

## Article

# Reality of Democracy in India: Contesting False Western Narrative

A. Surya Prakash

### Abstract

*India's constitutional values and democratic traditions have come under severe and concerted attack from various Western institutions, including research organisations, think-tanks, NGOs, and government established commissions, especially since early 2020. Among them are Varieties of Democracy (V-Dem), Reporters Without Borders (RSF), Freedom House, and the United States Commission on International Religious Freedom (USCIRF). After an in-depth analysis of these reports, the question that arises is on what basis have they arrived at such assessments? Are the authors of these reports apprised of the Indian Constitution, and have they done adequate research on its working? Also pertinent are queries such as: have they looked at the elements which are non-negotiable for a country to be categorised as a 'democracy', and have these researchers compared the Indian Constitution and its working with the constitutions of other nation-states which they place above India? This article seeks to answer these questions.*

Over the past few years, and especially since early 2020, India's constitutional values and democratic traditions have come under severe and concerted attack from a variety of Western institutions, including research organisations, think-tanks, NGOs and government established commissions. Among them are *Varieties of Democracy*

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(V-Dem), a Swedish agency attached to the University of Gothenburg, which produces a democracy report every year; *Reporters Without Borders* (RSF), a Paris-based NGO which tracks press freedom across nations; *Freedom House*, an American think-tank, which publishes an annual *World Freedom Report*; and the *United States Commission on International Religious Freedom* (USCIRF), which also reports annually on the state of religious freedom in nations across the world.

V-Dem has raised serious doubts about the quality of democracy in India in its reports of 2020 and 2021. RSF feels that press freedom has taken a beating during these years. Freedom House gives high marks to India's electoral democracy, but, like USCIRF, raises doubts about the protection of fundamental rights of religious minorities. What is the basis for these assessments? Are the authors of these reports aware of the contents of the Constitution of India and have they studied the working of this Constitution over the years? Have they looked at the elements which are non-negotiable for a nation to be classified as a "democracy"? Have they compared the Indian Constitution and its working with the constitutions of other nations which they place above India? This paper seeks to answer all these questions, beginning with the V-Dem reports of 2020 and 2021.

### **Meagre Data, Deficient Methodology, Sweeping Claims**

In its 2020 report, V-Dem claimed that autocratic tendencies were affecting major G20 states such as Brazil, India, the United States of America and Turkey – all of them major states with sizeable populations, that exercise substantial global military, economic, and political influence. It also asserted that India was on the verge of losing its status as a democracy "due to the severely shrinking of space for the media, civil society, and the opposition.....".<sup>1</sup> The institute claimed that V-Dem has a "unique approach to measuring democracy – historical, multidimensional, nuanced, and disaggregated – employing state-of-the-art methodology".<sup>2</sup> It says V-Dem produces the largest global dataset on democracy with some 28 million data points for 202 countries from 1789 to 2019. "Involving over 3,000 scholars and other country experts, V-Dem measures hundreds of different attributes of democracy. V-Dem enables new ways to study the nature, causes, and consequences of democracy embracing its multiple meanings".<sup>3</sup>

It is, therefore, necessary to see the result of this elaborate methodology, data collection, research and expertise. V-Dem further downgraded India in its 2021 report, released earlier this year. Remaining faithful to the prognosis in its 2020 report, V-Dem now declared that India, which was an “electoral democracy” the previous year, had now turned into an “electoral autocracy”!<sup>4</sup> This report makes some sweeping accusations against India. It questions the integrity of the electoral system in the country and says “freedom and fairness of elections was hard hit” when the election to the country’s lower House of Parliament (Lok Sabha) was held in 2019, leading to downgrading of the country to an “electoral autocracy”.<sup>5</sup>

It claims: “The world’s largest democracy has turned into an electoral autocracy. India’s autocratization process has largely followed the typical pattern for countries in the ‘Third Wave’ over the past ten years: a gradual deterioration where freedom of the media, academia, and civil society were curtailed first and to the greatest extent”.<sup>6</sup> The report alleges most of the decline has occurred following the Narendra Modi led Bharatiya Janata Party’s (BJP) victory in India’s 2014 elections. India’s level of liberal democracy has registered a steep decline, “making it one of the most dramatic shifts among all countries in the world over the past 10 years”.<sup>7</sup> The overall freedom and fairness of elections (“Elections free and fair”) were also hard hit, with the last elections held under Prime Minister Modi’s reign in 2019, precipitating a downgrading to an ‘electoral autocracy’. The diminishing of freedom of expression, the media, and civil society have gone the farthest since then. It also claimed that censorship was introduced after Modi became prime minister and that now the situation in India is in this aspect, “as autocratic as in Pakistan, and worse than both its neighbours Bangladesh and Nepal”.<sup>8</sup>

This institute astonishingly claims India is as autocratic as Pakistan, even though Pakistan is an Islamic Republic that has systematically persecuted religious minorities and has never been built on democratic foundations. The Hindus, Christians and the non-Sunni sects of Islam have been regularly victimized and hunted down. The Hindu-minority, which constituted about a quarter of its population at the time of formation of Pakistan in 1947, is now less than 2 per cent of the population. Further, the constitution of Pakistan bars non-Muslims from holding the office of President and

Prime Minister. Again, this report says India is worse than Bangladesh, which is also an Islamic Republic. However, the most objectionable part of the V-Dem report is the question it has raised about the integrity of elections in India, with specific reference to the Lok Sabha election held in 2019.<sup>9</sup>

Every Indian who values the country's Constitution and electoral history will challenge each of these conclusions because of the following reasons: one, this institute presumes that India is run by one party; two, that other parties do not matter. This is totally absurd because as many as 44 political parties are in power in 31 States and Union Territories in the country and many of them secured more seats in the Lok Sabha from their States in the 2019 Parliamentary elections than Narendra Modi's Bharatiya Janata Party (BJP).

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They include parties like the Trinamool Congress (TMC) in West Bengal; the Telangana Rashtra Samithi (TRS) in Telangana; the Biju Janata Dal (BJD) in Orissa; the YSR Congress in Andhra Pradesh and the Dravida Munnetra Kazhagam (DMK) in Tamil Nadu. The TMC and the BJD won 22 Lok Sabha seats each in their states in that election, while the DMK picked up 23 and the TRS got 9. Further, after Narendra Modi became the Prime Minister in 2014, the Aam Aadmi Party (AAP) won 67 of the 70 seats in the Delhi Assembly; the Communist Party of India- Marxist (CPI-M) and Mamata Banerjee's TMC registered massive victories in State assembly elections in Kerala and West Bengal respectively in 2016 and again in 2021. Further, the Indian National Congress (INC) won the State assembly elections convincingly in Rajasthan and Chhattisgarh, to name just a few of the states that voted against the BJP. Therefore, when someone questions the integrity of India's elections, Indians have a right to question the intentions and the integrity of the institutions who are making these accusations.

Strangely, the V-Dem report claims that "freedom of association" is another right which is slipping out of the hands of Indian citizens. The Freedom House Report on *Freedom in the World 2021* is also singing a similar tune. It says political rights and civil liberties are eroding in India. How can dozens of political parties, including Muslim parties and Christian parties, which are opposed to the ruling BJP at the Centre win a handsome number of seats in State assemblies and in parliament, if political rights are

curbed? Those who need further proof of how false this accusation is, should visit the Ghazipur border near Delhi, where protesting farmers are asserting their political rights and civil liberties and are blocking a major national highway connecting the national capital for the past year.

### **‘Democracy’ in the West—A Reality Check**

This year too, as in 2020, nations such as Denmark, Sweden and Norway are on top of the democracy index of V-Dem and Greece is at number 27. India’s position has slipped from 90 in the previous year to 97.<sup>10</sup> So, the time has come to study the constitutions of these nations and see how they compare with India.

V-Dem has declared Denmark as the best liberal democracy in the world in 2020 and 2021. So, the existing political system in Denmark is worthy of scrutiny. The report says Denmark is the best democracy. But, how? Its constitution ordains that the State of Denmark shall be wedded to a religion—Lutheran Christianity, thereby implying that there is no separation of religion and State. The initial articles in Parts I & II of the constitution state that the form of government shall be that of a constitutional monarchy. The Royal Power shall be inherited by men and women in accordance with the provisions of the Succession to the Throne Act, 27th March, 1953.<sup>11</sup> Further, the legislative power shall be vested in the King and the Folketing conjointly and the executive power shall be vested in the King. Article 4 declares that “The Evangelical Lutheran Church shall be the Established Church of Denmark, and as such, it shall be supported by the State”. Article 6 in Part II says The King “shall be” a member of the Evangelical Lutheran Church.<sup>12</sup> So, the State of Denmark has a duty to support the Church in Denmark financially and in other ways. So, secularism is absent, as also, separation of religion and state, both of which are extremely essential for a democracy. On the other hand, India, which has civilisationally been a secular nation and even has secularism embedded in the preamble of its Constitution, is hardly a democracy, according to V-Dem, as it is placed at number 97 among democracies!

Sweden is the second-best democracy in the 2021 report. Here again, the problem is that it is not a Republic like India, wherein the head of state is elected. In Sweden, the King or Queen is the head of state. Further, there are two more provisions that are very worrying from a democracy point of view. One, the constitution says the King shall always profess the pure evangelical faith, which means, unlike Indian citizens, he does

not have freedom of conscience and freedom to choose his religion. He is boxed-in and has to be an adherent of the evangelical faith. Two, the constitution says the prince or princess needs government permission to marry! Can one ever imagine such a provision in the Indian Constitution, which compels a citizen to secure government permission to marry? Yet, Sweden is the third best democracy and India is at 97!

Art 5 of the constitution of Sweden states that the King or Queen who occupies the throne of Sweden in accordance with the Act of Succession shall be the Head of State.<sup>13</sup> Articles 4 and 5 in the Act of Succession, which is part of the Constitution, are significant. Art 4 declares that “the King shall always profess the pure evangelical faith” and “the princes and princesses of the Royal House shall be brought up in that same faith and within the Realm”.<sup>14</sup> It further declares that “any member of the Royal Family not professing this faith shall be excluded from all rights of succession”.<sup>15</sup> Art 5 goes a step further and imposes an embargo on the prince or princess in regard to choice of mate. It says “A prince or princess of the Royal House may not marry unless the Government has given its consent there to upon an application from The King. Should a prince or princess marry without such consent, that prince or princess forfeits the right of succession for himself, his children and their descendants”.<sup>16</sup> Therefore, Sweden is not a republic, it is not a secular State as its head of State is wedded to a church and its potential heads of State do not have freedom of conscience.

Now let us look at the V-Dem Report and the countries ahead of India. V-Dem gives Norway a place in the top five democracies in both these reports. Here again, Article 1 of the constitution of Norway declares that it is a hereditary monarchy. Article 2 says its values will be “our Christian and humanistic heritage”.<sup>17</sup> Articles 4 & 5 declare that the King “shall at all times profess the Evangelical-Lutheran Religion” and that “The King’s person is sacred; he cannot be censured or accused”.<sup>18</sup> Therefore, unlike India, secularism, separation of religion and State and equality before law are all absent in Norway. Senegal, a quasi-democracy, Papua New Guinea and Argentina are other nations that have a better rating than India. The Preamble to the Constitution of Papua New Guinea states that the people pledge themselves “to guard and pass on to those who come after us, our noble traditions and the Christian principles that are ours now”.<sup>19</sup> Section 2 of Chapter I of the constitution of Argentina says that “the federal government supports the Roman Catholic

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Apostolic Religion”.<sup>20</sup> As can be seen, neither of these countries are “secular” as we in India understand the term – separation of religion and State being one of its firm foundations.

### **Height of Absurdity**

One can imagine the absurdity of the rating by this organisation when we find the Maldives placed at 76, way ahead of India. This is a nation in which citizenship is granted only to Muslims. Article 9 (d) of the constitution of the Republic of Maldives states that ‘a non-Muslim may not become a citizen of the Maldives’.<sup>21</sup> Article 10 says that the religion of the State of Maldives is Islam and “no law contrary to the tenet of Islam shall be enacted...”.<sup>22</sup> Article 109 (b) says the President of the Maldives must not only be a Muslim but also belong to the Sunni sect.<sup>23</sup> Article 149 (b) declares that every member of the judiciary shall be a Muslim and a follower of the Sunni school of Islam.<sup>24</sup>

A U.S State Department Report explains the constitutional system in the Maldives as follows:

“The constitution and other laws and policies restrict religious freedom. The constitution designates Islam as the official state religion and government regulations are based on Islamic law. The government and many citizens at all levels interpret these provisions as imposing a requirement that all citizens be Muslims. The language of the constitution relating to the fundamental rights and duties of citizens does not provide for the right to freedom of religion or belief. Furthermore, the constitution precludes non-Muslims from voting and holding public positions. The constitution does not prohibit discrimination based on religious preference.”<sup>25</sup>

Several articles in the constitution make the practice of Islam mandatory. According to Forum 18, a foreign non- profit group that promotes religious freedom, in practice this wording (Article 36-c) is understood to mean that parents must educate their children as Muslims, whether they are Muslim or not<sup>26</sup>. The Ministry of Islamic Affairs mandates Islamic instructions in schools...<sup>27</sup>

The Protection of the Religious Unity Among Maldivians Act states both the government and the people must protect religious unity.<sup>28</sup> The regulations also state, “it

is illegal to propagate any other religion other than Islam.”<sup>29</sup> The government follows civil law based on Islamic law. Civil law is subordinate to Islamic law; in the event a situation is not covered by civil law as well as in certain cases such as divorce and adultery, Islamic law is applied.<sup>30</sup> Foreigners are not allowed to import any items deemed “contrary to Islam,” including alcohol, pork products, or religious statues for worship.<sup>31</sup> Alcoholic beverages are available to tourists on resort islands, but it remains against the law to offer alcohol to a local citizen.<sup>32</sup>

The question that arises after reading the constitution of the Maldives is whether there is any semblance of democracy in that nation. It is obvious that there is no religious freedom in the Maldives, nor is there freedom of conscience, because a non-Muslim cannot even be a citizen of that nation. All laws must be in conformity with Islamic law and the President and all the judges have to be not only Muslims but also belong to the Sunni sect. Finally, irrespective of the religion of a resident, he or she must raise their children as Muslims.

To place such a nation ahead of India while measuring democracy, smacks of not just non-application of mind but mischief and much more.

### **RSF Thinks Press Freedom Can Exist Sans Democracy!**

The Paris-based NGO, *Reporters Without Borders* (RSF), puts out an annual World Press Freedom Index to judge the degree of freedom available to journalists in different countries of the world. This index places India, the world’s largest, the most vibrant liberal democracy and unarguably the most plural society, down below at number 142 among 180 countries assessed for this evaluation in 2021.<sup>33</sup> This is two notches below 140, the position occupied by India a year ago.

Why does India perform so poorly vis-à-vis other nations when it comes to press freedom? The time has come to search for an answer to this question. The RSF website says the degree of freedom available to journalists is determined by pooling responses of experts to an elaborate questionnaire devised by it.<sup>34</sup> The quantitative data is combined with qualitative analysis on abuses and acts of violence against journalists during the period evaluated. The criteria evaluated in the questionnaire, which has 87 questions, are pluralism, media independence, media environment and self-censorship, legislative framework, transparency, and the quality of the infrastructure that supports the



production of news and information. The on-line questionnaire is sent by RSF to 18 NGOs across the world and a network of 150 correspondents and to researchers, jurists, human rights activists chosen by these correspondents. About ten per cent of the respondents are foreign correspondents working in the country being evaluated. But, here is the catch. The sample size for the survey for a country like India, which has 1330 million citizens, is too small and little is known of the respondents chosen. We shall deal with this a little later.

One would presume that a good democratic environment is sine qua non for a free press, but, strangely, there is little or no weightage in this index for fundamentals of democracy like a republican government; an inviolable commitment to freedom of speech and expression in a country's Constitution; separation of religion and State; an unambiguous constitutional commitment to the pursuit of secular values; the fundamental right to equality before the law and the equal protection of the laws and the fundamental right to life and personal liberty.

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Freedom of the press is protected under the rubric of freedom of expression guaranteed by Article 19 (1) (a) of the Constitution and ensured by multiple independent organisations of the media, such as the Press Council of India and the Editors' Guild of India, and finally the courts. It appears, as if RSF does not see the need for any of this while judging whether there is press freedom in a country, and this is its biggest flaw.

This becomes obvious when one sees the ranking of certain nations, which cannot even qualify as democracies, way ahead of India. Here are some samples: While the RSF Index places India at 142, Burkina Faso is over a hundred points ahead at number 36. V-Dem places it at 57 in its latest report as against India at 97. This is the country, which was identified by the US State Department some time ago in its *Trafficking in Persons Report* saying that slavery continues to exist in Burkina Faso and that Burkinabè children are often the victims. It said slavery is an entrenched institution with a long history that dates to the Arab slave trade.<sup>35</sup> The Republic of the Maldives is placed at number 79 in the RSF Index. There is sufficient elaboration of the alleged "democratic" environment in this country, during the analysis of the V-Dem Report earlier in this paper. Nothing more needs to be said about the Maldives.

The Sultanate of Oman, which is at 135 in the Index, is an Arab, Islamic nation. Article 2 of the constitution of Oman says the religion of the State is Islam and Islamic Sharia is the basis for legislation. The system of governance is Sultani and hereditary by way of the male descendants of Sayyid Turki bin Said bin Sultan, provided that whomever is to be chosen from amongst them as successor “shall be a Muslim, mature, rational and the legitimate son of Omani Muslim parents”.<sup>36</sup> In other words, it is neither a secular State nor a republic and there is no gender equality because the constitution ordains that the head of state shall be a Muslim male.

The Index places Comoros at number 75. The constitution says the Comorian people solemnly affirm their will “to draw from Islam, the religion of the state, the permanent inspiration of the principles and rules that govern the union .....”. The Preamble to the Constitution says: The Comorian people solemnly affirm their will to cultivate a national identity based on a sole people, a sole religion (Sunni Islam) and a sole language and to promote religious and moral practices .....<sup>37</sup>

Now, let us look at some nations where the State is unabashedly wedded to Christianity. Argentina is at number 64. As discussed earlier, its constitution declares that the federal government supports the Roman Catholic Apostolic religion. The Constitution of Malta, which is at number 81 in the RCF Index, declares that “the religion of Malta is the Roman Catholic Apostolic Religion”. Chapter 2 of the constitution declares that “the authorities of the Roman Catholic Apostolic Church have the duty and the right to teach which principles are right and which are wrong, and that religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education”.<sup>38</sup>

Greece is at number 65 in this Index. Section II of the constitution deals with “Relations of Church with State” and emphatically states what that relationship is. It declares that “the prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The orthodox Church of Greece, acknowledging our Lord Jesus Christ as its head, is inseparably united in doctrine with the Great Church of Christ in Constantinople and with every other Church of Christ of the same doctrine”.<sup>39</sup> It also declares that the text of the Holy Scripture shall be maintained unaltered and “official translation of the text into any other form of language, without prior sanction by the

Autocephalous Church of Greece and the Great Church of Christ in Constantinople” is prohibited.<sup>40</sup>

The Kingdom of Norway tops the RSF list and is declared the nation with the maximum press freedom. Denmark is at number 3. As has been discussed earlier in this paper, both these nations have hereditary monarchies where there is no separation of religion and State. In Norway, the king must always profess the Evangelical-Lutheran religion while in Denmark the State is wedded to this very same church. Is not separation of church and State and religion and State central to democracy? How can India, which has secularism embedded in the preamble of its constitution and which has no state religion, and which elects its head of state in the best traditions of egalitarianism be classified as a low-grade democracy vis-à-vis hereditary monarchies wedded to churches and gender inequality? Finally, how can theocracies and religion-based states which cannot even be classified as democracies, have press freedom better than a secular democracy like India? These are questions that first come to mind when one looks at the RSF’s laboured effort at producing a Press Freedom Index.

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The RSF Website claims that press freedom in countries is judged under six categories – pluralism, media independence, media environment and self-censorship, legislative framework, transparency, and the quality of the infrastructure that supports the production of news and information.<sup>41</sup> On the touchstone of pluralism, it measures the degree to which opinions are represented in the media. If that be so, RSF wants us to believe that there is greater pluralism in media in theocracies and Islamic states and states where even citizenship is denied to non-Muslims than in India, the most pluralistic society in the world!

“The second touchstone is media independence – to measure the degree to which media is able to function independent of political, government, religious power and influence. If we go by the RSF Index, “religious power and influence” on the media in Argentina, Malta, Denmark, etc., where the State is wedded to the Church, and in the Maldives, the Sultanate of Oman, Comoros, etc., where the State is wedded

to Islam, is far less than in secular, democratic India!"<sup>42</sup>

The third criterion is "media environment and self-censorship". Democratic India has witnessed a media boom over the last few decades. The print order of publications has crossed 430 million copies in dozens of languages, and there are over 800 television channels of which a quarter covers news and current affairs. The respondents are required to analyse the environment in which journalists work."<sup>43</sup> Is there another nation which can boast of such media diversity? Also, when it comes to self-censorship, isn't RSF aware of the deleterious effect that religion has when it is wedded to the State in Christian and Islamic nations? Is RSF not aware of the effect of non-compliance with self-censorship in Islamic States and theocracies. Further, is it blind to the self-censorship that is de rigeur in European media vis-à-vis the monarchies in Belgium, the Netherlands, Norway, Denmark, etc? Also, can it be so blind to India's diversity and vibrancy, which is anathema to self-censorship?

As regards the "legislative framework" that governs media, starting with the Indian Constitution and a plethora of laws made by parliament, the media is provided with adequate insulation to enable it to work freely and fearlessly. "Transparency" is another criteria on which India scores high. There is a wide divergence of political opinion in the editorial positions taken by Indian media houses, just as in the USA and

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other democracies. One can see all the colours of the rainbow in the media bouquet, including those committed to communism, socialism, centrism, the right-wing, etc. In fact, it is this plurality which ensures the free flow of information and opinion and it must be said without fear of contradiction that this kind of plurality is simply not available elsewhere. This can be seen on social media as well, where there is a virtual free-for-all with the worst abuses hurled at political leaders beginning with the Prime Minister. If you are looking for "transparency", you will get it in abundance on these platforms, but if you are looking for decency, this is not the place to go!

Finally, the index examined the quality of infrastructure that supports the production of news and information. India is technologically advanced and offers state-of-the-art infrastructure for those who want it. Also, because of its leadership in

Information Technology, Indian media companies are building robust social media platforms to take their businesses to new platforms.

Apart from all this, the methodology adopted by RSF is highly questionable. It must name its correspondents in each nation; provide the list of respondents along with their social, political, economic background, place of residence, etc. Unless the sample is credible, the inferences will be suspect. There are other drawbacks: the core team based in Paris determines the questions and the weightage given to each answer – not a satisfactory situation; and RSF does not explain the definition of press freedom. It instead uses terms like press freedom, freedom of information, etc., loosely. Finally, the questionnaire is so long and exhaustive, that it would leave most respondents exhausted even before the process is over.

Looking at this Index and the way it has been worked out, it must be said that the biggest flaw is the RSF's complete disrespect for the foundational principles of democracy. It seems to delude itself into believing that press freedom can exist in wholly non-democratic environments. For this reason alone, its conclusions must be rejected lock, stock and barrel. The work of RSF is subjective, biased and non-transparent. It must read the Constitution of India and compare it with other constitutions. It must look at the robust institutions that sustain democratic traditions in India, and it must first define democracy itself, before venturing into the preparation of a global index. In other words, it must go back to the drawing board.

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### **Freedom House's Miscalculations**

Freedom House is yet another institution that is judging freedom across nations. Although the conclusions of this Think Tank are not as absurd as those of V-Dem and RSF, there are areas where Freedom House has gone completely off the mark. In the larger interests of the current discourse on democracy, it is important to flag these issues.

In its report for the year 2021, Freedom House claims that it “works to defend human rights and promote democratic change, with a focus on political rights and civil liberties”.<sup>44</sup> It says it rates people's access to political rights and civil liberties

in 210 countries and territories through its annual *Freedom in the World report*.<sup>45</sup> Individual freedoms—ranging from the right to vote to freedom of expression and equality before the law. It superciliously dropped India, the world’s most populous democracy, from Free to Partly Free status. “The fall of India from the upper ranks of free nations could have a particularly damaging impact on global democratic standards. Political rights and civil liberties in the country have deteriorated.....”<sup>46</sup> It alleged that judicial independence has also come under strain and India appeared to have abandoned its potential to serve as a global democratic leader. Four inferences in its 2021 report which must be challenged, are: a) religious freedom has declined in India; b) individuals can no longer express their political views; c) freedom of movement has declined; and d) the judiciary is no longer free.

To be fair, Freedom House conceded that the current head of government (presumably at the national level) had been elected “through free and fair elections”. “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.”<sup>47</sup> Referring to the Lok Sabha election held in 2019, it said “the elections were considered generally free and fair, though some violations of campaign rules were reported.”<sup>48</sup> It acknowledges that political parties in India 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, it found the electoral bonds scheme to be “opaque” because it allowed donors to obscure their identities. This, it said, was a “source of concern”.<sup>49</sup> It also says the political/electoral system provides a realistic opportunity to the opposition to increase its support or gain power through elections. The private media are vigorous and diverse, and investigations and scrutiny of politicians do occur. However, it claims that attacks on press freedom have escalated dramatically.

Another area where the report takes liberties with truth is regarding freedom of movement. Strangely, Freedom House gives India very low marks for this, whereas the truth is that millions of Indians move out of their moorings every year for purposes of education and employment. It is common to see millions of youth from the Northern and Eastern states re-locating in the South or West or vice-versa.

A word about corruption. Strangely, while the world-over it is conceded that official corruption has sharply declined after Narendra Modi became prime minister seven years ago-- and this is rather palpable in the country-- this report claimed that "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."<sup>50</sup> Freedom House should re-visit the list of its consultants and reporters for India in view of the glaring distortions that have crept into the report.

Two other conclusions which deserve to be dismissed are the report's insinuations that there is no freedom of assembly and that the judiciary is not independent. As stated earlier, farmers from a northern state have jammed the key highways connecting the national capital for over a year. The right to assemble peacefully is a constitutional guarantee, although it does not allow protesters to block highways, but the government has let them be. The authors of this report must visit these sites and tender an apology in their 2022 report.

### **Freedom of the Judiciary & Conscience**

We must now turn to the judiciary. The impartiality of the judiciary has been questioned by both V-Dem and Freedom House. Both are hinting or directing accusing this institution, which has stood as a bulwark in defence of the citizens' freedom and constitutional rights, of being no longer independent. Is this true? Questions about the impartiality of the judiciary have often been raised across democracies from time to time. In fact, there is a major debate raging in the U.S right now on the move by the democrats to increase the strength of the U.S Supreme Court, because they think that the court is packed with Republicans! They propose to introduce a legislation in Congress to increase the strength of the Supreme Court from 9 to 13. The federal government is thinking of appointing a commission to study the issue. But, does that make the present U.S. Supreme Court an unreliable institution?

It is often forgotten that such debates about the independence and credibility of institutions take place only in democracies. Has one ever heard of such views about courts in China and the dozens of nations which rest on the foundations of religion like the Islamic States that are governed mostly by Sharia laws? Since India is a vibrant democracy, the debate must go on; but that needs to be kept within the bounds of

reasonableness, lest the debate weakens the very institutions of democracy, and eventually become a self-fulfilling prophecy.

Both V-Dem and Freedom House are raising questions about freedom of expression and freedom of the judiciary. The insinuation is that the judiciary in India is going soft on the government. RSF, on the other hand, says freedom of the press has degraded in India. It is best that those who make these accusations google the latest reports of the Supreme Court and the High courts on a variety of issues including freedom of expression, Covid-19 management, and the application of the Sedition Law. They should thereafter tender an unconditional apology to the Indian people and the Indian judiciary for this highly baseless and irresponsible inference.

The sedition law, for example, has come in for scrutiny by the higher judiciary in India for many decades. There are cases dating back to the 1960s on the constitutionality of this provision – Section 124 A in the Indian Penal Code (IPC). The debate acquires national, and at times international, importance when this provision is used against media persons who are opposed to the government of the day. One such case is that of Vinod Dua, a Delhi-based media person who does a regular commentary on political and social issues on YouTube. Last year, in one of these videos he was highly critical of prime minister Narendra Modi and the Union government. A member of the ruling Bharatiya Janata Party (BJP) in Himachal Pradesh State took umbrage over Dua's commentary and filed a First Information Report (FIR) against him "under sections 124A (sedition), 268 (public nuisance), 501 (printing matter known to be defamatory) and 505 (statements conducive to public mischief) of the IPC."<sup>51</sup> On June 3 this year, the Supreme Court quashed the sedition case registered against Dua and dwelt at length on the issue of protection of freedom of speech and expression available to journalists. It said:

"Every journalist is entitled to protection under the Kedar Nath Singh Judgement delivered by it in 1962."<sup>52</sup> *The Indian Express* reported: "While upholding the validity of section 124A (sedition) of the IPC, the top court in 1962 had ruled the sedition charges could not be invoked against a citizen for criticism of government actions as it would be in conformity with the freedom of speech and expression. On July 20 last year, the top court had extended till further orders the protection granted to Dua from



any coercive action in the case”.<sup>53</sup> As said by bench of Justices U. U. Lalit and Vineet, on the issue of protection of freedom of speech and expression of media personnel.

Neither RSF nor V-Dem nor Freedom House have examined the crucial role of the judiciary in India in protecting the fundamental rights of citizens, including media persons. Here are a few more cases that these institutions need to ponder over:

In March 2021, the apex court reinforced the citizen’s right to free speech. It pertained to the quashing of the FIR filed against Patricia Mukhim, Editor of the *Shillong Times*. She put out a *Facebook* post in July 2020 saying tribals in a part of Meghalaya had assaulted six non-tribal youth who were playing basketball. She wanted the assaulters booked. Local tribal leaders filed an FIR against her under Section 153 A of the Indian Penal Code alleging that she was promoting enmity between different groups. On the face of it, the FIR was absurd because there was nothing in her post which promoted enmity or violence. She only wanted the enforcement of law. The Supreme Court bench comprising Justices L. Nageswara and S Ravindra Bhat quashed the FIR and said: “free speech of the citizens of this country cannot be stifled by implicating them in criminal cases”.<sup>54</sup> They said there was no “hate speech” in her post. The bench said “India is a plural and multicultural society and the promise of liberty, enunciated in the Preamble, manifests itself in various provisions which outline each citizen’s rights, including the right to free speech, to travel freely and settle throughout the length and breadth of India”.<sup>55</sup>

It is not just the Supreme Court, but the High courts too are active in protecting civil liberties and press freedom. Some recent judgements of the Allahabad High Court are worthy of mention. In December 2020, this high court quashed an FIR against a citizen – Yashwant Singh – for putting out a tweet saying the law and order situation had deteriorated in Uttar Pradesh State after Yogi Adityanath became the chief minister. This citizen said there was “jungle raj” in the State. An FIR was lodged against him on charges of defamation and for impersonation under the Information Technology Act. The judges quashed the FIR and said “Expressing dissent on law and order situation in the state is the hallmark of a constitutional, liberal democracy like ours, constitutionally protected like ours, under Article 19 of the Constitution”.<sup>56</sup>

Recently, a newspaper investigated cases filed by District Magistrates in Uttar Pradesh under the National Security Act to take persons into preventive detention. It

found that of the 120 habeas corpus petitions filed before the Allahabad High Court, as many as 94 were quashed by the court.<sup>57</sup> The court ordered the release of the detenus.<sup>58</sup>

All this is not to say that the judiciary is devoid of imperfections. There are issues but let us not forget that the Constitution provides for a separation of powers between the Executive, the Legislature and the Judiciary, so that no one institution can trip the system. Secondly, barring some rare and exceptional cases, the court has always stood up and protected the rights of citizens. The Supreme Court's most unforgettable contribution to the strengthening of India's democratic ethos is the majority judgement in what is popularly known as the Keshavananda Bharati Case, in 1973.<sup>59</sup> The Court had declared that while parliament can amend the Constitution, it cannot abrogate or abridge its "Basic Structure". This judgement is like a *Vajra Kavachch* (an impenetrable jacket) which has guarded the peoples' fundamental rights for close to half a century.

### Is the Media Space Shrinking ?

V-Dem claims that in India, media space is shrinking and civil society and the Opposition are getting squeezed out. RSF puts India at a lowly 142 among 180 nations and finds even several Islamic nations to be having a better environment for media freedom. But, this is contrary to reason, common sense and facts. The truth is that India has witnessed a media boom over the last decade and there has been a phenomenal growth in the print order of newspapers and in the viewership of private television news channels.

**The argument that media space is shrinking after Narendra Modi became Prime Minister, is laughable.**

First, the argument that media space is shrinking after Narendra Modi became Prime Minister, is laughable in the light of the reports of the Registrar General of Newspapers in India and other agencies which track media growth. India has witnessed a media boom over the last decade and the figures for the last six years should make anyone's jaw drop. The circulation of daily newspapers in India in 2013 was 224 million copies. By the year 2019, it had jumped to 291 million copies.<sup>60</sup> What about the television industry? India has about 800 Television channels of whom about 200 channels telecast news. Most are private, independent news channels. There are about 250 million households in the country and of them, by 2014, as many as 160 million households had television sets. This figure is now close to 200 million. But the media growth story

extends beyond mainstream media. There has been an exponential growth in social media in recent years and this is reflected in the number of internet connections, which has spiralled from 150 million in the year 2014 to over 500 million five years hence. Further, a look at the shrill debates that are on in Indian news television programmes every evening and the talking heads representing different political and social voices trying to outshout each other clearly shows that India's democracy has become too argumentative and is bordering on chaos.

Does any of this indicate "shrinking media space"? Obviously, those making these accusations have never watched prime time television debates in India or heard the free-for-all, ear-splitting shouting matches on Indian TV, nor have they read the critical commentaries in mainline newspapers and magazines and on digital newspapers which are sharply critical of the prime minister and the federal government.

Finally, V-Dem, Freedom House and RSF need to spend a little time on Twitter and see for themselves whether freedom of expression is being crushed or is being misused! Not a week passes without the anti-Modi lobby running hashtags like #LieendraModi, #FakeendraModi, #ModiFailsIndia and #NarendraModiWorstPrimeMinister on Twitter regularly. He is constantly demonised, criticised and mocked at by his political opponents. Thousands of followers of political parties opposed to him endorse these hashtags and add their own abusive comments or cartoons. Nobel Laureate Amartya Sen had spoken about the Argumentative Indian in his book with the very same title, but what is now happening is of an altogether different dimension. Some of the things said on these social media platforms are absolutely vulgar and abusive and often hurt religious sentiments. One is also aghast at the abuses hurled on women on these platforms, specially by those who disagree with their political views. Civility has completely gone out of the window. This is a matter worthy of concern for all those who seek to preserve democracy and democratic traditions. But, there is not even a rudimentary acknowledgement of this problem by those who claim to be the standard-bearers of democracy.

**Another flaw in these reports is the attribution of attacks on media to the Union/federal government and the Prime Minister.**

Another flaw in these reports is the attribution of attacks on media to the Union/federal government and the Prime Minister. This is very much off the mark because "law and order" is a subject wholly within the domain of the States, which are ruled by

a wide range of political parties representing ideologies across the political spectrum. There are instances of these states misusing provisions in the Indian Penal Code to harass journalists critical of the regime, but, as stated earlier, the courts do not allow them to get away with it. Most of these cases are quashed by the courts, as discussed earlier.

Therefore, the charge that freedom of expression is under severe threat in the country smacks of uninformed opinion. Also, in view of this overwhelming evidence, anyone who says that “media space is shrinking” needs to be seriously challenged.

### **Freedom of Religion & Conscience**

Finally, we must deal with a couple of inferences which are farthest from the truth. Freedom House says that women and members of religious and ethnic minorities vote in large numbers and have opportunities to gain political representation; but it contradicts itself later in the report by saying that the political rights of Indian Muslims have been curtailed. This statement is manifestly false because all voting data shows that in every election, there is heavy polling in Muslim-dominated areas. Also, Freedom House appears to have badly slipped up regarding freedom of religion and freedom of conscience. It claimed that the freedom of individuals to practice their religious faith in public and private was worthy of just 2 out of 4 points. This writer would regard this as the most preposterous conclusion in this report. If there is no religious freedom in India, then one must conclude that there is no religious freedom anywhere in the world.

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Similarly, it claims that the freedom of individuals to express their personal or political views without fear of retribution is poor. This claim can be instantly shown as false by going onto twitter and seeing the campaigns of Prime Minister Modi’s opponents on Twitter with hashtags such as “Modi Disaster PM”, “Failed PM”, etc.

This brings us to another report, that of the United States Commission on International Religious Freedom (USCIRF). Which talks about “increasing repression of religious freedom and a growing climate of hostility and violence toward religious minorities” in India. It has classified India as a “Country of Particular Concern” (CPC).

Interestingly, it says that despite constitutional protections for religious freedom, about one-third of India's States limit or prohibit religious conversions "to protect the dominant religion (Hinduism) from perceived threats from religious minorities". First of all, the USCIRF presumes that the constitutional protections to religious minorities also gives them the right to resort to "religious conversions", which is wholly incorrect. No citizen has a fundamental right to "convert" another or, as is said in some quarters, "to harvest souls" from across the religious divide. Secondly, it skirts a long-established court-ordained law in the country against conversions induced through fraud, inducement or coercion. Finally, is it not an irony that, as the USCIRF report concedes, the "dominant religion" needs protection from a miniscule minority (primarily the Christians) who constitute less than 2.5 per cent of the total population?<sup>61</sup>

Johnnie Moore, a Commissioner, submitting his individual views, has spoken of his love for India and respect for its religious diversity and said that of all the countries in the world, "India should not be a country of particular concern, or CPC. It is the world's largest democracy and it is governed by a pristine constitution. It is *diversity personified* and its religious life has been its greatest historic blessing. Yet, India does seem to be at a crossroads".<sup>62</sup> In conclusion, he said "India's government and people have everything to gain and absolutely nothing to lose from preserving social harmony and protecting the rights of everyone. India can. India must".<sup>63</sup> This is a better way to deal with issues plaguing any society. First, it is important, as Johnnie Moore does, to acknowledge India's democracy and diversity, before dwelling on perceived aberrations by other nations. But, returning to the issue at hand, the correct constitutional position in India is that every citizen has a right to exercise his freedom of conscience and choose his religion. He can leave the religion he was born into and choose another. Also, this need not be a one-time affair.

The existence of this right has been emphatically stated by the Indian Supreme Court in a recent judgement when it declared that any person above 18 years of age is free to choose his or her religion. The court refused to entertain a plea that directions be given to the Union Government and the states to stop religious conversions. The petitioner wanted the court to direct the government to examine the feasibility of appointing a committee to enact a law to check abuse of religion. The three-judge bench was in no mood to hear the petition. Instead, it warned the petitioner that if he persisted with his petition, it would impose costs. The bench said there was no reason

why a person above 18 years of age cannot choose his religion.

The court was only reflecting a constitutional reality namely Article 25 of the constitution which guarantees “freedom of conscience and free profession, practice and propagation of religion”. “Freedom of conscience” is indeed a wide band which enables an individual to choose his own path vis-à-vis religion, culture, ideology and a host of other issues. Also, under Section 3 of the Indian Majority Act, 1875, “every person shall attain the age of majority on his completing the age of eighteen years”.<sup>64</sup>

Further, here is another judgement of India’s apex court which is most relevant here. The Supreme Court recently threw out a petition which wanted it to expurgate 26 verses of the Quran, which the petitioner claimed were used to indoctrinate children and justify attacks on non-believers by terrorist groups. Describing the petition as “absolutely frivolous”, the three-judge bench comprising Justices Rohinton Nariman, B.R. Gavai and Hrishikesh Roy, imposed a penalty of Rs 50,000 on the petitioner – Syed Waseem Rizvi, former Chairman of Shia Waqf Board – when his lawyer failed to heed the Court’s advice that he not proceed with the petition.<sup>65</sup> When the lawyer persisted, the court imposed the penalty.

After reading these judgements, would those who have made the wild and unsubstantiated allegation that there is no freedom of religion in India, continue to say so ? It is only fair to demand an unqualified apology from all of them, including USCIRF, V-Dem and Freedom House.

## Conclusion

The Preamble to the Constitution declares that India shall be a “secular, socialist, democratic republic”. The term “secular” was added to the Preamble in 1976. It was initially not there because the constitution-makers felt that Indians were civilisationally a secular people and that, therefore, there was no need for any specific emphasis in this regard. However, Prime Minister Indira Gandhi felt that this must be embodied in the Preamble, so that there is no doubt about the secular nature of the Indian State. Thus, in 1976, India became both civilisationally and constitutionally a “secular” nation.

The value of “secularism” and its criticality vis-à-vis the separation of religion and State has been sufficiently discussed in this paper. There are other provisions which are very critical for a democratic nation-- equality before the law and the equal protection

of the laws (Art 14); prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Art 15); and right to life and personal liberty (Art 21). Religious freedom and right of religious and linguistic minorities can be found in several provisions: Article 25: The right of all persons to profess, practice and propagate religion; Article 26: Right of every religious denomination to establish and maintain institutions for religious and charitable purposes, to manage its own affairs and to acquire and administer property; Article 28: No religious instruction to be provided in any educational institution wholly maintained out of State funds; Article 29: Any section of citizens having a distinct language, script or culture shall have a right to conserve the same; Article 30: All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

How many nations in the world can claim to provide such constitutional rights and safeguards to minorities? It is therefore tragic that dozens of nations which are wholly or partially devoid of these essential elements that are sine qua non for a democracy, have been given an exalted status by V-Dem, Freedom House and RSF. What is the purpose of this exercise? Is it really to promote democratic values or to crush the democratic spirit, or even worse, to politically target India?

Whenever such reports are published by Western think tanks or academic institutions or media, a question that is often asked in India is “why”. Why is there such hostility towards the most vibrant democracy and the most diverse society in the world? Why do these institutions in the West ignore their own constitutional frailties and major loopholes in their democratic systems and point fingers at a nation that is the very epitome of plurality? Why are they blind to Christian and Islamic communalism that permeates the constitutions of many of the so-called top democracies? Is there more to it than academic laziness? Is there an agenda? All the institutions whose reports have been critiqued in this paper owe an answer to 1.4 billion citizens of India, who are proud of their constitution and democratic traditions and who believe that this concerted attack on their nation could one day boomerang and hurt the cause of democracy itself.

Having examined the Constitutions of nations which are supposedly better democracies than India, this writer is of the view that only those nations which have all the eight fundamentals listed below can be classified as full-fledged democracies. These are: an inviolable commitment to freedom of expression and freedom of

conscience; an unambiguous commitment to secularism; separation of religion and state; republican form of government; right to equality before law (as in Article 14 of the Indian Constitution); right to life and personal liberty (as in Article 21 of the Indian Constitution); gender equality; and universal adult suffrage. India has all the eight elements, but many of the so-called “democracies” placed above India in these reports do not.

India is the world’s largest and the most vibrant democracy. India is also the most liberal and diverse society in the world. Therefore, the time has come for Indian citizens to become aware of their own Constitutional wealth, challenge these attempts to downgrade India and treat these reports with the contempt that they deserve!

## References

1. V-Dem Institute, “*Autocratization Surges–Resistance Grows. DEMOCRACY REPORT 2020*.” V-dem.net. March 2020. [https://www.v-dem.net/media/filer\\_public/de/39/de39af54-0bc5-4421-89ae-fb20dcc53dba/democracy\\_report.pdf](https://www.v-dem.net/media/filer_public/de/39/de39af54-0bc5-4421-89ae-fb20dcc53dba/democracy_report.pdf).
2. Ibid. p.2.
3. Ibid. p.2.
4. V-Dem Institute. “Autocratization Turns Viral: DEMOCRACY REPORT 2021.” V-dem.net. March 2021. [https://www.v-dem.net/media/filer\\_public/74/8c/748c68ad-f224-4cd7-87f9-8794add5c60f/dr\\_2021\\_updated.pdf](https://www.v-dem.net/media/filer_public/74/8c/748c68ad-f224-4cd7-87f9-8794add5c60f/dr_2021_updated.pdf).
5. Ibid. p.20.
6. Ibid. p.20.
7. Ibid. p.20.
8. Ibid. p.20.
9. Ibid. p.20.
10. Ibid. p.35.
11. “Denmark’s Constitution of 1953.” Constituteproject.org. [https://www.constituteproject.org/constitution/Denmark\\_1953.pdf?lang=en](https://www.constituteproject.org/constitution/Denmark_1953.pdf?lang=en)
12. “Denmark’s Constitution of 1953.” Constituteproject.org. [https://www.constituteproject.org/constitution/Denmark\\_1953.pdf?lang=en](https://www.constituteproject.org/constitution/Denmark_1953.pdf?lang=en).



13. "The Constitution of Sweden." Wipo.int. <https://www.wipo.int/edocs/lexdocs/laws/en/se/se122en.pdf>.
14. Ibid. p. 204.
15. Ibid. p. 204.
16. Ibid. p. 204.
17. "Norway's Constitution of 1814 with Amendments through 2014." Constituteproject.org. [https://www.constituteproject.org/constitution/Norway\\_2014.pdf](https://www.constituteproject.org/constitution/Norway_2014.pdf).
18. Ibid. p.3.
19. "Papua New Guinea Consolidated Legislation." PacLII. [http://www.pacii.org/pg/legis/consol\\_act/cotisopng534/](http://www.pacii.org/pg/legis/consol_act/cotisopng534/).
20. "Constitution of The Argentine Nation." Biblioteca.jus.gov.ar. <http://www.biblioteca.jus.gov.ar/Argentina-Constitution.pdf>.
21. Hussain, Dheena. "Functional Translation of the Constitution of the Republic of Maldives 2008." <https://storage.googleapis.com/presidency.gov.mv/Documents/ConstitutionOfMaldives.pdf>.
22. Ibid.
23. Ibid.
24. Ibid.
25. "Maldives." U.S. Department of State. <https://2009-2017.state.gov/documents/organization/193141.pdf>.
26. Ibid. p.2.
27. Ibid. p.2.
28. "Maldives." U.S. Department of State : Diplomacy in Action. <https://2009-2017.state.gov/documents/organization/171757.pdf>.
29. Ibid. p.3.
30. Ibid. p.3.
31. Ibid. p.3.
32. Ibid. p.3.
33. "2021 World Press Freedom Index." RSF: Reporters Without Borders. <https://rsf.org/en/ranking/2021>.

34. "Detailed Methodology." RSF: Reporters Without Borders. <https://rsf.org/en/detailed-methodology>.
35. "Burkina Faso." Wikipedia. [https://en.wikipedia.org/wiki/Burkina\\_Faso](https://en.wikipedia.org/wiki/Burkina_Faso).
36. "Oman 1996 (rev. 2011) Constitution." Constituteproject.org. [https://www.constituteproject.org/constitution/Oman\\_2011?lang=en](https://www.constituteproject.org/constitution/Oman_2011?lang=en).
37. "Comoros's Constitution of 2018." Constituteproject.org. [https://constituteproject.org/constitution/Comoros\\_2018.pdf?lang=en](https://constituteproject.org/constitution/Comoros_2018.pdf?lang=en).
38. "Malta's Constitution of 1964 with Amendments through 2016." Constituteproject.org. [https://www.constituteproject.org/constitution/Malta\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Malta_2016.pdf?lang=en).
39. "Greece's Constitution of 1975 with Amendments through 2008." Constituteproject.org. [https://www.constituteproject.org/constitution/Greece\\_2008.pdf?lang=en](https://www.constituteproject.org/constitution/Greece_2008.pdf?lang=en).
40. Ibid. p. 3.
41. "Detailed Methodology." RSF: Reporters Without Borders. <https://rsf.org/en/detailed-methodology>.
42. Prakash, Surya, A. "THE PRESS FREEDOM INDEX – PART II." Press Information Bureau. May 11, 2020. <https://pibindia.wordpress.com/2020/05/11/the-press-freedom-index-part-ii/>.
43. Prakash, Surya, A. "THE PRESS FREEDOM INDEX – PART II." Press Information Bureau. May 11, 2020. <https://pibindia.wordpress.com/2020/05/11/the-press-freedom-index-part-ii/>.
44. "Our Issues." Freedom House. <https://freedomhouse.org/issues>.
45. "Freedom in the World 2021: Democracy under Siege." Freedom House. <https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege>.
46. Ibid.
47. "India: Freedom in the World 2021 Country Report." Freedom House. <https://freedomhouse.org/country/india/freedom-world/2021>.
48. Ibid.
49. Ibid.
50. Ibid.
51. "Significance of the Kedar Nath Singh Judgment on Sedition." ForumIAS Blog. June 05, 2021. <https://blog.forumias.com/significance-of-the-ke-dar-nath-singh-judgment-on-sedition/>.
52. "'Every Journalist Is Entitled to Protection': SC Quashes Sedition Case against Vinod Dua." The Indian Express. June 04, 2021. <https://indianexpress.com/article/india/supreme-court-sedition-case-bjp-vinod-dua-7342138/>.

53. As said by bench of Justices U. U. Lalit and Vineet, on the issue of protection of protection of freedom of speech and expression of media personnel. The Indian Express. June 04, 2021. <https://indianexpress.com/article/india/supreme-court-sedition-case-bjp-vinod-dua-7342138/>.
54. PTI. "SC Quashes Patricia FIR, Says 'free Speech Can't Be Stifled by Criminal Cases': India News - Times of India." The Times of India. March 26, 2021. <https://timesofindia.indiatimes.com/india/sc-quashes-patricia-fir-says-free-speech-cant-be-stifled-by-criminal-cases/articleshow/81698304.cms>.
55. Ibid.
56. "Allahabad High Court: Yashwant Singh vs State Of U.P. And 2 Others on 23 November, 2020." Indiankanoon.org. <https://indiankanoon.org/doc/116717855/>.
57. M, Kaunain Sheriff. "94 out of 120 Orders Quashed: Allahabad High Court Calls out Abuse of NSA in Uttar Pradesh." The Indian Express. April 07, 2021. <https://indianexpress.com/article/express-exclusive/national-security-act-uttar-pradesh-police-detentions-cow-slaughter-ban-7260425/>.
58. Ibid.
59. "Supreme Court of India: Kesavananda Bharati ... vs State Of Kerala And Anr on 24 April, 1973." Indiankanoon.org. <https://indiankanoon.org/doc/257876/>.
60. "Chapter 1 : General Review." Office of Registrar of Newspapers of India : Government of India. [https://rni.nic.in/pdf\\_file/pin2018-19/Chapter 1.pdf](https://rni.nic.in/pdf_file/pin2018-19/Chapter 1.pdf).
61. "United States Commission on International Religious Freedom: Annual Report 2021." Uscirf.gov. [uscirf.gov/sites/default/files/2021-04/2021 Annual Report\\_0.pdf](https://uscirf.gov/sites/default/files/2021-04/2021%20Annual%20Report_0.pdf).
62. Ibid. p.24.
63. Ibid. p.24.
64. PTI. "Person above 18 Yrs Free to Choose Religion: SC Refuses to Entertain Plea against Religious Conversions." National Herald. April 09, 2021. <https://www.nationalheraldindia.com/india/person-above-18-yrs-free-to-choose-religion-sc-refuses-to-entertain-plea-against-religious-conversions>.
65. PTI. "'Absolutely Frivolous': Supreme Court on Plea for Removing 26 Verses of Quran." Hindustan Times. April 12, 2021. <https://www.hindustantimes.com/india-news/absolutely-frivolous-supreme-court-on-plea-for-removing-26-verses-of-quran-101618216038198.html>.