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India (2006)

Polity:

No polity available

Political Rights:

2

Civil Liberties:

3

Status:

Free

Population:

1,103,600,000

GNI/Capita:

\$540

Life Expectancy:

62

Religious Groups:

Hindu (80.5 percent), Muslim (13.4 percent), Christian (2.3 percent), other (3.8 percent)

Ethnic Groups:

Indo-Aryan (72 percent), Dravidian (25 percent), other (3 percent)

Capital:

New Delhi

Additional Info:

[Freedom in the World 2005](#)

[Freedom of the Press 2005](#)

[Nations in Transit 2004](#)

[Countries at the Crossroads 2005](#)

Overview

India's year-old government, headed by the Congress Party, remained secure at the end of 2005. Its policy flexibility is somewhat constrained because the coalition depends for its majority on a group of leftist parties, which have strong views on certain economic reform and foreign policy issues. However, the government rescinded several measures introduced by the previous government, which was headed by the Hindu nationalist Bharatiya Janata Party (BJP). Those measures, which were detrimental to human rights, included controversial antiterrorism legislation and the use of biased school textbooks. The peace dialogue with Pakistan continued during the year. The two countries took further steps to expand transport and diplomatic links and held regular but inconclusive talks on eight baskets of issues, including the future of the disputed territory of Kashmir. Owing to the sustained efforts of local activists and lawyers and, at the national level, of India's Supreme Court and the National Human Rights Commission (NHRC), some moves were made during 2005 to ensure that the 2002 killings in Gujarat will not remain unpunished. Nevertheless, the BJP-dominated Gujarat state government remained reluctant to provide an adequate level of rehabilitation for the victims of the violence or to bring those accused of crimes to trial.

India achieved independence in 1947 with the partitioning of British India into a predominantly Hindu India, under Prime Minister Jawaharlal Nehru, and a predominantly Muslim Pakistan. The centrist, secular Congress Party ruled almost continuously at the federal level for the first five decades of independence. From the mid-1990s onward, however, the structure of government changed. The Hindu nationalist Bharatiya Janata Party (BJP) became a major factor in parliament and a regular contender for power, leading governments on three occasions. In addition, the pattern shifted from single-party to coalition governments, typically involving large numbers of parties and an increasingly important role for parties based in a single state.

The period since 1990 has also been a time of major economic reform, with the Congress government initiating a shift toward market-oriented policies following a balance of payments crisis in 1991. In December 1992, Hindu fundamentalists supported by major figures in the BJP destroyed a sixteenth-century mosque in the northern town of Ayodhya, and some 2,000 people, mainly Muslims, subsequently died in riots and police gunfire. This incident highlighted the

dilemma that has plagued the BJP: on the one hand, its traditional program strongly favored a vigorous promotion of what it regarded as Hindu cultural interests; on the other, it recognized that it needed to moderate its program in order to win elections and govern.

Atal Behari Vajpayee's formation of a government in 1998 marked the arrival of the BJP as a regular contender for national leadership. His government fell after a regional party defected, but it won reelection in 1999 as the lead partner in the 22-party National Democratic Alliance. In February 2002, at least 58 people were killed in Godhra, Gujarat, when a fire broke out on a train carrying members of a Hindu extremist group. A Muslim mob was initially blamed for the fire, and in the anti-Muslim riots that followed throughout Gujarat, an estimated 2,000 people were killed and 100,000 were left homeless and dispossessed. The violence was orchestrated by Hindu nationalist groups, who organized transportation and provisions for the mobs and provided printed records of Muslim-owned property. Evidence that the BJP-led state government was complicit in the carnage prompted calls for Chief Minister Narendra Modi's dismissal. Although the central government tried to distance itself from these events, Modi retained the support of the party leadership and won state elections held later that year.

The rehabilitation of those displaced by the violence, as well as the prosecution of those responsible for murder, rape, and destruction of property, made little headway during 2005. In addition, witnesses in the few cases that have been brought to trial continue to face threats and intimidation at the hands of local authorities and Hindu nationalist sympathizers, as have lawyers and activists working on witnesses' behalf. On several occasions during 2004, the Supreme Court made attempts to correct the Gujarat state government's abysmal prosecution record. In March, it ordered that witnesses be given protection by national forces rather than by Gujarat state police; in April, it ordered that the high-profile Best Bakery case be retried outside of Gujarat; and in August, it directed the state government to review more than 2,000 closed riot cases and reexamine acquittals to determine the possibility of filing appeals. As a result, a number of cases are under review or are being retried in other states.

Relations between India and Pakistan worsened in December 2001 following an attack on the Indian parliament building by a Pakistan-based militant group, and the two countries came close to war in 2002. Following sustained diplomatic pressure on the part of the United States and others, there was some easing of tensions between the two countries. They instituted a ceasefire in November 2003, and initiated formal talks in January 2004 on eight baskets of issues, including the disputed territory of Kashmir. Follow-up discussions have continued on a regular basis, and periodic meetings of the two national leaders have made clear that they want to continue the dialogue. A number of confidence-building measures, such as improved nuclear safeguards, reopened transport links, and an increased diplomatic presence, have gradually been implemented.

In April 2005, the two governments agreed to establish a bus service between the two sides of Kashmir, restoring a road connection that had been closed for

over fifty years. After an earthquake devastated Kashmir in early October, the two governments eventually agreed to open five crossing points across the Line of Control, which separates the two halves of Kashmir, in order to facilitate family contacts and improve relief efforts. However, individuals with connections to Pakistan-based militant groups continue to carry out terrorist attacks within India. In October, three coordinated bombs set off in crowded Delhi markets killed 62 and injured several hundred.

Buoyed by improving relations with Pakistan and victories in several key state elections, as well as high levels of economic growth, the BJP government decided to call an early national election in the spring of 2004. However, in a surprise result, it was defeated-final results gave the BJP only 137 seats out of 545, and its allies also performed poorly. Consequently, the main opposition Congress Party was able to form a coalition government with a large collection of regional parties, with a majority that depended on additional parliamentary support from a group of leftist parties. In a further surprise, Congress leader Sonia Gandhi declined the position of prime minister and instead appointed former finance minister Manmohan Singh to the post. However, in a unique power-sharing arrangement, she remains party leader and wields considerable leverage over official policy.

In the postelection period, the new United Progressive Alliance (UPA) government agreed to a Common Minimum Program that promised a renewed focus on effective governance, a social-democratic budget, and the reversal of several policies initiated by the previous government, including the repeal of controversial antiterrorism legislation and the removal from state-run schools of school textbooks that had been imbued with Hindu nationalist ideology. However, the UPA has found it difficult to implement some of its economic policies because of tensions among its vast range of disparate coalition partners as well as the adversarial stance on many issues taken by the Communist Party of India-Marxist (CPI-M), one of its leftist allies. The CPI-M has strong objections to the privatization of public sector assets, any measures that will impair the job security of public sector unions, and labor law reform, and has made clear that it will strenuously resist them. The leftist parties and the Congress have also put in place certain measures designed to bring economic relief to the poor, especially a partial rural employment scheme. The government has therefore moved fairly cautiously in extending economic reform, although the main outlines of the market-oriented economic policies put in place after 1991 enjoy broad consensus.

As a political force, the BJP, now in opposition, has remained weak and plagued by in-fighting and succession battles. However, a coalition in which the BJP is a junior partner won key state elections held in Bihar; results announced in November 2005 showed a decisive defeat for the Rashtriya Janata Dal (RJD), which is one of the key partners in the central governing coalition.

Political Rights and Civil Liberties

Citizens of India can change their government democratically. The 1950 constitution provides for a lower house, the 545-seat Lok Sabha (House of the

People), whose members are directly elected for five-year terms (except for 2 appointed seats for Indians of European descent) and determine the leadership and composition of the government. Members of the 245-seat upper house, the Rajya Sabha (Council of States), are either elected by the state legislatures or nominated by the president; they serve staggered six-year terms. Executive power is vested in a prime minister and a cabinet, while an indirectly elected president serves as head of state.

India is a mature democracy that has held regular and reasonably free elections since independence. A large number of regional and national parties participate, and sitting governments are thrown out of office with increasing regularity. Under the supervision of the vigilant Election Commission of India (ECI), recent elections have generally been free and fair. The spring 2004 national elections saw a decline in levels of election-related violence, but some vote fraud and other minor irregularities occurred in Bihar despite the introduction of electronic voting machines throughout the country. State elections held in Bihar and Jharkhand in February 2005 and municipal elections held in Calcutta in May, however, were marred by more widespread violence. Badly maintained voter lists and the intimidation of voters are also matters of concern.

Despite the vibrancy of the Indian political system, effective and accountable rule continues to be undermined by political in-fighting, pervasive criminality in politics, decrepit state institutions, and widespread corruption. Transparency International's 2005 Corruption Perceptions Index ranked India 88 out of 159 countries. The electoral system depends on black money obtained through tax evasion and other means. Politicians and civil servants are regularly caught accepting bribes or engaging in other corrupt behavior but are rarely prosecuted. Moreover, criminality is a pervasive feature of political life, and a number of candidates with criminal records have been elected, particularly in the state legislatures. In 2002, the ECI was able to implement a Supreme Court directive requiring candidates seeking election to declare their financial assets, criminal records, and educational backgrounds. However, The Economist reported in June 2004 that 100 of the 545 members of the Lok Sabha were facing criminal charges. In November 2005, Foreign Minister Natwar Singh was forced to resign after he was named in a UN report on the Iraqi "oil-for-food" scandal.

India's private press continues to be vigorous and is by far the freest in South Asia, although journalists face a number of constraints. In recent years, the government has occasionally used its power under the Official Secrets Act (OSA) to censor security-related articles. In May 2005, the International Federation of Journalists welcomed the passing of a Right to Information Bill and called for the scrapping of the OSA. Intimidation of journalists by a variety of actors continues; on several occasions during the year, reporters were attacked by police or others while attempting to cover the news, and a number of journalists were arrested under false charges. The broadcast media are predominantly in private hands, but the state-controlled All India Radio enjoys a dominant position, and its news coverage favors the government. Potentially inflammatory books and films are occasionally banned or censored by the national or state governments. Internet access is unrestricted, although some

states have proposed legislation that would require the registration of customers at internet cafés.

The right to practice one's religion freely is generally respected. Although violence against religious minorities, including attacks on clergy and the destruction of churches and mosques, remains a problem, and prosecution of those involved in such attacks continues to be inadequate, activists have noted that levels of communal violence decreased during 2005. Members of the sangh parivar, a group of Hindu nationalist organizations including the BJP, and some local media outlets promote anti-minority propaganda. Legislation on the books in several states, including Orissa, Madhya Pradesh, and Gujarat, criminalizes religious conversions that take place as a result of "force" or "allurement," although Tamil Nadu repealed its anticonversion law during the year. These laws have been opposed by human rights activists and religious groups, who argue that the statutes' vague provisions could be misused.

The promotion of Hindu nationalist ideology by the former BJP government also affected the educational system; textbooks rewritten to favor a Hindu extremist version of history were introduced in late 2002, despite protests from academics, minority leaders, and advocates of secular values. However, after being elected in 2004, the new Congress-led government pledged to reverse the "saffronization" of education. According to the U.S. State Department's 2005 International Religious Freedom Report, the government released new textbooks in March 2005 based on the texts used prior to the controversial 2002 updates. Nevertheless, texts that promote communal ideologies continue to be used in some private Hindu and Muslim schools. Academic freedom is also occasionally threatened by intimidation of and attacks on professors and institutions: in February, a professor in Bangalore was assaulted by student activists, apparently as a result of his support for proposed talks between the government and Naxalite rebels.

There are some restrictions on freedom of assembly and association. Section 144 of the criminal procedure code empowers state-level authorities to declare a state of emergency, restrict free assembly, and impose curfews. Officials occasionally use Section 144 to prevent demonstrations, and police sometimes use excessive force against demonstrators. Human rights groups say that police and hired thugs have occasionally beaten, arbitrarily detained, or otherwise harassed villagers and members of nongovernmental organizations (NGOs) who protest forced relocation from the sites of development projects.

Human rights organizations generally operate freely. However, Amnesty International's 2004 report noted that the intimidation of human rights defenders by officials and other actors, including threats, legal harassment, the use of excessive force by police, and occasionally lethal violence, remains a concern. In Gujarat, activists and organizations that have taken an active role in pushing for justice following the 2002 riots have faced harassment from state authorities, including targeted investigations by income tax authorities or the police, according to Human Rights Watch. The work of rights activists may also be hindered by a 2001 Home Ministry order that requires organizations to obtain clearance before holding international conferences or workshops if the

subject matter is "political, semi-political, communal, or religious in nature or is related to human rights." Foreign monitors are occasionally denied visas to conduct research trips in India on human rights-related issues.

Workers regularly exercise their rights to bargain collectively and strike; in September 2005, trade unions called a massive general strike to protest proposed labor law amendments. However, the Essential Services Maintenance Act enables the government to ban strikes in certain key industries and limits the right of public servants to strike. In July, protests by employees outside a Honda plant in Gurgaon, in Haryana state, turned violent when police used batons against workers. The Solidarity Center estimates that there are roughly 90 million child laborers in India. Many work in the informal sector in hazardous conditions, and possibly 15 million of these are bonded laborers.

The judiciary is independent of the executive. Judges have exercised unprecedented activism in response to public interest litigation over official corruption, environmental issues, and other matters. However, in recent years, courts have initiated several contempt-of-court cases against activists and journalists, raising questions about their misuse of the law to intimidate those who expose the behavior of corrupt judges or who question their verdicts. Contempt laws are draconian and do not accept truth as a defense.

Corruption in the judiciary is reportedly rife, and access to justice by the socially and economically marginalized sections of society remains limited. The court system is severely backlogged and understaffed, which results in the detention of a large number of persons who are awaiting trial. In 2003, the government-appointed Malimath Committee recommended an overhaul of the Indian criminal justice system. However, rights groups noted that its proposals could weaken the rights of the accused and of women while increasing the power of judges and the police.

Particularly in rural India, instances of parallel justice dispensed by caste panchayats (informal councils) or Muslim religious leaders, who issue edicts concerning marriage, divorce, and other social customs, remains a concern. In the worst cases, such edicts result in violence or persecution against those who are perceived to have transgressed social norms, particularly women and members of the lower castes.

Police sometimes torture or otherwise ill-treat suspects to extract confessions or bribes. Custodial rape of female detainees continues to be a problem, as does routine abuse of ordinary prisoners, particularly minorities and members of the lower castes. The National Human Rights Commission (NHRC), whose profile has grown since its creation in 1993, is headed by a retired Supreme Court judge and handles roughly 75,000 complaints each year. However, while it monitors abuses, initiates investigations, and makes independent assessments, its recommendations are often not implemented and it has few enforcement powers. In addition, the commission has no jurisdiction over the armed forces, which severely hampers its effectiveness.

Reports by the NHRC, Human Rights Watch, and a number of other groups

allege that police in Gujarat were given orders by the state government not to intervene during the communal violence that engulfed the state in 2002 and that police are reluctant to register complaints against or arrest those accused of murder, rape, or complicity in the rioting. After the legal machinery in Gujarat was deemed to be biased, the Supreme Court ordered two trials, including the Best Bakery case, to be retried in other states. The court also ordered the review of more than 2,000 closed complaints and 200 acquittals. These retrials and reviews are currently ongoing. More generally, the failure of the Indian criminal justice system to provide equal protection under the law to minorities, dalits (untouchables), and members of other lower castes and underprivileged groups, such as tribals, remains a concern.

Police, army, and paramilitary forces continue to be implicated in disappearances, extrajudicial killing, rape, torture, arbitrary detention, and destruction of homes, particularly in the context of insurgencies in Kashmir, Andhra Pradesh, Assam, and several other northeastern states. The Armed Forces Special Powers Act (AFSPA) and the Disturbed Areas Act remain in effect in several states, and these grant security forces broad powers of arrest and detention. Security forces also continued to detain suspects under the broadly drawn National Security Act, which authorizes detention without charge for up to one year. The criminal procedure code requires the central or relevant state government to approve prosecution of security force members; such approval is rarely granted. As a result, impunity for security forces implicated in past human rights abuses remains the norm. After the alleged custodial rape and killing of a civilian, Thangjam Manorama, in July 2004, antigovernment protests erupted in the northeastern state of Manipur, with protestors demanding that the AFSPA be lifted. In November 2004, the prime minister announced that the government had appointed a committee to review the AFSPA.

In March 2002, the controversial Prevention of Terrorism Act (POTA) was passed by a special joint session of parliament. In addition to widening the definition of terrorism and banning a number of terrorist organizations, the bill also increased the state's powers of investigation and allowed for up to 90 days of preventive detention without charge. However, the act was used in a number of states to detain political opponents, members of minority groups (including tribal members, dalits, Muslims, and others), and other ordinary citizens, as well as against terrorist suspects; both Indian and international NGOs have documented that it was overwhelmingly used against Muslims. However, in a positive step, the new government repealed POTA in September 2004 and ordered a review of all cases where a suspect was held under the act.

In India's seven northeastern states, more than 40 insurgent groups, who seek either greater autonomy or complete independence for their ethnic or tribal groups, sporadically attack security forces and engage in intertribal violence. The rebel groups have also been implicated in numerous bombings, killings, abductions, and rapes of civilians. In October 2005, tension between two ethnic groups in Assam flared up, resulting in the deaths of more than 90 people and the displacement of more than 40,000. In a quarter of India's 593 districts, spanning nine states, left-wing guerrillas called Naxalites, who control some rural areas, killed more than 500 police officers, politicians, landlords, and

villagers during the year. Land mine blasts, assassinations, and other instances of violence intensified in early 2005 prior to the February elections in Bihar, where such groups are most active. In November, Maoists in Bihar stormed a prison, freeing 400 prisoners and killing several members of the Ranvir Sena, an upper-caste militia. Two of the largest groups, the Maoist Communist Centre and the People's War Group (PWG), a guerrilla organization that aims to establish a Communist state in the tribal areas of Andhra Pradesh, Maharashtra, Orissa, Jharkhand, Bihar, and Chhattisgarh, merged in October 2004. In January 2005, the PWG pulled out of a tentative peace process that had begun six months earlier, which led to heightened levels of violence during 2005.

The constitution bars discrimination based on caste, and laws set aside quotas in education and government jobs for members of the so-called scheduled tribes, scheduled castes (dalits), and other backward castes (OBCs). In addition, women and religious and ethnic minorities are adequately represented in national and local government, and in 2004, Manmohan Singh, a Sikh, became India's first prime minister from a minority group. However, members of the lower castes, as well as religious and ethnic minorities, continue to face routine unofficial discrimination and violence. The worst abuse is experienced by the 160 million dalits, who are often denied access to land or other public amenities, abused by landlords and police, and forced to work in miserable conditions. In January 2005, Human Rights Watch urged the Indian government to ensure that victims of the December 2004 tsunami that struck coastal Tamil Nadu receive equal access to rehabilitation and compensation after reports surfaced that dalit communities were being discriminated against.

Tension between different ethnic groups over land, jobs, or resources occasionally flares into violent confrontation, and sporadic Hindu-Muslim violence remains a concern. In July 2005, ethnic Assamese began a drive to evict hundreds of Muslims from some districts in northern Assam, claiming that they were in fact migrants from Bangladesh. Other forms of discrimination against Muslims are sometimes excused in the context of ongoing tensions with Pakistan as well as the global campaign against terrorism. Although India hosts several hundred thousand refugees from various neighboring states, it has no national refugee law, and the treatment of displaced persons varies widely, according to Refugees International.

Each year, several thousand women are burned to death, driven to suicide, or otherwise killed, and countless others are harassed, beaten, or deserted by husbands, in the context of dowry and other disputes. Despite the fact that making demands for dowry is illegal and that hundreds are convicted each year, the practice continues. In August 2005, however, the lower house of parliament passed legislation intended to increase protections for women facing domestic abuse. Rape and other violence against women remain serious problems, with lower-caste and tribal women being particularly vulnerable to attacks. Muslim women and girls were subjected to horrific sexual violence during the communal violence that engulfed Gujarat in 2002, and there have been few official attempts to provide rehabilitation for those victims still alive or to prosecute their attackers, according to a 2003 Amnesty International report.

Muslim personal status laws as well as traditional Hindu practices discriminate against women in terms of inheritance rights. The malign neglect of female children after birth remains a concern. An increasing use of sex-determination tests during pregnancy, after which female fetuses are more likely to be aborted, and the practice of female infanticide by those who cannot afford the tests have contributed to a growing imbalance in the male-female birth ratios in a number of states, particularly in the northwest.