

India - Human Rights Scorecard ¹

India, officially the Republic of India, is a country in South Asia. It is the seventh largest country by area, the second-most populous country in the world with over 1.2 billion people, and the most populous democracy in the world. ²

Official languages: Hindi, English

Ethnic groups: 72% Indo-Aryan; 25% Dravidian; 3% Mongoloid and others

Government: Federal parliamentary constitutional republic

- President: Pranab Mukherjee
- Vice President: Mohammad Hamid Ansari
- Prime Minister: Narendra Modi

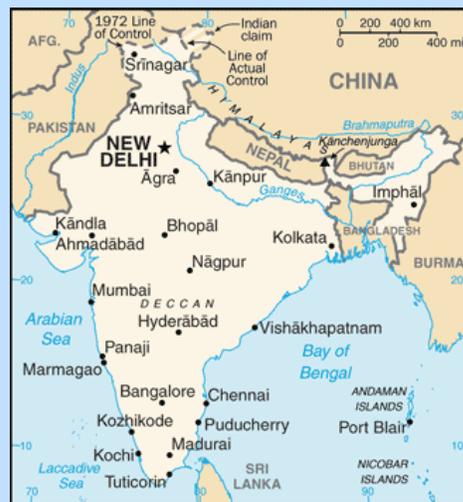
Death penalty: Retentionist

Population: 1.27 billion

Life expectancy: 68 years

Under-5 mortality: 53 per 1000

Adult literacy: 74.04 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected ³

There are widespread reports of extrajudicial killings by security forces. Moreover, nongovernmental forces in conflict-afflicted provinces, such as Kashmir, also engaged in arbitrary killings.

Freedom from disappearance



Partially respected ⁴

Police forces often fail to fill out the proper arrest reports, leading to many cases of disappearances. Disappearances are also common in conflict zones.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected ⁵

Torture is prohibited under Indian law, but there are widespread reports of such practices for those in police custody. Police regularly beat prisoners, sometimes resulting in death. Female prisoners were also subject to rape and sexual assault at the hands of police.

Freedom from arbitrary arrest or detention



Largely disrespected ⁶

Contrary to Indian law, security forces routinely engage in arbitrary arrest or detention. Pre-trial detention is often unnecessarily lengthy and in cases of terrorism, is used as a method of obtaining forced or false confessions.

Freedom from denial of fair public trial



Partially respected ⁷

Judicial independence is generally well respected in India, though corruption remains a serious problem. The system is also consistently overburdened and unfilled vacancies prevent the justice system from functioning efficiently.

Freedom from arbitrary interference with privacy, family, home or correspondence



Partially respected ⁸

Privacy laws are generally respected, though there are reports of occasional violations. In some cases, government officials can search private homes without warrants or conduct surveillance operations, though generally evidence obtained in this manner is inadmissible in court.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 40.49, Rank: 136 / 180 – Highly controlled, limited or intimidated¹⁰

Freedom of speech is often criminalized as a result of vaguely worded legislation. Some individuals have been charged or questioned for expressing political dissent.

Freedom from academic censorship



Partially respected¹¹

The Ministry of Human Resources Development requires all universities to obtain permission before organizing foreign collaborations or international exchange activities. The government is also known to place travel restrictions on some visiting scholars.

Freedom of peaceful assembly and association



Partially respected¹²

Freedom of assembly and association is generally respected in India. However, NGOs face difficulties practicing if they receive foreign funding and the government must approve international conferences.

Freedom of religion



Partially respected¹³

While the government generally respects religious freedom, some state governments enforce old anti-conversion laws. Some security forces do not adequately address violence or discrimination against religious minorities.

Protection of refugees and stateless persons



Partially respected¹⁴

While India lacks a strong legal framework for the protection of refugees, the government generally cooperates with UNHCR and other agencies. IDPs are largely accounted for by state governments, which allows for gaps in services.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



3 / 7 – Partly free¹⁷

Though India has a diverse media landscape, it is marred by corruption and journalistic expression is often repressed. Anti-conversion laws in some states threaten freedom of religion. There are some restrictions on freedom of association and security forces often operate with impunity.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



2 / 7 – Free¹⁹

Indian elections are generally free and fair. The country has a high degree of political pluralism, with adequate representation of women and minority groups. However, government corruption remains an issue and threatens state efficacy.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 38%, Rank: 85 / 175 – Highly corruption²¹

Corruption is widespread at every level of government. Officials generally accept bribes to expedite access to services, such as schooling or police protection.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partially respected²²

Both domestic and international human rights groups operate within the country and the government is somewhat responsive to their recommendations. Some NGOs face restrictions, such as obtaining visas or accessing foreign funds.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Score: 64.6%, Rank: 114 / 142 – Very unequal rights²⁴

Despite laws to the contrary, Indian women face economic discrimination in the form of unequal pay. Rape and sexual assault continue to be highly prevalent. Early marriage, early pregnancy and female genital mutilation occur often.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 56.3%, Rank: 114 / 165 – Slightly vulnerable²⁶

Child abuse is widespread in India, including in schools. In addition, there are many reports of schools denying entry to underprivileged children, contrary to Indian law. Abuse was also common in orphanages. The prostitution of minors remains a serious problem in red light districts.

Rights of persons with disabilities



Partially respected²⁷

Indian law views persons with disabilities as requiring social and medical care, rather than possessing inherent rights. Discrimination against disabled persons was more pervasive in rural areas.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected²⁸

Though discrimination based on caste is banned under the constitution, individuals from lower castes (known as Dalits) faced widespread abuse and discrimination in almost all areas of life.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Partially respected^{29 30}

India is one of the only countries in the world to officially recognize a third gender on voter registration forms. An out-dated law criminalizing homosexuality still exists, but is in the process of being debated in government. LGBT communities exist openly, but mostly in urban settings.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³¹

Indian workers are permitted to join unions and engage in collective bargaining, but employers have no obligation to recognize unions. Workers are allowed to strike, with some restrictions. However, many workers take part in the informal economy where labour law does not apply.

Freedom from forced or compulsory labour



Largely disrespected³²

While bonded labour is illegal under Indian law, the practice remains widespread. Most compulsory labour occurs in agriculture and can often include children.

Freedom from forced labour for children, and a minimum age of employment



Partially respected³³

Though the law places many restrictions on child labour, this was not adequately enforced. Child labour remains widespread, particularly in agriculture and the informal economy.

Right to acceptable conditions of work



Largely disrespected³⁴

While there are laws regulating wages, hours, and work conditions, these do not apply to the informal economy. Violations of proper working conditions were widespread and industrial accidents occurred frequently.

Right to employment



3.7% - Reasonable unemployment³⁵

Unemployment is reasonably low in India, often as a result of government programs.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International.

³ "Country Reports on Human Rights Practices for 2013 India." U.S Department of State. Accessed March 30, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 179 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

¹⁰ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. Accessed March 31, 2015. <http://index.rsf.org/#/>

¹¹ "Country Reports on Human Rights Practices for 2013 India." U.S Department of State. Accessed March 31, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹² Ibid. U.S. Department of State.

¹³ Ibid. U.S Department of State.

¹⁴ Ibid. U.S Department of State.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁷ "India." Freedom in the World 2014: India. Accessed March 31, 2015. <https://www.freedomhouse.org/report/freedom-world/2014/india#.VRsAcDvF-lw>

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "India." Freedom in the World 2014: India. Accessed March 31, 2015. <https://www.freedomhouse.org/report/freedom-world/2014/india#.VRsAcDvF-lw>

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "India." Corruption by Country. Accessed March 31, 2015. <http://www.transparency.org/country#IND>

²² "Country Reports on Human Rights Practices for 2013 India." U.S Department of State. Accessed March 31, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "India." World Economic Forum. Accessed March 31, 2015. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=IND>

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Score." The KidsRights Index. Accessed April 1, 2015. <http://www.kidsrightsindex.org/Index/Overallscore.aspx>

²⁷ "Country Reports on Human Rights Practices for 2013 India." U.S Department of State. Accessed April 1, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA World Map." International Lesbian Gay and Intersex Association. Accessed April 1, 2015. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2013 India." U.S Department of State. Accessed April 1, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. Accessed April 1, 2015. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.