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Freedom in the World 2023 - India

PARTLY FREE

66

/ 100

[Political Rights](#) 33 / 40

[Civil Liberties](#) 33 / 60

LAST YEAR'S SCORE & STATUS

66 / 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 the 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. The BJP has increasingly used government institutions to target political opponents.

Muslims, scheduled castes (Dalits), and scheduled tribes (Adivasis) remain economically and socially marginalized.

Key Developments in 2022

- In July, state and national lawmakers elected Droupadi Murmu, the BJP candidate and former governor of Jharkhand, president. Murmu is the first member of India's tribal communities to serve as head of state.
- The ruling BJP maintained control in five states in elections held in March and December. The Aam Aadmi Party (AAP) won in Punjab in March. The opposition Indian National Congress (INC) won in Himachal Pradesh in December, while the AAP dislodged the BJP in Metropolitan Corporation of Delhi (MCD) elections that month.
- In June, thousands of people protested in several states over a BJP spokesperson's remarks that were considered insults of the prophet Muhammad. Authorities responded forcefully; two protesters were killed in the city of Ranchi, where police reportedly attacked bystanders.
- Authorities in several regions demolished Muslim-owned properties during the year. In April, authorities in Delhi, Gujarat, and Madhya Pradesh responded to unrest by demolishing Muslim-owned buildings. Authorities in Uttar Pradesh destroyed Muslim-owned homes in June after protests held that month.

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. In July 2022, lawmakers elected Droupadi Murmu, the BJP-backed candidate and former governor of Jharkhand, president. Murmu, who took office later that month, is the first

member of one of India's marginalized tribal communities to hold the position.

A2 0-4 pts

**Were the current national legislative representatives elected 4 /
through free and fair elections? 4**

All but 2 members of the 545-seat Lok Sabha, the lower house of Parliament, are directly elected in single-member constituencies for five-year terms; the president appoints the remaining 2 from the country's Anglo Indian community. 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 INC 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 campaign-rule violations were reported.

Several state elections were held in 2022. In March, the BJP retained control of the state assemblies in Goa, Manipur, Uttarakhand, and Uttar Pradesh, while the AAP won in Punjab. In December, the INC won in Himachal Pradesh, defeating the BJP. The BJP maintained control of Gujarat that same month. Also in December, the BJP lost control of the MCD, which it held for 15 years; the AAP won 134 of its 250 seats, while the BJP won 104.

A3 0-4 pts

**Are the electoral laws and framework fair, and are they 4 /
implemented impartially by the relevant election management 4
bodies?**

Elections for the central and state governments are overseen by the independent Election Commission of India, whose head 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 late 2021, the Lok Sabha passed the Election Laws (Amendment) Act 2021, which creates a framework for linking election-roll data with Aadhaar, India's biometric database. The Internet Freedom Foundation (IFF) objected to the bill, saying it would allow voter profiling, impact voters' privacy, and lead to disenfranchisement. In August 2022,

the *Hindu* reported that electoral officers threatened to remove voters from the roll unless they provided their Aadhaar identification numbers, citing the IFF.

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, 3 / and is the system free of undue obstacles to the rise and fall of 4 these competing parties or groupings?

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 BJP has used various tools to limit campaigning by opposition parties.

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. It has contributed to major fundraising advantages for the BJP. In addition, the government, through the Central Bureau of Investigation (CBI), has selectively pursued anticorruption investigations against opposition politicians while overlooking allegations against political allies. In September 2022, the *Indian Express* reported that the CBI investigated opposition politicians since the BJP came to power far more often, while fewer members of the ruling party were targeted.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its 4 / support or gain power through elections? 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 INC-led government, and were reelected by a wide margin in 2019. In 2022, the BJP scored victories—either alone or at the head of a coalition—in five states, while the AAP won in Punjab and in the MCD.

B3 0-4 pts

Are the people's political choices free from domination by forces 3 / that are external to the political sphere, or by political forces that 4 employ extrapolitical means?

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. Indian lawmakers selected the country's second-ever woman president when voting for Droupadi Murmu in July 2022. Female representation in the Lok Sabha, however, is low. Women held 15.1 percent of its seats as of December.

Quotas ensure that 84 and 47 Lok Sabha 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 made up some 14.2 percent of the population according to the 2011 census. By the end of 2022, no national legislator belonging to the BJP identified as Muslim.

The political rights of India's Muslims continue to be threatened. The Citizenship (Amendment) Act (CAA) of 2019 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, are eligible for citizenship through a fast-track process under the CAA.

The citizenship status of 1.9 million residents of Assam, which is home to a significant Muslim population, remains in doubt after a citizens' register was finalized in the northeastern state in 2019.

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 2013 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, these agencies have been slow to begin operations. Only 7 of the country's 29 state-level Lokayuktas had publicly accessible annual reports as of October 2022. Few complaints were submitted through these bodies.

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 RTI 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. National and state-level information commissions are hampered by staff vacancies.

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 ahead of 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 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. In April 2022, the Article 14 news site said five of its journalists were escorted from a Hindu nationalist event in Delhi by police; demonstrators had attacked them when learning that most of them were Muslim. Police in Delhi later launched a case against Article 14 and journalist Meer Faisal for commenting on the incident on Twitter.

Raids on independent outlets have become common. In October 2022, for example, police raided the New Delhi office of the Wire along with the homes of four of its editors. Police acted in response to a complaint lodged by BJP official Amit Malviya, who accused the Wire of defamation over retracted articles suggesting that he had the ability to remove Instagram posts.

In June 2022, Mohammed Zubair, a cofounder of the Alt News fact-checking site, was arrested for allegedly inflaming religious sentiments via a Twitter post. A complainant accused Zubair, a Muslim, of showing disrespect to a Hindu deity. Zubair was later accused of using “offensive” language to describe Hindu religious leaders by the Uttar Pradesh police before receiving bail in July.

D2 0-4 pts

**Are individuals free to practice and express their religious faith or 2 /
nonbelief in public and private? 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 Modi government 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 2022. The BJP has faced criticism for failing to mount an adequate response to cow-related violence.

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.

Communal rioting occurred in multiple states in April 2022, sparked by encounters between Muslims and those celebrating Hindu festivals.

D3 0-4 pts

**Is there academic freedom, and is the educational system free 2 /
from extensive political indoctrination? 4**

Academic freedom has significantly weakened in recent years, as professors, students, and institutions have faced intimidation over political and religious issues. Members of the student wing of the Hindu nationalist organization Rashtriya Swayamsevak Sangh (National Volunteer Association)—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. The heads of prestigious academic institutions are increasingly selected for their loyalty to the ruling party.

In February 2022, the Karnataka state government banned Muslim students from wearing the hijab in several public institutions. In October, the Supreme Court delivered a split verdict on the issue, with judges calling on the chief justice to send the case to a larger bench.

D4 0-4 pts

**Are individuals free to express their personal views on political or 3 /
other sensitive topics without fear of surveillance or retribution? 4**

Personal expression and private discussion in India had long been open and free. However, colonial-era and other laws are often invoked in order 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. In 2021, Article 14 reported a 28 percent annual increase in sedition charges from 2014, when the BJP came to power, to 2020. In May 2022, the Supreme Court put the colonial-era sedition law under review, stayed ongoing related cases, and asked the central and state governments to refrain from filing new cases. The court extended its order in October.

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.

The government has imposed rules that increase social media companies' liability for material posted on their platforms and effectively encourage

aggressive content restrictions. In July 2022, Twitter sued the government in the Karnataka High Court to contest orders to remove content critical of the government from its platform.

A nationwide Central Monitoring System is meant to enable authorities to intercept digital communications in real time without judicial oversight. 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 opposition members, journalists, judges, businesspeople, and minority-rights advocates. In August 2022, a committee of experts formed by the Supreme Court concluded that 5 of the 29 phones it examined were infected with malware but did not conclude if Pegasus was used; the Modi government did not cooperate with the committee.

Also in August 2022, the government withdrew the Personal Data Protection Bill 2019 from parliamentary consideration; among other provisions, it would have imposed restrictions on social media companies' ability to use personal data, though it was criticized for proposing relatively few restrictions on the government itself. The BJP vowed to introduce a new bill to replace it.

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 often suspend mobile and internet service to curb protests.

While peaceful demonstrations regularly take place, the national government and some state governments are known to employ assembly bans, internet disruptions, and force to quell protests, while protesters have faced harsh treatment and have been denied access to legal counsel.

Thousands of people in several states, including Gujarat and Uttar Pradesh, held protests in June 2022, objecting to a BJP spokesperson's May remarks that were considered insulting to the prophet Muhammad. Authorities responded with force and police in Jharkhand attacked bystanders. Police killed two people in the city Ranchi, the state capital of Jharkhand, on June 10, with their relatives accusing the authorities of applying disproportionate force. A senior police officer in the city sustained severe injuries. Authorities in several towns applied emergency laws to restrict gatherings. Over 300 people were arrested in Uttar Pradesh alone by June 14.

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 Contribution (Regulation) Act (FCRA) of 2010 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. The government cancelled the FCRA registrations of 6,677 NGOs between 2017 and 2021. In October 2022, the government canceled the registrations of two NGOs led by former INC leader Sonia Gandhi. In December, the government said one of the organizations lost its license because it received funding from the Chinese embassy.

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.

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 in the Supreme Court, 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. The government has also made judicial appointments that observers consider political in nature.

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 Prime Minister Modi who was charged with supporting a banned Maoist group. In 2022, courts continued to issue rulings favoring the BJP, including in highly controversial cases.

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 Unlawful Activities Prevention Act has been used extensively in recent years to hold individuals for long periods without trial or specific evidence of guilt.

In August 2022, 11 men convicted of crimes against a Muslim family during communal violence in Gujarat in 2002—including gang rape and murder—were released from prison in what was widely regarded as a bid to secure the support of hard-line Hindu voters ahead of the December 2022 state elections.

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. In July 2022, the Home Affairs Ministry reported that 4,484 people died in judicial or police custody in 2020 and 2021.

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 personnel, 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 peaking 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 2 / various segments of the population? 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” and “Economically Weaker Sections.” 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 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 3 / to change their place of residence, employment, or education? 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 require companies to reserve jobs for locals, limiting opportunities for interstate migration, although enforcement of the quotas is reportedly limited.

India’s large internal migrant population suffered significant hardships during the COVID-19 pandemic, as the government imposed an excessively harsh lockdown that offered little assistance or security to low-

paid workers. Millions were consequently compelled to travel from cities to their native villages for lack of employment and essential supplies. In 2021, a government think tank published a policy framework that aimed to ease interstate movement among other goals. This situation abated in January 2022 when the national government directed states to shorten coronavirus-related isolation periods.

Score Change: The score improved from 2 to 3 because the government eased COVID-19-related restrictions.

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? 2 / 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. 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.

Muslim-owned properties were demolished by authorities in several areas in 2022. In April, authorities in Delhi, Gujarat, and Madhya Pradesh responded to communal unrest by demolishing Muslim-owned structures. In June, authorities in Uttar Pradesh destroyed three Muslim-owned houses in an apparent act of reprisal against protests; authorities claimed the homes were illegally constructed. In October, authorities in Madhya Pradesh destroyed three men's homes after they were accused of throwing stones during a Hindu ceremony. In June, three UN special rapporteurs wrote a letter objecting to the practice.

Score Change: The score declined from 3 to 2 because officials in several areas demolished property owned by Muslims.

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 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, but enforcement is reportedly poor.

In August 2022, the Supreme Court expanded the official definition of the family to include same-sex parents and other households that had been deemed “atypical.”

Several BJP-led states have 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. In February 2022, the BJP argued for toughening penalties on interfaith marriages ahead of the Uttar Pradesh state elections.

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 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 2 / economic exploitation? 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 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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