
FOR PUBLICATION**Dismantling Rights Through Systematic Policy Dilutions -
Tracking legislative changes in India: 2014 - 2019**

Since May 2014, the already grim state of human rights, and economic plight of common persons in India began to take a turn for the worse. Crime against women have increased by 83%, crimes against Dalits, under Atrocities Act increased by 11.6 %, 122 cases of mob lynching resulting from cow vigilante, resulted in 294 persons being assaulted. Between 2014 and 2018 the number of civilians killed in Jammu and Kashmir has increased by 35.71 %page, whereas number of security persons killed has increased by 93 per cent. While on the other hand the government has seen to it that Hindutva terror accused are not only let off but celebrated and fielded as candidates in the upcoming elections.

Several of the institutions, like zonal benches of the National Green Tribunal (NGT), State Human Rights Commissions (SHRCs), Information Commissions etc. have been rendered in-operational due to the non-appointment of members.

A prime reason for the non-appointment of members to these institutions has been the refusal of this government's appointed Speaker to recognize and designate the Leader of Opposition from the largest opposition party, thereby circumventing a provision that makes the latter an important voting member in Committees for appointment of members in various independent institutions.

The judiciary is under tremendous attack from the executive, apart from the fact that some members of the higher judiciary appear more amenable to executive interference now than at any time in the last 40 years.

The present Report deals with the major legislative and some of the policy changes brought about from 2014 onwards by the present NDA Government at the Central level. It's a bird's eye view of more than 20 laws and enactments that came about in the last five years.

To give a glimpse of all the legislative changes and policy dilutions set in motion by the current Government, here is a snapshot:

AADHAR ACT AS MONEY BILL:

Knowing fully well that the bill may not pass the muster of the Rajya Sabha, the government brought in Aadhaar Act by way of money bill. The Rajya Sabha's proposed amendments to the Aadhaar bill were ignored. Soon, the requirement of Aadhaar began to be made mandatory for several State related services and activities. The protests by the civil society and privacy activists over the safety of private information, reliability on biometric data, possible mis---use of biometric data, cause for State surveillance, were not addressed. Several reports of Aadhaar data leaks came to light.

While crores of poor people were denied benefits of welfare schemes despite of having Aadhaar card. The scheme will lead to violation of fundamental rights of privacy and dignity, and constitutional freedoms, as every small step we take whether hiring a house, visiting a movie hall or hospital becomes known. for example Jharkhand government's own data shows that out of about 2.3 crore covered under the PDS, only 1.7 crore people have their Aadhaar seeded.

ELECTORAL BONDS

The route of Finance Bill, 2017 was used for bringing in the concept of electoral bonds in India. This has created a situation where, individuals and companies can now donate their money directly to political parties without the citizens knowing. the amendment has removed the obligation of political parties to record and report the identity of electoral bonds---style donors to the two important regulatory bodies, i.e. the Election Commission and the Income Tax (IT) Department.

In this the ruling party amassed most of the funds without any visibility to citizens as to who are the donors to the party fund.

The BJP's audit and income tax reports submitted to the Election Commission of India list voluntary contribution of "Rs 210,00,02,000 through electoral bonds." Electoral bonds worth a total of Rs 222 crore were issued in the maiden tranche of the scheme in March 2018.

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) BILL, 2018 (TRIPLE TALAQ BILL)

This bill has been thrice promulgated as ordinance, thus completely bypassing the protest from protest even from the most affected section of society, women from Muslim community. This even though on 22 August 2017, the Supreme Court of India had unequivocally declared that the practice of instantaneous Triple Talaq as void, in violation of Article 14 of the Indian Constitution. The urgency shown by the Government surely is not in interest of women, as no such protection is provided to women from Hindu community against their husbands when women from Hindu community are 1.5 times more impacted due to desertion by husbands as compared to women from Muslim community.

NOTIFICATIONS IN ENVIRONMENTAL LAWS AND LAND ACQUISITION

These notifications have such huge impact on ecology, and people's livelihood, these are so humongous in number that we had to provide these as Annexures to the report. Since May 2014 when the NDA government came to power, the crisis in environment policies in India has reached unparalleled proportions and worsened by leaps and bounds. Signaling this change in approach, immediately upon coming into power, the new government cleared at least 230 projects environmental clearances of which were held up by the previous government and lifted the moratorium on new industries in critically polluted areas. These policies have tremendously benefitted corporations who have been draining India's resources and economy dry. This is very obvious when as illustration we see Mukesh Ambani increasing his wealth by Rs 300 crore daily last year, while Indian workers losing 11 million jobs just in one year, 2018. NDA Government has

brought in many changes in Land Acquisition Act which completely abolish rights of Farmers even over fertile land and help Corporate sectors to acquire land for its own private accumulation.

ECONOMIC LEGISLATION

A number of legislative and policy measures, including the Specified Bank Notes (Cessation of Liabilities) Act, 2017/ demonetisation and the Central Goods and Services Tax, 2017 were touted as curbing corruption and eradicating black money. While demonetization did not achieve any of these objectives, it remained beyond the purview of public scrutiny. The report has also pointed out that the present GST regime is problematic for various reasons. The tax may be beneficial for the Union Government and large businesses, but the State Governments are likely to be affected adversely.

AMENDMENTS IN LAWS ABOUT PUNISHMENT ON SEXUAL ASSAULT

After the Kathua and Unnao outrage against rape and murder, the Central Government swung into action and passed an ordinance (subsequently converted into legislation) called "*Criminal Law (Amendment) Ordinance, 2018*" which came into force on 21 April 2018. The ordinance amended 4 Laws, (1) Indian Penal Code 1860 (2) Indian Evidence Act 1872 (3) Criminal Procedure Code, 1973 and (4) Protection of Children from Sexual Offences Act 2012. The main controversy generated by the 2018 ordinance has been in providing **death as a possible punishment**, for rape of girls under 12 years of age. This decision to amend the important criminal laws vide an ordinance is a hasty and a knee jerk reaction, without substantially improving the conditions of women and girls across the country.

Finally, we hope that this report serves as an important information tool in the hands of the general public and that they are able to objectively analyze the destructive policies of the current regime, demand accountability and reversal of these dangerous policy changes that threaten our secular socialist democratic foundation and constitutional values.