

REGIONAL CAMPAIGN ON C20

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Author: Voluntary Action Network India (VANI)

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Intro

The Heinrich Böll Stiftung is a German foundation and part of the Green movement that has developed worldwide as a response to the traditional politics of socialism, liberalism, and conservatism. We are a green think-tank and an international policy network, our main tenets are ecology and sustainability, democracy and human rights, self-determination and justice. We place particular emphasis on gender democracy, meaning social emancipation and equal rights for women and men. We are also committed to equal rights for cultural and ethnic minorities. Finally, we promote non-violence and proactive peace policies. To achieve our goals, we seek strategic partnerships with others who share our values.

Our eponymous, Heinrich Böll, personifies the values we stand for: protection of freedom, civic courage, tolerance, open debate, and the valuation of art and culture as independent spheres of thought and action.

Our India Liaison Office was established in 2002 in New Delhi.

For more information visit: www.in.boell.org

Heinrich Böll Stiftung/ Foundation, India Office

C-20, 1st floor, Qutub Institutional Area

New Delhi 110016, India



@TeamVANI



@vani_info

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Objective of the document

With the G20 summit set for 2023, India is moving at a fast pace to provide space for positioning its global image through multilateral cooperation. The G20 has strikingly emerged as a strong and pivotal multilateral carrying important decision-making powers to shape the geo-political realities around the world. In its 10-year journey it has defined important goals and milestones for the global community to act upon. As a strong developing country that is incrementally closing on to become the future development and growth powerhouse of the world, India is trying to pursue specific aspirations that are integral to its national interests. This coincides with its affirmation to hold the G20 in 2022 in tandem with the celebration of 75 years of India's independence. Over the years, India has put forward its basket of economic and development agendas which are critically important for its future growth and sustainability. As such, G20 will be an important event in the history of the Indian republic; since it will be for the first time the world will descend to India to ink in the future direction of global geo-polity and converge on multilateral cooperation. Aligned to this, a range of stakeholders invested in development initiatives are eagerly looking at India. This is because a majority of G20 meetings have been restricted to the global north. At the previous G20 meetings, India has been keenly vouching for a just global financial regime, collective action for sustainable development and joint efforts in addressing socio-economic issues plaguing the developing bloc. To a considerable extent, it has taken considerable efforts to close its own development gaps and achieve critical milestones that are espoused by the G20. However efficient policy decisions cannot be realized unless Civil Society participation is guaranteed. Subsequently the C20 as a forum has progressively pushed for bringing a people-centric approach and cultivating sensitivity and awareness. It is on this background that the G20 has regularly been convening C20 forum which witnesses interface with global civil society. As such, Indian civil society is readying itself for the C20 in 2022. Importantly, it is intended to have meaningful civil society participation and its future guidance in G20 will be extremely critical. This will attain more importance given the COVID-19 induced economic and health crisis.

Purpose of the Document

India has a vibrant civil society which is well acquainted with development issues and concerns. Most of these challenges remain at ground level and have no opportunity to reach policy making forums. Many a times challenges of human rights, gender-based empowerment, primary healthcare services and conservation of local environment do not reach out administrative and governance forums to quickly rectify and redress these problems. This exacerbates underlying development challenges despite the number of policy actions sought for correcting them. To make civil society capacitated on these lines, the document is intended to help civil society the necessary reference points to act upon when the C20 is organized in India. It also touches upon the various rights based, development and environmental challenges confronting India. Moreover, the document tries to build itself from the grassroots level and is not restricted to general issues of development.

Methodology of the document

The document seeks to be a comprehensive one-stop reference for development challenges that are associated with the C20. It tries to incorporate data/information from various sources. It is divided into various sections dealing with

- Human Rights: Rights based Challenges that need urgent attention by the government to act upon
- Generic Development Challenges- Such as healthcare, education, livelihoods
- Environmental Challenges- Conservation of forestry and protection of local environments

Why is Localization of development challenges important?

Localization of development is gaining fast currency in policy making spheres. This is more evident with SDGs where the term localization is being used. It is observed that localization of SDGs is aligned with development challenges undertaken by C20's advocacy. Hence localization of development challenges for civil society can be used by The collective challenge of the global development community is to ensure that global development objectives—such as the U.N.'s Sustainable Development Goals (SDGs)—are achieved across a country at the grassroots level.

Localization of SDGs is at the core of the country's SDG implementation strategy. In the federal governance structure, the States play a pivotal role in designing, executing, and monitoring development policies and interventions¹.

“Localizing” is the process of taking into account subnational contexts in the achievement of the 2030 Agenda, from the setting of goals and targets, to determining the means of implementation and using indicators to measure and monitor progress.

Localization relates both to how the SDGs can provide a framework for local development policy and to how local and regional governments can support the achievement of the SDGs through action from the bottom up and to how the SDGs can provide a framework for local development policy.

While the SDGs are global, their achievement will depend on our ability to make them a reality in our cities and regions. All of the SDGs have targets directly related to the responsibilities of local and regional governments, particularly to their role in delivering basic services. That's why local and regional governments must be at the heart of the 2030 Agenda².

Approach to Localization

There is no single approach to Sustainable Development Goal (SDG) localization. However, some strategies were defined by the Roadmap for Localizing the SDGs: Implementation and Monitoring at Subnational Level, which was developed jointly by the Global Taskforce of Local and Regional Governments, United Nations Development Programme, and UN-Habitat. These strategies include the following: Awareness raising and/or advocacy. This includes, for example, involving existing and new platforms and using traditional and social media channels to reach out to all sectors of society, incorporating information on the SDGs in educational programs, and nominating SDG ambassadors. Implementation. Local and regional governments (LRGs) must prepare to implement the SDGs in their communities by, for instance, conducting needs assessments to define priorities, engaging in cooperative governance to establish shared priorities, aligning local and regional plans with the SDGs, mobilizing local resources, building capacities for effective and responsive leadership promote ownership, and participating in development cooperation and peer-to-peer learning. Monitoring. At the national level, subnational data should be taken into account in evaluating and reviewing results of national plans. Localizing the follow-up of the 2030 Agenda for Sustainable Development entails developing a set of localized indicators, ensuring that information collected by LRGs is included in national monitoring and reporting, enabling participation of LRGs and stakeholders in the review of national plans, using SDG indicators to monitor and assess local and regional plans, and ensuring local achievements are recognized and part of the national SDG progress reports (e.g., the Voluntary National Reviews)³.

Enabling environment for localization⁴

An enabling environment for the localization of SDGs includes:

- A legal and political framework that guarantees democracy and respect for human rights
- A legislative body and level of decentralization that recognizes local and regional governments as an autonomous level of government with legal powers, financial autonomy, clearly defined roles and responsibilities and the capacity to defend the voice of citizens before national authorities
- Multi-level governance mechanisms and multi-stakeholder partnerships
- Recognition of the need to make financial transfers from the central government to local and regional governments in order to correct imbalances between the tasks assigned to them and their limited resources. Local and regional governments should also have the legal power to set their own taxes, with the aim of effectively implementing their locally defined development pathways and ensuring accountability to local communities
- Capacity building of local and regional governments in relation to the SDGs, empowering them to maximize their contributions, even in the face of limited competencies
- Measures to monitor and assess the performance of local and regional governments, as well as to support them to improve over time
- A national urban strategy that takes the SDGs and the New Urban Agenda adopted at Habitat III into account, along with the financial and technical arrangements and capacities necessary to implement it. Local and regional governments should call for their central governments to implement the “international guidelines on decentralization and access to basic services for all” adopted by the Governing Council of UN Habitat in 2007/2009. The Guidelines lay out the principles for the effective decentralization of responsibilities, policy management, decision making authority and sufficient resources, including revenue collection authority

What is C20?

Civil 20 (C20) is one of the official Engagement Groups of the G20.

It provides a platform of Civil Society Organizations around the world to bring forth the political dialogue with the G20. The Civil 20 process involves a wide variety of organizations and networks far beyond the G20 countries and it is structured around the C20 Guiding Principles.

The C20 is organized in thematic Working Groups with two co-facilitators, one from the host country and one from the international civil society.

The Steering Committee leads the process, supported by the International Advisory Committee.

The civil society from the host country chairs the overall process. Within the Steering Committee, the current, previous and following G20/C20 host countries gathered in the Troika facilitate the international coordination⁵.

According to the C20 Communique released in Saudi Arabia-

⁴ <https://www.local2030.org/library/348/Trainers-guide-for-Localizing-the-SDGs-Learning-Module-1.pdf>

⁵ <https://civil-20.org/2021/about-c20/>

The Civil 20, as the vehicle for civil society engagement in the G20 process, continues to support the demands of communities and ensure civil society voices are heard by governments. This year, we intensified our efforts to support those from the Global South and grassroots movements to participate in the G20 process. We have ensured the broadest representation to date, with participation from more than 80 countries. Our work is guided by the C20 Principles of inclusivity, transparency, independence, collaboration, human rights, gender equality and women's empowerment⁶.

C20 Principles

Background The Civil 20 (C20) became an Official Engagement Group of the G20 in 2013 . Since then, the C20 has grown stronger every year, ensuring that world leaders listen not only to voices representing the government and business sectors, but also to the proposals and demands of civil society, with the aim of protecting the environment and promoting social and economic development, human rights and the principle of leaving no one behind. As part of the G20 process, CSOs play multiple roles:

- They provide expertise: Civil society groups include some of the world's leading experts on a wide range of issues relevant to the G20.
- They hold governments accountable: Civil society challenges governments to achieve higher standards and holds them accountable to their own commitments, seeking positive outcomes for society as a whole and pushing for an effective allocation of resources to achieve those outcomes.
- They explain complex issues in lay terms: Much government policy is too technical or abstract for nonspecialists. Civil society can help citizens understand what these policies mean and how they will impact their everyday lives.
- They provide balance: One of the greatest weaknesses of the G20 has been its reluctance to grant civil society the same kind of access it provides to business interests. In a context in which people around the world believe governments are too close to business or only act in their own interests, it is vital to involve civil society to ensure that government decisions reflect the interests of citizens and are worthy of people's trust
- They collaborate: Besides acting as a watchdog, civil society is the home of innovators and experts on technology and policy who are able and willing to provide cutting-edge solutions, innovative ideas and support to G20 governments on the key issues of our time.

C20 Principles

- 1) **Global character:** The C20 is the global space for civil society organizations from all over the world - from international NGOs to grassroots local groups - aiming to influence the G20. Any local, regional or international organization (whether from G20 or non-G20 countries) wishing to discuss major issues in the global agenda and wanting to have an impact on the G20 is welcome to participate in the C20. Regional balance should always be ensured.
- 2) **Transparency:** All preliminary and working drafts of C20 pronouncements or decisions should be circulated widely among participating organizations and opened to comment, and all final documents should be made widely available and accessible. Information regarding C20 leadership, structure, procedures and outputs should always be timely, relevant, up-to-date and accurate. All C20 outputs must be developed through a transparent, inclusive and participatory process, to provide participating CSOs the opportunity to collaborate in drafting policy recommendations, including

⁶ <https://civil-20.org/2021/wp-content/uploads/2020/12/2020-C20-Communique.pdf>

the cover statement of the C20 Policy Pack. Once approved, further editing or review of the content of any document prepared by the C20 Working Groups and/or the C20 Steering Committee (SC) and International Advisory Committee (IAC) will not be allowed. Approved documents can only be lightly edited for language clarity and design purposes. In order to ensure all potential participants know how the C20 works, this C20 Principles document should be permanently featured on the C20 official website.

- 3) **Independence:** While welcoming input and open debate, ultimate decision-making and sign-off prerogatives on C20 positions belong to C20 member organizations. The C20 is the exclusive domain of civil society, mandated to carry out its work and develop its policy recommendations autonomously, that is, free from undue influence by any non-civil society actors.
- 4) **Collaboration** To address issues of common interest, the C20 should cooperate with other engagement groups (such as the L20, T20, B20, W20, Y20 etc.) to enhance the impact of the C20's work. Such cooperation must be based on balanced power relations, adequate consultation among C20 members and with agreement of the C20 Steering Committee and International Advisory Committee.
- 5) **Human Rights, Gender Equality and women's empowerment.** The C20 should identify existing inequalities, forms of discrimination and other human rights violations, and strongly request G20 Governments to tackle gender and other inequalities, promoting the empowerment of women and girls, men and boys both at country and global level.
- 6) **Inclusiveness:** The C20 is a space for meaningful exchange and cross-country collaboration, which does not tolerate any form of discrimination, including on the basis of geographic location, gender, gender identity, sexual orientation, race, caste, language, age, ability, legal status (e.g., migrant, refugee and statelessness) , ideology, religion or political belief. The C20 will use innovative, cost-efficient and practical approaches, including the use of ICTs (e.g., webcasting, videoconferencing and other online tools) in order to foster greater and more diverse participation of civil society actors, particularly from the global south and marginalized groups.
- 7) **Continuity:** Although the overall themes and priorities of the C20 may vary from year to year, all C20 processes should be guided by the aim of reflecting the perspective and experience of civil society across a diverse range of topics, including those which civil society wants the G20 to address but are not currently on the G20 agenda. For that to happen, each C20 process should always build on its predecessors and ensure that the voices and experience from different parts of the world are taken into account. The C20 structure outlined in section B is viewed as essential for maintaining this continuity. In order to ensure continuity, the current C20 Chair will transfer the domain of the C20 website (www.civil-20.org) and social media to the following C20 chair as the G20 Presidency is transferred. Each new chair will ensure that previous years' C20 online content remain available.
- 8) **Predictability:** In order to contribute to the transparency of the C20, it is crucial to have clear schedules and processes in place that outline a step-by-step approach for every deliverable/product that will be produced for publication on behalf of the C20. These processes must be communicated in advance, as early as possible, with clear deadlines for each milestone of that process. Ideally those processes will include drafting, review, and interaction stages (conference calls, or in-person meetings)

Basic C20 structure

On the basis of lessons learned from previous C20 processes, all C20 processes should guarantee, at a minimum, the following structure: -

C20 Troika: The troika structure, which is part of the C20 Steering Committee (SC), allows for dialogue and coordination between the lead civil society organizations from the current, previous and following G20/C20 host countries.

- ◇ **C20 Chair and Co-Chair:** The C20 Chair and Co-Chair are responsible for facilitating the C20 process. The appointment of each year's Chair and Co-Chair is the prerogative of civil society in the host country.
- ◇ **C20 Sherpa:** The Sherpa, chosen each year by the Chair and Co-Chair and whose appointment is approved by the C20 Steering Committee (SC) and International Advisory Committee (IAC), is the main point of contact with external stakeholders (G20 representatives, international organizations, media, other G20 engagement groups). The C20 Sherpa is also responsible for ensuring a fluent and effective dialogue among C20 Working Group Chairs, mainstreaming relevant areas of work and developing – along with the C20 Chair and Co-Chair - the C20 schedule, for approval by the SC and the IAC.
- ◇ **C20 Secretariat:** Responsible for the administrative, financial and logistical coordination tasks. - **C20 Steering Committee:** The Steering Committee (SC) is the executive body of the C20 responsible for ensuring that the C20 is an open and diverse space that facilitates the transmission of a broad range of civil society views to the G20. The SC works alongside, and is advised by, the International Advisory Committee. The SC is responsible for leading the process and ensuring that the C20 and its working groups meet regularly among themselves and with government representatives. It also helps coordinate the agendas for in-person C20 meetings. SC decisions are reached by consensus. In the event that consensus is not possible, voting should take place based on a simple majority voting system. SC 4 composition must be both regional- and gender-balanced, ensuring that local and international organizations are represented.
- ◇ **International Advisory Committee:** Composed of international civil society organizations with experience working within the G20, the IAC functions as an advisory body. Its main roles are to advise the SC on strategic decision-making and contribute to disseminating C20 recommendations among key stakeholders to guarantee more visibility. In consultation with the SC, the IAC is responsible for developing a clear advocacy strategy and plan. The IAC provides advice as required and/or makes suggestions and recommendations when deemed necessary. The IAC should work in tandem with the SC, and maintains regular communication with it. The SC and the IAC are part of the institutional structure of the C20 and are composed of civil society organizations with expertise in various areas of C20 engagement, invited by the Chair and Co-Chair based on two major criteria: experience of working at C20/G20 level, and geographic and thematic representation. As stated above, when appointing their representatives to the SC and IAC, participating organizations need to ensure a regional and gender balance, with special attention given to the representation of marginalized and underrepresented groups. To ensure continuity in the IAC and SC, at least two members in each body should stay on from the previous cycle. At the same time the principle of rotation should be applied to both the SC and IAC, with members serving beyond three consecutive years only in exceptional circumstances. Communication must be fluid between Co-chairs, SC and IAC for decision making on strategic and key issues.
- ◇ **Working Groups:** These are thematic spaces where civil society organizations from all over the world meet in person or online, in order to discuss and produce policy papers aimed at providing concrete

recommendations and policy proposals targeting the G20. Collectively, these groups comprise all civil society organizations (both domestic and international) interested in participating actively in the C20 process.

- ◇ Working Group Coordinators: Each C20 working group is coordinated by two organizations – one international and one local/national - with relevant experience and/or expertise on the subjects debated within the working group. Their main duties include moderating the discussions of the thematic working groups, drafting policy papers, presenting the recommendations of the group that they coordinate at G20 meetings and reporting on their activities to the C20 Sherpa.
- ◇ To ensure that the C20 maintains legitimacy as a representative of the international CSO community, the SC must have an outreach plan to encourage the participation of a diverse range of CSOs from across the world to join and participate in the C20 and its working groups. The aim should be to have as many and as diverse a range as possible of CSOs participating in the development of policy recommendations and advocacy plans. This means that the outreach should take place as early as possible before initial policy recommendations are discussed.

Envisioning Indian civil society participation in C20

Global development is increasingly being shaped and moulded by the actions and decisions of G20. As the foremost grouping of global north and south anchoring multilateralism, the G20 is consecrated with authority that carries impact from the global to the local level. Moreover, its open and accessible approach provides dedicated space for stakeholders and engagement groups to interact, influence and advocate for policy changes with decision makers. This is evident with the Civil 20 or C20 which is a convergence point for civil society organizations from across the world to engage with G20 on development issues. The C20 has established itself via an architecture that is based on principles of universalism, participation and inclusivity. This has shaped it as a decisive and strategic grouping that holds G20 government's accountability to commitments.

Despite being a recognized platform for government-civil society interface, the C20 also acts a pressure group and a repository for ground level knowledge, citizen's data and alternative policy approaches which are organized under 10 thematic working groups addressing specific development priorities having international and national ramifications. In recent years, C20's consistent civil society collectivization in G20 designated presidencies has guided important policy decisions that beckons the multilateral to recognize growing socio-economic-environmental crisis threatening sustainable development and appropriately devise time bound actions. As such, the C20 is an important space for asserting civil society's position on progressive people-centric policies. The C20-G20 will hold a significant opportunity for Indian CSOs to collectivize and influence home-grown policy actions that are aligned to G20 commitments.

Making G20 and C20 more inclusive⁷

Limited funding contributes to the lack of legitimacy of the C20 itself. Comparatively more CSOs from the Global South lack their own resources, access to funds, qualified staff, and insider knowledge that is required for advocacy work at global stage. CSOs that take part in C20 are mainly delivery-oriented and aim at attaining tangible results, as opposed to resistance-oriented groups that pursue a strong transformational agenda or even completely reject the legitimacy of the G20. Those who protest peacefully or violently at G20 sites do not necessarily sit at the table of the C20 meetings. CSOs active in policy work via C20 or even lobbying the Sherpas usually have a global reach. Such CSOs are predominantly rooted in the Global North, often lacking downward accountability and legitimacy themselves.

⁷ <https://www.die-gdi.de/en/the-current-column/article/what-about-civil-society>

Although uncritical enthusiasm about civil society influence in G20 is misplaced, C20 remains the strongest channel for civil society to feed more diverse perspectives into the G20 policy process. In order to increase their own credibility as legitimate and accountable actors, C20 and others must still facilitate more participation from actors from the Global South and non-G20 states, in particular, low-income countries and fragile states, and preferably in a lasting manner. Bringing together researchers from across Africa, the Think 20 (T20) Africa Standing Group sets a positive example here. In addition, influential NGOs should be careful not to monopolise civil society, but to include more grassroots organisations and marginalised communities in C20. This would make them also less vulnerable to attacks from illiberal governments that spread doubt about the legitimacy of civil society.

For ensuring equitable inclusion, there is an urgency of including the participation of various marginalized communities, groups and vulnerable sections of society. It has been observed that inclusion of these constituencies requires adequate scaling up in their capacities so as to gain important data which can be used in promoting advocacy efforts.

Human Rights Challenges

Human rights in India is an issue complicated by the country's large size and population, widespread poverty, lack of proper education, as well as its diverse culture, despite its status as the world's largest sovereign, secular, democratic republic. The Constitution of India provides for Fundamental rights, which include freedom of religion. Clauses also provide for freedom of speech, as well as separation of executive and judiciary and freedom of movement within the country and abroad. The country also has an independent judiciary as well as bodies to look into issues of human rights.

Human Rights and The Indian Constitution⁸

The Constitution of the Republic of India which came into force on 26th January 1950 with 395 Articles and 8 Schedules, is one of the most elaborate fundamental laws ever adopted. The Preamble to the Constitution declares India to be a Sovereign, Socialist, Secular and Democratic Republic. The term democratic denotes that the Government gets its authority from the will of the people. It gives a feeling that they all are equal irrespective of the race, religion, language, sex and culture. The Preamble to the Constitution pledges justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and fraternity assuring the dignity of the individual and the unity and integrity of the nation to aid its citizens.

India was a signatory to the Universal Declaration of Human Rights. A number of fundamental rights guaranteed to the individuals in Part III of the Indian Constitution are similar to the provisions of the Universal Declaration of Human Rights.

⁸ <http://www.legalserviceindia.com/legal/article-1200-interpretation-of-human-rights-in-india.html>

The following chart makes it very clear:

Civil and Political Rights in the Universal Declaration of Human Rights and in the Indian Constitution

Article	Declaration	Constitution
Equality before law	Article 7	Article 14
Prohibition of discrimination	Article 7	Article 15(1)
Equality of opportunity	Article 21(2)	Article 16(1)
Freedom of speech and expression	Article 19	Article 19(1)(a)
Freedom of peaceful assembly	Article 20(1)	Article 19(1)(b)
Freedom to form associations or unions	Article 23(4)	Article 19(1)(c)
Freedom of movement within border	Article 13(1)	Article 19(1)(d)
Protection in respect of conviction for offences	Article 11(2)	Article 20
Protection of life and personal liberty	Article 3	Article 21
Protection of slavery and forced labour	Article 4	Article 23
Freedom of conscience and religion	Article 18	Article 25(1)
Remedy for enforcement of rights	Article 8	Article 32
Right against arbitrary arrest and detention	Article 9	Article 22

The table below shows that most of the economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights have been incorporated in part IV of the Indian Constitution

Economic, Social and Cultural Rights in the Universal Declaration of Human Rights and in the Indian Constitution

Article	Declaration	Constitution
Right to work, to just and favourable condition of work	Article 23(1)	Article 41
Right to equal pay for equal work	Article 23(2)	Article 39(d)
Right to education	Article 26(1)	Article 21(a), 41, 45, 51A(k)
Right to just and favourable remuneration	Article 23(3)	Article 43
Right to rest and leisure	Article 24	Article 43
Right of everyone to a standard of living adequate for him and family	Article 25(1)	Article 39(a), 47
Right to proper social order	Article 28	Article 38

National Human Rights Commission

The (NHRC) of India was established on 12 October, 1993. The statute under which it is established is the Protection of Human Rights Act (PHRA), 1993 as amended by the Protection of Human Rights (Amendment) Act, 2006. It is in conformity with the Paris Principles, adopted at the first international workshop on national institutions for the promotion and protection of human rights held in Paris in October 1991, and endorsed by the General Assembly of the United Nations by its Regulations 48/134 of 20 December, 1993.

The NHRC Is an embodiment of India's concern for the promotion and protection of human rights.

Section 2(1)(d) of the PHRA defines Human Rights as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. The commission focuses on economic and social rights, such as the rights relating to health care including mental health care; right to food; right to education; rights of vulnerable groups including women, children, disabled and elderly persons; rescue, release and rehabilitation of bonded and child labourers. The Commission also explored areas of cooperation and coordination between NHRC and State Human Rights Commissions for protecting and promoting human rights. In addition, the NHRC continued to spread human rights literacy among various sections of society including key stakeholders like the judicial officers, police personnel, government officials, media persons, representatives of non-governmental and civil society organizations, university and college students through its training and internship programmes, publications, seminars, conferences, workshops, consultations and other available means.

Gamut of Human Rights Challenges in India

Caste Issues

Contemporary India, however, has seen the influence of caste start to decline. This is partly due to the spread of education to all castes which has had a democratising effect on the political system. However, this “equalising” of the playing field has not been without controversy. The Mandal Commission and its quotas system has been a particularly sensitive issue. It has been argued by Professor Dipankar Gupta that the role of castes in Indian elections have been overplayed.[30]

More recently there has been a flux in caste politics, mainly caused by economic liberalisation in India. This upsurge in lower-caste empowerment was accompanied in some regions by a spike in the level of corruption.[31] This was partly due to lower caste perceiving development programs and rule of law as tools used by the upper caste to subjugate lower castes.[32]

Amnesty International says “it is the responsibility of the Indian government to fully enact and apply its legal provisions against discrimination on the basis of caste and descent.[33]

Denotified tribes of India, along with many nomadic tribes collectively 60 million in population, continue to face social stigma and economic hardships, despite the fact Criminal Tribes Act 1871, was repealed by the government in 1952 and replaced by Habitual Offenders Act (HOA) (1952), as effectively it only created a new list out of the old list of so-called “criminal tribes. These tribes even today face the consequences of the ‘Prevention of Anti-Social Activity Act’ (PASA), which only adds to their everyday struggle for existence as most of them live below poverty line. National Human Rights Commission and UN’s anti-discrimination body Committee on the Elimination of Racial Discrimination (CERD) have asked the government to repeal this law as well, as these former “criminalised” tribes continue to suffer oppression and social ostracization at large and many have been denied SC, ST or OBC status, denying them access to reservations which would elevated their economic and social status. According to National Dalit Human

Rights Campaign a crime is committed against a dalit every 18 minutes. 6 dalits kidnapped or abducted every week. 3 dalit women raped every day. 13 dalits murdered every week and 27 atrocities committed against dalits every day.

During the imposed lockdown due to COVID-19, it was observed that Dalit communities were adversely affected by the economic and health crisis⁹-

- 43% of the SC and 46% of the ST households did not receive information about COVID-19 symptoms and protective measures from the healthcare workers.
- 66% of the SC and 79% of the ST households lacked awareness about free testing and treatment provisions under the Ayushman Bharat Scheme, with only 14% of both the SC and ST households registered with the scheme.
- 53% of the SC and 63% of the ST households lacked information about free LPG refills up to 3-cylinders under the Pradhan Mantri Ujjwala Yojana (PMUY)
- 63% of the SC and 62% of the eligible ST households were not enrolled with the PMUY
- 55% of the SC and 54% of the ST households lacked information about enhanced MGNREGS wages.
- 59% of the SC and 46% of the ST households were not registered with MGNREGS and only 37% and 22% of the SC and ST enrolled workers had secured enhanced wages
- 22% of the SC and ST households together reported having old-age pensioners in the households, with 22% widow pensioners, and 4% disability pension holders, but 68% of the SC and 59% of the ST pension-holders were yet to receive the ex-gratia assistance.
- 54% of the SC and 61% of the ST households were unaware about Rs. 500 cash assistance to women account holders under the Jan Dhan Yojana (JDY)
- 37% of the SC and 41% of the ST women were enrolled under the JDY, and of those with active bank accounts, 36% of the SCs and 55% of the ST women account holders had not received the cash assistance
- 53% of the SC and 45% of the ST beneficiary households had not received nutritional food support under the Integrated Child Development Scheme. 83% of the SC and the ST beneficiaries, respectively, of the National Food Security Scheme received the supply of free food grains, but 32% and 50% of the SC and ST respectively, received less than full quota of the entitlement.

Freedom of Expression

According to the estimates of Reporters Without Borders, India ranked 122nd worldwide in 2010 on the press freedom index and in 2020 it ranked 142¹⁰.

The Indian Constitution, while not mentioning the word “press”, provides for “the right to freedom of speech and expression” (Article 19(1) a). However this right is subject to restrictions under subclause (2), whereby this freedom can be restricted for reasons of “sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, preserving decency, preserving morality, in relation to contempt of court, defamation, or incitement to an offence”. Laws such as the Official Secrets Act and Prevention of Terrorism Act (POTA) have been used to limit press freedom. Under POTA, person

⁹ <http://www.legalserviceindia.com/legal/article-1200-interpretation-of-human-rights-in-india.html>

¹⁰ <https://rsf.org/en/india>

could be detained for up to six months before the police were required to bring charges on allegations for terrorism-related offenses. POTA was repealed in 2004, but was replaced by amendments to UAPA¹¹. The Official Secrets Act 1923 is abolished after right to information act 2005.

With the liberalisation starting in the 1990s, private control of media has burgeoned, leading to increasing independence and greater scrutiny of government. India also has in operation a sedition law which states Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in [India], shall be punished with, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine¹².

LGBTQ Rights

Until the Delhi High Court decriminalised consensual private sexual acts between consenting adults on 2 July 2009,[12] homosexuality was considered criminal as per interpretations of the ambiguous Section 377 of the 150-year-old Indian Penal Code (IPC), a law passed by the colonial British authorities. In its ruling decriminalising homosexuality, the Delhi High Court noted that existed law conflicted with the fundamental rights guaranteed by the Constitution of India, and such criminalising is violative of Articles 21, 14 and 15 of the Constitution.

On 11 December 2013, homosexuality was again criminalized by a Supreme Court ruling¹³.

On 6 September 2018, a five judge constitutional bench of the Supreme Court of India, in a landmark judgement, decriminalized homosexuality. According to the World Bank report of July 2012, very LGBT community prefers to stay away from the mainstream health services. The reason for staying away is the stigmatization faced by the LGBT community in the hands of the health service providers. The US State Department 2013 Human Rights Report stated that „advocacy organizations, such as the Mission for Indian Gay and Lesbian Empowerment (MINGLE), have documented workplace discrimination against LGBT persons, including slurs by colleagues and supervisors as well as unjustified dismissals

The World Bank report of July 2012 stated: „The educational system is often the point at which many [LGBT] community members face their greatest initial challenge. Ostracized by their classmates and sometimes facing extreme forms of violence, [several interviewees have spoken] about how the educational system was blind to the needs of young persons with a different experience of sexual awakening. The consequent high dropout from the school systems leads to poor educational outcomes and perpetuates poor social acceptance and achievement within mainstream society. „In the present scenario as soon as a student is identified as a person with different gender/sex orientation the attitude of the teachers and the students change. Discrimination by the teachers or the administrative staff is evident during admission and evaluation, while discrimination faced from the students is mainly in the form of ragging¹⁴.

Disability Issues

Globally, 15% of the population has been mapped with impairment and disability. However, when it comes to inclusion of this population within the development goals, they are not much provisions. While planning the policies, the interests of the population suffering from impairment are often overlooked, due to which they face personal, social and institutional challenges.

¹¹ Kalhan, Anil; et al. (2006). „Colonial Continuities: Human Rights, Antiterrorism, and Security Laws in India”. 20 Colum. J. Asian L. 93

¹² <https://indiankanoon.org/doc/1641007/>

¹³ <https://www.reuters.com/article/2013/12/11/us-india-rights-gay-idUSBRE9BA05620131211>

¹⁴ The World Bank South Asia Human Development Sector: Report 55: „Charting a Programmatic Roadmap for Sexual Minority Groups in India, July 2012. <http://documents.worldbank.org/curated/en/2012/07/16514787/charting-programmatic-roadmap-sexual-minoritygroups-india>,

There is a social stigma attached within the society when it comes to disabled population. Often, they lack opportunities as basic as education due to the gaps in the infrastructure and availability of the special educators. Due to the lower educational opportunities, the livelihood of the disabled is often hampered resulting in lower rate of growth for them.

Global Scenario: Impact of COVID-19 on Disabled Persons

There is an increase in confirmed cases of coronavirus cases globally. The situation seems to flatten however there is no respite in the near the future. Interestingly, in April-May the UN general secretary highlighted the impact of COVID on disabled populations during the launch of global plan on coronavirus. However due to the lockdown this health crisis is becoming an economic crisis. Many reports have been launched during this period such as the SD Direct Report, ILO, IDA, DRF etc. IDA and IDCC, as an international networks has provided recommendations on disabilities and have a disability monitor active. One of the recommendations of IDA to governments was to put more money in the economic basket of disabled populations. They also highlighting accessible information, training capacity building of service providers, direct access. They also ran a campaign on the voice of people on disability. Secondly IDA's monitor is not only monitoring these issues but is also highlighting issues of civic space, resources for inclusion activities during covid-19 crisis. There are practical guides for disability centric organizations such as by Sight Savers and VSO on livelihood and employment. There is a need for coordination between government, aid agencies, humanitarian organizations on building back better (social media campaign: #buildbackbetter) on inclusive policies. There is a need for capacity building, mentoring, and coaching disability organizations on coping with crisis. Finally there is a need to monitor, continuous monitoring of activities of aid agencies and building creative ways for bettering models and frameworks that will make inclusive policies for disabled people.

Gender Challenges of Persons with Disability due to COVID-19 in India

Women with disabilities has unfortunately remained an invisible constituency not only in data but also government and policy response. Gender nuancing in disability is very important for a comprehensive disability policy response. Rising Flames and Sight Savers came out with a report "Neglected and Forgotten" that studied the crisis of disabled women during covid-19. The report examines the impact of the pandemic on women taking cue from the notification issued by the Department of Person's with Disabilities that only that had an oblique reference to 'women'. Secondly, the UN Women's highlighting of domestic violence on women especially from the disability segment. The study covered 82 women with disabilities and 12 specialists an aggregate of 94 respondents across various state of India, having conversations in 5 different languages in an effort to capture the diversity for the report. One of the questions that came as a response to the report was how it different to persons with disabilities than to women to disabilities. As such the report tries to highlight the commonalities of disabilities vi-a-vis gender that have exacerbated during these covid times. The report focuses on eight segments of barriers faced by women such as access to information, digital information which helped us understand how this inaccessibility inhibits their ability to live their lives and is closely linked to employment, food and services etc. Most of the respondents who were audibly challenged spoke about their inability to buy food and essentials because common people did not know sign language and secondly had difficulty communicating through lip reading due to masks. Also, during the lockdown period, many disabled people faced challenges of verbal, emotional abuses at home because many of them were termed as burdens and incapable of supporting their families. Digital inaccessibility became hugely visible during this period, especially how visually challenged were unable to use zoom and other platforms when working from home. This resulted in their job insecurity and jeopardized their work especially for women who have fought hard for their employment. One of the challenges that the report highlighted was the food insecurity which aggravated challenges for women with disabilities given the gendered role of taking care of families which could not be fulfilled due to immobility and inaccessibility to

infrastructure. Sometimes, withholding essentials was used as a threat for making women with disabilities work. The report also came out with how favouritism and prejudice were prioritized for non-disabled children over disabled children was accentuated when it came to online study. Social Protection schemes for disabled women also functioned in a lackadaisical manner where pensions for them were wholly stopped. There were instances of cash transfers used by husbands of disabled women for alcohol that in turn led to domestic violence. Emotional distress exacerbated during the lockdown this period. Similarly a strong recommendation flowing from the study pointed to the need for accessible helplines that are available all the time. In a nutshell, cost exclusion exceeded far than cost of inclusion. Because India declared covid-19 as a national disaster it becomes essentially important to have relevant capacity building and training imparted to care givers. Finally, the report recommends that sensitivity and empathy needs to be nurtured among nuanced segments of persons with disabilities and not let the crisis of the pandemic push back the gains made by disability movement.

Status of Social Protection Schemes on Disability

Social protection schemes in India during the covid-19 pandemic and lockdown is only reaching out 7.6% of the disabled population in India. Also there is no specific social protection for children with disabilities. The covid-19 pandemic exacerbates the barriers faced by persons with disabilities. As such, moving forward the way to building back is to become more inclusive and increase the coverage of social protection. Because of the poor coverage of our social protection schemes, most if it considered as charity rather than rights. Social protection has been an important vector for recovery and protection against falling below standard of income. As such, social protection has to be hinged on human rights i.e. it is non-discriminatory, non-exclusionary. Secondly social protection should be built upon accessibility and does not create barriers. Thirdly, it is important to build in adaptability component considering the diversity of the disability group and the extent of restrictions they face. Hence it becomes important to evaluate whether the protection schemes compensate the multiple marginalization faced by persons with disabilities and the additional cost incurred by them. Fourthly, there is a need to also integrate the adequacy of the benefit and the transfer benefit it accords to persons with disabilities. One of the studies on the National Social Assistance Program, gives a figure of 7.6% of GDP per capita of transfer value which is very poor. Also missing is the quality aspects of dignity and autonomy, whether disability groups are accorded due respect. Moreover, whether privacy is respected in the whole process. And whether accountability is practised in social protection schemes. Whether, social audit, impact assessment has been integrated in the social protection schemes in terms of data (disaggregated) which is not available. Most importantly, there is a need to ensure participation of these groups in the development of the program. With the NSAP, it has been seen that there has been no consensual method for taking concerns of disability groups. Secondly there is no reference or benchmarking with international and national metrics such as poverty lines etc. whether, the cost of disability is getting adequate coverage. Therefore, there is a strong need for universalization and gender sensitivity in developing these programs which ensures adequate living standard and continuous livelihood.

Making Governance accessible and supportive for persons with disabilities

From a rural perspective, there glaring lacunae in the design of delivery systems. At the governance level, there needs to be a committee at district level working with the office of district magistrate to ensure that concerns of disabled persons are taken into consideration. It is also observed that delivery of schemes such as pensions and MNREGA is not equally delivered in all states. Such as cash transfers in covid times, Andhra Pradesh is well advanced in comparison to other states. Secondly, there is a need to take into consideration the structures of governance at district level. Such as in covid days, obtaining certificate for disabilities is very difficult. Therefore, there is a need for making gram panchayats strong in providing these certificate. With relation to job insecurity at least 13 lakh workers have lost their jobs in Andhra Pradesh.

Similarly, migrant labourers are finding it difficult to find work and disabled persons were never part of this segment leading to more exclusion in employment opportunities vis-à-vis the unlock situation. Care takers in these times have taken a huge hit and therefore it is important to help them with cash transfers. As a cue, the law has to be used in supporting disabled persons at the district level body that is constituted to identify the number of disabled and have methods of monitoring accessibility of programs. Secondly generating periodic reports that inform of the status and performance of these programs for disabled. Data monitoring has to be segregated into women, transgender, marginalized, persons with multiple disabilities. There is also a need to take into account those people who are actually left behind and prepare case specific support mechanisms for families acting as care givers for disabled. There is also a need for identification of employment opportunities for disabled people such as in IT sector with searching for opportunities in industrial sector etc. Secondly there has to be exploration at the village level in congruence with government demands and schemes that provide livelihoods.

Making Disability a Political Tool

is lack of political will to take up disability not only during covid but even normal times. What is being implemented by the government is done in a very hap-hazard manner, neither were they comprehensive, lacked knowledge, lacked collaboration with CSOs and lack of priority in terms on advanced and long term planning. Notifications issued did not address social distancing such as how visually challenged impaired persons could manage their personal hygiene or how persons with high support measures will could be safeguarded by the pandemic. While a lot of measures talked about safety measures and state governments like Tamil Nadu addressed this issue by providing passes to caregivers. Persons using tri-wheelers, were physically immobile were stopped by police when out to buy their essential. As such, the government was not sensitive to the needs of disabled people. Intermediary social systems to families of persons with disabilities have not been given which has resulted in deaths and suicides. Moreover there are instances of hospitals are closed due to covid-19, which did not provide access to many disabled people especially those suffering from psychological disabilities. Similarly, there is inaccessible information such as in Arogya App which could cater to this segment. While the government did produce rations but it did not reach vulnerable people it had to reach. Ultimately, only those in contact with civil society groups could take assistance of these schemes and helplines for support. Transportation facilities for disabled persons was not available coupled with the demand to produce covid test certificate. All this multiplied into a huge barrier for persons with disabilities. A major proportion of support was provided by civil society and citizens working in congruence with government who acted as bridges but due to their non-solicitation in committees their inputs remained peripheral. It is therefore recommended that health and disability be made a political agenda which will require the disability movement to collectivize for influencing government to increase financial outlay for cash transfers and financial support. Secondly, community level support and engagement has to be scaled up through usage of data that addresses specific needs of persons with disabilities in times of extraordinary situations. Key recommendations should be to have members/ CSO groups be part of planning and committees, adequate financial support and availability of disaggregated data in line with sustainable development goals.

Generic Development Challenges¹⁵

Health Sector in India

In health sector, India has made enormous strides over the past decades. The life expectancy has crossed 67 years, infant and under-five mortality rates are declining as is the rate of disease incidence. Many diseases, such as polio, guinea worm disease, yaws, and tetanus, have been eradicated.

In spite of this progress, the communicable diseases is expected to continue to remain a major public health problem in the coming decades posing a threat to both national and international health security¹⁶. Besides endemic diseases such as human immunodeficiency virus infection and acquired immune deficiency syndrome (HIV/AIDS), tuberculosis (TB), malaria, and neglected tropical diseases, the communicable disease outbreaks will continue to challenge public health, requiring high level of readiness in terms of early detection and rapid response. In this regard, vector-borne diseases, such as dengue and acute encephalitis syndrome, are of particular concern. Antimicrobial resistance is one of the biggest health challenges facing humanity that must be tackled with all seriousness.

In addition, non-communicable diseases or NCDs are now the leading cause of death in the country, contributing to 60% of deaths¹⁷. Four diseases namely heart disease, cancer, diabetes, and chronic pulmonary diseases contribute nearly 80% of all deaths due to NCDs and they share four common risk factors namely tobacco use, harmful use of alcohol, unhealthy diet, and lack of physical activities¹⁸.

Also of significant concern is the maternal mortality ratio and infant mortality rate (IMR) remain unacceptably high. The IMR, which was 81 in 1990, according to the World Health Organization (WHO), declined to 41.4 per 1,000 live births in 2013¹⁹. However, it still is much higher than the global average for the same period of 33.6 per 1,000 live births (World Health Statistics 2015). According to the sample registration system (SRS) report of Oct 2015, the IMR is now 40 per 1,000 live births²⁰. As already stated, the mortality rates are declining but the rate of decline remains relatively slow, compared to that being achieved by other South Asian neighbors, with exception of Pakistan.

The epidemiological transition is, in fact, being fueled by the social and economic determinants of health and by some old and some new risk factors such as globalization, unplanned and unregulated urbanization, changing life styles, environmental causes (e.g., climate change and air pollution), and increasing influence of media and advertising. Moreover, great disparities between the rich and poor (and between those living in urban and rural areas) in access to health services continue to exist in the society. For example, the poorest of the poor and the most marginalized sections of the society are not only at a greater risk for communicable and NCDs, but are also least able to cope with the diseases resulting from these risk factors. If someone in the family gets sick, the family often gets trapped in poverty, partly due to the high cost of health care. The health-care system is also overstretched.

¹⁶ Dikid T, Jain SK, Sharma A, Kumar A, Narain JP. Emerging and re-emerging infections in India: An overview. *Indian J Med Res.* 2013;138:19–31

¹⁷ Narain JP, Dikid T, Kumar R. Noncommunicable diseases: Health burden, economic impact and strategic priorities. In: Narain JP, Kumar R, editors. *Text Book of Chronic Noncommunicable Diseases: The Health Challenge of 21st Century*. Delhi: Jaypee Brothers Medical Publishers; 2015. pp. 1–18.

¹⁸ Jain DC, Rana R, Prasad J. Noncommunicable diseases in India: The burden, priorities and future plans. In: Narain JP, Kumar R, editors. *Text Book of Chronic Noncommunicable Diseases: The Health Challenge of 21st Century*. Delhi: Jaypee Brothers Medical Publishers; 2015. pp. 31–51

¹⁹ Geneva: World Health Organization; [Last accessed on 2015 Dec 20]. World Health Organization. World Health Statistics 2015. Available from: http://apps.who.int/iris/bitstream/10665/170250/1/9789240694439_eng.pdf?ua=1&ua=1

²⁰ Census India. SRS Bulletin. [Last accessed on 2015 Dec 20];2014 49 Available from: http://censusindia.gov.in/vital_statistics/SRS_Bulletins/SRS%20Bulletin%20-September%202014.pdf

Health Rights in India: A COVID-19 Perspective

In its recommendations to NHRC, Oxfam India listed out the various concerns that needed to be addressed vis-a-vis the rights of the patients. Most of these were observations on callousness of hospital authorities.

Hospital charging more: Incidents of overcharging are rampant across the country, with many charging over One Lac Rupees per day. Despite the Supreme Court's order¹ for regulation of prices for COVID treatment and capping of prices by several state governments, the orders for regulation of prices are freely flouted. For instance in Delhi, when hospitals are supposedly billing on the basis of the government rates, they are additionally charging patients for components of care that are included in the package rates fixed by the Delhi Government Order, such as doctor's consultation fees, medicines, consumable, investigations, PPE and management of comorbidities. Additionally, private providers have been found to be overbilling patients for Personal Protection Equipment; some hospitals are not being transparent about the number of PPE units used on a patient and per-unit cost of PPE, leaving patients confused as to how many PPEs were used for their care, and at what rate they were billed

Dismissal of cases by the hospital: The World Health Organisation (WHO) envisages Health as a fundamental human right. The right to health (Article 12) was defined in General Comment 14 of the Committee on Economic, Social and Cultural Rights of WHO includes Availability and accessibility of health facilities as a peoples' right to health. Moreover, Article 21 of the Constitution of India⁶ guarantees a fundamental right to life, which would be clearly denied if the patients were not able to get admissions in hospital and receive requisite treatment/ care. Despite this, there have been multiple reports of denial of admission to COVID patients by hospitals across the nation.

Denial of information by hospital authorities: The Patients' Rights Charter¹² empowers Patients and caregivers to Right to Information. Medical Council of India, (Professional Conduct, Etiquette and Ethics) Regulations, 2002 also reiterates that every patient and /or their relatives have right to adequate relevant information about the nature, cause of illness, provisional / confirmed diagnosis, proposed investigations and management, and possible complications. This must be explained at their level of understanding in language known to them. Patients Charter by National Accreditation Board for Hospitals (NABH) also includes that the treating physician/ doctor/ medical professional has a duty to ensure that this information is provided in simple and intelligible language to the patient to be communicated either personally by the physician, or by means of his / her qualified assistants. However, there have been several instances where relatives of the patients are not informed about the condition of their patients.

Major activities and programs carried out by CSOs

Indian civil society organizations are actively responding to the COVID-19 pandemic drawn into action because of two factors- providing healthcare facilities, associated paraphernalia such as masks, sanitizers and being frontline respondents in supporting poor population affected by the lockdown²¹. The lockdown imposed by the government to slow the infection spread quickly in creating economic challenges for daily breadwinners and labor classes due to temporary suspension of factory work. This caused en-masse migration of factory workers, daily breadwinners to go back on foot to their villages because public transportation stands closed for duration of the lockdown. Many civil society organizations have undertaken extensive meal distribution, ration facilitation, shelter provision in cities and major highways of the country²². The supreme court of India noted the vital contribution of CSOs in mitigating the pandemic²³. NITI Aayog the government of India official policy think tank, which routinely engages CSOs also made solicited/ requested help from civil society to support government initiatives.

²¹ Weaker and poorer, NGOs still the best bet in delivering Covid-19 relief https://www.business-standard.com/article/companies/weaker-and-poorer-ngos-still-the-best-bet-in-delivering-covid-19-relief-120042800370_1.html

²² Coronavirus in India: In 13 states, NGOs fed more people than govt did during lockdown <https://www.indiatoday.in/india/story/in-13-states-ngos-fed-more-people-than-govt-during-coronavirus-lockdown-1665111-2020-04-09>

²³ <https://www.thehindu.com/news/national/ngos-deserves-all-appreciation-for-helping-migrants-during-covid-19-pandemic-sc/article31786947.ece>

Initiatives by CSO community

- During the lockdown 3+ million beneficiaries were reached by CSOs
- CSOs helped in migrant crisis and Covid-19 pandemic
- Educated general public on social distancing, sanitation, hygiene
- Made wide availability of home-made, artisan craft masks to the poor, destitute and needy
- Helped and supported marginal and destitute groups with food rations, digital services, legal assistance and all forms of support

Challenges: The government appreciated the efforts of civil society and requested their assistance for relief work²⁴. However, while assistance has been provided by civil society organizations there is limited mutual support²⁵ in terms of funding or grants that help in mitigating COVID-19 and associated challenges. In some states of India, civil society organizations have not been allowed to work during lockdown period this is even though government has issued an electronic pass to them for travel and relief work.

- However, there no funding available to CSOs; neither state governments nor national government has provided CSO funding resources – many exhausted their existing resources (response funds, community donations, etc.)
- Many CSOs interacted with state governments to help CSOs and provide grants to work with people stuck in lockdown and those affected by Covid-19. Some state governments have been generally receptive to CSOs and issued passes to CSOs so they can help these populations, but others have denied such passes
- There is a need for CSOs to find other funding sources and think about sustainability; CSOs relying on foreign funding are at risk as the Global North is affected by COVID.
- With new laws in FCRA and Income Tax, CSO activity in helping and supporting during this economic and health crisis will be grossly affected.

Educational Rights

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21a of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1 April 2010.

The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools. It requires all private schools to reserve 25% of seats to children (to be reimbursed by the state as part of the public-private partnership plan). Kids are admitted in to private schools based on economic status or caste based reservations. It also prohibits all unrecognised schools from practice, and makes provisions for no donation or capitation fees and no interview of the child or parent for admission. The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age.

²⁴ Covid-19: Niti Aayog CEO writes to NGOs for assistance in relief measures <https://economictimes.indiatimes.com/news/economy/policy/covid-19-niti-aayog-ceo-writes-to-ngos-for-assistance-in-relief-measures/articleshow/74994183.cms?from=mdr>

²⁵ Helping hand: How NGOs are trying to ease the suffering caused by coronavirus lockdown <https://www.newsland.com/2020/05/01/helping-hand-how-ngos-are-trying-to-ease-the-suffering-caused-by-coronavirus-lockdown>

²⁶ <http://righttoeducation.in/know-your-rte/about>

The RTE Act requires surveys that will monitor all neighbourhoods, identify children requiring education, and set up facilities for providing it. The World Bank education specialist for India, Sam Carlson, has observed: “The RTE Act is the first legislation in the world that puts the responsibility of ensuring enrolment, attendance and completion on the Government. It is the parents’ responsibility to send the children to schools in the US and other countries.”

The Right to Education of persons with disabilities until 18 years of age is laid down under a separate legislation - the Persons with Disabilities Act. A number of other provisions regarding improvement of school infrastructure, teacher-student ratio and faculty are made in the Act.

Education in the Indian constitution is a concurrent issue and both centre and states can legislate on the issue. The Act lays down specific responsibilities for the centre, state and local bodies for its implementation. The states have been clamouring that they lack financial capacity to deliver education of appropriate standard in all the schools needed for universal education. Thus it was clear that the central government (which collects most of the revenue) will be required to subsidise the states.

Concerns: there are glaring concerns in the implementation of the RTE Act such as there is rampant discrimination not only in the admission processes but also in the schools conduct and treatment of the students. The primary reason for this is the lack of penal action taken against the derelict administrators and absence of any regulatory body for school teachers and administrators²⁷. The Government of India is well aware of the problems in the Indian education system, but has been slow in responding to them. School infrastructure is in a poor state and many school teachers are not properly qualified, with 31% of them not having a degree. 40% of schools are without electricity. When it comes to funding, section 7 of the RTE Act explicitly states that it is the responsibility of the government to provide funds to ensure the proper implementation of the Act. However, the government continues to hold back on financing the education sector in India. As far back as the 1960s, the Kothari Education Commission had suggested that budget allocation for education should be 6%, and the government has promised to meet this figure. Despite these promises, the current budget allocation is just 3.8%²⁸.

According to a study brought out in 2017 by the RTE Resource Centre at the Indian Institute of Management-Ahmadabad, Central Square Foundation, Accountability Initiative and Vidhi Centre for Legal Policy for the assessment of 5 years of RTE implementation reveals that out of 36 states and UTs in India, only 11 states and 1 UT had initiated action by seeking funds from the Union Government for the implementation of the RTE mandate. These states include Chhattisgarh, Delhi, Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Uttarakhand and Uttar Pradesh. Despite more than 5 years after the RTE coming into force, more than half of the states/UTs did not implement the 25 per cent reservation section. This was the status of first half of the decade on RTE. As of October 2019, a total of 33 states/UTs have notified the RTE Act including the 25 per cent reservation provision. However, even after a decade, there are 5 states and UTs yet to notify this provision. Only 17 states/UTs were notified per child cost to receive the funds from the Union Government under the RTE Act. According to a new report titled “The Bright Spots: Status of Social inclusion through RTE Section 12(1)(c)” by Indus Action, October 2019, 41 lakh students are admitted/studying in private schools in the country through the provision of 25 per cent reservation; 68 per cent of the children admitted under this provision belonged to 4 states—Madhya Pradesh, Rajasthan, Karnataka and Tamil Nadu. The report also highlighted that about 13 states/UTs were not having readily available information about the 25 per cent reservation of children under the RTE Act, which means that these states/UTs were clueless about the children admitted in and unaided schools and

²⁷ <https://www.nationalheraldindia.com/india/right-to-education-not-being-properly-implemented-need-for-a-professional-regulatory-body>²⁵ Helping hand: How NGOs are trying to ease the suffering caused by coronavirus lockdown <https://www.newslandry.com/2020/05/01/helping-hand-how-ngos-are-trying-to-ease-the-suffering-caused-by-coronavirus-lockdown>

²⁸ <https://ohrh.law.ox.ac.uk/the-sorry-state-of-education-in-india/>

lethargic in implementing the RTE Act. Also, it appears that many states were not effectively implementing the RTE Act's 25 per cent reservation of seats in private and unaided schools in letter and spirit. In other words, some of the states/UTs did not have enough capacity to implement the RTE Act and also failed to prioritise the needs of primary education of children belonging to economically weaker sections of the society as mandated in the constitutional provision²⁹.

Livelihood Rights

Right to livelihood is a part of Article 21 and no person shall be deprived of it. However, if a person is deprived of such a right according to procedure established by law which must be fair, just and reasonable and which is in the larger interest of people, the plea of deprivation of the right to livelihood under Art. 21 is unsustainable. Poverty — and the conditions that lead to it — is dependent on a multitude of causes, ranging from economic and political to social and cultural. According to World Bank data, the global poverty rate has fallen steadily over the last 25 years. However, India is still grappling with the critical challenge of rural poverty that impacts millions of Indians

The challenge

The giant strides that India has made in economic growth has no doubt helped to reduce the percentage of people below the poverty line. However, over two-thirds of India's population still lives in rural and semi-rural areas, where there is a daily struggle to earn enough from farm-related activities to feed the household. According to 2011 statistics from Asia Development Bank, 21.9% of India's population (approximately 363 million) lived below the poverty line. Of this, the rural poor account for nearly 260 million (C Rangarajan Committee Report, 2014).

Families in rural areas find it tough to break out of the cycle of poverty, primarily because a majority of Indian agriculture-based incomes continue to be dependent on the monsoons. Additionally, poor soil conditions, minimal use of modern farming methods, lack of systematic irrigation facilities, absence of post-harvest facilities and sustainable market linkages combine to put farm-based income generation capabilities in jeopardy.

To develop an equal and empowered society, it is imperative that a country includes the poorest of the poor in its growth story, which is why the Trusts have identified the development of rural livelihoods as a focus area for rural development.

What is the Human Right to Livelihood and Land?

The Human Right to Livelihood and Land is the human right of all women, men, youth and children to a dignified and productive livelihood which enables them to live in peace, security, justice and dignity. All people have the fundamental human right to fulfilling, dignified work and livelihood, including equal access to land and productive resources, and to basic labor protections.

The Human Rights at Issue³⁰

- The Human Right to Livelihood and Land includes the following universal, indivisible, interconnected and interdependent human rights:
- The human right to livelihood and work that is freely chosen and that contributes to an adequate standard of living.

²⁹ https://www.cprr.in/wp-content/uploads/2020/01/RTE-Access-to-Poor-Students_Challenges-Faced-by-the-States.pdf

³⁰ <https://www.pdhre.org/rights/land.html>

- The human right to basic labor protections; freedom of association; freedom from forced labor; adequate, safe working conditions; equal pay for equal work.
- The human right to freedom from discrimination based on gender, race, ethnic identity, or any other status.
- The human right to full equality before the law, including equality in rights to own land or to inherit.
- The human right to equal access to productive resources, including land, credit, and technology.
- The human right to equal access to education and training.
- The human right of indigenous peoples to maintain their own ways of life, including the right to use lands to which they have traditionally had access for subsistence.
- The human right of indigenous peoples to maintain their distinctive spiritual and material relationship with the lands, to own land individually and in community with others, and to transfer land rights according to their own customs.
- The human right of indigenous peoples to use, manage and safeguard the natural resources pertaining to their lands.
- The human right to security of tenure and freedom from forced eviction.
- The human right of all people and peoples to full and effective participation in shaping decisions and policies, including policies of development and agrarian reform, concerning themselves and their community, at the local, national and international levels.

Women and land: a need for multi-level transformation

Remedying the exclusion of the majority of women from access to and control of rural land in India is one of the most significant steps that could be taken toward enhancing the country's rural livelihoods. It is also among the most challenging. While women in India have the legal right to own land, very few do. For those women who do own land, ownership rarely translates into control of the land or of the assets flowing from the land.[82]

From a purely legislative standpoint, equalization of land rights for rural women appears a straightforward task: put teeth to the Constitutional pronouncements against gender discrimination, revise inheritance laws, expose customary laws and traditional practices to scrutiny and redesign, and then sit back and wait for market forces to operate.

But the wait could potentially be eternal. Without more, legislation and policy pronouncements seldom penetrate the surface of rural livelihoods and are ultimately impotent against the undertow of the established power structures inherent in most rural Indian households and villages. To date, the patriarchal currents running through rural lives and institutions of local governance have proved far more influential and persistent than any law or policy. Interventions hoping for genuine change in the extent to which women control land must be directed at the multiple, interrelated institutions (political, legal, religious, and social) that have established - and continue to reflect and reaffirm - the patriarchal ideology that dominates India's rural society³¹.

³¹ <http://www.fao.org/3/j2602e/j2602e04.htm>

Support for livelihood by CSOs during COVID-19³²

The immediate and almost unannounced imposition of the lockdown impacted the livelihood of many, who suddenly found themselves without any source of income or savings to prepare for the long days of uncertainty that lay ahead of them. Many CSOs mobilised resources for monetary support to the people, who either lost their jobs or were evicted from their places of stay. In addition to this, many employers paid their employees salary in advance, to meet immediate expenses. Around forty one percent of livelihood support was met through payment mode. The problem of receiving payments in advance was more acute for informal workers, such as domestic workers, drivers and other service providers. In urban metros like Delhi-NCR, many middle-class households withheld payment of wages to the service providers employed by them. A recent survey reported figures of less than fifty percent of domestic workers, who received their full wages for the month of March. Further, only ten reported percent having received their wages for the month of April, with further lack of clarity about when they are expected to return to work. In matters concerning livelihood, a more proactive approach was adopted by the CSOs, which saw a more holistic and inclusive approach towards accommodating different professional groups. Self-help groups were encouraged to make masks and PPE, which were then marketed. This, in addition to ensuring sustainability in incomes, also served to meet the increasing demand of the said materials. Around twenty eight percent of CSOs identified SHGs across the country and provided them with a source of employment during the period of lockdown. Other than CSOs, households across the country also contributed to sustaining the livelihood of the working population, especially domestic workers. They were paid their monthly salary in advance so that they could keep their household running and maintain their purchasing power, especially with regard to essentials like food items and medicines.

Environmental Rights

Environmental rights mean access to the unspoiled natural resources that enable survival, including land, shelter, food, water and air. They also include more purely ecological rights, including the right for a certain beetle to survive or the right for an individual to enjoy an unspoiled landscape. Many of these rights, particularly the political ones, are well-established and enshrined in various conventions and agreements. We can credit the establishment of some of these rights, as well as the acceptance of others that are not yet legally recognised, to the ongoing struggles of communities and indigenous peoples around the world.

Other 'new' rights, including rights for climate refugees, have arisen over recent years due to the acceleration of economic globalization and the accompanying environmental destruction and social disruption. Still others, like the right to claim ecological debt, have emerged as the result of years of campaigning by Friends of the Earth and others for the recognition of the impacts of northern resource depletion and natural destruction in southern countries.

All of these rights are equally important, and they are all interdependent. Environmental rights are human rights, as people's livelihoods, their health, and sometimes their very existence depend upon the quality of and their access to the surrounding environment as well as the recognition of their rights to information, participation, security and redress.

Rights can be asserted in a variety of ways: for example, by appealing directly to the violating government, international financial institution or corporation; through international, regional and national courts; by applying public and media pressure; and by building coalitions with others seeking similar rights³⁴.

³² https://www.cppr.in/wp-content/uploads/2020/01/RTE-Access-to-Poor-Students_Challenges-Faced-by-the-States.pdf

³⁴ <https://www.foei.org/what-we-do/environmental-rights-human-rights#:~:text=Environmental%20rights%20mean%20access%20to,%2C%20food%2C%20water%20and%20air.&text=Many%20of%20these%20rights%2C%20particularly,in%20various%20conventions%20and%20agreements.>

Environmental rights means any proclamation of a human right to environmental conditions of a specified quality.

Human rights and the environment are intertwined; human rights cannot be enjoyed without a safe, clean and healthy environment; and sustainable environmental governance cannot exist without the establishment of and respect for human rights. This relationship is increasingly recognized, as the right to a healthy environment is enshrined in over 100 constitutions. There are several established human rights related to the environment. Environmental rights are composed of substantive rights (fundamental rights) and procedural rights (tools used to achieve substantial rights)³⁵.

Environment Defenders

The United Nations has recognized the threats to environmental defenders and called for their protection. UNEP builds on this work to support environmental defenders through its Defenders Policy, through which we:

- **Denounce** the attacks, torture, intimidation and murders of environmental defenders;
- **Advocate** with states and non-state actors, including business, for better protection of environmental rights and the people standing up for these rights;
- **Support** the responsible management of natural resources;
- **Request** government and companies' accountability for the different events where environmental defenders have been affected / murdered.

³⁵ <https://www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what>

Cartagena Declaration

In September 2003 the International Conference of Environmental Rights and Human Rights was held in Cartagena, Colombia. Co-organised by Friends of the Earth International the event played host to 250 delegates from environmental organisations, NGOs and social movements. Out of the workshops and discussions came this declaration.

The International Conference of Environmental Rights and Human Rights hosted in Cartagena, Colombia from the 16th to the 18th of September, 2003, organized by Friends of the Earth International, Transnational Institute and the Oil Watch network declares:

Two hundred and fifty delegates from environmental organizations, NGOs and social movements from all over the planet have carefully considered the way in which many governments promote the virtues of 'free' trade, a concept which predominantly benefits transnational corporations and the global economic elite, whilst wars proliferate and the people and nations of the south become ever poorer.

Clean air, water and land have been taken away from disinherited people across the world. Coloured people, small farmers, indigenous peoples, and slum dwellers are pushed back into the most undesirable areas, forced to live in hunger, driven away from tourist areas, persecuted and jailed. In Colombia, black people are killed and they are not allowed to bury their dead as required by tradition. We declare that these are social injustices committed by the few against most of humanity.

Environmental injustices are the daily bread of factory workers, of street vendors, of women, girls and boys who carry water across great distances. Urban pollution is concentrated in areas where the most impoverished live, where there are effluents in the drinking water and where people fight with birds of prey for the scraps in rubbish bins.

As Multilateral Development Banks, Export Credit Agencies and similar institutions do not take responsibility for the social, political and ecological consequences of their financial operations, we have created networks and run campaigns to oppose their activities. In Cancún, small farmers and social movements aligned themselves with countries opposed to the unjust trade rules and agreements and protested against the WTO because this institution tries to guarantee rights for transnational corporations instead of environmental and human rights for people.

The commercialization of water and energy production and distribution has left thousands of people without access to these services. This is evident on the Caribbean coast of Colombia where slum dwellers sacrifice their wages to pay for the increasing costs of these vital services. Because of this, initiatives like the Energy Platform exist to create spaces for the convergence of organizations who raise common grievances on the operating conditions, access to and the quality of energy services.

Environmental Rights in India³⁶

With a view to protecting and improving the environment, different legislations have been made and different regulations, rules have been issued. The Government of India, through its Ministry of Environment and Forests is administering has enacted nationwide comprehensive laws.

1972 Stockholm Declaration affirms that “Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations...” This shows that it has been internationally recognized that man’s fundamental rights embraces the need to live in an uncontaminated environment but it also puts forth man’s obligation to protect the environment for posterity.

The Supreme Court has laid down that the “Precautionary principle” and the “Polluter Pays Principle” are essential features of “sustainable development”. These concepts are part of Environment Law of the country.

The “Precautionary Principle” establishes that a lack of information does not justify the absence of management measures. On the contrary, management measures should be established in order to maintain the conservation of the resources. The assumptions and methods used for the determination of the scientific basis of the management should be presented.

Environmental problems in India arise from a number of proximate or surface causes:

- Economic growth has necessitated a corresponding expansion in energy availability for industrial, agriculture and domestic purposes. There has, till recently, been little regulation of the environmental impacts of such expansion.
- The level of environmental literacy is low, especially amongst decisionmakers, and there is a gross under-valuation of the economic and material values of the environment.
- The policies and programmes of the Central and State Governments have not incorporated environmental principles, with the result that many development projects have been conceived for short-term gains without considering their long-term ecological and social impacts.
- The growing human and animal populations are making increasing demands on natural resources resulting in the exploitation of resources in an unsustainable manner.
- The general indifference of the industrial sectors on aspects of environmental safety and protection have led to the spread of avoidable air, water and soil pollution.
- The inability to convert the oft-repeated rhetoric of growth with equity into reality and the neglect of the livelihood needs of the adivasis and rural people have resulted in persistence of real poverty (including scarcity of resources).
- The uncontrolled consumerism of the upper classes, which seem completely oblivious to the limits of resource use, has put serious pressure on natural resources.

This environmental crisis is causing enormous disruption of lives and livelihoods, threatening the collapse of its entire life-support system. The poor and disprivileged classes of humans and the other non-human species unfortunately have to bear the main brunt of these environmental problems. Ironically, the crisis is rooted deep in social, economic and political structures, more specifically in relations of inequity of three kinds (Kothari 1995):

1. Intra-generational inequity: Hierarchical relations between classes, castes, races, communities, countries and sexes, within one generation, create conditions for ecological destruction. Those in power are able to dictate the use of the majority of resources regardless of consequences on others, while forcing the powerless to depend on and further degrade meagre resources. This has been the case with land, for instance, in societies with a tremendously skewed ownership pattern.
2. Inter-generational inequity: Entire generations of human beings, as yet unborn, who will depend on the same resources that we do, have no voice in decisions regarding these resources. This generation's overexploitation of water, land, soil, and biodiversity, will leave little for future generations, except abundant toxic wastes, barren wastelands, polluted waterbodies, and a handful of pest species that have thrived on human wastes.
3. Inter-species inequity: Humanity shares the earth with a mind-boggling diversity of life-forms, perhaps upto 50 million species of plants, animals, and micro-organisms. This explosion of biodiversity is not only a source of wonder, but the very bedrock of human existence. Yet, simply because we have the might, we have considered it our right to colonise ever-increasing spaces on earth, driving out thousands of species. Over one-fourth of all biodiversity is threatened with extinction in the next few decades, unless we can drastically change the way we deal with the earth³⁷.

Conclusion

There is a need for integrating grassroot experiences in C20 to create solid evidence-based advocacy for Indian civil society cooperation with government on the sidelines of G20. India consists of a vibrant civil society that is actively working on a range of rights-based development issues which do not reach policy formulation stages due to several issues (lack of government willingness to listen on rights issues etc.). It is on this note that the document will seek to help CSOs identify the core areas of rights issues that are imperative for G20. While many organizations will find it difficult to be part of the process, an endeavor to be made to increase the participation of organizations. C20 by default is an inclusive process and all around the world organizations have been actively taking part in it. VANI will take all efforts to capacitate organizations and create space for grassroot participation. Hence this document tries to address the development issues from the prism of C20 and its localization at the grassroots level and is an enabler for making them knowledgeable on these development and rights challenges which need to be emphasized at G20 in 2023.

³⁷ <http://bhrc.bih.nic.in/Docs/Environment-and-Human-Rights.pdf>

LIST OF VANI PUBLICATIONS

- India's Development Cooperation with ASEAN (English & Hindi)
- Sustainability in the Context of Indian Civil Society Organisations (English & Hindi)
- Financing Sustainable Development on Civil Perspective on AIIB (English)
- C20 Engagement Strategy for India's Civil Society (English & Hindi)
- Study on Capacity Building and Need Assessment of Voluntary Organisations (English)
- Civic Charter in Indian Context (English & Hindi)
- Food Security and Agriculture (English & Hindi)
- India's Grants and Investment in Africa (English & Hindi)
- Poverty and Inequality on BRICS Nations (English & Hindi)
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- Towards Enabling Environment for the Voluntary Sector in India - A Study Report (English, Hindi & Assamee)
- Study on Implementation and Impact of Istanbul Principles in India (English)
- Financial Sector Reforms in India (English & Hindi)
- Self-Certification A Study Report (English)
- A Study Report on Three New Formations BIMSTEC, BBIN and Blue Economy (English & Hindi)
- Declaration for Responsible Governance & Management of VOs (Hindi & Hindi)
- Model Policy on Foreign Funding for Voluntary Organizations in India (English)
- Model Policy on Registration - A Study Report (English)
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- Enabling Environment of the Voluntary Sector in India A Study Report (English & Hindi)
- Status of the Voluntary Sector in India A Report (English)
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- Model Policies for Internal Good Governance in Voluntary Organizations (English & Hindi)
- The Hand Book in Good Governance for the Voluntary Sector (English)
- Contribution and Challenges of Voluntary Organizations Working on Religious Minority A Primer of the Study Report (English & Hindi)
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- Role and Contribution of Voluntary Organisations in Health & Nutrition A Primer of the Study Report (English & Hindi)
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- Role and Contribution of Voluntary Organisations on Water & Sanitation A Primer of the Study Report (English & Hindi)
- Contribution and Challenges of Voluntary Organizations Working with Dalits A Primer of the Study Report (English & Hindi)
- Contribution of CSR on Thematic Issues of Education, Health and Nutrition, and Water and Sanitation A Primer of the Study Report (English & Hindi)
- Revisiting the National Policy on Voluntary Sector and Need for a National Policy on Volunteering (English & Hindi)
- Civil Society Accountability Principles and Practice (India Toolkit) (English)

About Voluntary Action Network India (VANI)

Voluntary Action Network India (VANI) is an apex body of the Voluntary Organisations.

- Founded in 1988 to act as a promoter/Proector and collective voice of the voluntary sector.
- Base of 15000 non-governmental organisations spread in 25 states of india.
- Resource Center for publications, research work, articles, important, documents and information about and related to the voluntary sector.

Objectives:

- As a platform, to promote voluntarism and create space for voluntary action.
- As a network, attempt to bring about a convergence of common sectoral issues and concerns for building a truly national agenda of voluntary action in India. In addition, facilitate linkages of various efforts and initiatives of the India voluntary sector, which succeed in strengthening a united and sustainable movement of change.
- An association, work towards fostering value based voluntary action and long term sustainability especially amongst our members.

Areas of work

- Promoting practices of good governance in the voluntary sector.
- Articulating independent voices of the sector
- Research and advocacy of policies and law affecting the voluntary sector.



Voluntary Action Network India (VANI)

VANI HOUSE, 7, PSP Pocket,

Sector-8, Dwarka, New Delhi - 110 077

Phone: 011-49148610, 40391661, 40391663

Email: info@vaniindia.org Website: www.vaniindia.org