



Ear to Asia podcast

Title: Is democracy at risk in India?

Description: India has been slipping down the league tables of democratic health recently, with concerns over persistent crackdowns on dissent by the Hindu nationalist-led government of Prime Minister Narendra Modi. Just how robust is the nation's democracy? How does India reconcile its membership in coalitions of democracies, such as the Quad, with criticism at home over the erosion of religious and media freedoms? And why should the world care about rising illiberalism in India? Political scientist Dr Pradeep Taneja, and Suhasini Haidar, national and diplomatic affairs editor of The Hindu, join Peter Clarke to examine what's at risk in a more majoritarian India. An Asia Institute podcast. Produced and edited by profactual.com. Music by audionautix.com.

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Voiceover:

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Peter Clarke:

Hello. I'm Peter Clarke. This is Ear to Asia.

Suhasini Haidar:

I think we need to look at India as a democracy still, but a democracy where many questions are being asked if you have a situation where the judiciary feels under pressure, or journalists cannot put out the truth or hold governments to account.

Pradeep Taneja:

I think there is a strong element of defensive democracy in India but at the same time the people will have to be alert to attempts to curtail those democratic freedoms.

Peter Clarke:

In this episode, is democracy at risk in India?

Ear to Asia is the podcast from Asia Institute, the Asia Research Specialist at the University of Melbourne.

In the league tables of global democratic health, India, the world's most populous democracy appears to be slipping down the ranks. Freedom House in its Freedom of the World 2021 Report shifted India from the free category to partly free mainly due to persistent crackdowns on dissent by the Hindu nationalist-led government of Prime Minister Narendra Modi.

Meanwhile, the Economist Intelligence Unit moved India down a few notches in its annually updated democracy index due to what it called "democratic backsliding by authorities amid growing intolerance of civil liberties". But if liberalism in India is on the rise how at risk is its democracy? How does India reconcile its membership in the coalition of democracies including strategic ones like the Quad with criticism at home over the erosion of religious and media freedoms? What role has the COVID-19 crisis played in amping up an atmosphere of toxic political polarisation and authoritarian impulses? And should the rest of the world be concerned about the shift in India's political winds?



Joining me to discuss this via Zoom are political scientist Dr. Pradeep Taneja of the University of Melbourne School of Social and Political Sciences and a regular Ear to Asia guest. And Suhasini Haidar, national and diplomatic affairs editor of The Hindu, one of India's major English language media outlets.

Welcome back, Pradeep. And welcome, Suhasini.

Pradeep Taneja:

Hi, Peter. Hi, Suhasini.

Suhasini Haidar:

Hi, Peter. Hi, Pradeep.

Peter Clarke:

Now there are several key areas that critics point to when they speak of a deteriorating democracy in India, and these include increased attacks on Muslims, rising intimidation of journalists, growing pressure on NGOs, including human rights organisations, elevating of narrow Hindu nationalist interests, abuse of sedition laws, and quite a few more. And of course, we'll revisit some of these in more detail as our conversation today expands. But starting with you Pradeep, how have Hindu nationalism and the ideology of Hindutva come to colour political life on the ground in India?

Pradeep Taneja:

Well, to go back to the BJP's victory, the BJP being the party Bharatiya Janata Party, the current ruling party in India, in the 2014 election. Now the lead up to the election of course was a great deal of emphasis by the BJP party on this notion of Hindutva. Now, to put it in context, in the 1984 election, BJP won two seats out of 540 in the lower house of India's parliament. Today, BJP is obviously in government. It has 301 I think the last time I checked seats in the lower house.

So, from 2 seats in 1984 to now more than 300 seats in the lower house of India's parliament. It's a journey, which has been characterised by a really very systematic and deliberate attempt to portray the majority of the population in India, which is Hindu, more than 81% of the population, to portray them as victims. And this is of course not new to India, because we've seen that happen in Turkey by Erdogan. We saw Trump do that.

And this was a very systematic effort to persuade the majority of the population that somehow throughout independent India's history, they are the ones who've been marginalised. They're the ones who've been victimised. And this is a narrative that started as I said in the 1980s when BJP and other constituent groups that make up the whole family of organisations, which is together called Sangh Parivar in India.

They managed to rally the majority Hindu population around the cause of a temple. Now, there are a number of sites in India where Hindu temples and mosques are right next to each other or according to the claimants that the mosque were built where once a Hindu temple stood. And one of these temples was in the city of Ayodhya in the State of Uttar Pradesh. And a movement was started by the World Hindu Council, the Vishva Hindu Parishad, and later on BJP lent its support to the Vishva Hindu Parishad's cause – they wanted to build a Hindu temple where the mosque stood.

And as I think most of your listeners would be familiar with the events of 1992, in India, in December 1992 when eventually the mosque was demolished by a mob. And last year, after a protracted sort of legal battle, the Supreme Court of India cleared the way for a Hindu temple to be built there. So, the story of this mosque, temple affair has been the story of the rise of Hindutva. And BJP has used that issue and many other related issues as we talk about them as we go, to mobilise amongst the majority Hindu population in India.



Peter Clarke:

Interesting Pradeep, you mentioned Trump, there's a very potent message embedded in all that isn't there? That sense of victimisation, even if you are technically in real life in the majority. So in general terms, where does this leave non Hindu Indians? And of course, India has nearly 200 million Muslims. Where does it leave them?

Pradeep Taneja:

If you were a member of the main minority community in India, which is Muslim minority certainly things have been difficult to say the least over the last seven years. And this is reflected in many different ways. Members of the Muslim minority are on the defensive from very mundane things like searching for a place to rent, searching for a house or an apartment to rent, it can be difficult in Indian cities like Delhi and Bombay if you belong to the Muslim minority.

Other minorities like Sikhs have fared much better, because Hindus regard Sikhs and Jains and other religious groups as essentially part of the extended Hindu family. But there is a sense of marginalisation, there's a sense of fear among the Muslim minority.

Peter Clarke:

Now the citizenship amendment act, which was passed in India in December, 2019. That's part of this evolving story as well, and an important part. And we've seen that quite a bit in the news here in Australia. It's been called by critics, the anti Muslim law. Suhasini, can you tell us a bit more about the details embedded in that legislation and how it's actually affecting citizens? And I use that word advisedly, citizens of India, on the ground.

Suhasini Haidar:

The government of course has defended itself against the allegation that it is somehow being religiously discriminatory when it brought this law about, but the truth is that in 1947, India's constitution and amendments to it made it very clear that India saw itself as a secular country and did not discriminate on the basis of religion.

So, the Citizenship Amendment Law that the government had said over time that it would be bringing out and eventually brought to the parliament in 2019, essentially says that India will fast-track the citizenship of persecuted minorities in neighbouring countries, but it didn't leave it at that, because if it had left it at that, probably most people would have seen it as a method of inclusion, not exclusion.

It went on to actually say persecuted Hindus, Sikhs, Jains, Jews, Christians, and others in three countries, which is Afghanistan, Pakistan, and Bangladesh, by making it very specific in that language what essentially the government was saying was that they were not going to take Muslims who were persecuted as well in parts of the neighbourhood and take all the others.

This led to many protests. There were protests, of course, from members of the Muslim community, but I can tell you there were protests across the country. Journalists were part of some of them, activists in every part of the country brought out very large rallies protesting against the wording essentially of this law, which did pass parliament and did become a law, although many of the people who voted for it later said that they would have preferred a more inclusionary language in that.

Another reason why it caused so much of concern was as Pradeep was talking about some of the other aspects of the government stand, when it came to distinguishing between the majority community in India and the minorities was that the home minister of India said in a conference that please understand our chronology of doing this. First, we will bring this ruling in order to fast track the citizenship essentially of persecuted Hindus in the neighbourhood. After that, we will bring the national registration of census. The census that would essentially decide who would be a citizen.

So, while this may look as a fairly harmless way of ensuring citizenship for refugees in India, it actually



became a way of saying that all those who had not been regularised through the Citizenship Amendment Act i.e. Muslims, who could have come from Bangladesh, they could have been Hazaras from Pakistan or Afghanistan. They could have been Shia Muslims, but all of those would not be included.

The major part of that legislation was really aimed at Bangladeshi Muslims, whom India believes have been infiltrating into India over the decades. Clearly, this became a way of setting off a Hindu-Muslim divide. And the fact that the government accepted in its own amendment the phrase that named specific religions and left out very particularly one religion became a kind of rallying point.

And it wasn't just a rallying point internally, if you remember it was an issue that was taken up in parliaments around the world, we saw the European union debate on it, we saw Switzerland debate on it, the US Congress also spoke about it. There were statements issued essentially because of the fear that India would by doing this create displaced people, create refugee populations internally. And that became a kind of reason why many countries around the world spoke about it.

And then, we saw members of the diaspora I think in Australia as well who came out to oppose the amendment. The interesting thing, Peter, is that was in 2019, there's been of course a COVID situation since then, but even though the Citizenship Amendment Act became a law in India, it has not yet been notified. The rules have not yet been framed for it, and the government has essentially not implemented it yet two years later, possibly because of the kind of pushback they faced both internally and internationally.

Peter Clarke:

So of course, democracy itself both in the abstract and in the practical is at the nub of our conversation today. So to what degree are Modi and his party captured by Hindu nationalism in practise, the dynamics of that within the Indian democracy?

Suhasini Haidar:

I should put the disclaimer that I'm essentially a diplomatic correspondent. I cover foreign policy, but democracy is in retreat in many parts of the world. We may have seen some places overturn what looked like extremely majoritarian rulership, but the truth is that these ideas of majoritarianism, of anti-immigration, for example, xenophobia, a kind of backlash against the so-called left liberals which seems to indicate anyone who is against these policies.

The idea that, the opposition parties do not have a role since they have not been elected by a majority in the country. These are ideas that we see in recess in some countries, but certainly advancing in many countries, many democracies in particular, including in Europe. We see it in Hungary. I think Professor Taneja spoke about Turkey. We see it in several countries of the world where these ideas essentially have taken root.

Now, the question is, is the Modi government and the kind of policies that have been concerning to people essentially part of a global trend where there is an anti-globalisation, anti-immigration, anti-you know outsiders, anti-minorities, anti-liberals, anti-NGOs, anti-activists? That kind of idea is a part of that global trend or is it in fact something that is peculiar just to what is happening in India right now?

I'll tell you why I think it is a little different in India, it's because India has, more or less, for its 70 years of its existence adhered to the idea that it is not only a secular country, that in a sense, the majority, which is so large in India, more than 80% has to make special exceptions for minorities. This is an idea that the current government has been trying to battle and trying to reverse.

The other part of it is really the kind of laws that have been brought about. So, the Citizenship Amendment Act is part of that. You may remember that in India when the government brought about a rule essentially changing the laws in Jammu and Kashmir, the fear while it has not been realised yet, and again the Jammu, Kashmir amendments have not been completely implemented yet. The idea was that this was India's only Muslim majority state and the government was therefore making the point



that it was again going to ensure that the Hindu majority prevails there.

Now, that may be unfair. It may have been an unfair term, because obviously Jammu and Kashmir suffers from cross-border terrorism, Pakistan fueling incidents of violence inside Jammu and Kashmir, and the idea of a state with a special status is always a temporary one. Eventually, you want all citizens to enjoy the same rights and have the same responsibilities, but what it has done, it has fed into this idea that the government through legislation, through possibly in the future a change in the constitution wants to change the idea that India is a secular country where every religion is treated similarly, and just because the majority, the large majority of 80% Hindus are so much more than the others does not give them any extra rights.

Peter Clarke:

Pradeep, so far our conversation inevitably has focused on the national government, but could we just reflect very briefly on state politics? The BJP, for example, has been defeated in various state elections. So can we counterpoise the national context against that state political context?

Pradeep Taneja:

Peter, at this state level, yes, it is true that BJP has not succeeded in taking power in a number of states which they had targeted. So, for example, most recently in West Bengal where they seem to be very confident they were going to win the last assembly elections in the state of West Bengal, but they did not succeed. And the old familiar face of Mamata Banerjee who has been earlier part of governments with the BJP, but she ran a very fierce campaign in the state of West Bengal, and she prevailed and the BJP did not succeed in taking power in West Bengal.

But generally speaking BJP in north India has been more successful than it has in southern India. And of course, a real test of this would be in the state elections which are coming up I think next year in Uttar Pradesh. India's most populous state where last time around when BJP won election there, the party leadership chose a person who was not even a candidate in the state election to become the chief minister, to become the leader of Uttar Pradesh, and that was Yogi Adityanath who is now the chief minister of Uttar Pradesh.

He is somebody who was a temple priest. He wears saffron clothes, many Hindu priests wear. And Yogi Adityanath has proven to be quite a divisive figure in the politics of Uttar Pradesh. So, at the state level BJP has been successful particularly in northern India, but if we look at the methods used by the BJP, which also result in creating divisions in society is by use, for example, of sedition laws. The use of traditional laws has been very common in BJP ruled states.

Now, sedition laws, of course, go back to the British rule I think in the Indian penal code, the sedition law is 1860 creation, but these laws have been retained in the Indian penal code, and although they have always been used by governments to a certain extent, but since 2014, we've seen state governments, particularly BJP ruled state governments use sedition laws to silence critics. And these laws were used after the CAA protest or the Citizenship Amendment Act protest.

They were used after the farmer's protest last year, and even the protests that took place after a well-publicised rape case in Hathras. So, you can see that these laws have been used to silence critics of the government. And ironically, the state governments bring these cases against citizens, against journalists, against activists, against academics at the state level, but they're trying to defend the government at the centre.

So, BJP ruled states in India are very much part of the system, and this part of silencing critics of the central government.

Peter Clarke:

In a recent visit to Delhi, the newly minted United States secretary of state Anthony, Blinken stated this, "What Americans admire most about India is the steadfast commitment of its people to



democracy, to pluralism, to human rights and fundamental freedoms." And he went on to point to India's free press and independent judiciary as part of, again, "Self-correcting mechanism that could repair any challenges to democracy."

So let's take a closer look at these two broad areas. Suhasini, you're in a very good position to talk about the freedom of the press. And I noticed you alluded to the retreat of democracy globally, And as we see some of those retreats in democracy in various states, some of them ostensibly quite full-blooded democracies. We see the gradual and not so gradual oppression of a free press, including even here in Australia with raids on the Australian broadcasting corporation, which was a bit of a scandal here recently. So to put a point on it, how free is India's press and what pressures are mainstream media organisations feeling in recent times that you'd perceive as threatening their freedom?

Suhasini Haidar:

Well, let's put it this way, Peter. And I don't want to cast an idea that we are headed for inevitable doom here. The truth is everything is a process. When there are attempts to clamp down on the press, the press pushes back. The question is how much more does the government then push?

And I would say that in the last few years, we have seen, and particularly with the advent of social media and all the rest, the government actually adopting a very clear policy of trying to control its messaging, of trying to ensure that the media only gets access to that part of the truth that is convenient for the government. Now, you might very well say that this is the aim of every government, but some of the things we have seen are things that we have not seen perhaps except of course in India's distant past. In 1975 when the former Prime Minister Indira Gandhi placed an emergency on the country, censored newspapers, decided to put journalists in jail as well.

We're not seeing that. There is no proclamation against the media in that sense, but there is an intimidation of journalists. There is a system of carrots and sticks where the government decides to put public tenders and public advertisements, which amounts to a lot of advertising money, two newspapers and television stations that really toe the line. There is that kind of pressure.

There are the pressures in journalists of the normal kind, which you would say speaking to the ownership of a newspaper, speaking to the management to try and change a certain line from a reporter, raising the costs of how to do the business. So, the import of newsprint, for example, the government places taxes on that. And when it feels like the press isn't really being as friendly as it should be, it raises those tariffs quite regularly.

Those are still what I would call the white collar version of suppression of the press. It is the rest that becomes a greater worry. So, there is the implementation of the British era sedition laws, used at will against a certain type of journalist, but not against another. In the case of a government-friendly journalist, the government actually went to bat, to ensure that journalist who had been accused in a state was brought to the Supreme Court and given bail in that case.

So, other journalists, they practically throw them and Professor Taneja referred to a particular journalist. He happened to be a Muslim who went to cover a rape case in Uttar Pradesh, put in jail, denied bail consistently, allowed only once to go and see his mother before she died. Remains in jail despite the fact that they have not been able to prove anything against him, not been able to charge him with anything more than a year and a half later.

We also see cases put against prominent journalists across the country. So, for example, one very, very prominent journalist, one of the leading television personalities had a case against him for what was essentially wrong reporting or reporting that should have been more factual, perhaps. There have been arrest warrants against journalists with the police banging on their door, and serving them notices. There has been another kind of suppression that we see in the social media where you don't just normally deal with the government issuing a denial to your story. You actually have trolls, a troll farm almost of the government that then attacks you for being a "fake journalist," for it being fake news.

The government and the ruling party also have helped set up these websites that essentially only relate



to talking about how journalists are putting out fake news. Now, you may say in a perfect society that's actually a way of ensuring there's less fake news. Actually, this becomes another way of targeting specific journalists with photographs, with names, sometimes with their phone numbers, to ensure that journalist does feel that there is a certain cost attached to saying something the government does not want to let out.

The most recent case, of course, has been the revelation of the Pegasus documents, which seem to indicate that at least 40 Indian journalists were put on the Pegasus list of people who are under the government's surveillance. Now, again, I don't think that tells you the total number of journalists who are being put on surveillance in India, but I think what it shows is that when the government has access to this kind of surveillance and the kind of power that [a] programme like Pegasus brings with it, it is not really being used for finding out what the terror threats are or to try and stop some kind of major crime being done in the country, instead it is being used on journalists, particularly journalists who have been seen to report stories that are inconvenient for the government. If you bring all of these together and sort of scrunch it into a period of the last few years that we are looking at the last seven years, in particular, this becomes a lot of pressure that journalists face in everyday life.

That's not to say that journalists succumb. And yes, I do agree with Secretary Blinken when he says India does have the press as a check mechanism, because there are newspapers and television stations and magazines and websites, many, many new websites that are countering the government's version, that are challenging the government and holding it accountable.

So, I don't think that battle has been lost. I certainly think that there are many more stakes involved. And I do think that the government has become much more targeted in its opinion that the press does not count, that the government should actually just get its version out. I'll give you a very small example that set the stage seven years ago.

All this time we have had journalists allowed to travel on board with the prime minister when he travels, and this has been a time-honoured tradition. I'm sure it's there in every country. When Prime Minister Modi came to power the first thing he did was on the very first foreign trip he went on decided that no journalist would be let on, except perhaps one agency and one television channel. That has now become the precept.

The fact was when the press objected to this lack of access to the prime minister, because in the past the prime minister would hold press conferences; this prime minister has not held even one press conference since he came to power. When the press tried to protest, what we saw was this barrage of stories in these websites that are essentially run by the ruling party that said that the press was used to getting freebies, that they wanted to drink champagne and eat caviar on board the prime minister's flight and that's why they were so upset by the lack of access, even today, every story we do that the government doesn't like tends to bring with it this criticism that the press is now upset that it has lost the access it had.

But the truth is, the access is not just to the press. It is to the fourth estate. It is to the public's right to know. And it is the public that is suffering when the press is denied that access.

Peter Clarke:

As you will know Suhasini, in its 2020 press freedom report, reporters without borders called India, one of the most dangerous countries to be a journalist that's sounds pretty startling. What prompted that perspective for reporters without borders, do you think? Some of the things you've described don't sound like the dangerous description that they're using? What do you think prompted that?

Suhasini Haidar:

I think there have been very specific examples of reporters who have been murdered in India. And I do agree with you that the description as one of the world's most dangerous places might not be completely fair given that India doesn't have the conflict levels that others do. We don't have the same



amount of violence that say, in the past, the Sierra Leone did or Libya or countries where there is already a huge violent conflict going on.

When you see these kind of situations and compare it to India, you might feel that kind of labelling is unfair. I think it is necessary to evaluate the situation, not in comparison, perhaps, to other countries. I think the reason why we get these slightly hyperbolic bad reviews around the world is because the expectations from India are much, much more.

And I think when people see countries where they have greater expectations or in the past have had a very, very vibrant press like what we have seen in other countries as well, like Indonesia and the Philippines, when they see that in India where they are well aware of the Indian journalistic traditions, it becomes that much more disappointing, and that's perhaps why the reviews are worse than they are. Certainly, the Reporters Without Borders is referring to specific incidents of sedition cases against journalists, of journalists being attacked and beaten up by mobs that seemed to be angry that they are reporting against the government.

And of course, the famous case of two different journalists who were killed in 2014 and 2015 in India, shot dead, really. So, these were targeted assassinations against two prominent journalists who were taking on not just the government, but the ruling party's Hindutva line. So, there have been these cases. I don't want to minimise the impact of them. They certainly have a chilling effect on other journalists, but I think that the reason why India finds itself in this kind of a listing where I frankly don't agree we necessarily should be is because the expectations from India are much, much more.

Let's remember the world looks at India as a possible counter to China for the simple reason that India is a democracy. It's a pluralistic country. It's the birthplace and the crucible of so many different religions. It contains within it practically every religion of the world, and yet has maintained a certain harmony in its tolerance for different religions, different kinds of faith.

The fact is that that is the reason that people are attracted to India. And I think that as a counterpoint to an autocratic regime that they see in China, they see a country which is federal in its structure, a country that actually has elections, has free and fair elections, brings in one government, takes out another, and any threat to that essentially makes India less attractive for those people who are seeing it as a counter perhaps to China.

For those of us in India who hold these values very dear, it is certainly disappointing to see any erosion of it.

Peter Clarke:

Pradeep, we just heard Suhasini, referred to some of the tactics that the government uses against a free press, and she also mentioned China where we know the authoritarian regime surveils the media very intensively. Do you see anything equivalent to what's happening in China happening in India? How do you perceive the intensity of surveillance of members of the media in India?

Pradeep Taneja:

Peter, certainly China and India are very different cases. India does have a much stronger and older tradition of free media. In China, on the other hand, media is almost totally controlled by the party. In other words, every major newspaper, every media outlet, whether it's television or radio station is controlled by the party.

This is why people expect the higher standard of press freedom and high standards of democratic traditions from India than they do from China. And this is why India is always compared to China as a kind of a better example of what a large populous country could be. If democracy can survive, and thrive in India, then certainly it should be able to survive and thrive in China.

There are clearly differences between India and China, but over the last seven years, what we've seen in India is that while India doesn't really have a state-owned newspaper compared to say the People's



Daily or the Global Times in English or China Daily, another English newspaper coming out of Beijing. India doesn't have any major government owned newspaper in print.

There is a state funded television, the Doordarshan, which has always been pro-government. I mean I remember when I was a young student in India, we used to call Doordarshan, Udghaatan Times or Inauguration Times, because it was always reporting about the prime minister and at that time it was Indira Gandhi inaugurating this or inaugurating that. So, Doordarshan has never been a medium in India which has provided objective news or analysis, but since India introduced commercial television after the Gulf War, after 1991, when first Z News and Star News and all of these new TV channels started to come on stream.

We've seen a diversity of media in India, but over the last sort of seven or eight years, we've seen that even that media has become largely controlled by business interests who are much closer to the ruling party. And television channels, for example, which do tend to be a bit more independent unless they're protected by the state governments, they can find themselves in great deal of difficulty.

We've seen that with a prominent television channel which does have a much more independent position on Indian politics, and their founder ran into troubles with the tax office, his passport was taken away by the government authorities. So, while India doesn't have state-owned powerful media. India does have I think about, Suhasini correct me, I think 800 television channels, but the vast majority of them are now singing from the same hymn shape as the government, and that is a problem for a modern democracy.

Peter Clarke:

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And just a reminder to listeners about Asia institutes online publication on Asia and its societies, politics and cultures. It's called the Melbourne Asia Review. It's free to read and it's open access at melbourneasiareview.edu.au. You'll find articles by some of our regular Ear To Asia guests and by many others. Plus you can catch recent episodes of Ear To Asia at the Melbourne Asia Review website, which again, you can find melbourneasiareview.edu.au.

I'm Peter Clarke, along with guests Suhasini Haidar, national and diplomatic affairs editor of the Hindu and University of Melbourne political scientist, Dr. Pradeep Taneja. We're discussing concerns over emerging signs of illiberalism in India and what that means for it standing among the world's democracies.

Now there has been substantial criticism of some recent court decisions, which was seen as favourable to the ruling BJP while at odds with India's constitutional framework.

So, Suhasini, can you give us some specific examples of how India's judiciary has come under suspicion of being less than independent? This is the other bulwark, I guess, against the deterioration of democracy. So what are we seeing within the judiciary at the moment?

Suhasini Haidar:

Well, certainly, the judiciary like the press is seen as a very important check and balance system for any government. So, when you see a line being crossed. For example, our previous chief justices and other retired justices now were seen as praising the government and particularly praising the prime minister. That kind of makes people start to wonder. When you talk about specific examples, obviously, we have a very strong contempt of court procedure as well in India, but what we have seen is a kind of discrimination between those that the government would like to be brought to a higher court, being able to appeal, and those that the government would like to see justice sort of denied to, in a sense, not being able to get access to the judiciary.

Clearly, the jump we've seen in cases against journalists have been quite worrying and each time one hears the judiciary take a stand more or less not giving journalists the kind of relief that they want,



even though the government for example has filed cases against them in 20 different states, there is a feeling that the judiciary has come under some kind of pressure or influence from the government. If you remember maybe a few years ago, in 2018, we actually had three justices of the Supreme Court hold a press conference, unheard of, really talking about the practises within the judiciary where certain cases were being given to judges that were seen as more pro-government in that sense.

The truth is, and I should add that one of the judges in that went on to become chief justice, and now, has been nominated as a member of parliament by the very government, but the truth is that these are things that may correct themselves over a period of time, but if you see every other institution also giving in, it becomes of greater concern when it comes to the judiciary itself, because if you put it along with a media under pressure, bureaucracy under pressure, other institutions under pressure, NGOs being shut down in India, new laws being brought to curtail any kind of foreign funding.

You might have seen recent stories about 10 new international NGOs that have been put on to the government's foreign contribution regulations act restrictions. Like I think the Australian Foundation, the Walk Free Foundation, other foundations that work on issues that the government finds inconvenient inside have been seen as taking a hit. Amnesty International had to shut down or had cases put against them. Greenpeace had to shut down in India.

We have seen even places like the ICRC and others having to deal with curtailments on their movements in India, and their access to funding. Famous American NGOs have shut down over the last few years or faced restrictions including once even the Ford Foundation. What you're essentially seeing is an entire system that doesn't seem to be balancing the other, that doesn't seem to be serving as a check as it should.

And when these cases have gone to court, they have dealt with either great delays or dealt with the adverse judgments. So, there is a feeling that nobody is providing this check and balance at the moment. And as I said, these are all processes. We are not describing inevitable doom here. And there will be differences there. There have been many great victories as well where the judiciary has come in favour of freedom of expression, has come down in favour of freedom of the press, and those must be countered as well.

Peter Clarke:

We've already mentioned in our conversation today, the alleged usage of the Pegasus spyware on Indian citizens, and that includes politicians, the opposition of course, and ruling party members, as well as those connected to Supreme Court judges and election commission officer, journalists, activists, et cetera. And of course, the BJP has refused to say categorically that India did not use Pegasus spyware, but let's look in that context at the use and role of social media in India. Even in China social media plays a very big role in whatever version of free speech is available to those citizens. But how does social media fit into that general sense of surveillance? The use of free speech being exposed on social media and the concerns we've already started to explore about illiberalism and threats to democratic health, Pradeep?

Pradeep Taneja:

Peter, social media is very interesting, and that's where there are some similarities between China and India. The Chinese Communist Party uses social media very effectively. Of course, in China Facebook or Twitter or other western platforms are not allowed, but China has its own social media, Weibo, Twitter-like platform, but the Chinese Communist Party has for a long time been using an army of trolls who troll the critics of the government and who try and attack those from Hong Kong or from within China who say critical things of the government.

In China, they call the Wǔmáo dǎng or the Fifty Cent Party. The common belief is that people are paid to post those materials on Weibo and other platforms. In India, also, as I think Suhasini alluded to, that there is evidence that BJP uses the troll army. One of the most powerful departments within the BJP is



the social media unit. And that plays a very important part in creating messages, which are then copied and reposted by this troll army to attack, whether it's journalists or opposition politicians or academics.

So, in some ways, there are similarities between the tactics used by the Chinese Communist Party and the BJP. The BJP also now claims that it is a bigger party than the Chinese Communist Party. It says that it has more members than the Chinese Communist Party, except joining the Chinese Communist Party is very difficult, whereas you can join the BJP by sending an SMS message.

So, if the BJP has more members than the Chinese Communist Party, it's not because of the threshold or the barrier to becoming a party member. So, there are in fact areas where it seems that the BJP has been learning from the Chinese Communist Party and social media is one of those areas.

Peter Clarke:

Suhasini, you've been experiencing a very intense COVID 19 pandemic crisis on the ground in India. How do you perceive that as effecting this trend of illiberalism, which was quite evident before the pandemic hit?

Suhasini Haidar:

Well, I think COVID has come as a boon to authoritarian governments around the world, because suddenly you have a reason for stopping any kind of rallies or gatherings or protests. In fact, in the early days of COVID, we saw the government move against protesters against the Citizenship Amendment Act, simply because they said these were a COVID risk. By contrast, I should add that while the government has been trying to stop farmers from protesting, they continue to protest on Delhi's outskirts without the government actually trying to disband them or shut them down, because of a different political consideration there.

What we are seeing is the coronavirus and the fear of the pandemic becomes a reason for the government to allow the processions and the big rallies that they want and not the ones that they don't want. One of the big examples that was given before this second wave had hit India and we saw so many deaths over a period of just two weeks in April and in May was that of the prime minister himself visiting West Bengal, a state that was going to elections, addressing massive crowds, and in fact, complementing them on being such big crowds as the pandemic was rising.

The Hindu festival of the Kumbh, which is held on the banks of the Ganga was given permissions to be held with thousands of people gathering together at the river despite the fact that some of the governments involved and some of the officials involved actually said that they should not be allowed to congregate this year. So, it does seem as COVID becomes a reason for an authoritarian government or a government that wants to clamp down on certain public gatherings and not on others.

Another thing that we saw happen was because everyone was working from home that the access to information has become even more strained. And as a journalist I can say this that access to any official, access to any government, working government office is now completely cut off simply because of the COVID restrictions perceptibly, but it does mean eventually that information of any kind will be channelized in a certain way that is even more restricted than it was in the past.

One of the examples that was given was of press conferences. Except for the Health Ministry press conferences, the regular press conferences held by ministries were either curtailed or held over YouTube, which meant that there wasn't any live questions being answered. It helps a government that wants to escape accountability, that wants to escape inconvenient questions, because all they have to say is, "Sorry. These are COVID restrictions."

Pradeep Taneja:

And Suhasini, also didn't the government suspend question hour in parliament during COVID?

Suhasini Haidar:



Yeah. Interestingly or what we saw was right at the beginning the government continued to hold parliament many thought because they were in the process of unseating an opposition party from a government in one of the states. And then, refused to hold a proper parliament or when they did, they would only hold them for a certain number of members, a certain number of hours. And the idea was actually posed by the opposition parties who said, "It just meant that the government would bring in the laws that it wanted – one of the laws that was brought about was this very unpopular agricultural bill in the middle of the pandemic."

So, essentially when it was convenient, the government was at work. And when it was not convenient, it was able to say, "Sorry. It's COVID that is stopping me from allowing the normal democratic process to go ahead."

Peter Clarke:

Pradeep, we are talking about democracy. Democracy in India, electoral democracy, where votes are chased and policies are put forward, not once so far in this conversation have we used the words, "Indian National Congress." So just generally as you take an overview, what are the prospects for the Indian National Congress as a major opposition party and other opposition parties at the national level to credibly gain traction? What needs to change? What are the opportunities, the risks and the hurdles for the opposition parties in India?

Pradeep Taneja:

Peter, the weak opposition is a significant problem at the moment in India in terms of defending democracy or the erosion of democratic values, because the Indian National Congress has become so weak in asserting its role as the main opposition party. The party itself is divided. There is a group of prominent leaders of the Congress Party who have been asking for new leadership, who have been asking for elections within the party for the top leadership position.

So, Congress Party is the only party really, apart from the BJP, which has a national footprint, which has historically had organisational capacity at the national level. So, despite its very weak position in the national parliament at the moment, Congress Party is the only party which has the potential to provide significant opposition to the BJP. Unfortunately, it is rudderless at the moment, even though there's an opinion poll today which shows that Rahul Gandhi is ranked number three after Prime Minister Modi whose popularity of course has also declined very sharply over the last 12 months, and the current Chief Minister [inaudible 00:47:13] that we mentioned earlier in the conversation, Yogi Adityanath.

Rahul Gandhi's popularity has gone up slightly according to this India today poll, but overall I think Congress Party is still not in a position to provide a real challenge to the BJP. Personally, in my opinion, I think if the Congress Party were to genuinely look for a new leader and a new leadership lineup, and genuinely make an effort to rebuild the party and its organisation, it is after all the grand old party of India. It has the potential to provide real opposition to the current dispensation, but unfortunately at the moment, I don't see much prospect of Congress Party reinvigorating itself.

Peter Clarke:

Suhasini, going back to 2004 at the behest of Japan, the Quad was set up. Now that went through a bumpy patch and died really, but the new iteration of the Quad really does depend in many ways on India being a democracy and a healthy one. How do you see the reputational damage to India around its deteriorating democracy affecting its role within the Quad?

Suhasini Haidar:

To take a slightly contrarian position. I don't think the Quad has come together because these are democracies. I think the Quad has come together because each of these countries Australia, India, and Japan, and the United States see a common purpose in offering an alternative to what is seen as the



hegemonic power in the region, and that is China.

The reason as you said it had flagged in the middle, and then was resurrected was because in the middle many of the countries including Australia felt that they could actually do business with China, and they didn't need to antagonise China by setting up what was seen as a front in the Indo-Pacific against it. Clearly, that is the driving principle, not the democracy aspect.

And let's be very clear, the US, Australia, Japan, India, may be democracies in their own right, but it does not stop them from forging very close relationships with countries that are not democracies. The old US-Saudi Arabia traditional relationship is often touted as an example of that, but there are so many more. And let's be very clear, each of these countries has more trade with China today than they do with each other.

Basically, I think that the Quad has come about because of a very different geopolitical consideration. Yes. These are four democracies that have come together. And in that sense, it would be important particularly for the new Biden administration to make the right noises, and to say that they do care about democracy in these regions, and that's why they are offering this counter, but I think that the Quad would exist even if one of the countries was not as democratic as the rest.

Peter Clarke:

Pradeep, your views on the Quad?

Pradeep Taneja:

I agree with Suhasini in terms of the track record of the United States and Australia for that matter in developing relationships with only democracies. So, clearly there are many examples. As Suhasini cited, US/Saudi Arabia relationship for example, but at the same time the Biden administration has framed the US foreign policy towards the Indo-Pacific more in value terms, because China is no longer the giant communist country exporting revolution, exporting Marxist ideology to the rest of the world.

So, if you're going to frame you're in a relationship in counter distinction to another major power, democracy and democratic values have become a very convenient tool to frame the reason for these countries coming together. So Quad for the Indo-Pacific is often portrayed as a collection of democracies coming together to talk about common security issues.

And I think that is going to be important in terms of India's position within the Indo-Pacific and particularly within Quad. So, if Quad is to grow as some sort of security partnership among these four countries and perhaps even other countries who might join it later. Democracy will be a defining feature, particularly when we're talking about creating a foil with China. China is promoting an autocratic or authoritarian alternative system of governance, and these are countries which are liberal democracies, and they prefer a much more rules-based and open international system, which is consistent with their domestic political values.

And that's where I think the erosion of democratic values that we've been talking about today could become a problem, although in foreign policy, of course, the interests of each state take precedence, and there is no doubt about that, but at the same time if your framing is based on common values, then this could be an issue. On the other hand this could also be a way for countries like the United States to put pressure on India to adjust its domestic sort of tilt towards a more authoritarian, a more autocratic nature of politics.

And I think what Secretary Blinken was trying to do during his last meeting to Delhi, by meeting with civil society organisations was to say that, "Look, civil society plays a very important part in any democracy. No democracy is perfect, certainly not the United States as you said, but at the same time, organisations like non-governmental organisations that we were talking about earlier, they play a very important part in any democracy, and therefore it is important that those civil liberties continue to exist in India, because they are what make India different from China.



Peter Clarke:

Now, there are some people who were sad that report to the severe decline of democracy in India are premature. They argue that India can accommodate some degree of illiberalism without its core democratic characteristics being at risk. In fact, that political and social attitudes across castes, across ethnic groups, all the regions foster illiberalism yet do not threaten the greater central commitment to democracy. Your final thoughts, Suhasini.

Suhasini Haidar:

I would certainly agree with some of that to the extent that as long as a country continues to hold free and fair elections, then the results of those elections must be accepted by all as the will of the people. But I do want to make the point that those elections cannot be free and fair if you have a situation where the judiciary feels under pressure or journalists cannot put out the truth or hold governments to account or put out a government's report card honestly, if other parts of the democracy, whether it is parliament, the opposition are not able to function in the way they could if even institutions like the election commission that runs the election has come under question when they penalise one particular party for election violations, but not another, particularly the ruling party.

So, all of these things also accrue when it comes to talking about a democracy on the basis of elections, but as all of us know, a democracy is not just about holding elections. It's not just about saying that majority wins. It is that the majority can decide on a government, but eventually the government is honour bound to give all people the freedoms and the rights that are written in the country's constitution.

So, I think we need to look at this as a whole. I think we need to look at India as a democracy still, but a democracy where many questions are being asked on the conduct of those processes. After all until last year, the questions about the United States were very loud. The question about, whether Mr. Trump was in fact suppressing rights of people, was in fact manipulating what the judiciary or the police systems in the country could or could not do.

And those questions were answered after an election, because it seemed clear that the people chose otherwise. I think the truth is that as long as India continues to hold these elections, as long as there is this kind of conversation that we are holding, for example, is able to be held. We do know that there will be a push back to any illiberalism as you put it, but I don't think that you can for that reason rest assured after all the price of liberty is eternal vigil. And that is the price of ensuring that a democracy remains its vibrant self, that pluralism has a place. And India remains the beacon it has been of a pluralistic inclusive secular democracy.

Peter Clarke:

Pradeep?

Pradeep Taneja:

Peter, I think representative democracy in India is not under threat. Elections will continue to be held. India will continue to elect governments of various levels, but as Suhasini said, it's the substantive aspects of democracy that are the real question here.

So, it's not so much about the ability to hold elections periodically. India elections usually held every five years, but it's other democratic freedoms, erosion of even parliamentary democracy, for example. The way parliament has been functioning lately. The monsoon session of the parliament has ended only just recently, and the way government bulldozed so many bills through the parliament without even five minutes of debate.

That is something which is worrying. At the same time also the kind of intimidation that many journalists, many intellectuals feel in expressing their views. That also is something which is worrying. And the Indian citizenship has to exercise vigil as Suhasini said, eternal vigil is key to sustaining



democracy. And that is happening to a large extent that even though much of India's mainstream media, may be singing from the same hymn sheet as the government, but at the same time there are alternative voices using alternative platforms, internet is playing a very important part, many of the most objective media in India at the moment operate online.

So, I think there is a strong element of defensive democracy in India, but at the same time, I think the people will have to be alert to attempts to curtail those democratic freedoms.

Peter Clarke:

Well, with most commentators agreeing that democracy as a concept and as a practise is in retreat generally around the world, it was interesting that Suhasini, mentioned the United States where voter suppression is quite muscular at the moment, and to some extent we're witnessing a riven republic there in the United States, it's democracy has been buffered and democracies around the world seem to be going through a similar, very challenging passage at the moment.

So this discussion on Indian democracy is a crucial one to all of us, thank you to both of you. Before you go though, where can listeners find you online, Suhasini?

Suhasini Haidar:

Well, in a number of ways. I write for The Hindu and the website is www.thehindu.com. I tweet at @suhasinih. And you can also go to YouTube. We have The Hindu channel where once a week I speak about international affairs and India's diplomacy. And you could write to me at The Hindu website as well.

Peter Clarke:

Pradeep?

Pradeep Taneja:

Peter, I of course write for academic journals and publications, but I also tweet at @pradeeptaneja. So, you can find me on Twitter. You'll also find some of my commentaries and discussions online.

Peter Clarke:

Pradeep, Suhasini, thank you for a really interesting discussion today here on Ear to Asia. Thank you so much.

Suhasini Haidar:

Thank you for having me on, Peter.

Pradeep Taneja:

Thanks, Peter.

Peter Clarke:

Our guests on Ear to Asia have been Political Scientist Dr. Pradeep Taneja of the University of Melbourne School of Social and Political Sciences. And Suhasini Haidar, National and Diplomatic Affairs Editor of The Hindu. Ear to Asia is brought to you by Asia Institute at the University of Melbourne Australia. You can find more information about this and all our other episodes at the Asia Institute website. Be sure to keep up with every episode of Ear to Asia by following us on the Apple podcast app, Stitcher, Spotify or SoundCloud.

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