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The International Commission of Jurists (ICJ) is a non-governmental organisation founded in 1952, in consultative status with the Economic and Social Council since 1957. The ICJ is dedicated to the primacy, coherence and implementation of international law and principles that advance human rights. It takes an impartial, objective and authoritative legal approach to the protection and promotion of human rights through the rule of law. It provides legal expertise at both the international and national levels to ensure that developments in international law adhere to human rights principles and that international standards are implemented at the national level.

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ICJ submission to the Universal Periodic Review of India

1. The International Commission of Jurists (ICJ) welcomes the opportunity to contribute to the Human Rights Council's Universal Periodic Review (UPR) of India. In this submission, the ICJ brings to the attention of the Human Rights Council's Working Group on the UPR (Working Group) and to the Human Rights Council (Council) issues concerning: (1) the ratification of the Convention against Torture (CAT); (2) access to justice, especially in the context of business and human rights; and (3) international human rights instruments and mechanisms.

PREVENTION OF TORTURE BILL (PTB)

2. In its 2008 Universal Periodic Review, it was recommended that India expedite its ratification of the CAT, as well as to sign and ratify the Optional Protocol to the CAT (OPCAT). In response, the delegation from India stated that ratification of CAT was being processed by the Government.[1]

3. On 6 May 2010, the lower house of Indian Parliament (*Lok Sabha*) passed the Prevention of Torture Bill 2010 without any discussion. The Bill was subsequently referred to a Select Committee by the Upper House (*Rajya Sabha*), following which the Select Committee of the Upper House drafted substantive amendments and prepared a revised Bill. While curing some deficiencies, the revised Bill still fails to comply with several key provisions in the CAT as well as India's obligation to prohibit torture and ill-treatment under the International Covenant on Civil and Political Rights (ICCPR). Six concerns are highlighted herein.

(i) Death penalty

4. Torture causing death is punishable by death or life imprisonment under Section 4(2). The ICJ considers the imposition of the death penalty to violate the right to life and right to be free from cruel, inhuman or degrading punishment. The UN General Assembly has repeatedly called on all retentionist States, most recently in December 2010, to "progressively restrict the use of the death penalty and to reduce the number of offences for which it may be imposed;" and to "establish a moratorium on executions with a view to abolishing the death penalty".[2] The establishment by India of a new offense for which the death penalty may be applied would fly in the face of these prescriptions..

(ii) Statute of limitations

5. Section 6 imposes a statute of limitations on complaints of torture. If a complaint is not made within two years from the date of the alleged acts, the victim is precluded from obtaining a legal remedy for torture. The accused is thereby immune from subsequent prosecution. Section 6 represents a serious impediment to the eradication, prevention, prosecution and punishment of torture. It also interferes with victims' access to justice and thus violates victims' right to remedy and reparations. Section 6 is incompatible with the object and purpose of the CAT and the ICCPR.

(iii) Limited immunity for public officials

6. Section 7 provides a form of statutory immunity for public officials. A public official acting or purporting to act in the discharge of an official duty is immune from prosecution unless permission for prosecution is obtained from a senior officer in the Central or State Government. A decision to deny permission to prosecute can only be taken in the first three months from the date an application is made. If no decision is taken within three months, permission is deemed to have been granted and the public servant will be subject to prosecution. Where the Government or competent authority denies permission, there must be written reasons justifying the decision. The complainant is entitled to appeal such a decision to the High Court within 90 days.

7. Notwithstanding these counterbalances, it remains possible that a public servant will be immune from prosecution and punishment for an act of torture. It is also a serious impediment in accessing justice and reparations and is not compatible with the object and purpose of the CAT and the ICCPR.

(iv) Definition of torture and cruel, inhuman or degrading treatment or punishment

8. The Supreme Court of India, in its recent decision *Prithipal Singh etc. v State of Punjab and Anr, etc*,[3] affirmed the State's unequivocal obligation to prohibit torture, and specifically cruel, inhuman and degrading treatment of all persons. The definition of torture in the revised Bill nevertheless fails to do so in four respects: (1) it fails to criminalise complicity in or instigation of acts of torture; (2) it uses a stricter definition of cruel, inhuman or degrading treatment than "severe pain and suffering, whether physical or mental" (as in article 1 of the CAT); (3) it fails to criminalise cruel, inhuman or degrading treatment; and (4) it does not prohibit corporal punishment or punishment that constitutes cruel, inhuman or degrading punishment.

(v) Non-refoulement

9. The revised Bill does not contain any provision or reference to *non-refoulement*. The principle of *non-refoulement* is a basic component of the prohibition of torture and must be included in the implementing legislation. It is imperative that a person not be transferred forcibly to a third country where he or she faces a risk of torture or ill-treatment.

(vi) Preventative measures

10. A key aspect of the article 2 obligation is that States parties take "effective legislative, administrative, judicial or other measures to prevent acts of torture… under [their] jurisdiction" (emphasis added). The Committee against Torture views preventive measures as paramount, transcending the items enumerated specifically in the Convention or the demands of its General Comment.[4] The revised Bill contains no specific preventive measures. Nor has India taken any steps towards signing or ratifying the OPCAT despite the recommendation of the UPR in 2008.

ACCESS TO JUSTICE, ESPECIALLY IN THE CONTEXT OF BUSINESS AND HUMAN RIGHTS

11. India has a history of human rights abuses in which corporations have been involved.[5] Recent reported cases include the gas leakage at Union Carbide's chemical plant at Bhopal,[6] Enron's Dabhol power project in Maharashtra,[7] Tata's proposed car plant in West Bengal,[8] and Vedanta's mining operations in Orissa.[9]

12. Indian law offers various judicial and non-judicial remedies for human rights abuses involving corporations.[10] In addition to its ordinary laws, several provisions of the Indian Constitution are horizontally applicable to legal persons,[11] thus providing victims with a legal means to hold corporations accountable for human rights abuses.

13. There are, however, a number of factors that impair the capacity of victims of corporate human rights abuses to seek remedies in the legal system.[12] While the legal framework may sometimes limit the scope of available remedies, usually it is the non-enforcement or lax enforcement of laws that poses the most critical problem. This situation is mainly due to inadequate manpower, under-developed infrastructure, administrative apathy, "red-tape" or corruption.[13]

14. Both legislation and judicial decisions suffer from a lack of implementation by relevant Government agencies.[14] Courts have had to be approached multiple times with requests for the implementation of their guidelines and directions in relation to, for example, child/bondage labour, environmental pollution or the right to a speedy trial.[15]

15. Many people cannot afford to pay fees of courts; petitioners filing civil suits must pay *ad valorem* court fees (fees levied in proportion to the value of the claim made).[16] Therefore, large amount sought as compensation in mass tort cases will result in prohibitive court fees.[17]

This issue has been raised publicly, including by the Law Commission of India in 2004[18] and again in 2009, when it recommended that the Government consider introducing maximum chargeable court fees. None of these recommendations has been acted upon.[19]

16. In addition to court fees, there are lawyers' fees. Lawyers are not permitted to charge contingent fees,[20] and pro bono assistance is unavailable. Article 39A of the Constitution provides the following Directive Principle: "The State shall… provide free legal aid… to ensure that opportunities for securing justice are not denied to any citizen."[21] Access to legal aid has been interpreted by the Supreme Court to be a fundamental right.[22] Nevertheless, the availability of legal aid remains limited in practice. Section 12 of the Legal Services Authorities Act states that every person shall be entitled to legal services if he/she falls within the list of specified categories of people[23] or has annual income of less than a certain amount. The Legal Aid Authority must also be satisfied that such person has a *prima facie* case to prosecute or to defend.[24] Legal aid is therefore available to a very limited number of people.[25]

17. Those who overcome this barrier face endemic delays in court proceedings that effectively result in justice being denied. At the end of November 2010, there were 54,644 cases pending before the Supreme Court, of which 35,206 have been pending for more than one year,[26] while the situation of High Courts and lower courts was even worse.[27] These figures have since risen- about 25% of the cases pending before High Courts have remained unresolved for more than ten years.[28]

18. A key reason for delays is a lack of resources. The number of judges and courts in India is much lower per capita than is typical in other countries.[29] There are a limited number of sanctioned positions in courts, and even then many remain unfilled. The number of reported vacancies in courts include: 4 out of 26 in the Supreme Court, 266 out of 866 in the High Courts, and 3,239 out of 16,158 in the District and Subordinate Courts.[30] This is a key factor[31] contributing to the backlog of cases.[32] The situation has not improved much despite the relative success of *Lok Adalats* (the people's courts)[33] that have been established.[34]

19. Additionally, there is the detrimental influence of corruption. The 2010 Corruption Perceptions Index places India at 87th position out of a total 178 countries.[35] It is believed that corruption is most prevalent in lower courts, yet accountability measures like the impeachment of judges does not seem to work, and the legal bar is failing in curbing corruption at the bench.[36] The problem of corruption remains rampant despite initiatives such as the Right to Information Act, the Prevention of Corruption Act, and the Prevention of Money Laundering Act.[37]

20. There are increasingly frequent reports of companies resorting to 'Strategic Lawsuits Against Public Participation' (SLAPP) as a way of harassing human rights campaigners and activists that challenge business operations.[38] By silencing dissenting voices, SLAPP suits not only undermine the right to freedom of speech and expression but also discourage people's participation in decision-making processes affecting them.

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS

21. India has ratified or acceded to several core human rights treaties, but is yet to become a party to the First and Second Optional Protocols to the ICCPR,[39] the Optional Protocol to the ICESCR,[40] the Optional Protocol to the CEDAW,[41] the CAT (despite being a signatory since 1997), the Optional Protocol to the CAT, the ICRMW,[42] the ICPED,[43] the Rome Statute on the International Criminal Court, and the Convention on the Status of Refugees.

22. India is systematically late in all of its reporting obligations to treaty bodies, with the exception of the combined third and fourth reports to the Committee on the Rights of the Child, due on 10 January 2005 and submitted on 26 August 2011. India has fail to adhere to reporting deadlines for periodic reports to the Human Rights Committee (HRCttee), the

Committee on Economical, Social and Cultural Rights (CESCR), and the Committee on the Elimination of Discrimination against Women (CEDAW):

- India is yet to submit its fourth report to the HRCttee, which was due on 31 December 2001;
- India's sixth periodic report to CESCR, due 30 June 2011, is outstanding;
- India has failed to submit its combined fourth and fifth report to CEDAW, due since 8 August 2010.

23. Although India has extended a standing invitation to the Special Procedures as of 14 September 2011, it is yet to respond to requests for visits to India by 11 Special Procedure mechanisms, despite several reminders in many instances.[44]

RECOMMENDATIONS

24. The ICJ calls upon the Working Group and the Council to urge the Government of India to:

Concerning the Prevention of Torture Bill (PTB):

i). Insert a provision in the PTB to recognise the criminal liability of public officials and/or superior or commanding officers complicit in, or instigating acts of, torture and other cruel, inhuman or degrading treatment or punishment;
ii). Criminalise acts of cruel, inhuman or degrading treatment or punishment as a separate offence;
iii). Insert a provision in the PTB explicitly prohibiting corporal punishment or any other punishment constituting cruel, inhuman or degrading treatment or punishment;
iv). Eliminate the death penalty as a penalty for the offence of torture causing death and replace it with a lengthy term of imprisonment;
v). Remove sections 6 and 7 from the PTB ;
vi). Insert a provision in the PTB prohibiting persons from being transferred to any State where there is a risk of torture or other cruel, inhuman or degrading treatment or punishment;
vii). Increase the human rights training and education of staff involved in custody;
viii). Ensure that persons convicted of torture or ill-treatment are prevented from working in places of detention, interrogation or imprisonment;
ix). Take steps to guarantee that detained persons are brought before a judge or other independent judicial officer regularly and allowed visits from family;
x). Establish an effective mechanism immediately to prevent, through monitoring, the use of torture and ill-treatment through the National Human Rights Institution, and eventually by becoming a party to the OPCAT and allowing for visits by the international mechanism established thereunder;

Concerning access to justice:

xi). Ensure better implementation of laws and court decisions;
xii). Increase the number of courts and judges by immediately filling all vacancies;
xiii). Make legal aid available to a larger segment of the population, encourage lawyers to take on *pro bono* work, and minimise court fees;
xiv). Encourage more plaintiffs to resort to the *Lok Adalats* (the people's courts) and other alternative dispute resolution mechanisms such as the National Green Tribunal to address environmental complaints, and/or a national commission to address discrimination and unequal treatment complaints arising from the private sector;
xv). Amend the Protection of Human Rights Act so as to expressly empower the NHRC as well as State commissions to investigate claims of victims of human rights abuses by companies;
xvi). Establish an independent anti-corruption commission backed with investigative powers, prosecutorial competency and fast-track courts to address allegations of corruption;

xvii). When considering implementing State-sponsored development projects, give adequate consideration to the interests of vulnerable communities which may be adversely affected, and expand and strengthen the scope of human rights and environment impact assessments;

xviii). Revise the Indian Companies Act of 1956 to impose a duty on directors to consider the interests of stakeholders when making decisions and require companies to disclose their non-financial performance in annual reports;

Concerning international instruments and mechanisms:

xix). Become a party to: the First and Second Optional Protocols to the ICCPR; the Optional Protocol to the ICESCR; the Optional Protocol to CEDAW; the Convention against Torture and its Optional Protocol; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearances; the Rome Statute on the International Criminal Court; and the Convention on the Status of Refugees;

xx). Establish a moratorium on executions with a view to abolishing the death penalty, and take immediate steps toward abolition of the death penalty in law;

xxi). Immediately sign, with a view to ratifying, the Third Optional Protocol to the CRC;

xxii). Provide without delay its fourth periodic report to the HRCttee, its sixth periodic report to the CESCR, and its combined fourth and fifth periodic report to CEDAW;

xxiii). Accept at the earliest opportunity the requests for country visits to India from the Special Rapporteur on torture; the Special Rapporteur on racism; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the sale of children; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on adequate housing; the Special Rapporteur on indigenous people; the Special Rapporteur on water; the Special Rapporteur on independence of judges and lawyers; the Working Group on Arbitrary Detention; and the Special Rapporteur on trafficking in persons, and extend to the mandate holders all reasonable cooperation and assistance to facilitate timely and effective country missions;

xxiv). Present to the Council, during the plenary session to adopt the outcome document for the UPR of India, a national plan of action for the implementation of accepted recommendations and voluntary pledges and commitments;

xxv). Present to the Council, two years after adoption of the outcome document, a mid-term progress report on the status of implementation of recommendations and voluntary pledges and commitments.

ENDNOTES:

[1] Universal Periodic Review, Report of the Working Group on the Universal Periodic Review: India, Addendum, Response of the Government of India to the recommendations made by delegations during the Universal Periodic Review of India, UN Document A/HRC/8/26/Add. 1 (2008), p.2.

[2] General Assembly Resolution 65/206, UN Doc A/Res/65/206 (2010). See also: General Assembly Resolution 62/149, UN Doc A/Res/62/149 (2008); General Assembly Resolution 63/168, UN Doc A/Res/63/168 (2009); Universal Declaration of Human Rights, article 3, adopted under General Assembly Resolution 217A (III); CRC, article 37(a); and ICCPR article 6.

[3] *Prithipal Singh Etc. Versus State of Punjab & Anr Etc*, Criminal Appeal No. 528 of 2009, Supreme Court of India, Criminal Appellate Jurisdiction, 4 November 2011, para 7.

[4] CAT General Comment 2, para 25.

[5] See Donald C Dowling, "The Multinational's Manifesto on Sweatshops, Trade/Labour Linkage, and Codes of Conduct", (2000) 8 *Tulsa Journal of Comparative and International Law* 528; Mike Marqusee,

"Whitewashing the Past", in *Guardian*, 24 May 2002, http://www.guardian.co.uk/education/2002/may/24/artsandhumanities.highereducation (accessed 2 February 2011).

[6] Amnesty International, *Clouds of Injustice: Bhopal Disaster 20 Years On*, (London, 2004).

[7] Human Rights Watch, "The Enron Corporation: Corporate Complicity in Human Rights Violation", 23 January 2002, http://www.hrw.org/reports/1999/enron/ (accessed 2 February 2011).

[8] See Gargi Gupta, "Singur farmers: Why they oppose Tata plant", 9 December 2006, http://www.rediff.com/money/2006/dec/09tata.htm (accessed 2 February 2011); Kolkata, "How Tata got Singur cheap", in *The Hindustan Times*, 11 September 2008, http://www.hindustantimes.com/How-Tata-got-Singur-cheap/Article1-337064.aspx (accessed 2 February 2011).

[9] "Environment Ministry stalls Vedanta's Niyamgiri project in Orissa", in *The Economic Times*, 24 August 2010, http://economictimes.indiatimes.com/news/news-by-industry/indl-goods-/-svs/metals--mining/Environment-Ministry-stalls-Vedantas-Niyamgiri-project-in-Orissa/articleshow/6425059.cms (accessed 2 February 2011).

[10] International Commission of Jurists, *Access to Justice: Human Rights Abuses Involving Corporations – India* (2011), pp.51-52, available at http://www.icj.org/dwn/database/AccesstoJustice-India-ElecDist-July2011.pdf.

[11] A remarkable feature given that the Constitution was drafted in the 1940s. See Mahendra P Singh, "India: Protection of Human Rights against State and Non-state Actors", in Oliver & Fedtke (eds), *Human Rights and the Private Sphere: A Comparative Study* (London: Routledge – Cavendish, 2007), p.180.

[12] *Access to Justice: Human Rights Abuses Involving Corporations – India*, above note 10, pp. 48 and 51.

[13] In the Bhopal case, safety laws (albeit underdeveloped at that time) were not properly enforced by the relevant government agencies. In addition, the central and state governments arguably facilitated the occurrence of Bhopal by approving improper planning, not fully appreciating the hazardous nature of the process in the chemical plant, and allowing slums to develop in the immediate vicinity of the plant. Jamie Cassels, *The Uncertain Promise of Law: Lessons from Bhopal* (Toronto: University of Toronto Press, 1993), pp.15-16, and 23-24; Lalit Shastri, *Bhopal Disaster: An Eye Witness Account* (New Delhi: Criterion Publications, 1985) pp.29-30, and 77-78; William Bogard, *The Bhopal Tragedy: Language, Logic, and Politics in the Production of a Hazard* (Colorado: Boulder, Westview Press, 1989) p.29; Dan Kurzman, *A Killing Wind: Inside Union Carbide and the Bhopal Catastrophe* (New York: McGraw-Hill, 1987) p.32.

[14] The Bhopal case again illustrates this obstacle. Time and again, victims' groups or socially active lawyers have had to approach the Supreme Court to ensure that interim relief is provided, that compensation reaches rightful victims swiftly and efficiently, and that the settlement money lying with the government is distributed to all victims on a pro rata basis. See, for some of the early orders regarding interim relief, Upendra Baxi & Amita Dhanda (eds.), *Valiant Victims and Lethal Litigation: The Bhopal Case*, N M Tripathi Pvt. Ltd – Bombay, India, 1990, pp.667-679. In an order passed on 19 July 2004, the Supreme Court ordered the settlement amount lying with the Government to be distributed among all the victims on pro rata basis. J Venkatesan, "Court Orders relief to Bhopal Gas Victims", in *The Hindu*, 20 July 2004, http://www.thehindu.com/2004/07/20/stories/2004072008760100.htm (accessed 3 February 2011).

[15] *Access to Justice: Human Rights Abuses Involving Corporations – India*, above note 10, p.79.

[16] Court Fees Act 1870, Schedule I. Court fee varies in different states. See generally Law Commission of India, *Revision of Court-fees Structure*, 189th Report, February 2004, pp. 40-62, http://lawcommissionofindia.nic.in/reports/189th%20Report%20on%20Revison%20of%20Court%20fee.pdf (accessed 3 February 2011).

[17] Marc Galanter, "Legal Torpor: Why so Little has Happened in India After the Bhopal Tragedy?" (1985) 20 *Texas International Law Journal*, pp.273-274.

[18] *P M Ashwathanarayana Setty v State of Karnataka*, AIR 1989 SC 100.

[19] Law Commission of India, *Need to fix Maximum Chargeable Court-fees in Subordinate Civil Courts*, 220th Report, March 2009, para. 3, http://lawcommissionofindia.nic.in/reports/report220.pdf (accessed 3 February 2011).

[20] Marc Galanter, above note 17, p.278.

[21] See also Section 304 of the Code of Criminal Procedure 1973.

[22] *M H Hoskot v State of Maharashtra*, (1978) 3 SCC 544; *Hussainara Khatoon v State of Bihar*, (1980) 1 SCC 81; *Khatri v State of Bihar*, 1981 (2) SCR 408.

[23] Like a member of a Scheduled Caste or Scheduled Tribe, a victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution, a woman or a child, a mentally ill or otherwise disabled person, or an industrial workman.

[24] Legal Services Authorities Act 1987, Section 13. Section 2(a) of this Act stipulates that "case" includes a suit or any proceeding before a court.
[25] This may not be accidental, because, as Austin notes, "the government-established legal aid agency is financially undernourished". Granville Austin, *Working a Democratic Constitution – The Indian Experience* (New Delhi : Oxford University Press, 1999) p.141.
[26] Supreme Court of India, "The monthly statement of pending cases for the month of November, 2010", http://supremecourtofindia.nic.in/pendingstat.htm (accessed 3 February 2011).
[27] Supreme Court of India, "Court News" (October-December 2008), pp.8-9.
[28] Centre on Public Law & Jurisprudence, Jindal Global Law School (JGLS), *Justice without Delay: Recommendations for Legal and Institutional Reform* (New Delhi, 2010) p.8.
[29] Whereas India has only 10.5 judges per million people, many other countries have 50 to 150 judges per million people. Law Commission of India, *120th Report on Manpower Planning in Judiciary: A Blueprint*, 1987, p.3; Law Commission of India, *189th Report on Revision of Court Fees Structure*, 2004, p.32.
[30] Supreme Court of India, *Court News*, July-September 2008, pp.6-7.
[31] Nick Robinson, "Expanding Judiciaries: India and the Rise of Good Governance Court" (2009) 8 *Washington University Global Studies Law Review*, pp.20-27. See also Law Commission of India, *125th Report on the Supreme Court: A Fresh Look*, 1988.
[32] "The Union Government and the States in India had not toned up the judicial system in the last five decades so that today we are faced with tremendous backlog of cases in our Courts." Law Commission of India, *189th Report on Revision of Court Fees Structure*, 2004, p.32.
[33] Marc Galanter & Jayanth Krishnan, '"Bread for the Poor": Access to Justice and the Rights of the Needy in India' (2004) 55 *Hastings Law Journal*, pp.799-800.
[34] Under the system of *Lok Adalats*, a panel of meditators deals cases in an informal manner if both parties consent their dispute to be heard by a given *Lok Adalat*. So far several million cases have been settled by *Lok Adalats*. See Marc Galanter & Jayanth Krishnan, ibid, pp.799-800. The settlement reached by *Lok Adalats* is binding on both parties and is generally final, as no appeal to any court is permitted. However, Legal Services Authorities Act 1987, Section 21 allows for judicial review of the award.
[35] Transparency International: the global coalition against corruption, "Corruption Perceptions Index 2010", http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results (accessed 3 February 2011).
[36] For example, an attempt to impeach a Supreme Court judge (Justice Ramaswami), against whom the corruption charges were upheld by the Inquiry Committee, failed in 1993. *Shukla's Constitution of India*, Eastern Book Co. – Lucknow, Eleventh Edition, India, 2008, p. 476; Prashant Bhushan, "A Historic Non-Impeachment", in *Frontline*, 4 June 1993, http://www.judicialreforms.org/files/cover_story_ramaswami.pdf (accessed 3 February 2011). See also A G Noorani, *Constitutional Questions and Citizens' Rights*, Part II (New Delhi: Oxford University Press, 2006) pp.11-24, and 47-55; Rajeev Dhavan, "Judicial Corruption", in *The Hindu*, 22 February 2002, http://www.hinduonnet.com/2002/02/22/stories/2002022200031000.htm (accessed 3 February 2011).
[37] See Transparency International, "Overview of Corruption and Anti-corruption Efforts in India", January 2009, http://www.u4.no/helpdesk/helpdesk/query.cfm?id=188 (accessed 3 February 2011).
[38] See Rajeev Dhavan, "Whistles, strings and slapps", in *The Hindu*, 12 December 2003, http://www.hinduonnet.com/2003/12/12/stories/2003121201851200.htm (accessed 3 February 2011).
[39] International Covenant on Civil and Political Rights.
[40] International Covenant on Economical, Social and Cultural Rights.
[41] Convention on the Elimination of All Forms of Discrimination Against Women.
[42] International Convention on the Rights of All Migrant Workers and Members of their Families.
[43] International Convention for the Protection of All Persons from Enforced Disappearances.
[44] The following requests and reminders are yet to be responded to by India: Special Rapporteur on torture (1993, 2007, 2010); Special Rapporteur on racism (2006, 2008); Special Rapporteur on extrajudicial, summary or arbitrary executions (2000, follow-up request in 2005 and 2006, reminder in 2008); Special Rapporteur on the sale of children (2004, reminders in 2008, 2009); Working Group on Enforced or Involuntary Disappearances (2005, reminder on 18 August 2011); Special Rapporteur on adequate housing (2008); Special Rapporteur on indigenous people (2008); Special Rapporteur on water (2009); Special Rapporteur on independence of judges and lawyers (January 2011); Working Group on Arbitrary Detention (2004, renewed in 2005, 2006, 2007 and 2009); and Special Rapporteur on trafficking in persons (October 2011).