



FREEDOM IN THE WORLD 2021

India

PARTLY FREE

67

/100

<u>Political Rights</u>	34/40
<u>Civil Liberties</u>	33/60

LAST YEAR'S SCORE & STATUS

71/100 **Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Note

The numerical scores and status listed above do not reflect conditions in Indian Kashmir, which is examined in a separate report. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Status Change

India's status declined from Free to Partly Free due to a multiyear pattern in which the Hindu nationalist government and its allies have presided over rising violence and discriminatory policies affecting the Muslim population and pursued a crackdown on expressions of dissent by the media, academics, civil society groups, and protesters.

Overview

While India is a multiparty democracy, the government led by Prime Minister Narendra Modi and his Hindu nationalist Bharatiya Janata Party (BJP) has presided over discriminatory policies and increased violence affecting the Muslim population. The constitution guarantees civil liberties including freedom of expression and freedom of religion, but harassment of journalists, nongovernmental organizations (NGOs), and other government critics has increased significantly under Modi. Muslims, scheduled castes (Dalits), and scheduled tribes (Adivasis) remain economically and socially marginalized.

Key Developments in 2020

- In February, more than 50 people, mostly Muslims, were killed amid communal and protest-related violence in Delhi that followed weeks of demonstrations against discriminatory changes to the country's citizenship law.
- Authorities filed criminal charges against journalists, students, and private citizens under colonial-era sedition laws as well as the 2000 Information Technology (IT) Act in response to speech perceived as critical of the government, notably including expressions of opposition to the new citizenship legislation and discussion of the official response to the COVID-19 pandemic.
- India's internal migrant population endured significant hardships as a result of the government's pandemic-related lockdown, which was imposed in March and gradually eased beginning in May. Many migrant laborers were unable to access basic supplies and services in cities, forcing millions to travel hundreds of miles—often on foot—to their home

villages. Harsh restrictions on movement were violently enforced by police and citizen vigilantes, with Muslims often scapegoated as potential spreaders of the virus.

- In September, several BJP leaders who were credibly accused of orchestrating the demolition of a historic mosque in 1992 were acquitted by a special court. Modi the previous month had signaled his support for the construction of a Hindu temple on the contested site.

Political Rights

A. Electoral Process

A1 0-4 pts

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, 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 Dalit and a veteran BJP politician, was elected in 2017.

A2 0-4 pts

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

4/4

Members of the 545-seat Lok Sabha, the lower house of Parliament, are directly elected in single-member constituencies for five-year terms. 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 by the president.

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. Smaller parties and independents took the remainder. 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 ruling 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 succeed one another 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, and was reelected by a wide margin in the 2019 parliamentary elections. In 2020, the BJP lost regional elections in Delhi, but its coalition scored a narrow victory in state elections in Bihar.

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, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

2/4

Women and members of 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 previously. However, this amounted to just 5 percent of the seats in the chamber, whereas Muslims make up some 14 percent of the population.

The political rights of India's Muslims continue to be threatened. In December 2019, Parliament adopted the Citizenship Amendment Act (CAA), which grants special access to Indian citizenship to non-Muslim immigrants and refugees from

neighboring Muslim-majority states. At the same time, the government moved forward with plans for the creation of a national register of citizens. Many observers believe the register's purpose is to disenfranchise Muslim voters by effectively classifying them as illegal immigrants. Importantly, Muslims disproportionately lack documentation attesting to their place of birth. Undocumented non-Muslims, meanwhile, would be eligible for citizenship through a fast-track process under the CAA.

The citizenship status of nearly two million residents of Assam remains in doubt after a citizens' register was finalized in the northeastern state in 2019. The state is home to a significant Muslim minority population, as well as many people classified as members of scheduled tribes.

Under constitutional amendments introduced by the BJP-led government in December 2019, Lok Sabha seats reserved for two appointed members representing Indians of European descent were eliminated as of January 2020, as were similarly reserved seats in some state legislatures.

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 unreported and unpunished, and the authorities have been accused of selective, partisan enforcement.

The Lokpal and Lokayuktas Act of 2014 created independent national and state bodies tasked with receiving complaints of corruption against public servants or politicians, investigating such claims, and pursuing convictions through the courts. However, the new agencies have been slow to begin operations; the first leaders of the national and a number of the state bodies were appointed in 2019.

C3 0-4 pts**Does the government operate with openness and transparency?****3/4**

The public generally has some access to information about government activity, but the legal framework meant to ensure transparency has been eroded in recent years. The 2014 Whistleblowers Protection Act was regarded as limited in scope, and subsequent amendments have drawn criticism for further undermining it. Millions of requests are made annually under the 2005 Right to Information (RTI) Act, and responses have been used to improve transparency and expose corrupt activities. However, most requesters do not receive the information sought, including those seeking information about core government policies, and noncompliant bureaucrats generally go unpunished. Dozens of right-to-information users and activists have been murdered since the act's introduction, and hundreds have been assaulted or harassed. In 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 the commissioners to political pressure. Vacancies impede the workings of the Central Information Commission that was established by the RTI Act: 6 of its 11 positions were unfilled for most of 2020. There are concerns that the positions that have been filled are held by ruling-party loyalists.

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 do occur. However, attacks on press freedom have escalated dramatically under the Modi government, and reporting has become significantly less ambitious in recent years. Authorities have used security, defamation, sedition, and hate speech laws, as well as contempt-of-court charges, to quiet critical voices in the media. Hindu nationalist campaigns aimed at discouraging forms of expression deemed “antinational” have exacerbated self-censorship. Online disinformation from inauthentic sources is ubiquitous in the run-up to elections. Separately, 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.

In 2020, dozens of journalists whose reporting was critical of the government’s handling of the coronavirus pandemic were arrested, and media outlets faced pressure to praise the government’s response. In a March video conference with the heads of

India's largest newspapers, Prime Minister Modi called on media to help prevent the spread of "pessimism, negativity, and rumor mongering," which many perceived to be a warning not to criticize officials' management of the pandemic.

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. Two deadly attacks on journalists were reported in 2020, according to the Committee to Protect Journalists (CPJ). No journalists were killed in connection with their work in 2019, but five were murdered in 2018, and four in 2017.

D2 0-4 pts

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

2/4

While Hindus make up about 80 percent of the population, the Indian state is formally secular, and freedom of religion is constitutionally guaranteed. However, a number of Hindu nationalist organizations and some media outlets promote anti-Muslim views, a practice that the government of Prime Minister Modi has been accused of encouraging. Attacks against Muslims and others in connection with the alleged slaughter or mistreatment of cows, which are held to be sacred by Hindus, continued in 2020. The nonprofit group 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 2020, during the early weeks of the COVID-19 pandemic, the country's Muslims were widely and speciously blamed for spreading the coronavirus, including by ruling-party officials. Separately, in September, 32 individuals charged with orchestrating the illegal 1992 demolition of a prominent mosque in the state of Uttar Pradesh were acquitted by a special court, despite substantial evidence of their culpability. Among those exonerated were several high-profile members of the BJP. Modi had laid

the foundation stone for a new Hindu temple on the site a month earlier, after a long-awaited 2019 Supreme Court judgment had permitted the construction of a temple there. The mosque had stood on the site for centuries prior to its unlawful destruction.

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.

D3 0-4 pts

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

2/4

Academic freedom has significantly weakened in recent years, as intimidation of professors, students, and institutions over political and religious issues has increased. Members of the student wing of the Hindu nationalist organization Rashtriya Swayamsevak Sangh (RSS)—from which the ruling BJP is widely regarded to have grown—have engaged in violence 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.

D4 0-4 pts

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

3/4

Personal expression and private discussion in India had long been open and free. However, colonial-era and other laws are increasingly invoked to penalize perceived criticism of the government by ordinary citizens. Activists, Muslims, and members of

other marginalized communities are routinely charged with sedition for criticizing the government and its policies.

Numerous sedition cases were brought during 2020 against people who protested in opposition to the CAA, including an apparent mass criminal complaint filed by police in Jharkhand State in January against some 3,000 people who participated in such a demonstration. The same month, police brought a sedition case against a student in Karnataka for holding up a “Free Kashmir” poster. Also during the year, authorities invoked a section of the IT Act to penalize online speech, including critical discussion of the COVID-19 pandemic. In March, Kolkata police arrested a woman under the IT Act for allegedly spreading false information about a doctor contracting the virus. Similar arrests under the act in response to discussion of the pandemic were reported in Uttar Pradesh, Karnataka, Mizoram, and Rajasthan.

Several government-designed mobile applications that were introduced to help stem the spread of COVID-19 by aiding the enforcement of a strict lockdown were viewed as invasive by human rights lawyers. In some cases, private information about individuals’ health status was released without their consent.

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.

Score Change: The score declined from 4 to 3 due to the frequent use of sedition and other charges in recent years to deter free speech, including discussion of a discriminatory citizenship law and the COVID-19 pandemic.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

2/4

There are 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, including in 2020. Peaceful demonstrations take place regularly in practice, although the pandemic led to fewer such events being held in 2020.

The national government and some state governments used assembly bans, internet blackouts, and live ammunition between December 2019 and March 2020 to quell widespread protests against the CAA and proposals to roll out a citizens’ registration process across the country. Protesters, including students and academics, were detained, denied access to legal representation, and subjected to harsh treatment. In February, more than 50 people were killed in protest-related violence in Delhi; there were reports of indiscriminate attacks against Muslims and police officers failing to respond, as well as some attacks against the police and Hindu residents. Critics alleged that the country’s COVID-19 lockdown, which was imposed in March and gradually eased beginning in May, was conceived by the government in part to forestall further CAA protests and to silence dissent.

E2 0-4 pts

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

2/4

A wide variety of NGOs operate, but some, particularly those involved in the investigation of human rights abuses, 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 exploiting this power to target perceived political opponents. Since 2015, the government has deregistered nearly 15,000 associations under the FCRA. Amendments to the FCRA that were passed in 2020, without consulting civil society groups, tightened restrictions on foreign funding.

In September 2020, Amnesty International shuttered its operations in India after authorities froze its bank accounts for alleged foreign funding violations. The organization is thought to have been punished in reprisal for a series of reports that criticized the government's actions in Kashmir and the Delhi police's complicity in the February 2020 communal violence, in which Muslims were the main victims. An Amnesty International report released in June also detailed an apparent coordinated spyware campaign targeting a number of human rights activists.

Score Change: The score declined from 3 to 2 because the government enacted legislation to tighten restrictions on foreign funding for NGOs and separately froze the assets of Amnesty International, forcing it to shutter its operations in the country.

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.

Mass strikes by farmers and others who objected to new government-backed agriculture laws were gaining momentum at the end of 2020; the laws, passed rapidly by Parliament in September, introduced market-based reforms that many farmers saw as a

threat to their livelihoods.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

2/4

The judiciary is formally independent of the political branches of government. Judges, particularly at the Supreme Court level, have displayed autonomy and activism in response to public-interest litigation. However, lower levels of the judiciary suffer from corruption, and the courts have shown signs of increasing politicization. Several key Supreme Court rulings in recent years have been favorable to the BJP, including the 2019 decision allowing the construction of a Hindu temple on the site of a historic mosque, and the court's March 2020 decision to deny bail to a scholar and prominent critic of Modi who was charged with supporting a banned Maoist group.

Also in 2020, the president appointed a recently retired chief justice to the upper house of Parliament, a rare move that critics viewed as a threat to the constitutional separation of powers. Earlier in the year, a judge was transferred in February to a less desirable position after he issued rulings that criticized Delhi police for their failure to address communal violence and related hate speech by BJP politicians.

Score Change: The score declined from 3 to 2 because the unusual appointment of a recently retired chief justice to the upper house of Parliament, a pattern of more progovernment decisions by the Supreme Court, and the high-profile transfer of a judge

after he ruled against the government's political interests all suggested a closer alignment between the judicial leadership and the ruling party.

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 defined 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 by prison staff against prisoners, particularly those belonging to marginalized groups, are common. Figures reported by the National Human Rights Commission (NHRC) suggest that 1,723 deaths occurred in judicial or police custody from January to December 2019.

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 attacked. 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 segments of the population?

2/4

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 populations 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 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 and assault has raised awareness of the problem, but women have also endured reprisals after reporting cases.

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 instances.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

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

2/4

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. Several states have recently enacted legislation requiring companies to reserve jobs for locals, limiting opportunities for interstate migration, although reports point to limited enforcement of the quotas thus far.

India's large internal migrant population suffered significant hardships during the early stages of the 2020 pandemic. The government imposed an excessively harsh lockdown in March that offered little assistance or security to low-paid workers,

millions of whom were consequently compelled to travel from cities to their native villages for lack of employment and essential supplies; many were unable to access basic services, including transportation, and were forced to walk hundreds of miles. Also during the lockdown, which was gradually eased beginning in May, reports emerged of violent enforcement by police and civilian vigilantes, with Muslims often singled out for abuse.

Score Change: The score declined from 3 to 2 due to an excessively harsh pandemic-related lockdown that triggered the displacement of millions of low-paid migrant workers under dangerous conditions, and featured violent and discriminatory enforcement by police and civilian vigilantes.

G2 0-4 pts

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

3/4

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 continued to surface in 2020, and the criminal justice system has been repeatedly faulted for its poor handling of such matters.

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 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 estimates of the number of workers still affected by the practice 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.





On India

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Country Facts

Global Freedom Score

67/100 Partly Free

Internet Freedom Score

51/100 Partly Free

Other Years

2020

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