**Comments of NHRC, India on Human Rights Council Resolution 33/22 on Equal participation in political and public affairs.**

Equal participation rights in political and public affairs plays an important role in the promotion of democratic governance, the rule of law, social inclusion and economic development, as well as in the advancement of all human rights. In line with the International Conventions that India has signed and ratified so far, the Constitution of India provides its citizens with various provisions which promote equality among citizens.

Article 326 of the Constitution initially provides that the elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage, that is to say, a person should not be less than 21 years of age. The Sixty-first Amendment of the [Constitution of India](https://en.wikipedia.org/wiki/Constitution_of_India), officially known as The Constitution (Sixty-first Amendment) Act, 1989, lowered the [voting age](https://en.wikipedia.org/wiki/Voting_age) of elections to the [Lok Sabha](https://en.wikipedia.org/wiki/Lok_Sabha" \o "Lok Sabha) and to the [Legislative Assemblies](https://en.wikipedia.org/wiki/Vidhan_Sabha) of States from 21 years to 18 years. Lowering of the voting age provided to the unrepresented youth of the country an opportunity to express their feelings and help them to become a part of the political process. The present-day youth are very much politically conscious. It was, therefore, proposed to reduce the voting age from 21 years to 18 years. With the amendment, the percentage of voting has increased tremendously. Engaging the youth in the political process vocalized the democracy as it includes more number of people in the electoral process. It improved engagement of our citizens in the political process both qualitatively and quantitatively.

The election commission is an autonomous body which is responsible for administering election processes in India. It is responsible for conducting free and fair election periodically. It ensures the democratic environment in the country which allows its people to participate in the democratic political process of the country.

The Constitution (73rd Amendment) Act, 1992 marks a new era in the federal democratic set up of the country and provides constitutional status to the Panchayati Raj Institutions (PRIs). Currently, the Panchayati Raj system exists in all the states except Nagaland, Meghalaya and Mizoram and the all Union Territories except Delhi. With the introduction of Panchayati raj system uniform pattern of decentralization was established throughout the country which maintained time bound elections. Democracy is about meaningful participation. It is also about accountability. Strong and vibrant local governments ensure both active participation and purposeful accountability. Also 33% of the seats in local government are reserved for women which enables women to participate in the decision making process. Panchayats are entrusted with financial power and thus local people are involved in formulating budget and thus it gives them an opportunity in financial decision making

Panchayats (Extension to Scheduled Areas) Act, 1996 or PESA is a law enacted by the [Government of India](https://en.wikipedia.org/wiki/Government_of_India) for ensuring self governance through traditional Gram Sabhas for people living in the Scheduled Areas of India which have predominant population of tribal communities. The Scheduled Areas were not covered by the 73rd Constitutional Amendment or [Panchayati Raj Act](https://en.wikipedia.org/wiki/Panchayati_Raj" \o "Panchayati Raj) of the Indian Constitution. With the enactment of the law, more power was vested to the tribal communities.

Recently, the Transgender Persons (Protection of Rights) Bill 2014 was introduced and passed in Rajya Sabha during 2015. The Bill prohibits discrimination against a transgender person in areas such as education, employment, and healthcare. The Bill also criminalises denying a transgender person access to any public place and causing them any physical or mental harm within and outside the home. The bill was introduced in the Lok Sabha in 2016 and is pending for approval.

A judgment was passed by the Supreme Court of India which declared [transgender](https://en.wikipedia.org/wiki/Transgender) people to be a '[third gender](https://en.wikipedia.org/wiki/Third_gender)' and affirmed that the [fundamental rights](https://en.wikipedia.org/wiki/Fundamental_rights) granted under the [Constitution of India](https://en.wikipedia.org/wiki/Constitution_of_India) will be equally applicable to transgender people, The judgment – National Legal Services Authority v. Union of India, known as NALSA judgment  is a major step towards gender equality in India and gave broad directives to the Central and state governments on affirmative action, public health, social welfare and other services to be made available for transgender people.

* ***Encourage Participation of Women and Persons belonging to Vulnerable Section of Society***

1. Many people especially women and persons from vulnerable sections of society continues to face obstacles in the enjoyment of their right to participate in the public affair. Thus, there is a need to ensure involvement of such people through affirmative actions especially by empowering them to participate in their own developmental activities through local self governance. By engaging citizens in local governance improves accountability and ability of the local authorities to solve problems, create more inclusive and cohesive communities and will increase the number and quality of initiatives made by Communities.
2. The State must also provide training and leadership programmes to newly elected representatives especially women as a result they could hold their own convention, form their network and use village to village peer education and; support methods to strengthen their capacity. In this regard public administrators, managers of the cooperatives and social activists/leaders should be involved in designing training courses and managing training centres.

* ***Disseminating Accessible Information to Facilitate Equal Participation***

1. The State in order to exercise all appropriate measures to ensure the right to participation to its full extent must provide access to complete, up to date, appropriately designed and comprehensible information to all the citizens in all stages of participatory process. In this regard the state must develop reading materials in simple local languages, provide information on the development programmes, local government functionaries, the rules and procedures for assessing the benefits of government programmes and activities of local self government.
2. The state must also ensure that the disseminated information should be understandable and provided in local languages.

* **Review of Existing Legislations on Public Participation and Access to Redress Mechanism**

1. The State must conduct a review of legislative and administrative regulations specifically focusing on increasing public participation especially relating to right to information, freedom of association, freedom of assembly etc.
2. The State must establish Human Rights Institutions as an alternate complaint redressal mechanism for speedy disposal of complaints regarding discrimination. They will also create awareness about right to participation especially among women and vulnerable sections of society.

* Ours is a democratic country bestowing all citizens equal rights. Article 326 of the Constitution guarantees universal adult suffrage and every citizen, who is not less than 18 years of age has a right to cast votes in the elections unless the citizen is lawfully disqualified on the ground of non-residence, unsoundness of mind, criminal or corruption or illegal practice.
* The Right to Information Act enacted by India is a powerful tool for ensuring effective and meaningful participation in the public affairs of the country. The Act empowers the people with information and knowledge and are therefore, enabled to scrutinize the functioning of the Government and participate meaningfully in the governance.
* Reservations of constituencies in favour of Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of States and Parliament.

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