Democracy And Rule Of Law In India: Why Do We Need To Pay Attention?

By Pratik Phadkule in Politics
21st February, 2018

Amidst the controversies and excitement over “Padmaavat” and “Padman”, we should not fail to take notice of the two recently-released ‘Indexes’ and what they had to say about India and its state of affairs. The first index is the Rule of Law Index 2017-18 by the World Justice Project (WJP) and the other one is the Democracy Index 2017 released by the Economist Intelligence Unit (EIU) of the well-known Economist Group.

We should pay attention to these indexes for reasons which I am mentioning here: As the WJP report itself clarifies – the concern for the Rule of Law should not be limited only to the lawyers, judges or parliamentarians but to all citizens as it affects all citizens. The Rule of Law guarantees safety and wellbeing of the citizens by ensuring that the citizens are not detained arbitrarily, and their fundamental, human rights are not violated.

Similarly, it is important to look at the democracy index as the rule of law and democracy are interlinked, and they can’t exist without each other. India has always been very proud of being the world’s largest democracy, a pluralistic society where people from different religions, castes and classes are living together. India as a country has also managed to conduct large-scale elections and remain democratically governed. Lately, there have been concerns expressed on the health of democracy and the state of freedom of expression in the country.

On this backdrop, looking at these two indexes becomes relevant and important. The findings from the WJP’s Rule of Law Index and the EIU’s Democracy Index need to be discussed in general and in the context of India – so that the countries can be informed. This also enables the policymakers and civil society actors to take steps to advocate and bring desired changes, reviving the rule of law and strengthening the democracy of our country.

It is important to note that the WJP Rule of Law index depends largely on primary data that presents the state of rule of law in 113 countries with the help of more than 110,000 household surveys and 3,000 expert surveys. Similarly, in its tenth edition of the democracy index, the EIU’s report reviews how global democracy fared in the year 2017 and depended largely on the data gathered from the public-opinion surveys.

India’s rank among 113 countries surveyed in the WJP Rule of Law index is 62 with a score of 0.52. India has risen four positions from the previous Rule of Law index of 2016. However, it does not give us a reason for cheer. In the South Asian countries grouping, India stands third after Nepal and Sri Lanka. India’s relatively smaller and poorer neighbours Nepal and Sri Lanka have performed better than India and stand at the 58th and 59th places respectively (globally). In the BRICS grouping too, India stands third with the score 0.52 ranking after South Africa (0.59) and Brazil (0.54).

The World Justice Project arrived at this ranking by calculating scores and rankings based on eight factors: constraints on government powers, the absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice. Out of these eight factors, there is an improvement in the factors such as order and security and fundamental rights from 104 to 98, and from 81 to 75 respectively but in civil justice factor, India’s rank has deteriorated to 97 from 81. At these ranking, India still shows a worrisome trend standing lowly at 98, 97 and 75th ranks in important factors such as order and security, civil justice and fundamental rights.

Though India has risen four places in the WJP Rule of Law index, it has fallen 10 places from 32 to 42 in EIU’s democracy index. It has placed India into the category of ‘flawed democracy’. EIU’s democracy index uses five parameters to assess the state of democracy: electoral process and pluralism, civil liberties, the functioning of
government, political participation and political culture. India has fared poorly in the functioning of government (6.79/10) and political culture (5.63/10). The report has noted that most prominently, India has been affected by the rise of conservative religious ideologies and there is a rise of vigilantism and violence against Muslims and dissenting voices.

These survey findings call for an introspection on the part of policymakers, civil society actors and the general public in India. Today, nationalist ideologies and authoritarian tendencies are on the rise globally. Even the (erstwhile) torchbearers of democracy and liberalism are falling prey to it. It will be interesting to see the global ranking of the United States of America in the rule of law index stands at 19 just above Korea, and in the democracy index, it stands on the 26th place and categorized as a ‘flawed democracy’.

If India wants to be a global player in a true sense, we cannot afford to walk the path of the other authoritarian regimes, disrespecting the rule of law as it will result in further losing credibility on the world stage. Especially, if India wants to play the role of a responsible regional player in the south Asia region, the Indian state must ensure that it is not backtracking in its ideals of democracy and values of justice, liberty, equality enshrined in its constitution.