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Freedom House

Freedom in the World 2022 - India

Partly Free

66

/ 100

[Political Rights](#) 33 / 40[Civil Liberties](#) 33 / 60

Last Year's Score & Status

67 / 100 Partly 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.

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 a rise in persecution 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 2021

- In February, the government introduced new rules that made it easier for authorities to compel social media platforms to remove unlawful content. Among other removals during the year, Twitter was ordered to take down posts that criticized the government's handling of the COVID-19 pandemic.
- Several states governed by the BJP passed or proposed “love jihad” laws meant to curb the alleged practice of Muslim men marrying Hindu women in order to convert them to Islam—a Hindu nationalist conspiracy theory. The legislation effectively created obstacles to interreligious marriage and came in the context of escalating threats and violence against the Muslim community.
- A media investigation found in July that Pegasus spyware had been detected on smartphones belonging to dozens of leading opposition politicians, activists, businesspeople, and journalists.
- Also in July, an 84-year-old Jesuit priest who had advocated for Adivasi rights died in custody, having been arrested on dubious terrorism charges under the Unlawful Activities Prevention Act (UAPA) in October 2020.
- Prominent opposition leaders were arrested in October while trying to visit the scene of a deadly incident in which a car in a government minister's convoy allegedly struck protesting farmers. The lengthy protests were organized in opposition to 2020 laws regulating the agricultural sector; Parliament ultimately repealed the laws in November.

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 543-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 recent years, however, its impartiality and competence have been called into question. In 2021, the commission's decisions concerning the timing and management of state elections in West Bengal, and its response to political violence ahead of those elections, were seen as biased toward the 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? 3 / 4**

Political parties are generally able to form without interference, and a wide variety of parties representing a range of views and interests compete in practice. However, the ruling party has used various tools to limit campaigning by opposition parties. In October 2021, a number of opposition leaders were arrested in Uttar Pradesh as they attempted to visit the site of a lethal incident in which a car in a BJP cabinet minister's convoy allegedly struck protesting farmers.

The opaque financing of political parties is a serious source of concern. A system of electoral bonds, introduced in 2017, allows donor identities to be known to the State Bank of India but obscured from the public, and it has contributed to major fundraising advantages for the BJP. In addition, the government, through the Criminal Bureau of Investigation, has selectively pursued anticorruption investigations against opposition politicians while overlooking allegations against political allies.

Score Change: The score declined from 4 to 3 because the ruling BJP has disproportionately benefited from an officially sanctioned campaign-funding mechanism, and because the government has selectively used investigative bodies to target opposition parties.

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 were reelected by a wide margin in the 2019 parliamentary elections. In 2021, the BJP lost state elections in West Bengal, Tamil Nadu, and Kerala, but its coalition scored a victory in Assam.

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 2 / relevant groups) have full political rights and electoral opportunities? 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 that 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. In 2021, detention camps continued to be constructed for those expected to be declared illegal residents. Assam is home to a significant Muslim minority population, as well as many people classified as members of scheduled tribes.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies 4 / of the government? 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; key positions remained unfilled during 2021, and little progress was made on investigations into graft allegations against public officials. Many fewer complaints were submitted to the Lokpal in 2021 than in previous years.

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 officials 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 also impede the workings of these commissions. In 2021, the information commissions of six states either lacked a head or were altogether inoperative.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 2 / 4

The private media are somewhat 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 2021, leaked text messages indicated that a leading progovernment journalist had privileged access to top-secret information regarding national security.

Also during 2021, several journalists were arrested for their reporting on the farmer protests against government-backed agricultural reforms. A Muslim journalist, Siddique Kappan, remained in detention after his October 2020 arrest for attempting to cover the alleged gang rape of a Dalit woman. In addition to criminal charges, 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. Five deadly attacks on journalists were reported in 2021, according to the Committee to Protect Journalists—the highest figure for any country.

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 2021. The BJP has faced criticism for failing to mount an adequate response to cow-related violence.

In 2020 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.

There was an apparent increase in attacks by Hindu extremists on India’s small Christian community in 2021, with aggressors reportedly motivated by hostility toward religious conversions and encouraged in their crimes by impunity or official complicity.

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. University administrators and faculty have been investigated, disciplined, or compelled to step down owing to their perceived political views. 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 3 / surveillance or retribution? 4**

Personal expression and private discussion in India had long been open and free. However, colonial-era and other laws have increasingly been invoked in recent years 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 initiated during 2021, including against a filmmaker who criticized the government’s pandemic-related policies and an environmentalist who used social media to share a document in support of the farmers’ protest movement. According to one organization, Article14, the number of sedition cases brought against individuals rose by an average of 28 percent annually between 2015 and 2020.

Online “troll armies” associated with the BJP routinely harass individuals—notably Muslims—and organizations for voicing criticism of the government and for engaging in behavior that supposedly deviates from Hindu orthodoxy.

During a surge in the COVID-19 pandemic in early 2021, the government ordered social media platforms to remove content that reflected poorly on its handling of the health crisis, citing its authority under the 2000 Information Technology (IT) Act. In February, the government successfully lobbied Twitter to block over 500 accounts, some of which were related to the farmers’ protests, and to make others invisible within India; Twitter employees within India were threatened with jail time if they did not comply. Also that month, the government introduced new regulatory rules that increased social media companies’ liability for material posted on their platforms and effectively encouraged more aggressive content restrictions.

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. In 2021, a collaborative investigation by news organizations revealed that the government had likely planted Pegasus spyware on the mobile devices of more than 300 prominent individuals, including members of the main national opposition party, journalists, judges, businesspeople, and advocates for the rights of minority groups. The government repeatedly rejected demands for an official inquiry into the surveillance, although the Supreme Court took up the case.

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 2021.

While peaceful demonstrations take place regularly in practice, 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 2021, authorities at times used violence against participants in the farmers’ protests.

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 using this power selectively against perceived political opponents. In 2020, Amnesty International shuttered its operations in India after authorities froze its bank accounts for alleged foreign funding violations. The FCRA licenses of more than 20,600 groups have been canceled in the past 10 years. Nearly 6,000 licenses were canceled in 2021 alone, including that of Missionaries of Charity, founded by Mother Teresa. Onerous reporting requirements for NGOs have reportedly hampered their efforts to respond to the COVID-19 pandemic.

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 the government’s 2020 agriculture laws continued into 2021 and were subject to clampdowns by security services.

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 traditionally 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 a 2020 decision to deny bail to a scholar and prominent critic of Modi who was charged with supporting a banned Maoist group.

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. In 2021, the government declined—apparently for political reasons—to appoint a number of senior judges who had been recommended by the Supreme Court body responsible for identifying appropriate judicial candidates, contributing to an accumulation of vacancies.

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. The UAPA in particular has been used extensively in recent years to hold individuals for long periods without trial or specific evidence of guilt. The July 2021 death in custody of Stan Swamy, an ailing 84-year-old Jesuit priest and Adivasi rights advocate who had been detained since October 2020 for supposed terrorist activity, prompted renewed calls to repeal the UAPA.

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 people in custody, particularly those belonging to marginalized groups, are common. Figures reported to Parliament in August 2021 indicated that 5,569 people had died in judicial or police custody in the previous three years.

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, and the movement's reach has largely been limited to the country's urban middle class.

In 2018, the Supreme Court ruled that the use of Section 377 of the Indian penal code to ban same-sex intercourse was unconstitutional, and courts have since pressed state and national authorities to combat discrimination against LGBT+ people. Such discrimination continues, however, sometimes including violence and harassment.

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, 2 / 4
employment, or education?**

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 COVID-19 pandemic in 2020, as the government imposed an excessively harsh lockdown 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. During a new wave of the pandemic in 2021, migrants once again fled cities en masse in response to subnational lockdown measures and received minimal aid from official sources.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without 3 / undue interference from state or nonstate actors? 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, 2 / protection from domestic violence, and control over appearance? 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 continue to surface. The criminal justice system as well as prominent politicians have been repeatedly faulted for their 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.

In 2020 and 2021, several BJP-led states passed or proposed laws meant to stem the alleged practice of "love jihad"—a baseless conspiracy theory according to which Muslims marry Hindu women with the goal of converting them to Islam. The legislation effectively created obstacles to interfaith marriages and raised the risk of legal penalties, harassment, and violence for interfaith couples.

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. The use of child labor reportedly surged during the COVID-19 lockdowns, as schools were closed and families faced severe economic hardships. There have been reports of complicity by law enforcement officials in human trafficking.

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