancers: A global and regional perspective

HPV infection is responsible for an estimated 5 per cent of all cancers world-wide. Cervical cancer constitutes many HPV-related malignancies, yet the viral burden extends to include other anogenital and oropharyngeal cancers in both women and men. The burden is exacerbated in specific geographies, most notably in Southeast Asia and India, where factors such as healthcare access disparities, low vaccination rates, and limited screening compound the disease burden.[1] Table 1 shows the epidemiological information about cervical cancer.

Table 1: Prevalence of HPV-related cancers in men and women

Region	HPV-related cancers in women (cases/ prevalence)	HPV-related cancers in men (cases/ prevalence)	Other information
Global	620,000 new cases/year[2]	70,000 new cases/year	Cervical cancer is overwhelmingly the principal HPV-related cancer in women; oropharyngeal and anogenital cancers are relevant for men.

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[1] Durre Aden, Sufian Zaheer S, et al., 'Navigating the Landscape of HPV-associated Cancers: From Epidemiology to Prevention' (2024) 263 Pathol - Res Pract 155574

[2] WHO, 'Human Papillomavirus and Cancer' (WHO, 05 March 2024) https://www.who.int/news-room/fact-sheets/detail/human-papilloma-virus-and-cancer

Region	HPV-related cancers in women (cases/ prevalence)	HPV-related cancers in men (cases/ prevalence)	Other information
Southeast Asia	Prevalence ~14% (HPV in women)[3]	Variable: data limited	Southeast Asia displays one of the highest regional prevalences of high-risk HPV infections among women. Cervical cancer is the most common HPV-driven cancer; data for men are less robust but indicate increasing oropharyngeal cases.
India	121,302 cases projected (2025)[4]	Oropharyngeal most common. Data limited	In India, cervical cancer represents 87.6% of HPV-related cancers in females and oropharyngeal cancer 63.2% in males; projections indicate a persistent and substantial disease burden due to HPV-associated malignancies.

- Cervical cancer alone accounts for more than 90 per cent of HPV-driven malignancies in women, while the incidence of HPV-related oropharyngeal cancers in men is rising.

- Southeast Asia exhibits a high prevalence of cervical HPV infection among women (~14%). This prevalence underpins the region's substantial disease burden, which is compounded by inconsistent screening and variable vaccine uptake.[5]

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3 Thilagavathi Ramamoorthy, et al., 'Epidemiology of Human papillomavirus Related Cancers in India: Findings from the National Cancer Registry Programme' [2022] ecancer http://ecancer.org/en/journal/article/1444-epidemiology-of-human-papillomavirus-related-cancers-in-india-findings-from-the-national-cancer-registry-programme accessed 6 August 2025

4 Thialgaathi Ramamoorthy et al., 'Burden of Cervical Cancer in India: Estimates of Years of Life Lost, Years Lived with Disability and Disability Adjusted Life Years at National and Subnational Levels Using the National Cancer Registry Programme Data' (2024) 21(1) Reproductive Health 111

5 Chichao Xia, Sile Li et al., 'Current Updates on Cancer-Causing Types of Human Papillomaviruses (HPVs) in East, Southeast, and South Asia' (2021) 13(11) Cancers 2691

- In India, HPV-related cancers represent a major portion of infection-related malignancies, with about 7.7 per cent of all cancers being HPV-attributable.

1.2. Pathogenesis of HPV-related cancers: Insights from contemporary literature

The mechanisms underlying HPV-induced malignancy have been elucidated through decades of molecular and clinical research, delineating a complex interplay of viral genetics and host cell biology.

In simple terms, HPV bargains for some space to stay in the cervical epithelial milieu. Our body does not recognise the implications of allowing HPV to stay in cervical epithelium, considering it like any other harmless pathogen who uses our body to live. HPV also behaves harmless for a short while if allowed to stay more it takes advantage of the situation. When our bodies immunity is not sufficient enough, with an environment favourable for persistence of HPV, it takes advantage of this situation. HPV uses its tools called E6 and E7 proteins. With its tools HPV suppress the host immune system and takes control of the dividing cells in the cervical epithelium in its favour. Thus, the infection progresses from its status as a simple asymptomatic innocuous infection to advanced cervical cancer when persistent HPV infection and possible sequelae are not intervened.

1.3. Methods to prevent cervical cancer

1.3.1. How does cervical cancer screening work?

Cervical cancer screening works by detecting the disease before any symptoms appear, making treatment more effective. The process is typically quick and performed during a pelvic exam. The main tests performed are the HPV test, which checks for high-risk types of Human Papillomavirus (HPV) that cause cancer, and the Pap test/ Visual Inspection with Acetic acid (VIA) test, which looks for abnormal cell changes.

1.3.2 How HPV vaccination works?

The Human Papillomavirus (HPV) vaccine works by preparing the body's immune system to fight off future infections with the virus, which is a primary cause of several types of cancer, including cervical cancer. The vaccine achieves this without using any live virus; therefore, it cannot cause an HPV infection.

Vaccine contains engineered particles called Virus-Like Particles (VLPs) which are structurally like the outer shell of the HPV virus but are hollow and contain none of the virus's infectious DNA.[6]

When the vaccine is administered, the immune system recognises these VLPs as foreign invaders and initiates a powerful defensive response, producing high levels of neutralising antibodies, which are specialised proteins designed to target and bind to the HPV virus. This process effectively 'trains' the immune system, creating a long-lasting immunological memory.

If a vaccinated individual is later exposed to the actual HPV virus, their immune system is already primed to react swiftly and effectively. This vaccine-induced immunity is significantly stronger and more durable than the immune response generated by a natural HPV infection.

2. Cervical cancer prevention efforts in India

2.1. Screening programmes

2.1.1. National Level Initiatives: The Government of India has integrated cervical cancer screening into its national health initiatives.

- National Programmes: Since 2010, cervical cancer screening has been a component of the National Programme for Prevention and Control of Non-Communicable Diseases (NP-NCD).[7] In 2016, the government issued comprehensive guidelines for screening for cervical, breast, and oral cancers, which are to be implemented by all states. [8]

- Ayushman Bharat: Under the Ayushman Bharat scheme, as of 20 July 2025, official data indicates that 10.18 crore women out of an eligible population of 25.42 crore females aged 30 and older have been screened for cervical cancer.[9]

- Screening methods: The national guidelines advocate for VIA, a low-cost method suitable for low-resource settings that can be performed by trained health workers.

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[6] Ayazhan Akhatova, Azliyati Azizan and others, 'Prophylactic Human Papillomavirus Vaccination: From the Origin to the Current State' (2022) 10(11) Vaccines 1912

[7] Thialgaathi Ramamoorthy et al., (n 4)

[8] Yadavar S, 'Delivering Cervical Cancer Screening Across India: The Plan... And The Practice' (2022) Cancerworld Magazine https://cancerworld.net/delivering-cervical-cancer-screening-across-india-the-plan-and-the-practice/ accessed 6 August 2025

[9] Ministry of Health and Family Welfare, '10.18 Crore Women Screened for Cervical Cancer Under Ayushman Arogya Mandirs and NHM' (2025) Ministry of Health and Family Welfare https://www.mohfw.gov.in/?q=en%2Fpressrelease-279 accessed 6 August 2025

- Target population: The screening guidelines recommend that women aged 30-65 should be screened.[10],[11]

2.1.2. Cervical cancer screening efforts in Tamil Nadu

Tamil Nadu has been a pioneer in non-communicable disease intervention, which includes screening for cervical cancer.

2.1.2.(i) Government-led screening initiatives

The state's efforts are primarily channelled through the National Programme for Prevention and Control of Cancer, Diabetes, Cardiovascular Diseases and Stroke (NPCDCS). This programme provides screening, treatment, and follow-up services for cervical and breast cancer to all individuals aged 30 and above who visit any government health facility in the state.[12]

Key aspects of the government's strategy include:

- Targeted screening: The programme focuses on women aged 30 to 60, who are considered at-risk.[13]

- Screening method: VIA is the primary screening tool. Between 2012-20, over 22.6 million women were screened for cervical cancer using the VIA test in government facilities. Pap smears are also utilised in screening efforts.[14]

- Pilot programmes and scaling up: The state initiated a pilot programme for cervical cancer screening in the rural, agricultural districts of Theni and Thanjavur. Following its success, the programme was scaled up to cover all districts in the state.

2.1.2 (ii) Enhanced programmes: The Tamil Nadu Health Systems Project (TNHSP) has been running a long-standing screening programme for cervical and breast cancer.[15] Additionally, a project in collaboration with

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[10] Yadavar S (n 8)

[11] 'Tamil Nadu Health System Project (TNHSP)' Department of Health & Family Welfare, Government of Tamil Nadu, https://tnhsp.org/tnhsp/screening-cervical-cancer-and-breast-cancer.php

[12] 'Cancer, Diabetes, Cardiovascular Programme (NPCDCS)' National Health Mission Tamil Nadu, Department of Health & Family Welfare, Government of Tamil Nadu, India https://www.nhm.tn.gov.in/en/nhm-programsnon-communicable-diseases/national-programme-for-prevention-and-control-of-cancer

[13] 'Tamil Nadu Health System Project (TNHSP)' (n 11)

[14] ibid..

[15] E Vidhubala et al., 'Cervical Cancer Care Continuum in South India: Evidence from a Community-based Screening Program' (2020) 10(1) Journal of Epidemiology and Global Health 28, 35

the Japan International Cooperation Agency (JICA), running from April 2022 to March 2026, aims to enhance the existing screening programme by improving data management, sending personal invitations for screening, and building capacity among health administrators.[16]

2.1.3. Challenges in screening coverage

Despite government programmes, screening rates in India remain critically low.

- Low uptake: National surveys have revealed that screening coverage is poor, with studies showing a range of 2.2-7 per cent. A significant disparity exists between urban areas (4.0 per cent screened) and rural areas (1.3 per cent screened).

- Barriers to screening: Key obstacles include a lack of public awareness about cervical cancer and the importance of screening. Furthermore, the healthcare system faces a shortage of trained manpower and inadequate infrastructure for follow-up procedures like colposcopy and treatment, especially in rural regions, reducing the effectiveness of screening activities on ground.

3. The imperative of HPV vaccination

HPV vaccination have conferred a new era in cancer prevention. The real-world data show effectiveness of early vaccination — prior to first sexual contact — with reductions in cervical neoplasia of up to 90 per cent in highly immunised populations.

The potential for HPV vaccination extends beyond cervical cancer prevention, evidence support its impact on other anogenital and oropharyngeal cancers. Efforts to expand gender-neutral vaccination programmes are particularly pertinent in regions where the burden of these malignancies is growing in men.

Yet, significant challenges persist. Geographic, socioeconomic, and cultural barriers impede the expansion and uptake of HPV vaccination in regions most afflicted by HPV-driven cancers, especially Southeast Asia and India. Addressing these inequities is essential to realise the full potential of HPV vaccination as a global public health intervention.

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[16] Health & Family Welfare Department, Government of Tamil Nadu, 'Tamil Nadu Urban Healthcare Project' Tamil Nadu Urban Healthcare Project https://tnuhp.org/tnncdReadmore.php

HPV vaccination thus stands at the vanguard of modern cancer prevention. By breaking the chain of HPV transmission and abrogating the viral precursors of malignancy, it offers a pivotal strategy to mitigate the substantial and disparate global burden of HPV-related cancers.

3.1 Available HPV vaccines in India

Human papillomavirus (HPV) is the most common sexually transmitted infection, with 15 HPV types related to cervical, anal, oropharyngeal, penile, vulvar, and vaginal cancers.

Three HPV vaccines have been licensed:

- Quadrivalent Gardasil against HPV 6,11,16,18 (Merck, Sharp & Dome (Merck & Co, Whitehouse Station, NJ, USA);

- Nonavalent Gardasil 9 against 6, 11, 16, 18, 31, 33, 45, 52, and 58 (Merck, Sharp & Dome (Merck & Co, Whitehouse Station, NJ, USA));

- Quadrivalent Cervavac against HPV 6,11,16,18 (Serum Institute of India Pvt ltd, India).

The current HPV vaccine recommendations apply to 9-26 years old and adults aged 27–45 years who might be at risk of new HPV infection and benefit from vaccination. The primary target population for HPV vaccination recommended by the WHO is girls aged 9 – 14 years, prior to their becoming sexually active, to undergo a two-dose schedule and girls ≥15 years of age, to undergo a three-dose schedule.

Safety data for HPV vaccines have indicated that they are safe. HPV vaccines are highly immunogenic. Comparisons of the efficacy of bivalent, quadrivalent, and nonavalent vaccines against HPV 16/18 showed that they are similar against HPV 6/11/16/18. However, the nonavalent vaccine can provide additional protection against HPV 31/33/45/52/58. Moreover, the direct effect of the nonavalent vaccine with the cross-protection of bivalent and quadrivalent vaccines results in the reduction of HPV 6/11/16/18/31/33/45/52/58.

HPV vaccination has also been shown to provide herd protection. Two-dose HPV vaccine schedules showed no difference in seroconversion from three-dose schedules. Evidence are emerging for the use of a single-dose HPV vaccination schedule. Countries that have implemented HPV vaccination programmes in their universal immunisation programmes are switching to single-dose schedules.

For males, HPV vaccine possibly reduces the incidence of external genital lesions, persistent infection with HPV 6/11/16/18 and HPV related cancers.

3.2. Efforts by the government of India towards HPV vaccination

The Indian government is preparing to roll out a national HPV vaccination campaign targeting girls aged 9 to 14. The programme will be integrated into the existing Universal Immunisation Programme (UIP). The first announcement towards this was in December 2022. The announcement by the Indian finance minister during the release of budget gave more momentum in the HPV vaccination awareness activities. The goal is to administer single/ two-dose schedule for girls in the age group of 9-14years .

3.2.1 Indigenous vaccine: CERVAVAC

A key development in India's vaccination effort is the introduction of the indigenous quadrivalent HPV vaccine, CERVAVAC . Developed by the Serum Institute of India (SII) in collaboration with the Department of Biotechnology (DBT), CERVAVAC offers protection against four HPV types: 6, 11, 16, and 18 .

The development of a domestic vaccine is a significant step, as it is expected to be more affordable than internationally manufactured vaccines, making a large-scale public health programme more feasible .

3.2.2. Implementation and pilot programmes

Before the nationwide launch, several Indian states, including Sikkim, Delhi, and Punjab, have already implemented HPV vaccination programmes with positive results. Sikkim, for instance, launched its programme in 2016 and achieved a 97 per cent coverage rate for the first dose among eligible girls. These state-level initiatives have provided valuable insights for the national rollout.

3.3 HPV vaccination initiatives in Tamil Nadu

The Government of Tamil Nadu has made HPV vaccination a priority in its health budget, demonstrating a strong commitment to eradicating cervical cancer.[17]

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[17] 'TN Budget 2025: Girls Aged 14 to be Vaccinated Against HPV' The New Indian Express (15 March 2025) https://www.newindianexpress.com/states/tamil-nadu/2025/Mar/15/tn-budget-2025-girls-aged-14-to-be-vaccinated-against-hpv accessed 6 August 2025

Target population: The primary focus of the state's programme is girls aged 9 to 14 years. Specifically, the 2025-2026 budget outlines a plan to vaccinate all girls aged 14.[18]

Budget allocation: For the fiscal year 2025-2026, the government has allocated ₹36 crore to procure and administer the HPV vaccine. This funding is part of a larger investment in the Health and Family Welfare Department, which has seen an 8.5 per cent increase in its budget.

- Implementation: The programme is being rolled out as a state-level initiative. The vaccination drive was launched in early March 2024 at Villupuram as an pilot vaccination initiate of Cancer Intitute (WIA). With the budget allocation for HPV vaccination this initaiative will expand across the state.

- Coordination with national programme: Coordinated effort between state and central government is mandatory for complete coverage of target population.

3.4. WHO goals for elimination of cervical cancer by 2030

The World Health Organization's (WHO) goal for the elimination of cervical cancer is centered on achieving specific '90-70-90' targets by the year 2030.[19] [20] This initiative, known as the 'Global Strategy to accelerate the elimination of cervical cancer as a public health problem' was adopted by the World Health Assembly in August 2020.

The strategy rests on three key pillars and their corresponding targets to be met by 2030:

- 90% vaccination: 90 per cent of girls are to be fully vaccinated with the Human Papillomavirus (HPV) vaccine by the age of 15.

- 70% screening: 70 per cent of women are to be screened for cervical cancer using a high-performance test by age 35 and again by age 45.

- 90% treatment: 90 per cent of women identified with cervical disease receive treatment, which includes managing both pre-cancerous lesions and invasive cancer.

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[18] ibid.

[19] WHO, 'Cervical Cancer Elimination Initiative' https://www.who.int/initiatives/cervical-cancer-elimination-initiative accessed 6 August 2025

[20] UICC, 'Cervical Cancer Elimination' https://www.uicc.org/what-we-do/thematic-areas/cervical-cancer-elimination accessed 6 August 2025

The ultimate goal of this strategy is to eliminate cervical cancer as a public health problem i.e. less than four cases per 100,000 women. Projections estimate that achieving these targets could avert 74 million new cases of cervical cancer and 62 million deaths by the year 2120. The WHO has also designated 17 November as World Cervical Cancer Elimination Day, which will be observed annually.

3.5. Effect of HPV vaccination real world data

The implementation of Human Papillomavirus (HPV) vaccination programmes in countries across the globe has led to a dramatic and measurable reduction in prevalence of the HPV types targeted by the vaccine(90 per cent), HPV-related diseases, most notably cervical cancer. Real-world data from nations with high vaccine uptake demonstrates the profound success of this public health intervention in preventing infections, precancerous lesions, and invasive cancer.[21] [22] [23]

The goal of HPV vaccination is to prevent cancer, and landmark studies from England and Sweden have confirmed its effectiveness, nearly 90 per cent reduction in cervical cancer incidence among those vaccinated before the age of 17. Researchers in Norway have reported finding no cases of cervical cancer caused by HPV in 25-year-olds, a testament to the vaccine's impact. These vaccination efforts are a cornerstone of the WHO's global strategy to eliminate cervical cancer, which has already averted millions of potential cases.

3.6. Experience from prevention efforts of Cancer Institute (WIA), Adyar

The institute's cervical cancer screening programme was initiated at its main premises in Chennai and was subsequently expanded through a satellite programme implementing district-wide screening. This expansion began in the Villupuram district in 2014 and was progressively extended to include the Tiruvallur district in 2016, the Pudukkottai and Tiruvannamalai districts in 2018, and the Sivagangai district in 2022. To date, these comprehensive screening initiatives have reached over 200,000 women. Screening by self-

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[21] Marta Falcaro, et al., 'Effect of the HPV Vaccination Programme on Incidence of Cervical Cancer and Grade 3 Cervical Intraepithelial Neoplasia by Socioeconomic Deprivation in England: Population Based Observational Study' (2024) BMJ 385 e077341 <https://www.bmj.com/content/385/bmj-2023-077341> accessed 6 August 2025

[22] S Kamolratanakul and P Pitisuttithum, 'Human Papillomavirus Vaccine Efficacy and Effectiveness against Cancer' (2021) 9(12) Vaccines 1413

[23] Marc Brisson et al, 'Impact of HPV Vaccination and Cervical Screening on Cervical Cancer Elimination: A Comparative Modelling Analysis in 78 Low-income and Lower-middle-income Countries' (2020) 395(10224) The Lancet 575–590 <https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30068-4/fulltext> accessed 6 August 2025

sampling and studies on barriers to screening by our team bring more insights for implementing cervical cancer screening more successfully.

In parallel with screening efforts, an early proposal for a pilot project on HPV vaccination, submitted by Dr Shanta, could not be pursued initially due to significant barriers. The project was later revisited, and after securing the necessary approvals, the Cancer Institute (WIA) HPV vaccination programme was officially inaugurated by the Chief Minister of Tamil Nadu on 8 March 2024, in Villupuram district.

Ongoing HPV awareness campaigns in schools, coupled with capacity-building efforts for vaccination activities, have led to a positive shift in public perception of the vaccine. Consequently, there has been a notable increase in inquiries for HPV vaccination from various parts of Tamil Nadu. To date, approximately 4,500 doses of the HPV vaccine have been administered across the Chennai and Villupuram districts. The institute continues its efforts to build on this momentum through enhanced capacity and increased funding. A convergence of support from philanthropic stakeholders, united by a shared commitment to the cause of cervical cancer elimination, has been instrumental to the programme's progress. This backing bolster the team's morale and enhances its capacity to intensify its work.

Research works are on to find newer methods and to improve existing screening methods and invent new screening tests which will circumvent the barriers for cervical cancer screening, reduce the screening frequency, increase the sensitivity and specificity of screening tests, reduce the cost and patient-centric. Research on inventing cost-effective portable colposcopes is also underway. The institute is also part of research on HPV vaccination.

4.   Conclusion: The path forward

The journey toward the elimination of cervical cancer is no longer an aspiration but a tangible public health objective. Overcoming the challenges in the path, the transformative power of prophylactic HPV vaccination and systematic screening — two pillars that form the foundation of the WHO's '90-70-90' global elimination targets needs to be conveyed to every beneficiary to achieve victory over cervical cancer.

Platform Ethics and Free Speech in India's Digital Age: Constitutional Reflections

Arghya Sengupta* and Swapnil Tripathi**

Abstract

This article examines the evolving relationship between constitutional free speech guarantees and the responsibilities of digital platforms in contemporary India. While Article 19(1)(a) limits the State's ability to restrict expression, the proliferation of online platforms has shifted a substantial portion of speech governance to private actors. These platforms, although not bound by the same constitutional constraints, increasingly function as arbiters of public discourse — determining what content is amplified, moderated, or removed.

The article advances two central claims. First, it distinguishes between speech restrictions imposed by the State and internal content moderation frameworks developed by platforms, highlighting the distinct normative expectations that attach to each. Second, it argues that while the State has undertaken some efforts to regulate digital speech within constitutional limits, there is an urgent need to articulate normative obligations for platforms — particularly those grounded in ethical, transparent, and accountable governance practices.

Finally, the article contends that frameworks for platform ethics cannot be wholly global or ahistorical. They must instead reflect domestic constitutional cultures, institutional capacities, and democratic commitments. The inquiry thus situates platform responsibility within a broader constitutional culture of rights, duties, and participatory governance.

Keywords: freedom of speech, platform ethics, digital platforms, intermediaries

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1. Introduction

Freedom of speech is a foundational value of liberal democracies. In India, it finds formal articulation in Article 19(1)(a) of the Constitution,[1] which guarantees to all citizens the right to freedom of speech and expression. This traditional model, where constitutional protections are designed to insulate citizens from state action, rests on an assumption that the state is the primary actor when it comes to amplifying or restricting public discourse. This assumption no longer holds true.

The contemporary architecture of speech has shifted decisively to privately owned digital platforms such as X (formerly Twitter), YouTube, Instagram, and Facebook. These platforms now constitute the principal arenas for political debate, cultural expression, and civic participation. Their scale is unprecedented: India alone hosts over 460 million YouTube users[2] and 390 million Instagram accounts,[3] making them critical actors in shaping public discourse. Scholars have termed these platforms as 'modern public squares'[4] and 'new governors'[5] of online speech — curating, ranking, and removing content through opaque algorithmic and human moderation systems.

Yet Indian free speech doctrine remains anchored in a state–citizen framework. This is important as the role of the state has shifted from being the primary actor shaping public narrative to its primary regulator. Scrutiny of state action in regulating — or failing to regulate — speech therefore continues to matter. But this framework can no longer ignore, nor substitute for, the internal codes of conduct that govern digital platforms. These platforms, though central to contemporary public discourse, operate entirely through private contractual arrangements and unilateral moderation policies. Their Terms of Service permit platforms to revise rules at their sole discretion, often with minimal notice to users, and impose heavily one-sided dispute-resolution mechanisms. Users must bring all claims exclusively before courts in specified jurisdictions, consent to personal jurisdiction there, and in many cases waive the right to participate in class actions, while platforms reserve the

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[1]   The Constitution of India, art. 19(1)(a)

[2]   World Population Review, 'YouTube Users by Country' https://worldpopulationreview.com/country-rankings/youtube-users-by-country accessed 17 November 2025

[3]   World Population Review, 'Instagram Users by Country' https://worldpopulationreview.com/country-rankings/instagram-users-by-country accessed 17 November 2025

[4]   Packingham v North Carolina 137 S Ct 1730 (2017)

[5]   Kate Klonick, 'The New Governors: The People, Rules, and Processes Governing Online Speech' (2018) 131 Harvard Law Review 1598

discretion to pursue claims against users in any forum of their choosing.[6] These asymmetrical provisions highlight the absence of procedural safeguards and the practical impossibility of meaningful redress for Indian users, thereby creating a governance vacuum ill-suited to the digital age.

This article addresses that vacuum by proposing a values-based model of platform ethics —grounded in constitutional principles but adapted to India's linguistic diversity, social complexities, and democratic aspirations. It is presented as a model not only for India but for active consideration of countries in the Global South with similar cultural mores and historical trajectories.

2. The constitutional framework: The state-citizen paradigm and its limits

As discussed above, the Indian Constitution guarantees to all citizens the right to freedom of speech and expression under Article 19(1)(a), subject to the restrictions enumerated in clause (2).[7] The Supreme Court has adopted an expansive interpretation of this right, extending protection to a range of expressive freedoms — including political speech,[8] artistic expression,[9] the right to receive information,[10] and even the right to remain silent.[11] It has also recognised that these protections extend to digital modes of communication as well,[12] acknowledging the evolving nature of expression in a technologically mediated society.

However, these rights are traditionally only vertically enforceable:[13] they apply only against the 'State' as defined under Article 12, which includes the union and state governments, legislatures, and authorities controlled by the State. A significant

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[6] For example, X's Terms of Service require that 'all disputes... be brought exclusively in the U.S. District Court for the Northern District of Texas or state courts located in Tarrant County, Texas,' with users consenting to personal jurisdiction and waiving objections to inconvenient forum. At the same time, the Terms allow X, 'in its sole discretion,' to pursue claims against users in 'any competent court in the country in which you reside,' and additionally require users to waive class-action and collective-action participation. See, X Corp, Terms of Service (effective 15 November 2024) https://x.com/tos accessed 18 November 2025. In contrast, Meta's Terms of Service permit users to file claims in the jurisdiction in which they reside, do not contain a comparable class-action waiver, and stipulate that users shall be informed of revisions to the policy. See, Meta, Terms of Service https://www.facebook.com/terms/ accessed 18 November 2025

[7] The Constitution of India, art. 19(2)

[8] Romesh Thappar v State of Madras AIR 1950 SC 124

[9] S. Rangarajan v. P. Jagjivan Ram, 1989 (2) SCC 574

[10] Prabhu Dutt v. Union of India, AIR 1982 SC 6

[11] In Re Noise Pollution (N) In Re, AIR 2005 SC 3136

[12] Shreya Singhal v. Union of India, AIR 2015 SC 1523

[13] There are recent judgments where the courts have hinted at a horizontal application of some fundamental rights. See, Kaushal Kishor v State of Uttar Pradesh, Writ Petition (Criminal) No 113 of 2016 (SC)

doctrinal development in this regard is the court's recognition that its writ jurisdiction under Article 226 may extend to private entities performing 'public functions' — that is, functions integral to State responsibility or undertaken in furtherance of public obligations.[14] Courts have further clarified that this inquiry depends not on the identity of the entity but on the nature and context of the functions it performs.

Despite this interpretive latitude, Indian courts have been reluctant to classify digital platforms as performing a public function. In a recent case, the Delhi High Court ruled that X Corp. (formerly Twitter) was not amenable to writ jurisdiction. The court reasoned:

> "X Corp. provides a digital platform for communication and social interaction... it is a privately owned entity that operates without specific governmental delegation or statutory obligations to perform any public duty... While 'X' plays a critical role in information dissemination and influencing public opinion, its core function is to provide a platform for expression—a service that has 'public discourse' as consequence, yet is private in operation... Thus, it cannot be said that X Corp performs a public function or discharges a public duty."[15]

This reasoning underestimates the scale and structural influence of platforms. Today, platforms curate, amplify, and remove content on a mass scale; they shape the conditions under which speech occurs, and they influence political debates, cultural narratives, and information access. As Bhagwat notes, the classical free speech paradigm — where private entities are speakers needing protection and the state the censor to be restrained — becomes increasingly strained when private platforms effectively architect the public sphere.[16] Platforms are not merely conduits of speech; they are its governors. Klonick characterises them as 'new governors' who set rules, enforce norms, adjudicate disputes, and determine visibility.[17] Even CEO of Meta, Mark Zuckerberg, acknowledged that 'in a lot of ways Facebook is more like a government than a traditional company.'[18]

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[14] Bassi Reddy v International Crops Research Institute (2003) 2 SCC 225; Ramesh Alhuwalia v. State of Punjab (2012) 12 SCC 331

[15] Sanchit Gupta v. Union of India, W.P.(C) 10030/2024 (judgment dated 23.07.2024)

[16] Ashutosh Bhagwat, 'Free Speech Categories in the Digital Age', 88, 91 in Susan J Brison and Katharine Gelber (eds), Free Speech in the Digital Age (OUP 2019)

[17] Klonick, 'The New Governors', supra note 7

[18] David Kirkpatrick, The Facebook Effect: The Inside Story of the Company That is Connecting the World (2010) 254 cited in Klonick, 'The New Governors', supra note 7, 1599

Yet individuals censored or de-platformed by digital intermediaries must rely solely on private law mechanisms — primarily contractual claims under terms of service.[19] These agreements are drafted unilaterally by platforms, frequently amended without meaningful notice, and lack procedural safeguards. Civil litigation is slow and ill-suited to time-sensitive speech harms. While platforms may act swiftly to address misinformation involving prominent individuals, countless similar complaints by ordinary users remain unresolved.

At the same time, platforms are not entirely unregulated. They must comply with statutory obligations under the Information Technology Act, 2000[20] and the rules framed thereunder,[21] which primarily impose reactive duties — such as removing unlawful content upon notice, responding to government takedown directions, and maintaining grievance redressal mechanisms. However, compliance with domestic law does not impose constitutional standards of reasonableness or procedural fairness. As a result, platforms may fully satisfy statutory requirements while continuing to operate opaque, inconsistently applied, and largely unreviewable moderation systems.

The rationale behind minimal statutory regulation across jurisdictions on digital platforms arguably stemmed from the belief in creating safe harbours — an approach that exempted platforms from liability for third-party content on the assumption that such immunity would encourage responsible self-regulation. The clearest example is Section 230 of the U.S. Communications Decency Act,[22] which provides that interactive computer services shall not be treated as publishers or speakers of content posted by users. Enacted to enable service providers to 'self-regulate the dissemination of offensive material over their services' without fear of legal liability,[23] Section 230 established the global template for a light-touch, immunity-driven regulatory model.[24]

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[19] B19Sanchit Gupta v Union of India WP(C) 10030/2024 (Del HC, 23 July 2024), pp 12

[20] The Information Technology Act, 2000

[21] The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

[22] United States Communications Decency Act, 1996, s. 230

[23] Zeran v America Online Inc 129 F 3d 327 (4th Cir 1997)

[24] The provision has been criticised for the wide, largely unregulated powers it vests in digital platforms, and there have been several legislative and executive efforts to narrow the exemption. In May 2020, President Donald Trump signed Executive Order 13925 on Preventing Online Censorship, directing federal agencies to explore regulatory measures to limit platform immunity where moderation is not conducted in 'good faith'. Subsequently, the United States Department of Justice submitted draft legislation to Congress proposing a redefinition of 'good faith' and more restricted immunity standards for platforms. The President also exercised a veto of the National Defense Authorization Act (NDAA) on the ground that it did not repeal Section 230; Congress overrode the veto, but the episode underscored the administration's broader efforts to heighten regulatory oversight of digital platforms. See, See, Executive Order on Preventing Online Censorship (28 May 2020) https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-preventing-online-censorship/ accessed 17 November 2025; Justice Department Unveils Proposed Section 230 Legislation (23 Sept 2020) https://www.justice.gov/opa/pr/justice-department-unveils-proposed-section-230-legislation, accessed 17 November 2025; Presidential Veto Message to House of Representatives (23 Dec 2020) https://trumpwhitehouse.archives.gov/briefings-statements/presidential-veto-message-house-representatives-h-r-6395/ accessed 17 November 2025; Trump and Section 230: What to Know, Council on Foreign Relations (CFR) https://www.cfr.org/in-brief/trump-and-section-230-what-know, accessed 17 November 2025

India's analogue, Section 79 of the Information Technology Act, similarly grants conditional immunity to intermediaries, contingent on compliance with due diligence obligations under the enacted rules.[25] These frameworks were conceived in an earlier, bulletin-board era of the internet — well before digital platforms came to control the principal spaces and architectures through which free speech is exercised today.

3. The case for regulation: The risks of platform power and the limits of private governance

Despite the statutory frameworks governing digital intermediaries, existing law remains fundamentally inadequate to address the realities of modern platform power. Over the past decade, digital platforms have transformed from passive conduits of information to central architects of the public sphere, exercising an unprecedented degree of influence over how speech is produced, disseminated, and consumed.[26] Their scale, algorithmic design choices, and opaque governance structures now raise a range of concerns that traditional regulatory models — rooted in earlier conceptions of the internet — are ill-equipped to confront. These concerns, outlined below, illustrate why the current legal architecture falls short of ensuring accountability, transparency, and the protection of democratic discourse.

First, the magnitude of influence these platforms now exert is unprecedented. As Balkin observes, while digital tools once expanded the 'possibility of democratic culture', their private control today poses a direct threat to free speech and democratic values.[27] Platforms are no longer neutral intermediaries but intentional architects of digital experience. They choose which content is promoted, suppressed, or monetised. Algorithmic amplification —the primary mode through which content gains reach — remains a proprietary, profit-driven process with minimal transparency.

Second, these algorithms reinforce and exploit existing social and cognitive biases. As Whitehouse demonstrates, platform design choices are not value-neutral. Instead, they are engineered to maximise user engagement by promoting content that is polarising, sensationalist, or emotionally charged.[28] This architecture of virality leads to the deliberate amplification of harmful content, disinformation, and outrage.

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[25] The Information Technology Act, 2000, s. 79

[26] Klonick, 'The New Governors', supra note 7, 1603

[27] Jack M Balkin, 'Old-School/New-School Speech Regulation' (2014) 127 Harvard Law Review 2296, 2299

[28] Sheldon Whitehouse, 'Section 230 Reforms' 103, 110, in Lee C Bollinger and Geoffrey R Stone (eds), Social Media, Freedom of Speech, and the Future of Our Democracy (OUP 2022)

Third, these dynamics have material consequences. Devi and Sarmah note that during the COVID-19 pandemic, digital platforms became fertile ground for misinformation — fuelling anxiety, spreading unverified health claims, and undermining public trust.[29] The consequences extended beyond health to the erosion of democratic discourse. Similarly, as Bhagwat points out, content moderation decisions — such as Facebook's post-2016 measures against 'fake news' — can alter political narratives globally.[30] The absence of transparent processes in such decisions raises concerns about ideological bias and democratic distortion.

Fourth, these platforms operate with minimal accountability despite their centrality to public discourse. As Klonick explains, the governance of speech has shifted from constitutional regulation to a regime controlled by 'new governors' — private platforms with immense normative authority.[31] Yet, their internal operations remain opaque. Content moderation decisions are governed by internal rulebooks that differ from publicly available community guidelines and are implemented through a blend of algorithmic filtering and human moderation.[32]

Fifth, the process of moderation itself is fragmented and obscure. Moderation may be ex ante (before content is published) or ex post (after publication), automated or manual, proactive or reactive. Most moderation is reactive — triggered by user flagging and processed according to internal criteria that remain undisclosed. Reports are categorised under pre-set labels such as 'hate speech' or 'violence',[33] but the underlying rules that determine takedown or retention are not publicly accessible. Buni and Chemaly have highlighted the lack of transparency and external oversight in these practices.[34]

Sixth, this opacity exacerbates a structural power imbalance. Users who are de-platformed or censored have limited avenues of redress. As discussed earlier, constitutional remedies are unavailable against private actors, and contractual

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[29] P Devi and A Kaushik (eds), *The Paradoxes of Free Speech: Challenges and Controversies in Contemporary India*, 112 (Routledge 2025)

[30] Bhagwat, 'Free Speech Categories in the Digital Age', supra note 17, 92

[31] Klonick, 'The New Governors', supra note 7, 1663

[32] The author bases this conclusion on interviews with platform architects, internal documents, archival materials, and moderator accounts. Few studies of comparable depth exist in the Indian context. This article therefore draws on these insights to frame its normative analysis. Klonick, 'The New Governors', supra note 7.

[33] Alexei Oreskovic, 'Facebook Reporting Guide Shows How Site Is Policed (Infographic)' Huffington Post (19 June 2012) https://www.huffingtonpost.com/2012/06/20/facebook-reporting-guide-n_1610917.html accessed 17 November 2025

[34] Catherine Buni and Soraya Chemaly, 'The Secret Rules of the Internet: The Murky History of Moderation, and How It's Shaping the Future of Free Speech' The Verge (13 April 2016) https://www.theverge.com/2016/4/13/11387934/internet-moderator-history-youtube-facebook-reddit-censorship-free-speech accessed 17 November 2025

remedies are inadequate. Courts are slow, user agreements are one-sided, and procedural fairness is absent.

Despite these issues, a state-dominated regulatory model may not be the solution. Excessive governmental control over speech risks chilling effects, over-censorship, and suppression of dissent. As Mchangama and Alkiviadou observe, when states pressure platforms, it often leads to over-removal of content and the erosion of digital free speech.[35]

The regulatory challenge, therefore, is to develop a balanced approach — one that neither relies solely on state intervention nor leaves governance entirely to private discretion. A promising model lies in co-regulation, where the state establishes minimum standards, ensures oversight, and protects user rights, while platforms retain the flexibility to innovate and self-regulate. However, co-regulation alone is insufficient without a normative anchor. What is required is a values-based framework — what this article refers to as platform ethics — that guides how platforms exercise their speech-governing functions.

4. From legality to ethics: Building a framework for responsible platform governance

Platform ethics — understood as a framework of voluntary, internally embedded norms that guide how platforms exercise their speech-governing functions — offers a balanced, democratic, and workable alternative to both state overreach and corporate opacity. Unlike direct constitutional application, which would require reworking well-settled doctrine of vertical application of rights (though this may ultimately be the direction in which the law ought to develop), and unlike sweeping state regulation that risks censorship, politicisation, and chilling effect (though this may ultimately be the direction in which the law actually develops) platform ethics enables a co-regulatory model. It recognises the unique position of platforms as private entities performing public-facing functions and seeks to embed core ethical duties into internal governance. Critically, any such framework must be rooted not in uniform global standards but in domestic and local norms — an essential point that global platform practice has historically ignored.

The limitations of global uniformity in content governance illustrate this challenge. Many leading platforms have attempted to impose identical moderation standards

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[35] Jacob Mchangama, et al., A Framework of First Reference: Decoding a Human Rights Approach to Content Moderation in the Era of Platformization (Justitia 2021) cited in P Devi and A Kaushik, supra note 29, 112

across jurisdictions, assuming that regional differentiation is impractical. Facebook's Community Standards were built on the belief that 'regional rules were untenable',[36] and CEO Mark Zuckerberg has repeatedly advocated global regulatory uniformity on the grounds that fragmented standards would compromise free speech.[37] Yet this reasoning overlooks the deep cultural and legal variances embedded within diverse societies.

A well-known example from 2006 underscores this limitation. The Thai government demanded that YouTube remove twenty videos mocking the King — content that, while trivial from a U.S. First Amendment standpoint, violated Thailand's lèse majesté laws and deeply offended domestic cultural norms. Google's legal counsel, Nicole Wong, initially sceptical of such requests, later acknowledged the cultural blind spots of applying American notions of free speech globally.[38] Her experience revealed a central truth: a uniform standard of moderation is not only culturally insensitive but democratically inappropriate.

These shortcomings have proven even more dangerous in non-Western contexts. As Zuckerberg himself admitted in testimony before the U.S. Congress, Facebook's algorithmic filters failed to detect genocidal content targeting Rohingyas in Myanmar due to linguistic limitations.[39] The failure demonstrated how global moderation systems — designed predominantly for English and Western contexts — collapse when confronted with complex local socio-political realities.

These dynamics are particularly acute in India, where digital speech is shaped by linguistic diversity, caste hierarchies, religious pluralism, and region-specific social contexts. Algorithmic moderation tools — already flawed in English — perform even worse in Indian languages, often missing hate speech, misinformation, or culturally coded nuance. A global, one-size-fits-all approach cannot capture these complexities. Against this backdrop, the case for platform ethics becomes clearer. If global standards are unworkable, platforms must adopt ethical obligations anchored in constitutional values and socio-cultural realities of particular geographies.

At a minimum, three normative pillars should guide such an ethical governance framework:

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[34]   Klonick, 'The New Governors', supra note 7, 1642

[37]   Javier Espinoza, 'EU Rejects Facebook's Proposals for Online Regulation' Financial Times (London 2020)

[38]   Klonick, 'The New Governors', supra note 7, 1623

[39]   P Devi and A Kaushik, supra note 29, 118

a. Transparency: Platforms must disclose clear and accessible Community Guidelines, Terms of Service, and disaggregated transparency reports. These should detail moderation standards, takedown rationale, and internal procedures. Meta's Transparency Centre and YouTube's reports are steps in this direction, but region-specific disclosures are essential to build trust.

b. Accountability: Moderation decisions must be subject to challenge. Platforms should provide robust grievance redressal systems, appellate mechanisms, and independent audits conducted locally. Algorithmic decisions influencing visibility require internal and external oversight.

c. Procedural fairness: Users must receive notice, reasons, and opportunities to contest decisions. Content implicating political participation, public interest, or minority voices should be reviewed by independent moderators. Decisions in local contexts must be taken locally and not be subject to litigation or arbitration in a forum of choice of the corporation.

These values are not foreign to Indian legal culture. They mirror constitutional doctrines of natural justice, administrative fairness, and reasoned decision-making. They also resonate with global best practices such as the Santa Clara Principles[40] and the methodology of the Meta Oversight Board,[41] which invokes principles of freedom of expression and proportionality.

However, platform ethics must be meaningfully localised. Ethical governance in India cannot replicate Western assumptions about speech, harm, or neutrality. It must reflect India's plural realities — linguistic diversity, socio-economic inequalities, and region-specific tensions. This has practical implications for implementing transparency, accountability, and fairness. Transparency reports must be disaggregated by language and geography; grievance redressal mechanisms must accommodate varying levels of digital literacy; appeals should be heard in regional languages; and guidelines must be responsive to Indian constitutional norms on dignity, communal harmony, and public order. Platform ethics must absorb — not simply mimic — the spirit of these constitutional principles while tailoring them to digital governance.

Crucially, platform ethics must be dialogic. It should emerge through consultation with civil society, academic institutions, legal experts, and users. Top-down models,

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40 Santa Clara Principles on Transparency and Accountability in Content Moderation (2018; revised 2021) https://santaclaraprinciples.org accessed 17 November 2025

41 Meta Oversight Board, Annual Report 2024 https://www.oversightboard.com/wp-content/uploads/2025/08/2024-Annual-Report.pdf accessed 17 November 2025

whether corporate or state-driven, risk overlooking contextual nuance and entrenching asymmetries. Bottom-up participation ensures democratic legitimacy and grounding in lived experience.

The Indian government took positive steps in this direction through the 2021 Intermediary Guidelines.[42] The Guidelines marked a significant institutional attempt to shape platform governance by introducing obligations of due diligence, transparency, localisation, and grievance redressal— values that closely align with the ethical framework proposed here. Notably, the rules require intermediaries to publish their rules and regulations, privacy policies, and user agreements in English or any of the languages listed in the Eighth Schedule and to provide these to users in the language of their choice.[43] Intermediaries must also periodically — at least once a year — inform users in their chosen language of any changes to these policies. These provisions reflect a clear recognition that meaningful digital governance in India must account for its vast linguistic diversity, varying cultural contexts, and region-specific norms.

The Guidelines further emphasise language-specific sensitivity in content classification, acknowledging that idioms, euphemisms, expletives, and expressions vary widely across regions and communities,[44] and that what is offensive or harmful cannot be judged through a uniform linguistic lens. This recognition of linguistic nuance mirrors the broader argument advanced here: that platform governance must be grounded in local norms rather than imposed through uniform global standards.

Although certain provisions of the 2021 Guidelines have attracted constitutional concerns and remain subject to legal challenge,[45] the framework reflects an institutional effort to grapple with the complexities of digital speech regulation in a multilingual, culturally diverse democracy. Importantly, the Guidelines also underscore the broader regulatory dynamic: where platforms do not govern themselves ethically, the pressure for state intervention increases. Conversely, platforms that adopt transparent, fair, and accountable practices help reduce the justification for regulatory overreach. In this sense, platform ethics functions not only as a proactive

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[42] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

[43] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, rule 3

[44] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Schedule Part II

[45] A total of seventeen challenges to the rules were filed before various High Courts, with key provisions stayed by the Bombay, Madras, and Kerala High Courts. All cases have been transferred to the Delhi High Court for adjudication pursuant to an order of the Supreme Court. See, Supreme Court Observer, 'Supreme Court Transfers Challenges to IT Rules 2021 to the Delhi High Court' https://www.scobserver.in/journal/supreme-court-transfers-challenges-to-it-rules-2021-to-the-delhi-high-court/ accessed 17 November 2025

model of governance but also as a safeguard against excessive state control — preserving the democratic promise of digital speech while respecting the autonomy of private actors. A combination of proactive steps from platforms grounded in their duty to the public which uses their services, together with active prodding by state regulation to uphold rights of citizens, is the lockstep that is needed for platform ethics to take root.

5. Conclusion

This article has examined the growing role of digital platforms in shaping public discourse and the corresponding gap in constitutional oversight. While these platforms are not state actors, their influence on speech is profound — and largely unchecked. The existing legal framework, though evolving, remains inadequate to address the normative challenges posed by platform governance. Rather than advocate for direct constitutional extension or top-heavy state regulation, the article proposes a framework of platform ethics grounded in India's constitutional values. Transparency, accountability, and procedural fairness must form the core of this model, but their implementation must reflect a country's diversity, digital literacy, and cultural sensibilities.

Urban Dispossession as a Violation of Right to Life and Livelihood

Priti Narayan* and R. Geetha**

Abstract

India's rural-urban migration has long sustained informal settlements housing over 75 million people, predominantly Scheduled Castes and marginalised communities, amid chronic exclusion from basic services. Over the past two decades, state-driven infrastructure, development, and 'world-class' city-making have triggered mass evictions—over 1.68 million affected between 2017–2023 per HLRN estimates—replacing tolerance with peripheral resettlement colonies. Focusing on Chennai as a case study, where 250,000 have been evicted for projects like river restoration and at least 50,000 homes built in sites like Kannagi Nagar, this article examines eviction-resettlement dynamics through a human rights lens. Tamil Nadu's Slum Areas Act (1971) mandates in situ improvement and tenure security, yet post-1984 undeclared settlements face arbitrary removal under the Land Encroachment Act (1906), bypassing notice, compensation, or resettlement protocols. Peripheral relocation severs livelihoods—especially for women facing job insecurity and childcare deficits—while fostering crime, flooding, and psychosocial distress, violating Article 21's right to life and livelihood as affirmed in Olga Tellis (1985), which deems shelter integral to survival. Resettlement replicates untouchability, contravening Scheduled Castes protections and UDHR rights to work, education, and dignified housing. Policy gaps and market-driven land release enable dispossession, despite progressive frameworks like JNNURM and RAY advocating proximity relocation. This article advocates a human rights-based approach: enforce in situ upgrading, utilise ceiling-acquired lands within 5 km radii, revive slum declarations, and uphold Street Vendors Act protections to affirm urban working classes' entitlements to housing, proximity to work, and substantive dignity.

Keywords: rural-urban migration, marginalised communities, development

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1. Introduction

The Indian subcontinent has witnessed a long history of migration to urban areas from rural areas in search of livelihood opportunities. One of the key ways by which this migrating labour houses itself in cities is through attempts to build their own homes in what has been referred to as 'squatter settlements' or 'slums'. The Housing and Land Rights Network (HLRN) estimates that over 4 million people live in homelessness and at least 75 million in informal settlements without access to basic services such as water and sanitation. Most residents living in informal settlements, as social movements and scholarly accounts confirm, belong to Scheduled Castes and other marginalised communities.

After decades of tolerance, even acknowledgement that migrating workers need to house themselves is these ways, the last twenty years have witnessed a sharp rise in the number of forced evictions of residents of informal settlements and pavement dwellers across the country. Expansive and visible infrastructure built in the contemporary Indian city causes the eviction of the urban poor. With infrastructure being hailed as the material embodiment of modernity and the means for carrying the city and nation forward (Baviskar 2010), landscapes have been dramatically transformed, justified by public calls for beautification and environmental improvement to create world-class cities (Coelho and Raman 2010, Ghertner 2015). There are examples abound in campaigns for these improvements across the country which have led to large scale evictions. 'Clean ups', especially around mega sporting events, 'relief' following disasters such as floods, and tourism are other justifications for evictions (Bhan 2009, Baviskar 2010, Narayan 2017). Given that most of the land occupied by slums is state-owned, the state is the central actor in the current drive to reorganise urban space. Land owned by the state has increasingly been released into the market as opportunities for major revenue gains from public asset sales have materialised.

Estimates by HLRN (2024) suggest that over 1.68 million people have been evicted from their homes between 2017 and 2023, with large-scale devastation occurring in India's big cities in particular. For instance, at least 250,000 people have been forcefully removed from their homes in Chennai over the last two decades for various infrastructure, real estate, and river restoration and beautification projects (IRCDUC 2022).

While slum evictions and concomitant dispossession of working classes from public lands is a phenomenon witnessed across Indian cities, this article will make a case for a human rights-based approach to dispossession by focusing on Chennai as a case study.

The availability of increased funds from the central government since the late 1990s for flood alleviation, housing development and urban renewal has enabled the construction of large resettlement colonies on the outskirts of Chennai city (Raman 2011). In 2000, the first set of 3,000 houses were constructed at the first large-scale resettlement colony Kannagi Nagar, using funds made available through the Flood Alleviation Programme. Residents of a host of settlements living on river margins were evicted and rehoused here. Even as national schemes such as the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) intended to provide funding for in situ service provision, funds obtained through the scheme were funnelled towards resettlement in the peripheries.

At least 50,000 homes have been constructed over the last two decades, making Chennai comparable to South Africa for the sheer scale of state-driven resettlement programmes (Sutherland et al 2015). These tenements are not exactly free. Most evictees pay downpayments and monthly dues to the TNSCB as part of the hire purchase agreements they receive towards ownership of the house. Upon paying dues for a certain amount of time, usually 15 or 20 years, they receive a sale deed for the house, with which they can, in theory, buy, sell, or take a loan against the house. Alongside, residents also pay maintenance charges. These costs are often described by resettlees as unaffordable, especially given the loss of livelihoods resulting from the evictions. Residents routinely report poor access to basic amenities, limited social infrastructure, and few employment and educational opportunities at these resettlement colonies. These government-created ghettoes, cut off from major work centers and with minimal transportation links to the central city, are also characterised by high crime and suicide rates due to economic deprivation and social exclusion experienced there (Pawar 2018, Koushik 2022). Livelihood options, for working class women in particular, are vastly constrained in peripheral resettlement sites. In addition to great difficulties in finding and retaining jobs, women have reported job insecurity in contractual labour, poor working conditions, loss of social networks and flexibility in working hours, and absence of childcare facilities (Coelho et al 2012) as issues. The loss of jobs and income experienced in the process of being forcibly moved to the peripheries have proven tough to recover from in the short to middle term (Unorganized Workers' Federation 2016).

2. Understanding slum evictions and their aftermath from a legal perspective

The Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971 is the primary legislation for intervention into slums. It sets up a clear procedure: identification, declaration, and improvement in situ of slum settlements identified, while offering

protection against evictions. Indeed it was through this procedure that 1,202 slums were declared and received in situ improvements as part of the Madras Urban Development Projects from the 1970s through the 1990s, during which residents received tenure security in the form of pattas or at least hire purchase agreements issued by the government. However, settlements have not been declared since 1984. This means that several have been left informal and without tenure security, making them vulnerable to evictions (Transparent Chennai 2012). Over time, courts have also turned hostile and ruled consistently in favour of dispossessing infrastructure projects rather than the lives of the working classes.

Most of the evictions in the city invoke various land acquisition legislations, and the principle of eminent domain to enable evictions. In Tamil Nadu, it is the Tamil Nadu Land Encroachment Act of 1906. This Act declares all public land — such as roads, bridges, ditches, rivers, streams, and lakes — the property of the government and confers on the government the right to summarily evict anyone 'unauthorisedly' occupying taxable land. While this provides some basis for the eviction outcomes that have taken place historically, the Act makes no mention of the approved eviction processes, as far as issuing notice, compensating those to be displaced, or filing appeals (Narayan 2015).

There is a great deal of arbitrariness in how evictions are decided upon and conducted, as well as the outcomes experienced by those being evicted (ibid..). Decisions to evict are taken at interdepartmental meetings, with official approvals often issued on paper only after the evictions have already occurred, as confirmed by interviews with lawyers and government officials. Unlike in Delhi, Gujarat and Maharashtra, Tamil Nadu does not have state legislation governing resettlement and compensation in case of eviction. There is often ambiguity of authority and jurisdiction between state departments, especially in the case of projects involving state- and city-level agencies, such as the Public Works Department or the Chennai Metropolitan Water Supply and Sewerage Board. The Community Development Wing of the Tamil Nadu Urban Habitat Development Board (the erstwhile Slum Clearance Board), which was set up specifically to liaise with communities during evictions, is often not even involved in the process.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, which guarantees just and fair compensation to families who have been affected by development projects was only passed in 2013; the protections offered by the legislation have been vastly undercut since (Sharma 2015, for instance). Chennai's attempts of providing alternate housing to evicted families began in the 1990s.

Due to the multiple gaps in existing laws and policies concerning land acquisition and resettlement, evictions happen in a seemingly arbitrary manner, with no stipulated notice period and no standard compensation package for evictees. Different development projects planned on or near lands on which the poor live produce different eviction outcomes. For instance, projects with central government involvement have been able to provide more inclusive and generous resettlement experiences than local projects carried out by the state or city government, even though these different forms of state involvement have no relationship with the historical conditions of settlement and the different forms of political connection or de facto levels of tenure security they provide to the residents. While the bureaucratic ambiguity of evictions makes it hard for communities to seek accountability or legal redress, it leaves the terrain open for communities to negotiate differential outcomes for themselves. Regardless, all evictees face adverse impacts upon resettlement, the most significant of which is the disruption to and loss of livelihoods and educational opportunities.

3. A question of the right to life and livelihood

Public lands and the informal urban commons, both the market and 'the slum', have always been key to the survival of the city's poor. State documents explicitly acknowledged that workers lived in squatter settlements because of the inability of the state and capital to provide adequate housing for them, and that it was necessary for them to live near their workplace.

For instance, the spurt in the population of Madras coincided with industrial growth in the late 19th and 20th centuries. Historian Mary Hancock (2008) describes how textile mills and railway carriage manufacturing units in north Madras drew in rural folk as workers, creating more squatter settlements and labour line housing. In 1933, there were an estimated 189 slums in the city. Leaders in the freedom struggle such as M Singaravelar, P Jeevanandham, M C Rajah and S Krishnamurthy encouraged new entrants in the city to 'squat' to be close to their places of employment. Government records from the 1960s acknowledge that slums only kept growing, due to the demands of industrial labour, and the need for labour in the harbour, domestic and other services for the upper classes.

As early as 1956-57, the Government of India formulated a slum improvement / clearance scheme based on the principle that 'there should be minimum dislocation of slum dwellers, and efforts should be made to rehouse them as far as possible at the existing sites of the slums to ensure that they are not uprooted from the fields of employment.' Throughout the history of legislation in the Madras Presidency from

the early 20th century, one can trace interventions into the land and housing rights of workers. Until the 1970s, it was acknowledged that slums housed the city's workers and the state was obliged to provide for them. Residents of slums, and even pavement dwellers benefited from housing schemes that allotted them tenements or funded in situ improvements to their homes and neighbourhoods.

A significant change that started to occur in the 1980s is the de-emphasis, even erasure of the labour of those who lived in slums, and their status as workers. This legitimised the displacement of workers as a strategy to free up urban lands, frequently using the justification of 'public purpose' or 'common good'. The attempt to remove fishermen from the Marina Beach for a World-Bank funded beautification project in 1986 is an early example of what we continue to see today: removal of the city's workers for the perceived benefits of the city. Alongside the increasing precarity in contract jobs without adequate benefits and protections and the reliance on cheaper manpower, workers are witnessing dispossession from the core city, which is resulting in them being cut off from sources of livelihood, education, and health facilities. Panchami lands which were explicitly set aside for 'depressed classes' in the Madras Presidency under British rule, are not being held by those it is intended for, even though it cannot be bought by or sold to another. The same stigma of being 'encroachers' and polluters of water bodies, and consequent forceful removal are not faced by middle-class and elite residential and commercial buildings, even government buildings that are located along water bodies and atop flood plains.

Pavement dwellers are in an even precarious situation than those who live in informal settlements: 82 per cent of the city's unhoused population in Chennai have been living on the street for multiple generations (Ahmed 2023). They choose to live where they do due to access to livelihoods nearby, and resettlement is not a viable option for them. However, meanwhile, they are exposed to multiple dangers on the city's streets.

Indian courts have recognized that evictions are a violation of the constitutional Right to Life. The Olga Tellis vs case in Mumbai is a landmark case through which pavement dwellers and slum residents were able to successfully make the case for their Right to Life and Livelihood in the city, as a way to protect from evictions. As the ruling in the judgement stated as reported in AIR 1986 SC 180:

"As we have stated while summing up the petitioners' case, the main plank of their argument is that the right to life which is guaranteed by Art.21 includes the right to livelihood and since, they will be deprived of their livelihood if they are evicted from their slum and pavement dwellings, their eviction is tantamount to deprivation of their life and is hence unconstitutional. For purposes of argument, we will assume the factual correctness of the premise that if the petitioners are evicted from their dwellings, they will be deprived of their livelihood. Upon that assumption, the question which we have to consider is whether the right to life includes the right to livelihood. We see only one answer to that question, namely that it does. The sweep of the right to life conferred by Art.21 is wide and far-reaching. It does not mean merely that life cannot be extinguished or taken away as, for example, by the imposition and execution of the death sentence, except according to procedure established by law. That is but one aspect of the right to life. An equally important facet of that right is the right to livelihood because, no person can live without the means of living that is, the means of livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content and meaningfulness but it would make life impossible to live. And yet, such deprivation would not have to be in accordance with the procedure established by law, if the right to livelihood is nor regarded as a part of the right to life. That, which alone makes it possible to live, leave aside what makes life liveable, must be deemed to be an integral component of the right to life. Deprive a person of his right to livelihood and you shall have deprived him of his life. Indeed, that explains the massive migration of the rural population to big cities. They migrate because they have no means of livelihood in the villages. The motive force which propels their desertion of their hearths and homes in the village is the struggle for survival, that is, the struggle for life. So unimpeachable is the evidence of the nexus between life and the means of livelihood."

In response to a case and Public Interest Litigation (PIL) filed by *Pennurimai Iyakkam*, a movement mobilising women for tenure security and basic services, and a Tamil Nadu Government Order, the Supreme Court pronounced on 6 December 1988 that

> "in resettling the slum dwellers the allocation of individual slum dwellers be made with a view to ensuring, so far as is practically possible, that the places of resettlement of the slum dwellers is within a reasonable distance from the related place of employment."

On multiple occasions, the Supreme Court of India has emphasised the need to establish permanent shelters for the country's unhoused populations living in cities. In 2012, it pointed out that the right to dignified shelters was a necessary component of the Right to Life under Article 21 of the Indian Constitution (Supreme Court Commissioners' Office 2014).

However, these directives of the Supreme Court have not been adhered to, with eviction emerging as the primary mode of intervention in cities over the past two decades. As a result, families have lost their homes, and mostly found themselves rehoused in peripheral resettlement colonies in economic distress, and without educational opportunities and social networks.

Further, the right to life and liberty guaranteed by Article 21 of the Indian Constitution must be interpreted to include security, safety, and protection from violence. Safety concerns are aplenty in resettlement colonies, due to the poor quality of construction of tenements, immense regular flooding events, and violence faced by women and children, and the generally very high crime rates driven by increased vulnerability of these populations (Peter and Winslet 2024). Urban dispossession and peripheral resettlement constitute the violation of the right to life along multiple registers.

4. Other relevant legislations and rights

Given that most residents of slums are members of the Scheduled Castes and other marginalised communities, activists have also been claiming that the resettlement of slum residents to the peripheries is a new form of untouchability replicating village geographies, in which Dalits are not allowed access to the benefits of the central city / town. Resettlement stands in opposition to the principles laid out in The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989.

The right to work and the right to education are part of the 30 human rights listed in the Universal Declaration of Human Rights (UDHR) signed in Paris in December 1948. The Right to Work states that 'everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.' The loss of livelihoods from evictions constitutes a violation of this right, because residents find it very hard to find and retain work, especially to decent work, given the stigma they battle from residing in resettlement colonies. The lack of access to quality or even adequate education, and evictions frequently occurring in the middle of the school year constitutes a violation of the right to education.

However, we do have a history of progressive legislations that can protect the rights of the city's working classes and prevent evictions. The TN Slum Areas Act must be implemented and upheld to emphasise the in situ housing of the working classes. Where in situ improvement is not possible, slums must be relocated within a 5km radius of the original location, as recommended by the *Rajiv Awas Yojana* (RAY). To do this, the RAY mandated that all cities map all the vacant lands available. Lands have been acquired by the state under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1976, which emphasises the equitable distribution of acquired lands for the common good. These lands must be made available to house the working classes.

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act of 2014 is another instance of a progressive legislation that recognises the rights of the working classes in the city.

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Evasive Equalities: A Closer Look at Personal Laws and Religious Discrimination

Lalit Panda* and Jwalika Balaji**

Abstract

Personal laws present a unique puzzle for the right against discrimination in India, and unraveling this puzzle is of critical importance to India's current socio-political context. On the one hand, there are a number of good reasons why personal laws should not be immune from judicial review. On the other hand, those who seek their compliance with rights like equality often only discuss discrimination on the grounds of sex and caste. We argue that there has not been adequate engagement with the more basic question of whether these laws discriminate on the ground of religion given that they apply to members of specific religions. Further, this lack of clarity has a detrimental effect on the further development of discrimination law in general and India's secular credentials in particular.

Keywords: personal laws, uniform civil code, religious freedoms

1. Introduction

Personal laws present a persistent puzzle for Indian equality jurisprudence. They regulate intimate aspects of marriage, divorce, guardianship, succession, but are applicable to individuals by reference to their religion. For instance, a Hindu person's marriage and divorce are governed by the Hindu Marriage Act, while a Muslim person is subject to a different set of rules under Muslim personal law. A Hindu may acquire financial benefits unavailable to others by virtue of membership in a Hindu Undivided Family. In each case, the individual's rights and obligations flow directly from their religious affiliation, conferring distinct advantages or imposing distinct disadvantages on such individuals which are not applicable to those outside the faith.[1]

Article 15(1) provides that 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.'[2] At first

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[1] Farrah Ahmed, 'Remedying Personal Law Systems' (2016) 30(3) International Journal of Law, Policy and the Family 248, 249

[2] Constitution of India 1950, Article 15

glance, personal laws appear to introduce precisely such religion-based differentiation. It appears that courts and scholars have examined questions of discrimination within personal law regimes by and large in the context of gender injustice.[3] However, far less attention has been paid to the antecedent question: does the very existence of different religion-specific personal law systems amount to discrimination on the ground of religion under Article 15(1)?[4] If so, can it be justified within the constitutional scheme? For example, if it is to be understood as a permissible expression of pluralism and religious freedom, what is the textual and jurisprudential basis for this?

This paper does not endorse any specific conclusion on these questions. Rather, it maps the contours of the case for the permissibility of personal laws — its structure, limits, and possible justifications — so that subsequent debate can proceed on clearer conceptual terrain. We limit our analysis to personal law (family laws), although similar arguments can be made for issues such as the administration of religious institutions, including matters of property, trusts, educational institutions, and places of worship.

An immediate threshold issue is the 'immunity argument' traceable to State of Bombay v. Narasu Appa Mali ("Narasu").[5] Article 13 of the Constitution states that only a 'law in force' before the commencement of the Constitution or a 'law' made by the state shall be void if it contravenes or is inconsistent with fundamental rights'. The Narasu reading of this Article is that 'personal law', i.e. religious law, is technically not 'law' as per Article 13 and is thus insulated from a fundamental rights review.[6] Immunity operates as a gatekeeping move that guarantees validity: if personal laws are not 'law', Article 15 scrutiny is foreclosed.

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[3] For examples, cases such as: Mohd. Ahmed Khan v. Shah Bano 1985 (2) SCC 556; Shayara Bano v. Union of India 2017 (9) SCC 1; Githa Hariharan v. Reserve Bank of India 1999 (2) SCC 228 probe gender equality within personal laws of marriage, divorce and guardianship. This trend can also be discerned from the compilation of Indian judgements relating to discrimination: Lalit Panda and Husain Aanis Khan, 'Compilation of Indian Judgments on the Right Against Discrimination' (Vidhi Centre for Legal Policy, 2023) <https://vidhilegalpolicy.in/wp-content/uploads/2023/06/Compilation-of-Indian-Judgments-on-the-Right-Against-Discrimination_Charkha-1.pdf> accessed 25 August 2025. See also, Dinusha Panditaratne, 'Towards Gender Equity In A Developing Asia: Reforming Personal Laws Within A Pluralist Framework' (2007) 32 NYU Review of Law and Social Change 83, 127

[4] Some early literature raises this question without closely examining it: Donald Eugene Smith, India as a secular state (Princeton University Press 1967); Tarunabh Khaitan, 'Beyond Reasonableness – A Rigorous Standard of Review for Article 15 Infringement' (2008) 50(2) Journal of the Indian Law Institute 177, at 193 ("[A] powerful article 15 cannot co-exist with religion-based and gender-unjust personal laws.")

[5] AIR 1952 BOM 84; Flavia Agnes, 'Personal Laws' in Sujit Choudhr et al., (eds), The Oxford Handbook of the Indian Constitution (OUP 2016), 909

[6] ibid., Chief Justice Chagla's opinion: 'This is a provision in the Constitution Act, and having this model before them the Constituent Assembly is defining "law" in Article 13 have expressly and advisedly used only the expression "custom or usage" and have omitted personal law. This, in our opinion, is a very clear pointer to the intention of the Constitution making body to exclude personal law from the purview of Article 13.' (Para 13); Sri Krishna Singh v. Mathura Ahir (1981) 3 SCC 689: 'Part III of the Constitution does not touch upon the personal laws of the parties.'

We need not discuss in detail here the technical reasons why Article 13 is read not to cover personal laws in Narasu. What is important to note, however, is that while Narasu remains good law today, a range of authoritative critics have cast doubt on the reasons it is based on. These criticisms are based on alternative interpretations that broaden the scope of Article 13 to include personal laws, or else point to the implications of granting immunity to personal laws.[7] They note, for instance, that personal laws are enforced by the state through its courts just like other laws, that immunity for personal laws casts doubt on the supremacy of the Constitution and its regard for individual dignity, and that personal laws determine too many significant aspects of social life for them to be completely immune from scrutiny. Significantly, these arguments are made in support of scrutinising personal laws for discrimination on the ground of sex but are notably silent about the implications of applying a right against religious discrimination to those same laws.

On the basis of the understanding that personal laws may be subjected to fundamental rights review in the future (and may indeed deserve to be so subjected), we explore the contours of a prima facie equality claim: that the existence and implementation of varied religion-based personal laws could in future be read as discrimination on the prohibited ground of religion under Article 15(1). How could courts respond to such a claim? The inquiry in this paper is structured as follows: Part I examines the argument that courts should show substantial deference to legislatures on the question of community-specific reform of personal laws. Part II examines the argument that religious differentiation in personal laws is justified on the ground of religious freedom. A short conclusion follows.

2.   The argument from deference

Since personal laws were not originally enacted by legislatures, the state does not seem to be directly responsible for causing any religious discrimination that might result from such laws. However, responsibility can sometimes be traced to questions of legislative inaction, especially given that personal laws are enforced by courts. This should in principle be as true for religious discrimination embedded in such laws as it is for sex or caste discrimination. But no sooner do we consider this

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7   Indian Young Lawyers Association v. State of Kerala, (2019) 11 SCC 1, paras 385-398 (Chandrachud, J.) ('The decision in Narasu, is based on flawed premises. Custom or usage cannot be excluded from "laws in force"'); Shayara Bano v. Union of India, (2017) 9 SCC 1, para 51 (Nariman, J.); Sant Ram v. Labh Singh, AIR 1965 SC 166; Makku Rawther's Children: Assan v. Manahapara Charayil, AIR 1972 Ker 27, para 38 ('Personal law so-called is law by virtue of the sanction of the sovereign behind it and is for that very reason, enforceable through court. Not Manu nor Muhammed but the monarch for the time makes personal law enforceable.'); C. Masilamani Mudaliar v. Idol of Sri Swaminathaswami Thirukoil, (1996) 8 SCC 525, para 15 (noting, without mentioning Narasu, that while personal laws are derived from religious scriptures and not the Constitution, they must nonetheless be consistent with fundamental rights)

possibility than we are confronted with Article 44 and the duty it places on the state to end religious differentiation in family laws by securing a Uniform Civil Code (UCC). However, Article 44 is a directive principle that (as per Article 37) is not enforceable by courts. On the face of it, the fact that it is only a directive principle seems to imply that Article 15's prohibition on religious discrimination cannot be read to outlaw all forms of personal laws governance i.e. Article 15 cannot be read to necessitate a right to a UCC. If we were to read Article 15 to necessarily require a UCC as the only way to end religious discrimination in civil matters, this would make Article 44 redundant.[8] What is more, the provision only requires the state to 'endeavour' to secure a UCC, suggesting that the duty is aimed at merely directing efforts towards uniformity without necessarily achieving it.[9] On this view, courts must defer to legislative choice on the question.

The subject is, however, intimately tied up with the question of the relationship between fundamental rights and directive principles. As a parallel example, we may consider the directive principle under the (unamended) Article 45 on the subject of free and compulsory education for all children under fourteen. In Re The Kerala Education Bill, the question arose whether recognition for minority institutions could be made subject to statutory requirements for free education for all children or whether these requirements would instead violate Article 30 under which minorities have the fundamental right to establish and administer educational institutions. One interpretation from the bench was that the scope of the Article 30 right could not be overridden by the Article 45 directive principle,[10] but another interpretation was that minority institutions could not demand a right to be unconditionally recognised by the state because then free and compulsory education for all children would be rendered unachievable and Article 45 would become redundant.[11] Crucially, this disagreement turned on a choice between (a) pursuing the directive principle in a way that made room for a more expansive fundamental right or (b) interpreting the fundamental right in a way left room for the full achievement

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[8] This is based on the rule of interpretation that requires us not to read provisions in such a way that they are rendered otiose or surplus. On how strict this doctrine should be considered to be, see generally, John M. Golden, 'Redundancy: When Law Repeats Itself' (2016) 94 Texas Law Review 629

[9] Upendra Baxi, 'Siting Secularism in the Uniform Civil Code: A "Riddle Wrapped Inside an Enigma"' in Anuradha D. Needham and Rajeswari S. Rajan (eds.), The Crisis of Secularism in India (Duke University Press 2007) 274 ('To endeavor is not always to achieve.')

[10] In Re The Kerala Education Bill, 1957, AIR 1958 SC 956, at para 34 (Das, C.J.) ('[T]here is nothing to prevent the State from discharging that solemn obligation [under Article 45] through government and aided schools and Article 45 does not require that obligation to be discharged at the expense of the minority communities.')

[11] ibid.., at para 35 (Aiyar, J.) ('[I]t should be clear that if the right of the minorities to establish and maintain educational institutions under Art. 30(1) carries with it an implied right to be recognised by the State, then no law of the State can compel them to admit students free and therefore Art. 45 can never become operative, since what it provides is free education for all children and not merely for children other than those who attend institutions falling within Art. 30(1).'). Note the similarity of this argument to the Article 44 redundancy argument outlined above.

of the directive principle. This helps us understand what the appropriate relationship between Articles 15 and 44 could look like, and offers fertile ground for further inquiry into alternative interpretations of those provisions (e.g. interpretations of the word 'discriminate' that do not necessitate uniformity).

Directive principles may well remain unenforceable because their realisation can require complex legislative and budgetary schemes with 'profound economic and social implications'.[12] It may thus be difficult to interpret Article 15 to require uniformity along religious lines in family laws given that it might raise questions about the appropriate roles of the judiciary and the legislature under a scheme of separation of powers.[13] Indeed, this was also the problem that proved most troublesome for the Supreme Court when it was confronted recently with the question of protecting the right to equality in the context of queer marriages.[14] The Court's failure to find a positive state obligation to provide for an equal right to marry to all couples has been subjected to legitimate criticism because of the availability of remedies such as suspended declarations of invalidity, court-monitored directions to other branches, and detailed operational guidelines.[15] If we accept these claims, then it is not self-evident as to why the right against religious discrimination should be entirely unenforceable in family laws only because of separation of powers concerns.

Finally, the unenforceability of uniformity does not mean that religious differentiation in personal laws can be left completely unexamined. For instance, where Parliament has acted to codify personal laws, they are not immune anymore and are considered subject to judicial review.[16] However, discrimination on the ground of religion (both within and outside personal laws) has often been examined using highly deferential standards that excuse reasonable classification[17] or excuse discrimination that is not 'only' on the ground of religion but because of any addi-

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[12] Gautam Bhatia, 'Directive Principles of State Policy' in Sujit Choudhry et al (eds.), The Oxford Handbook of the Indian Constitution (Oxford University Press 2016)

[13] The Supreme Court has held as much in Pannalal Bansilal Pitti v. State of Andhra Pradesh, (1996) 2 SCC 498, para 12; Ahmedabad Women Action Group (AWAG) v. Union of India, (1997) 3 SCC 573, paras 4 and 11

[14] Supriyo v. Union of India, 2023 SCC OnLine SC 1348

[15] Rehan Abeyratne, Courts and LGBTQ+ Rights in an Age of Judicial Retrenchment (Oxford University Press 2025) 159-65; Akshat Agarwal, 'Supriyo and the Politics Of Indian Family Law' (2025) 9(2) Indian Law Review 178, 183-84

[16] It remains unclear, however, as to what constitutes an effective codification of personal law. See, Shayara Bano v. Union of India, (2017) 9 SCC 1, paras 3-5 (Joseph, J.), 43-48 (Nariman, J.), and 322-333 (Khehar, C.J.)

[17] Mahant Moti Das v. S.P. Sahi, The Special Officer in Charge of Hindu Religious Trust, AIR 1959 SC 942, para 7; Gogireddy Sambireddy v. Gogireddy Jayamma, 1971 SCC Online AP 134, para 3; R. Krishnaiah v. Union of India, 2012 SCC Online AP 113, paras 32- 33; Adam Chaki v. Government of India, 2013 SCC OnLine Guj 8811, paras 39, 65; Amit Bhagat v. Govt. of NCT of Delhi, 2014 SCC Online Del 7020, para 28

tional consideration at all.[18] These weak tests have been subjected to substantial criticism by both scholars and courts[19] and these criticisms need not be repeated here except to note that the critics have restricted themselves to the question of sex discrimination without grappling with how such tests have also been applied across the decades to questions of religion. For instance, one response to the charge of religious discrimination raised against codified personal laws is that such discrimination is permitted based on a community's 'readiness' for reform which the government is best placed to assess.[20] This is arguably equivalent to a doctrine under Article 14 that lowers scrutiny for 'underinclusiveness' in legislations (giving legislatures leeway to prioritise certain problems instead of dealing with all similar problems at once in the name of equality). However, any allowance for underinclusiveness under Article 14 is not meant to be an excuse for the kind of discrimination prohibited by Article 15.

As a result of these combined factors, it remains of critical importance that we consider how far deference by itself can justify the failure of courts to consider whether personal laws discriminate on the ground of religion.

3. The argument from religious freedom

We turn now to an alternative (or supplementary) justification: that personal laws are applicable to persons of different religions because this differentiation respects the fundamental right to religious freedom under the Constitution. The inquiry is, once again, aimed only at alerting readers to the absence of clarity on the question. We begin with the observation that Articles 15 and 25 are analytically different and

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[18] State of Madras v. Champakam Dorairajan, AIR 1951 SC 226, paras 19-20; State of Bombay v. Narasu Appa Mali, AIR 1952 Bom 84, paras 10-12; Srinivasa Iyer v. Saraswathi Ammal, AIR 1952 Mad 193; Pujari Narasappa v. Shaik Hazrat, AIR 1960 Mys 59, paras 18-20, 23; R.C. Poudyal v. Union of India, 1994 Supp (1) SCC 324, para 137; Ammini E.J. v. Union of India, 1995 SCC Online Ker 47, paras 36-39 (though this constitutes a rare case where religious discrimination in family laws was found despite applying a weak test); T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481, at para 149; K.P.A. Nallamohamed v. Director, Department of Archaeology, 2011 SCC OnLine Mad 145, para 22; R. Krishnaiah v. Union of India, 2012 SCC Online AP 113, paras 24-25; Adam Chaki v. Government of India, 2013 SCC OnLine Guj 8811, para 64

[19] Navtej Singh Johar v. Union of India, (2018) 10 SCC 1, at paras 408-09, and 429-40 (Chandrachud, J.); Tarunabh Khaitan, 'Beyond Reasonableness – A Rigorous Standard of Review for Article 15 Infringement' 50(2) Journal of the Indian Law Institute 177 (2008); Shreya Atrey, 'Through the Looking Glass of Intersectionality: Making Sense of Indian Discrimination Jurisprudence under Article 15' (2016)16 The Equal Rights Review 160; Gautam Bhatia, The Transformative Constitution: A Radical Biography in Nine Acts (HarperCollins, 2019), Chapter 1; Shreya Atrey and Gauri Pillai, 'A feminist rewriting of Air India v. Nergesh Meerza AIR 1981 SC 1829: proposal for a test of discrimination under Article 15(1)' 5(3) Indian Law Review 338 (2021)

[20] State of Bombay v. Narasu Appa Mali, AIR 1952 Bom 84, paras 10-12; Gogireddy Sambireddy v. Gogireddy Jayamma, 1971 SCC Online AP 134, para 3. See also, on a similar note justifying progressive reform in the administration of charitable institutions and endowments, Pannalal Bansilal Pitti v. State of Andhra Pradesh, (1996) 2 SCC 498, para 12

have different scopes:[21] the former prohibits discrimination on the ground of religion; the latter protects the freedom of conscience and free profession, practice and propagation of religion. When the demands of these two rights seem inconsistent, courts may either read one right as subordinated to the other (because of textual hierarchy) or seek a harmonious interpretation.

It is important to confront a threshold issue: because personal laws have so far been protected from charges of religious discrimination, there is paltry judicial and scholarly examination of whether and how these religious norms can be viewed as exercises of religious freedom as per constitutional text.

To start with, courts have said little to support the claim. Chief Justice Khehar's minority opinion in Shayara Bano treats certain personal-law rules as protected by Article 25: 'Article 25 obliges all Constitutional Courts to protect "personal laws" and not to find fault therewith. Interference in matters of "personal law" is clearly beyond judicial examination.'[22] Khehar, C.J. argues that 'personal law, must be perceived, as it is accepted, by the followers of the faith'.[23] Therefore, personal laws are considered an exercise of the followers' religious freedom. In the same vein, Nivedita Menon argues that Articles 25-30 protect religious, educational and cultural rights of minorities and it is from these provisions that religious communities derive the right to be governed by their personal laws.[24] On this view, personal-law norms can claim shelter under Article 25.

But do you exercise a freedom when you follow a rule? It is far from self-evident that entire systems of religious rules can simply be viewed as 'freedoms'. One may argue that once the State recognises and enforces religious rules as the default machinery for people's familial relationships, freedom starts to become frozen as status, which cannot be 'chosen' per se.[25] Exit from personal-law systems is often difficult — procedurally, socially, and materially.[26] This therefore, may not justify personal laws as being a part of religious freedom, at least in a philosophical sense. However,

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[21] Gandhi (n 21) 8,18-22: 'The text of Article 25(1) makes it subject to the other provisions of Part III of the Constitution, and thereby, inter-alia to Article 15 itself"

[22] Shayara Bano (n 3), Justice Khehar (para 196)

[23] ibid.

[24] Nivedita Menon, 'A Uniform Civil Code in India: The State of the Debate in 2014' (2014) 40(2) Feminist Studies 480-486

[25] Farrah Ahmed, 'Personal Autonomy and the Option of Religious Law' (2010) 24(2) International Journal of Law, Policy and the Family 222–244

[26] Farrah Ahmed, Religious Freedom under the Personal Law System (Oxford University Press, 2016)

against the argument that rules cannot be freedom,[27] scholars such as Khaitan and Norton emphasise the internal perspective of the adherent: for many believers, it is precisely the norm-guided, repeated observance that makes the practice meaningful, identity-constituting, and therefore liberty-enhancing.[28] This matters for constitutional design, as freedom can and should be thought of as not just isolated choices made within a limited context, but also a broad and fluid embrace of a sustained way of life. We only highlight this threshold issue without drawing conclusions regarding the correct view.

Assuming, however, that personal laws can be protected under Article 25, the next logical question is regarding how Article 25 interacts with Article 15. The relevant constitutional text suggests a hierarchy between the two: Article 25(1) is 'subject to public order, morality and health and to the other provisions of Part III.' Read bluntly, this might suggest that Article 25 must always yield to Article 15, which is after all one of 'the other provisions of Part III'.[29] Given that this is the case, it becomes critical to understand what precisely is hit by Article 15's prohibition on religious discrimination. If Article 15 is read to prohibit all distinction on the basis of religion, this would lead to an absurdity: there would be little to no differentiated religious freedoms left for Article 25 to protect. The specific religious practices protected under Article 25 (in the Indian context, what constitutes an essential practice of a religion) are identified in terms of the religion in question. Religious freedoms are largely differentiated on the ground of religion. If Article 25 is to be meaningful while being subordinate to Article 15, the latter cannot prohibit all religious differentiation.

It is one matter to suggest that an individual's adherence to religious practices and norms is protected under a right to religious freedom. It is quite another to suggest

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[27] Bhatia makes an argument against the use of ERP as a test in the Hijab case precisely on this point, that religious proscriptions cannot become freedom. Gautam Bhatia, 'Discipline or Freedom: The Supreme Court's Split Verdict in the Hijab Case' (IndConLawPhil, 13 October 2022) <https://indconlawphil.wordpress.com/2022/10/13/discipline-or-freedom-the-supreme-courts-split-verdict-in-the-hijab-case/> accessed 25 August 2025: 'On the other hand, pegging the case on the ERP test would – by definition – erase agency. To show that the hijab is an "essential religious practice", one would have to show that it is mandated by Islam, an injunction that leaves no room for choice or agency.'

Gautam Bhatia, 'The Essential Religious Practices Test and the Inversion of Agency: Notes from the Hijab Hearing' (IndConLawPhil, 9 Feb 2022) < https://indconlawphil.wordpress.com/2022/02/09/the-essential-religious-practices-test-and-the-inversion-of-agency-notes-from-the-hijab-hearing/> accessed 25 August 2025: 'Because the ERP – in the highly perverse manner in which the Indian courts have interpreted it over the years – applies to prohibitions and proscriptions, but not – seemingly – to things that a religion might simply allow – a successful ERP claim literally depends upon first obscuring and erasing the agency of the petitioners before the Court.'

[28] Khaitan and Norton (n 21) 1129: 'An adherent strives to believe in (what she thinks are) the tenets of her religion, and tries to practice (what in her view) it demands of her. From the committed perspective, in other words, religious adherence involves a commitment to some combination of a set of beliefs and practices.'

[29] Gandhi (n 21) 18

that entire expansive legal regimes and systems are so protected, and that the extent of such religious freedoms available to members of different religions should differ because some personal law systems have been subjected to more reform than others.[30]

In such circumstances, protections for religious freedoms are usually put in place using the concept of 'reasonable accommodations'. In Colonel Nitisha v. Union of India, the Supreme Court articulated reasonable accommodation as a technique of equality: tailored measures that remove structural barriers and enable full and effective participation, without reproducing domination.[31] Transposed to religion, the question becomes: when the law differentiates to make space for religious exercise, is it (i) facilitating practice, or (ii) assigning civil status (i.e. familial rights and duties) by religious identity?

Scholars have argued that reasonable accommodation in this setting would have recognisable features: it would be facilitative (enabling religious practice rather than imposing it), least restrictive of others' rights, and designed meaningfully.[32] Existing accommodations for prayer schedules or dietary observance are already telling: they protect the religious freedom of some groups even though similar benefits may not be extended in the exact manner to other religious groups. It is not immediately clear whether the existence of religion-based personal law systems can operate in the same manner. Even if Article 15 is read to effectuate substantive equality and anti-subordination, the personal law system does not follow the usual script of a uniform legal regime supplemented with accommodations for disadvantaged groups. Rather, it develops entirely separate legal regimes for both advantaged and disadvantaged religious groups. The departure of this scheme from the ordinary logic of discrimination law (even in its group disadvantage avatar) is significant.

These concerns have a distinct connection with what has often been referred to as the unique nature of Indian secularism. Let us consider this claim. Ordinarily, the

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[30] For discussion on concerns regarding differences in the current extent of reforms undertaken in relation with different personal law systems, see Deepa Das Acevedo, 'Secularism in the Indian Context' (2013) 38(1) Law & Social Inquiry 138, 157; Cecile Laborde, 'Minimal Secularism: Lessons for, and from, India' (2021)115(1) American Political Science Review 1, 6

[31] Nitisha v. Union of India (2021) 15 SCC 125: The duty of constitutional courts, when confronted with such a scheme of things, would not just be to strike down the discriminatory practices and compensate for the harm hitherto arising out of them; but also structure adequate reliefs and remedies that facilitate social redistribution by providing for positive entitlements that aim to negate the scope of future harm (Para 77); Gauri Pillai, 'A Continuing Constitutional Conversation: Locating Nitisha' (2022) 22(1) International Journal of Discrimination and the Law 87-101

[32] Erica Howard, 'Indirect Discrimination, Reasonable Accommodation and Religion' in Daniel Cuypers and Jogchum Vrielink (eds), Equal is not enough (Intersentia 2016)

question of reasonable accommodations related to religion arises in other jurisdictions in the context of certain isolated practices. Examples include the open wearing of crucifixes,[33] or the wearing of Muslim veils,[34] or exemptions from working on Sundays so as to attend religious services.[35] But if we are instead to envisage protection for an extensive system of religious norms practiced collectively by a group (along with the resolution of disputes about the applicability and interpretation of these rules), the very notion of reasonable accommodations would have to be expanded and adapted into an allowance for legal pluralism that is not clearly sanctioned anywhere in the constitution. This notion is yet to be developed. For instance, we do not think of differences based on caste as being at all as valuable and worthy of protection as differences based on religion. If this is so, we are pushed to think about how secularism need not be 'anti-religious' and can expand religious freedoms beyond just the right to worship.[36] An important suggestion made in this regard is that Indian secularism is aimed not at eliminating religion (and differences between religions) but instead only at preventing 'institutionalised religious domination'.[37] Under this view, the Indian state is meant to have a stance of 'critical respect' for religion, maintaining a kind of 'principled distance' from it that involves active assistance or facilitation on some matters and discouragement or restriction on others, often treating religions differently 'precisely so as to treat them as equals'.[38]

These are important contributions made by political theory in trying to understand the way in which religious governance should be designed in a plural society like India. However, there has been little work done to articulate how precisely these theoretical claims can be fitted within the emerging doctrinal features of discrimination law globally and Article 15 jurisprudence in India. This is to be regretted given how consequential the questions are. Right at the outset, a fundamental problem we would face is the question of how the language of 'non-domination' is to be applied, especially through judicial review. The idea of non-domination is accepting of valuable diversity,[39] but its principles are more tethered to political and

[33] Eweida v. United Kingdom [2013] ECHR

[34] EEOC v. Abercrombie & Fitch Stores, Inc., 575 US 768 (2015)

[35] Mba v. London Borough of Merton [2013] EWCA Civ 1562 (UK)

[36] Constituent Assembly of India Debates, Vol. 7, 6 December 1948 (H.V. Kamath); Shefali Jha, 'Secularism in the Constituent Assembly Debates, 1946-1950' 37(20) (2002) Economic and Political Weekly 3175, 3177

[37] Rajeev Bhargava, Reimagining Indian Secularism (Seagull Books 2023)

[38] ibid.., 73-4 (emphasis supplied)

[39] Danielle Allen and Rohini Somanathan (eds.), Difference Without Domination: Pursuing Justice in Diverse Democracies (University of Chicago Press 2020)

legislative structure and do not lend themselves easily to judicial review.[40] Should courts genuinely treat many differences between the codified and uncodified personal law systems of different religions to be per se non-discriminatory?[41] And if they are to be alert only for cases of 'domination' between religions, how should they construct a test to detect this? There may be legitimate hesitation as to the sustainability of allowing unrestricted legislative discretion in deciding what to promote, what to reform, and what to let be, and further research on this subject should be welcomed.

4. Conclusion

Personal laws allocate familial rights and responsibilities on the basis of religion, raising a basic Article 15 question too often evaded or else eclipsed by Article 25 claims. We map the terrain of this debate: Narasu's immunity and its erosion; deference and the UCC; whether personal laws can be freedom and if rules can be liberty; and the role of reasonable accommodation within a plural, principled-distance secularism. While contemporary anxiety rightly centres the impact of majoritarianism on religious autonomy, even that critique would benefit from a clearer account of religious autonomy's interaction with religious discrimination. Using the example of personal laws, our analysis offers a framework to structure that necessary conversation going forward.

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[40] Eoin Daly, 'Freedom as Non-Domination in the Jurisprudence of Constitutional Rights' (2015) 28(2) Canadian Journal of Law & Jurisprudence 289 (describing how non-domination is concerned less with actual interference with the freedoms of others or even the probability of interference, but rather the allocation of powers to arbitrarily interfere with freedoms)

[41] This question is linked to the debate on whether discrimination law is primarily aimed at preventing group disadvantage or whether it also protects individual rights. See, for discussion on this point in the context of European jurisprudence, Ronan McCrea, 'Squaring the Circle: Can an Egalitarian and Individualistic Conception of Freedom of Religion or Belief Co-exist with the Notion of Indirect Discrimination?' in Hugh Collins and Tarunabh Khaitan (eds), Foundations of Indirect Discrimination Law (Hart Publishing 2018) 155-56

Note:

समानी प्रपा सह वोऽन्नभागः।
समाने योक्त्रे सह वो युनज्मि।
अराः नाभिमिवाभितः।।

- अथर्ववेद-संज्ञान सूक्तम्

"All human beings are born free, their dignity and rights are equal, they have been given intelligence and conscience by God and they should behave with each other in a brotherly manner. Just as the strings of the wheels of a chariot connect the wheel to the axle, in the same way all should help each other harmoniously."

सर्वे
भवन्तु सुखिनः

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