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Freedom Status: Free

Aggregate Score: 77 (0 = Least Free, 100 = Most Free)

Freedom Rating: 2.5 (1 = Most Free, 7 = Least Free)

Political Rights: 2 (1 = Most Free, 7 = Least Free)

Civil Liberties: 3 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 1,328,900,000

Capital: New Delhi

GDP/capita: \$1,597

Press Freedom Status: Partly Free

Net Freedom Status: Partly Free

OVERVIEW

India maintains a robust electoral democracy with a competitive multiparty system at federal and state levels. However, politics (and business) are beset by corruption. The constitution guarantees freedom of expression and the news media are vibrant, even as speech and reportage deemed seditious is routinely censored and punished. India's minority groups – notably Muslims, scheduled castes (Dalits), and scheduled tribes (Adivasis) – enjoy legal equality and sometimes benefit from affirmative action programs. However, they remain economically and socially marginalized and have been the victims of attacks.

Note: The numerical ratings and status listed above do not reflect conditions in Indian-controlled Kashmir, which is examined in a separate report.

Key Developments in 2017:

- In August, the Supreme Court declared privacy to be a constitutional right. The ruling disrupted government plans for an extensive national identification system that rights and privacy advocates had expressed unease about.
- The Supreme Court the same month suspended the practice of "triple talaq," a form of instant divorce that had been permitted under Muslim personal law.

- Assaults on minorities alleged to have engaged in cow slaughter continued. Modi issued a condemnation of the violence in June, after a teenage boy was stabbed to death over suspicions that he was carrying beef. However, many consider the government's response to the violence inadequate.
- The ruling Bharatiya Janata Party (BJP) won a string of victories in state elections, further consolidating its position as India's foremost political party.

POLITICAL RIGHTS: 35 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Executive elections and selection procedures are generally regarded as free and fair. Executive power is vested in a prime minister, who is elected by Lok Sabha (House of the People) members of the majority party, and a cabinet. 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 lowest-caste Dalit community and a veteran BJP politician, was elected in July 2017.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the lower house of Parliament, the 545-seat Lok Sabha, are directly elected in single-member constituencies for five-year terms, except for two appointed members representing Indians of European descent. The Lok Sabha determines the leadership and composition of the government.

The most recent Lok Sabha elections were held in 2014. The BJP won 282 seats and its National Democratic Alliance (NDA) coalition won 336 seats, ensuring a stable majority for the new government; turnout was 66 percent. Prime Minister Narendra Modi, a three-term chief minister from the western state of Gujarat, was sworn in as prime minister. The elections were broadly free and fair.

A3. 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 of India and serves a fixed six-year term. The commission is widely respected and generally functions without undue political interference. In 2017, it faced mounting calls to take action to stem the tide of criminal politicians standing in elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. 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 life is vibrant and people are generally able to form political parties and assert party membership or their own candidacies without interference. However, the opaque financing of

political parties – notably through electoral bonds that allow donors to obscure their identities – remains a source of concern.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

India hosts a dynamic multiparty system, and the alternation of power between parties is common at the central and state levels. In the 2014 Lok Sabha elections, the two main national parties won only about 50 percent of the vote combined. However, the disproportionate translation of votes to seats put the BJP in the clear majority in the lower house, marking the first time a single party won a majority of seats in the Lok Sabha since 1984. Support for main opposition party – the Indian National Congress (INC, or simply Congress) – eroded further in 2017, as the BJP racked up victories in six out of seven state elections.

Separately, India's colonial-era sedition law has been invoked by authorities to intimidate or silence political opponents. In 2017, sedition charges were filed in Tamil Nadu against T.T.V. Dhinakaran, the sidelined leader of the All India Anna Dravida Munnetra Kazhagam (AIADMK) party, and a number of his supporters, in connection with their distribution of pamphlets that criticized Modi and the Tamil Nadu chief minister.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

Political participation, while generally free, is hampered by insurgent violence in some areas. Indian society is heavily hierarchical, and conservative religious, caste, and gender norms likely influence voting. Separately, in some areas political actors have harnessed polarizing topics, frequently involving religion, in order to inflame communal tensions with the goal of driving voters to support one party or another without giving full consideration to that party's positions.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women, religious and ethnic minorities, and the poor vote in large numbers and have opportunities to gain political representation. Twenty-two Muslims were elected to the Lok Sabha in 2014. Quotas for the chamber ensure that 84 and 47 seats are reserved for the so-called scheduled castes (Dalits) and scheduled tribes (Adivasis), respectively. There are similar quotas for these historically disadvantaged groups in state assemblies and in local bodies, as well as quotas for women representatives. However, marginalized segments of the population face practical disadvantages in achieving political representation.

In a controversial decision in January 2017, the Supreme Court banned the use of identity-based appeals, including those involving religion and caste, in political campaigns on grounds that elections are "secular activity."

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected leaders have the authority to govern in practice, and civilian control of the military is codified in the constitution. However, political corruption has a negative effect on government efficiency.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Politicians and civil servants at all levels are regularly caught accepting bribes or engaging in other corrupt behavior. While large-scale scams often come to light, a great deal of corruption is thought to go unnoticed and unpunished.

The Lokpal and Lokayuktas Act, which the president signed in 2014, creates independent government bodies tasked with receiving complaints of corruption against public servants or politicians, investigating claims, and pursuing convictions through the courts. Modi and members of his government have signaled support for the law, but there is little sign that it is being implemented.

C3. Does the government operate with openness and transparency? 3 / 4

The landmark 2005 Right to Information (RTI) Act is widely used to improve transparency and expose corrupt activities. Between 4 and 6 million requests are made under the act each year. Since the passage of the RTI Act, however, at least 65 right-to-information users and activists have been murdered, and more than 400 have been assaulted or harassed, according to the National Campaign for People's Right to Information. Police stand accused of turning a blind eye to these attacks.

In 2015, the Lok Sabha adopted amendments to the 2014 Whistleblowers Protection Act. Opposition members criticized those changes, and subsequent ones, for diluting the effectiveness of the act, which was already regarded as limited in scope.

CIVIL LIBERTIES: 42 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16****D1. Are there free and independent media? 3 / 4**

The private media are vigorous and diverse, and investigations and scrutiny of politicians are common. Nevertheless, revelations of close relationships between politicians, business executives, and lobbyists and some leading media personalities and owners of media outlets have dented public confidence in the press. Journalists risk harassment, death threats, and sometimes, physical violence, and such attacks are rarely punished. In September 2017, Gauri Lankesh, a journalist and outspoken critic of the current government, was shot and killed in Bangalore by unknown assailants.

In April, the state of Maharashtra passed a law mandating firmer protections for journalists and harsher punishments for those who commit violence against them.

Internet access is largely unrestricted, though officials periodically implement overly broad blocks on supposedly offensive content to prevent communal or political unrest. Authorities have also used security, defamation, and hate-speech laws, as well as contempt-of-court charges, to curb critical voices in the media.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

While Hindus make up about 80 percent of the population, the Indian state is formally secular, and freedom of religion is constitutionally guaranteed and generally respected in practice. However, legislation in several Hindu-majority 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 Hindu nationalist government of Prime Minister Modi. Like the year before it, 2017 saw a series of attacks against minorities that were linked to the alleged slaughter or mishandling of cows, which are held to be sacred by Hindus. At least 61 attacks, including lynchings, have been reported since Modi came to power, and the media nonprofit IndiaSpend documented 37 cow-related violent incidents in 2017. Modi issued a condemnation of the violence in June, after a teenage boy was stabbed to death over suspicions that he was carrying beef. Many observers considered the response inadequate.

In May, the central government decreed that cows could only be sold for arable agriculture, effectively banning their sale for slaughter. This move was seen in many quarters as an affront to the Muslim community and further entrenchment of conservative Hindu nationalism. The Supreme Court suspended the ban in July.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally robust, though intimidation of professors, students, and institutions over political and religious issues has been increasing. The student wing of the Hindu nationalist organization Rashtriya Swayamsevak Sangh (RSS), from which the ruling BJP is widely regarded to have grown from, has engaged in violent tactics on campuses across the country, including attacks on students and professors.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion in India is 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. Colonial-era laws continue to be used to curb expression. In 2017, 15 men were arrested for sedition after allegedly celebrating India's loss to Pakistan in an international cricket match, though charges against them were later dropped.

In a landmark judgment in August, the Supreme Court declared privacy to be a fundamental right protected by the Constitution. While the decision appeared to disrupt government plans for an extensive national identification system rights and privacy advocates had expressed unease about, other practical consequences of the decision were unclear at year's end.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 4 / 4

While there are some restrictions on freedoms of assembly and association – such as a provision of the criminal procedure code empowering authorities to restrict free assembly and impose curfews whenever "immediate prevention or speedy remedy" is required – peaceful protest events take place regularly.

E2. 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 they 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. Modi's government has blocked more than 11,000 NGOs from receiving foreign financing since 2014. In 2017, two prominent charitable groups were barred from receiving external funds: Compassion International, for allegedly engaging in religious conversions, and the Public Health Foundation of India, for reasons not immediately clear.

E3. 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, the Essential Services Maintenance Act has enabled the government to ban certain strikes.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 3 / 4

The judiciary is independent of the executive branch. However, the lower levels of the judiciary in particular have been rife with corruption, and most citizens have great difficulty securing justice through the courts. The system is severely backlogged and understaffed, leading to lengthy pretrial detention for a large number of suspects, many of whom remain in jail longer than the duration of any sentence they might receive if convicted.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process rights are not guaranteed. Notably, citizens often face substantial obstacles, including demands for bribes, and in 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.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Reports of torture, abuse, and rape by law enforcement and security officials persisted in 2017. Abuses against prisoners, particularly minorities and members of the lower castes, by prison staff are common. Official data released via a right-to-information request showed that 968 deaths had occurred in judicial or police custody from January 1, 2017, through the beginning of August.

Security forces battling regional insurgencies continue to be implicated in extrajudicial killings, rape, torture, arbitrary detention, kidnappings, and destruction of homes. While the criminal procedure code requires that the government approve the prosecution of security forces members, approval is rarely granted, leading to impunity. A number of security laws allow detention without charge or based on vaguely worded offenses.

The Maoist insurgency in the east-central hills region of India continues, although the annual number of casualties linked with it has decreased since its peak in 2010. Among other abuses, the rebels have allegedly imposed illegal taxes, seized food and 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. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The criminal justice system fails to provide equal protection to marginalized groups. Muslims, who make up about 14 percent of the population, are underrepresented in the security forces as well as in the foreign and intelligence services. 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 lower castes.

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 the lower castes and minorities face routine discrimination and violence. Many Dalits are denied access to land, are abused by landlords and police, and work in miserable conditions.

The penal code forbids "intercourse against the order of nature." Discrimination against LGBT (lesbian, gay, bisexual, and transgender) people continues, including violence and harassment in some cases.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 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.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

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.

G3. 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, harassment, and other transgressions against women are serious problems, and lower-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. However, egregious new rape cases have continued to prompt outrage; these include a 2017 daytime attack in Vishakhapatnam in which a rape was filmed by a bystander but otherwise ignored by passers-by. Despite criminalization and hundreds of convictions each year, dowry demands persist. A 2006 law banned dowry-related harassment, widened the definition of

domestic violence to include emotional or verbal abuse, and criminalized spousal rape. However, reports indicate that enforcement is poor.

Muslim personal laws and traditional Hindu practices discriminate against women in terms of inheritance, adoption, and property rights. The Muslim divorce custom of "triple talaq," by which a Muslim man can unilaterally divorce his wife by saying "talaq" three times, was ruled to be unconstitutional by the Supreme Court in August 2017 and suspended for six months pending new divorce legislation. 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. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

India's growing economy has created new avenues for economic opportunity, though serious inequalities also persist. Long-anticipated economic reforms promised by Modi's government have been criticized for failing to significantly raise economic growth.

Article 23 of the constitution bans human trafficking; bonded labor is illegal, but the practice is fairly common. Estimates of the number of affected workers range from 20 to 50 million. The government passed a controversial law in 2016 allowing 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 banned from working in potentially hazardous industries, though in practice the law is routinely flouted. There have been persistent reports of complicity by law enforcement officials in human trafficking.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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