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Freedom House

Freedom in the World 2020 - India

FREE

71 / 100

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LAST YEAR'S SCORE & STATUS

75 / 100 Free

Global freedom statuses are calculated on a weighted scale. See the methodology. (<https://freedomhouse.org/reports/freedom-world/freedom-world-research-methodology>)

Note

The numerical scores and status listed here do not reflect conditions in Indian-controlled Kashmir, which is examined in a separate report.

Overview

India maintains a robust electoral democracy with a competitive multiparty system at the federal and state levels, though politics are marred by corruption. The constitution guarantees civil liberties including freedom of expression and freedom of religion, but harassment of journalists and other government critics has increased under Prime Minister Narendra Modi and his Hindu nationalist Bharatiya Janata Party (BJP), as have religiously motivated attacks against non-Hindus. Certain minority groups—notably Muslims, scheduled castes (Dalits), and scheduled tribes (Adivasis)—remain economically and socially marginalized despite general legal equality and, in some cases, affirmative-action programs.

Key Developments in 2019

- The ruling BJP increased its parliamentary majority in general elections held in April and May, overcoming the country's weakening economic outlook.

- A citizens' register issued in August in the eastern state of Assam excluded nearly two million residents, effectively rendering them stateless. Most were ethnic Bengalis, including many Muslims.
- A Supreme Court decision in November allowed the construction of a Hindu temple at a disputed religious site where a mosque had stood until its illegal demolition by Hindu extremists in 1992.
- In December, Parliament adopted a new citizenship law that discriminated against Muslims, triggering widespread protests that were harshly suppressed in some regions.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority 4 / elected through free and fair elections? 4

Executive elections and selection procedures are generally regarded as free and fair. Executive power is vested in a prime minister, typically the leader of the majority party in the Lok Sabha (House of the People), and a cabinet of ministers nominated by the prime minister. They are appointed by the president and responsible to the Lok Sabha. Narendra Modi was sworn in for a second term as prime minister after the BJP's victory in the 2019 Lok Sabha elections.

The president, who plays a largely symbolic role, is chosen for a five-year term by state and national lawmakers. Current president Ram Nath Kovind, a member of the Dalit community and a veteran BJP politician, was elected in 2017.

A2 0-4 pts

Were the current national legislative representatives elected through free 4 / and fair elections? 4

Members of the 545-seat Lok Sabha, the lower house of Parliament, are directly elected in single-member constituencies for five-year terms, except for two appointed members representing Indians of European descent. Most members of the less powerful 245-seat upper house, the Rajya Sabha (Council of States), are elected by state legislatures using a proportional-representation system to serve staggered six-year terms; up to 12 members are appointed.

The most recent Lok Sabha elections were held in seven phases in April and May 2019. The ruling BJP won 303 seats, giving its National Democratic Alliance coalition a stable majority of 353 seats. The opposition Indian National Congress party placed a distant second with 52 seats, for a total of 92 seats with its partners in the United Progressive Alliance. Voter turnout was 67 percent. The elections were considered generally free and fair, though some violations of campaign rules were reported.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Elections for the central and state governments are overseen by the independent Election Commission of India. The head of the commission is appointed by the president and serves a fixed six-year term. The commission is generally respected and had been thought to function without undue political interference. In 2019, however, its impartiality and competence were called into question. The panel's decisions concerning the timing and phasing of national elections, and allegations of selective enforcement of the Model Code of Conduct, which regulates politicians' campaign behavior and techniques, suggested bias toward the BJP.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties are generally able to form and operate without interference, and a wide variety of parties representing a range of views and interests compete in practice. However, the opaque financing of political parties—notably through electoral bonds that allow donors to obscure their identities—remains a source of concern.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Different parties regularly alternate in government at the state and national levels. Modi and the BJP took power after the 2014 elections, ending 10 years of government by the Congress party. Although it won a new term in the 2019 parliamentary elections, the BJP's performance in state assembly elections was mixed. The party notably lost control over Maharashtra and Jharkhand in the last three months of the year.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Political participation, while generally free, is hampered by insurgent violence in certain areas. Separately, some political actors have sought to inflame communal tensions with the goal of energizing their own supporters while potentially intimidating opponents.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women and religious and ethnic minorities vote in large numbers and have opportunities to gain political representation. In 2019, for the first time, the rate of women's voting in national elections equaled that of men. Quotas for the Lok Sabha ensure that 84 and 47 seats are reserved for the so-called scheduled castes and scheduled tribes, respectively. State assemblies and local bodies feature similar quotas for these historically disadvantaged groups, as well as for women representatives. However, marginalized segments of the population continue to face practical obstacles to full political representation. Muslim candidates notably won 27 of 545 seats in the 2019 Lok Sabha elections, up from 22, but Muslims make up some 14 percent of the population.

Two developments in 2019 undermined the political rights of certain minorities, and Muslims in particular. In August, authorities finalized a review of citizenship status in the eastern state of Assam. The new citizens' register excluded nearly two million Assam residents, many of them ethnic Bengali Muslims, effectively rendering them stateless. Those excluded had allegedly failed to produce documentation that they or their ancestors resided in India before neighboring Bangladesh became independent in 1971. In December, Parliament adopted the Citizenship Amendment Act, which granted special access to Indian citizenship for non-Muslims from neighboring Muslim-majority states. The plainly discriminatory law was seen in part as an effort to ensure citizenship for Bengali Hindus who were left stateless by the Assam register.

Score Change: The score declined from 3 to 2 due to a review of citizenship status in Assam that effectively rendered nearly two million people stateless, as well as a new law that offered citizenship to non-Muslims from neighboring Muslim-majority countries.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

India's elected leaders have the authority to set government policies, draft and enact legislation, and govern the country's territory in practice.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 2 / 4

Large-scale political corruption scandals have repeatedly exposed bribery and other malfeasance, but a great deal of corruption is thought to go unnoticed and unpunished.

The Lokpal and Lokayuktas Act of 2014 created independent government bodies tasked with receiving complaints of corruption against public servants or politicians, investigating such claims, and pursuing convictions through the courts. A retired Supreme Court justice was appointed as the first chairman of the national anticorruption agency, or Lokpal, in March 2019.

Several high-profile opposition politicians were arrested on corruption charges in 2019, giving rise to accusations that authorities were enforcing the laws selectively to favor the BJP.

C3 0-4 pts

Does the government operate with openness and transparency? 3 / 4

The public generally has access to information about government operations, but the legal framework meant to ensure transparency has been under pressure in recent years. Amendments to the Whistleblowers Protection Act since its adoption in 2014 have drawn criticism for undermining the act's effectiveness, which was already regarded as limited in scope. The 2005 Right to Information (RTI) Act is widely used to improve transparency and expose corrupt activities. Millions of requests are made under the act each year. However, more than 80 right-to-information users and activists have been murdered, and hundreds have been assaulted or harassed, according to the Commonwealth Human Rights Initiative. In July 2019, Parliament adopted amendments to the RTI Act that placed the salaries and tenures of the central and state-level information commissioners under the control of the central government, potentially exposing them to political pressure.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 2 / 4

The private media are vigorous and diverse, and investigations and scrutiny of politicians are common, but there have been escalating attacks on press freedom under the Modi government. Revelations of close relationships between politicians, business executives, and lobbyists, on one hand, and leading media personalities and owners of media outlets, on the other, have dented public confidence in the press. Authorities have used security, defamation, sedition, and hate speech laws, as well as contempt-of-court charges, to curb critical voices in the media. Hindu nationalist campaigns aimed at discouraging forms of expression deemed "antinational" have exacerbated self-censorship, and some media observers have suggested that reporting has become less ambitious in recent years. Online disinformation was widespread in the run-up to the 2019 general elections.

Journalists risk harassment, death threats, and physical violence in the course of their work. Such attacks are rarely punished, and some have taken place with the complicity or active participation of police. Although no deadly attacks against journalists were reported in 2019, according to the Committee to Protect Journalists, five were killed in connection with their work in 2018, and four in 2017.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief 2 / 4 **in public and private?**

While Hindus make up about 80 percent of the population, the Indian state is formally secular, and freedom of religion is constitutionally guaranteed. However, legislation in several states criminalizes religious conversions that take place as a result of "force" or "allurement," which can be broadly interpreted to prosecute proselytizers. Some states require government permission for conversion.

A number of Hindu nationalist organizations and some local media outlets promote antiminority views, a practice that critics charge has been tolerated by the government of Prime Minister Modi. Attacks against minorities in connection with the alleged slaughter or mishandling of cows, which are held to be sacred by Hindus, continued in 2019. The media nonprofit IndiaSpend documented 45 killings by cow vigilantes between 2012 and 2018. More than 120 cases of cow-related violence, including lynchings, have been reported since Modi came to power, and the BJP has faced criticism for failing to mount an adequate response. In August 2019, a Rajasthan court acquitted six suspects in the 2017 killing of a Muslim man, despite eyewitness accounts and video evidence of their complicity; the victim was posthumously charged with cow smuggling, though that case was dropped. The acquittal of the man's assailants was appealed by his family in October.

In November 2019, the Supreme Court reached a long-awaited verdict in a case concerning a disputed religious site in the state of Uttar Pradesh. While the judgment offered some accommodations to the minority Muslim community, finding that land for a mosque should be set aside elsewhere, it allowed construction of a Hindu temple to proceed at the site in question, where a mosque had stood for centuries until it was destroyed by Hindu extremists in 1992.

D3 0-4 pts

**Is there academic freedom, and is the educational system free from 2 /
extensive political indoctrination? 4**

Academic freedom, though previously robust, has weakened in recent years, as intimidation of professors, students, and institutions over political and religious issues has increased. The student wing of the Hindu nationalist organization Rashtriya Swayamsevak Sangh (RSS), from which the ruling BJP is widely regarded to have grown, has used violent tactics on campuses across the country, including attacks on students and professors. Academics face pressure not to discuss topics deemed sensitive by the BJP government, particularly India's relations with Pakistan and conditions in Indian Kashmir.

Score Change: The score declined from 3 to 2 due to rising intimidation in recent years that is aimed at controlling academic discussion of politically sensitive topics.

D4 0-4 pts

**Are individuals free to express their personal views on political or other 4 /
sensitive topics without fear of surveillance or retribution? 4**

Personal expression and private discussion in India are generally open and free. However, a nationwide Central Monitoring System launched in 2013 is meant to enable authorities to intercept any digital communication in real time without judicial oversight,

raising concerns about abusive surveillance practices. Colonial-era laws continue to be used to curb expression. In February 2019, four students were arrested for sedition after allegedly celebrating an attack on Indian troops by Pakistan-based militants.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 2 / 4

There are some legal restrictions on freedom of assembly, including a provision of the criminal procedure code that empowers authorities to restrict public gatherings and impose curfews whenever "immediate prevention or speedy remedy" is required. State and central governments have repeatedly suspended mobile and internet service to curb protests in recent years. While peaceful demonstrations take place regularly in practice, some state and local governments used assembly bans, internet blackouts, and live ammunition in December 2019 to quell nationwide protests against the Citizenship Amendment Act and proposals to extend the Assam citizens' register process across the country. Roughly two dozen people had been killed in protest-related violence by year's end, and many others were arrested.

Score Change: The score declined from 4 to 2 due to the authorities' harsh repression of protests against the Citizenship Amendment Act.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

A wide variety of nongovernmental organizations (NGOs) operate, but some continue to face threats, legal harassment, excessive police force, and occasionally lethal violence. Under certain circumstances, the Foreign Contributions Regulation Act (FCRA) permits the federal government to deny NGOs access to foreign funding, and authorities have been accused of abusing this power to target political opponents. Since 2015, the government has deregistered nearly 15,000 associations under the FCRA.

In 2018, government financial crimes units raided the offices of Greenpeace India and Amnesty International India and froze their financial accounts. Amnesty International later reported that it was the target of an online smear campaign that some progovernment media outlets took part in. In 2019, officials served Amnesty International India with a "show cause" notice for alleged violations of India's foreign exchange law. The organization's offices were raided in November by the Central Bureau of Investigation.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Although workers in the formal economy regularly exercise their rights to bargain collectively and strike, laws including the Essential Services Maintenance Act have enabled the government to ban certain strikes. Public employees have more limited organizing rights, and private employers are not legally obliged to recognize unions or engage in bargaining.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 3 / 4

The judiciary is independent of the political branches of government. Judges, particularly at the Supreme Court level, have displayed considerable autonomy and activism in response to public-interest litigation. However, the lower levels of the judiciary have suffered from corruption.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 2 / 4

Due process rights are not consistently upheld. Citizens face substantial obstacles in the pursuit of justice, including demands for bribes and difficulty getting the police to file a First Information Report, which is necessary to trigger an investigation of an alleged crime. Corruption within the police force remains a problem. The justice system is severely backlogged and understaffed, leading to lengthy pretrial detention for suspects, many of whom remain in jail longer than the duration of any sentence they might receive if convicted. A number of security laws allow detention without charge or based on vaguely worded offenses.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Torture, abuse, and rape by law enforcement and security officials have been reported. A bill intended to prevent torture remains pending. Abuses against prisoners, particularly minorities and members of the scheduled castes, by prison staff are common. Figures reported to the National Human Rights Commission suggest that 1,966 deaths occurred in judicial or police custody in 2018.

Security forces battling regional insurgencies continue to be implicated in extrajudicial killings, rape, torture, kidnappings, and destruction of homes. While the criminal procedure code requires that the government approve the prosecution of security force members, approval is rarely granted, leading to impunity.

The Maoist insurgency in the east-central hills region of India continues, though the annual number of casualties linked with it has decreased significantly since a peak in 2010. Among other abuses, the rebels have allegedly imposed illegal taxes, seized food and places of shelter, and engaged in abduction and forced recruitment of children and adults. Local civilians and journalists who are perceived to be progovernment have been targeted. Tens of thousands of civilians have been displaced by the violence and live in government-run camps.

Separately, in India's seven northeastern states, more than 40 insurgent factions—seeking either greater autonomy or complete independence for their ethnic or tribal groups—continue to attack security forces and engage in intertribal violence. Such fighters have been implicated in bombings, killings, abductions, and rapes of civilians, and they operate extensive extortion networks.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various 2 / segments of the population? 4

The constitution bars discrimination based on caste, and laws set aside quotas in education and government jobs for historically underprivileged scheduled tribes, Dalits, and groups categorized by the government as "other backward classes." However, members of these castes and minorities face routine discrimination and violence, and the criminal justice system fails to provide equal protection to marginalized groups.

In parts of the country, particularly in rural areas, informal community councils issue edicts concerning social customs. Their decisions sometimes result in violence or persecution aimed at those perceived to have transgressed social norms, especially women and members of the scheduled castes. Other forms of discrimination faced by women include workplace bias and sexual harassment. Indian participation in the international #MeToo movement against sexual harassment has raised awareness of the problem, but women have also endured reprisals after reporting instances of harassment.

In 2018, the Supreme Court ruled that the use of Section 377 of the Indian penal code to ban same-sex intercourse was unconstitutional. However, discrimination continues against LGBT+ people, including violence and harassment in some cases.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change 3 / their place of residence, employment, or education? 4

Article 19 of the constitution grants citizens the right to reside and settle in any part of the territory of India. However, freedom of movement is hampered in some parts of the country by insurgent violence or communal tensions. In 2019, Andhra Pradesh enacted legislation requiring companies to reserve 75 percent of jobs for locals; other states are considering similar policies.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish 3 / private businesses without undue interference from state or nonstate 4 actors?

Although the legal framework generally supports the right to own property and engage in private business activity, property rights are somewhat tenuous for tribal groups and other marginalized communities, and members of these groups are often denied

adequate resettlement opportunities and compensation when their lands are seized for development projects. While many states have laws to prevent transfers of tribal land to nontribal groups, the practice is reportedly widespread, particularly with respect to the mining and timber industries. Muslim personal status laws and traditional Hindu practices discriminate against women in terms of property rights and inheritance.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Rape and other sexual abuse are serious problems, and scheduled-caste and tribal women are especially vulnerable. Mass demonstrations after the fatal gang rape of a woman on a Delhi bus in 2012 prompted the government to enact significant legal reforms, but egregious new rape cases have continued to emerge, and the criminal justice system has been repeatedly faulted for its poor handling of such matters. After one widely publicized rape and murder in November 2019, police killed the four suspects while they were in custody in December. In another case that month, a victim was fatally attacked by her alleged rapist and other men while on her way to attend a court hearing.

Despite criminalization and hundreds of convictions each year, dowry demands surrounding marriage persist, sometimes resulting in violence. A 2006 law banned dowry-related harassment, widened the definition of domestic violence to include emotional or verbal abuse, and criminalized spousal sexual violence. However, reports indicate that enforcement is poor.

Muslim personal status laws and traditional Hindu practices feature gender discrimination on matters such as marriage, divorce, and child custody. A Muslim divorce custom allowing a man to unilaterally and summarily divorce his wife was criminalized in July 2019. The malign neglect of female children after birth remains a concern, as does the banned use of prenatal sex-determination tests to selectively abort female fetuses.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The constitution bans human trafficking, and bonded labor is illegal, but the practice is fairly common. Estimates of the number of affected workers range from 20 to 50 million. A 2016 law allows children below the age of 14 to engage in "home-based work," as well as other occupations between the ages of 14 and 18. Children are not permitted to work in potentially hazardous industries, though the rule is routinely flouted. There have been reports of complicity by law enforcement officials in human trafficking.

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