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Freedom in the World 2024 - Indian Kashmir*

NOT FREE

26

/ 100

Political Rights 6 / 40

Civil Liberties 20 / 60

LAST YEAR'S SCORE & STATUS

27 / 100 Not Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

* Indicates a territory as opposed to an independent country.

Note

Freedom in the World reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report [methodology](#) and [FAQ](#).

Overview

Control of Kashmir has been divided between India and Pakistan since 1948, and Indian-administered Kashmir long enjoyed substantial autonomy under India's constitution. However, the region's autonomous status was revoked in 2019, and what had been the state of Jammu and Kashmir was reconstituted as two union territories under the direct control of the Indian central government. The move stripped residents of many of their previous political rights. Civil liberties have also been curtailed to quell ongoing public opposition to the reorganization. Indian

security forces are frequently accused of human rights violations, but perpetrators are rarely punished. Separatist and jihadist militants continue to wage a protracted insurgency.

Key Developments in 2023

- Elections for the Jammu and Kashmir Legislative Assembly, last held in 2014, continued to face unexplained delays during the year. In December, the Supreme Court of India ordered the country's election commission to hold assembly elections in Jammu and Kashmir before October 2024.
- The Indian government reintroduced civilian militias in some areas of the territory in response to violent attacks carried out against Hindus by alleged rebels in January. The militias formed during the year were sponsored, armed, and trained by the Indian government.
- In December, India's Supreme Court upheld the Indian government's 2019 decision to revoke the region's autonomous status.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Prior to 2019, the state of Jammu and Kashmir enjoyed special autonomy under Article 370 of the Indian constitution. A chief minister—typically the head of the largest party in the state legislature's lower house—was entrusted with executive power. Under the Jammu and Kashmir Reorganisation Act 2019, adopted by the Indian Parliament that August, the region's autonomous status was revoked, it was downgraded from a state to a union territory, and the Ladakh area was separated to form a second union territory.

Executive authority in each territory now rests with a lieutenant governor appointed by the president of India on the advice of the Indian prime minister. In Jammu and Kashmir, the lieutenant governor is to be assisted by a chief minister and cabinet responsible to an elected legislature, though no such legislature had been elected by the end of 2023. Manoj Sinha, a former Indian minister belonging to India's ruling Bharatiya Janata Party (BJP), was appointed as lieutenant governor of Jammu and Kashmir in 2020. Radha Krishna Mathur, a former bureaucrat, was appointed as lieutenant governor of Ladakh in 2019 and remained in office until February 2023, when he was succeeded by B.D. Mishra, a retired army officer.

A2 0-4 pts

**Were the current national legislative representatives elected 0 /
through free and fair elections? 4**

Until the passage of the Jammu and Kashmir Reorganisation Act in 2019, the region had a bicameral legislature. The lower chamber, the Legislative Assembly, was composed of 87 members directly elected for six-year terms to single-member districts. The upper chamber, called the Legislative Council, comprised 28 indirectly elected members and eight members nominated by the governor. The 2014 elections were broadly free and fair, with reduced levels of voter intimidation, harassment, and violence compared with past elections. The state legislature was dissolved by the governor in late 2018, ending attempts by local parties to form a new governing majority after the BJP's withdrawal brought down the last coalition government, but central authorities then extended direct rule and postponed new state elections through the summer of 2019, when the Reorganisation Act rendered them moot.

Under the arrangements announced in 2019, the new union territory of Jammu and Kashmir would have a unicameral legislature with limited powers and at least 83 elected members. (As in the old assembly, another 24 seats associated with constituencies in Pakistani-controlled Kashmir would be left vacant.) A controversial new delimitation of constituencies was completed in 2022. It increased the assembly size to 90 members, awarding the Hindu-dominated Jammu area a disproportionate share of seats, which was widely expected to favor the ruling BJP once elections were held. The new union territory of Ladakh will continue to be administered solely by the lieutenant governor, with no legislature of its own.

A3 0-4 pts

**Are the electoral laws and framework fair, and are they 1 /
implemented impartially by the relevant election management 4
bodies?**

The legal framework governing statewide elections prior to 2019 was broadly perceived as fair. While intimidation of election workers and electoral authorities by militant groups sometimes interfered with the orderly implementation of electoral laws and regulations, the process was overseen by the Election Commission of India, then a respected and largely independent body.

The Indian Parliament adopted the Jammu and Kashmir Reorganisation Act swiftly and without significant input from Kashmiris, fundamentally altering the electoral system and effectively stripping residents of substantial voting power.

A revision of Jammu and Kashmir's voting rules in August 2022 indicated that people who had lived in the territory for as little as a year could be included in the electorate, sparking renewed accusations that the

government was attempting to manipulate eligibility and empower non-Kashmiri migrants for political reasons. The rule change was scrapped that October following public outcry.

Elections for the Jammu and Kashmir Legislative Assembly were last held in 2014. The Election Commission of India has faced criticism for delays in holding new assembly elections in the territory. In 2023, the commission purported that security conditions and “various other factors” were causing the delay, saying that the elections would occur at the “right time.” In December, the Supreme Court of India ordered the election commission to hold assembly elections in Jammu and Kashmir before October 2024.

Score Change: The score declined from 2 to 1 due to the continued, unexplained postponement of elections for the Jammu and Kashmir Legislative Assembly, which were last held in 2014.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, 1 / and is the system free of undue obstacles to the rise and fall of 4 these competing parties or groupings?

Until 2019, a competitive multiparty system had operated in the region. While new political parties had to register with the Election Commission, parties were generally able to form freely, and there were mechanisms by which independent candidates could stand for office. Notable impediments to normal party politics included militant violence, intimidation, and separatist boycotts.

Political activities were almost completely suspended after August 2019, as security forces detained thousands of party members and activists without charge, including the leaders of mainstream Kashmiri parties and the local branch of India’s opposition Congress party. Former chief ministers and incumbent lawmakers were among those detained. Mirwaiz Umar Farooq, leader of the All Parties Hurriyat Conference (APHC), a prominent separatist coalition, was placed under de facto house arrest in 2019. After more than four years in detention, Farooq was released in September 2023.

After the last elected chief minister, Mehbooba Mufti, was released from detention in 2020, her People’s Democratic Party (PDP) helped form the People’s Alliance for Gupkar Declaration (PAGD) with several other Kashmiri parties, including its former rival, the Jammu and Kashmir National Conference (JKNC). The group aims to restore the region’s

autonomy under the Indian constitution, although the coalition lacks stability.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

For more than a decade, state-level power had rotated between the two largest Kashmiri parties: the PDP and the JKNC. The Hindu nationalist BJP, which currently governs in New Delhi, has made significant electoral inroads in recent years; it participated in a coalition government with the PDP from 2015 to 2018.

The postponement of state elections, the 2019 reorganization of the region, and the related mass detentions effectively reduced the ability of opposition groups to compete and enter government in Jammu and Kashmir. The PAGD accused the government of curtailing its ability to campaign freely ahead of 2020 elections for local District Development Councils. While the alliance won those elections overall, the councils have little governmental authority. Municipal elections scheduled for late 2023 were not held on schedule.

The union territory of Ladakh has a centrally appointed executive and no legislature, meaning rotations of power through elections are not possible at the territory level. Elections are still held for district-level development councils, but their powers are greatly overshadowed by those of appointed officials.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The activities of separatist militants and a heavy Indian security presence have long impaired the ability of people in certain areas to participate freely in political processes.

Since August 2019, tens of thousands of additional Indian troops have been deployed to the region to quash any public expressions of opposition to the Reorganisation Act. The deployment was accompanied by reports of intimidation and violence against civilians.

Political violence continued during 2023 with clashes between militants and security forces.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The former state constitution granted all permanent residents over age 18 the right to vote in state assembly elections. While the region had a female chief minister until early 2018, women have generally been underrepresented in politics.

Prior to the 2019 reorganization, historical refugees from Pakistan, who are disproportionately Hindu, were not entitled to permanent residency rights and could not vote in state elections, though they were able to vote in Indian parliamentary elections. In 2020, such individuals were allowed to vote in the development council polls in Jammu and Kashmir for the first time.

During the campaign period for the council elections in 2020, Muslim Kashmiri candidates and their parties were allegedly disadvantaged by continued detentions, police interference, and movement restrictions, many of which were imposed for security reasons.

The 2019 reorganization left the largely Buddhist and Shiite Muslim population of Ladakh without elected government institutions at the territory level. There are still two Autonomous Hill Development Councils representing Ladakh's two districts, Leh and Kargil, but many in Kargil vocally opposed the 2019 changes.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

India has never held a referendum on allowing Kashmiri self-determination, as called for in a 1948 UN resolution. Jammu and Kashmir long enjoyed substantial autonomy under India's constitution, but since 2019 it has been ruled directly by the central government through an appointed lieutenant governor, as has the separated territory of Ladakh. There are legal provisions for an elected legislature in Jammu and Kashmir, although its powers will ultimately be limited and no legislature was in place as of 2023. Many laws that had been passed by the state government have been subject to repeal or amendment under the new system, and more laws passed by the Indian Parliament now apply to Jammu and Kashmir. The union territory is not permitted to formulate its own laws regarding policing and public order.

In December 2023, the Supreme Court of India issued a ruling upholding the 2019 revocation of Jammu and Kashmir's autonomous status.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

Corruption is widespread. A 2011 law established an anticorruption commission with far-reaching investigatory powers. The panel, known as the State Vigilance Commission, processed more than a thousand complaints after the first commissioners were appointed in 2013. In 2020, the commission was dissolved after the Jammu and Kashmir territorial government repealed the underlying law.

Few corruption cases result in convictions. As of 2023, hundreds of corruption cases remain pending in the courts.

C3 0-4 pts

Does the government operate with openness and transparency? 1 / 4

The administration generally operates with opacity, and the changes in the administrative status of the region in 2019, coupled with severe restrictions on press freedom, have further impeded transparency. Several official agencies intended to promote transparency and good governance, including the State Information Commission, were shut down in 2019 and 2020.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 1 / 4

Until mid-2019, print media were thriving in Jammu and Kashmir. Online media had proliferated, providing new platforms for news and information. However, the region's changed administrative status was accompanied by a severe clampdown on the activities of local and foreign journalists. Internet service was severely restricted until early 2021, making it difficult for news outlets to operate. Connectivity blackouts were also briefly imposed in certain districts during 2023, ostensibly to counter militant activities.

A media policy introduced in 2020 gave government officials the authority to examine and censor content for "fake news, plagiarism, and unethical or antinational activities."

Journalists have faced harassment, intimidation, and arbitrary detention in connection with their work in recent years. In 2023, several journalists were arrested or summoned for questioning after reporting on antigovernment protests or publishing material critical of the government. Irfan Mehraj, an independent journalist and the editor of online outlet Wande Magazine, was arrested in March on dubious sedition and terrorism charges. International human rights organizations have called Mehraj's arrest and detention an example of the persecution and repression faced by journalists in the territory. In December, the Jammu

and Kashmir High Court ordered the release of Asif Sultan, a reporter for the magazine *Kashmir Narrator* who had been detained since 2018, apparently for publishing work that was critical of the government. However, the court order did not go into immediate effect. Both Mehraj and Sultan remained in detention through year's end.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Freedom of worship is generally respected by the authorities. However, violence between Muslims and Hindus periodically flares up, and many have been injured or killed as a result. A decades-long ban on Shiite Muslims' Muharram processions, which take place during a period of mourning at the Islamic new year, was lifted in July 2023, allowing processions to take place later that month. The authorities closed Srinagar's main mosque to worshippers on multiple occasions during the year, typically citing security concerns.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is circumscribed. Authorities monitor the research produced at Kashmiri universities, and a combination of censorship and self-censorship discourages students and professors from pursuing sensitive topics of inquiry. Colleges, universities, and schools were shuttered for much of 2020 and 2021, both on security grounds and because of the coronavirus pandemic. Schools began reopening in March 2022.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

While private discussion was previously robust, fear of reprisals by government or militant forces has increased in recent years, and serves as a deterrent to uninhibited speech. The mass arrests of politicians, activists, protesters, and others after the revocation of autonomy in 2019 were apparently aimed at curbing free expression and likely had a chilling effect on the rest of the population.

In early May 2023, media outlets reported that the central government had banned 14 apps that allow encrypted messaging. The government alleged that the apps had been used by terror groups in the area to avoid detection.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 0 / 4

Freedom of assembly is frequently restricted during times of unrest. The authorities often reject requests for permits for public gatherings submitted by the separatist APHC. Separatist leaders are frequently arrested prior to planned demonstrations, and violence between protesters and security forces is common.

Curfews were in force in parts of the region during 2023. Ongoing disruptions to phone and internet services hampered the planning of protests. Security forces clashed with protesters on multiple occasions during the year. In late 2023, the government banned all protests related to the ongoing Israel-Hamas war.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Although local and national civil rights groups are generally permitted to operate, they are routinely harassed by security forces. The separatist APHC is technically allowed to function, but its leaders are frequently subjected to detention. In 2019, the central government imposed a five-year ban on the group Jamaat-e-Islami (Jammu and Kashmir) and arrested its top leadership, claiming that it was engaged in separatist activities.

Many of the arrests that followed the revocation of autonomy in 2019 targeted independence advocates, human rights lawyers, and other civic activists. In 2021, security forces arrested Khurram Parvez, a Kashmiri human rights activist, under the provisions of a controversial antiterrorism law. He remained in detention in 2023.

In August 2023, the government carried out raids on locations with ties to the Jammu and Kashmir Coalition of Civil Societies (JKCCS), a prominent human rights organization, claiming that it was channeling funds to terrorist groups.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Although workers have the right to form unions and engage in collective bargaining under Indian law, union rights are inconsistently upheld in practice.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 1 / 4

Courts in the region are politicized and generally act as an extension of Indian executive and military authority. The government and security

forces frequently disregard court orders that impose constraints on their actions. In January 2020, following a long delay, the Indian Supreme Court ruled that the indefinite internet shutdown in Kashmir was unjustified and violated constitutional rights to free speech and expression, but authorities were slow to ease the shutdown, and mobile internet access was not restored until February 2021. Recruitment of district judges has proven challenging in the region.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 1 / 4

Due process rights, including access to a timely trial, are hampered in part by large backlogs of cases and intermittent lawyers' strikes. The courts in Jammu and Kashmir close very few cases each year. In December 2023, the High Court announced a five-year plan intended to reduce the number of pending cases.

Broadly written legislation, such as the unpopular Armed Forces Special Powers Act (AFSPA) and the Disturbed Areas Act, allow security forces to search homes and arrest suspects without a warrant, shoot suspects on sight, and destroy buildings believed to house militants or arms. Under the AFSPA, prosecutions of security personnel cannot proceed without the approval of the central government, which is rarely granted. Following the 2019 reorganization of the region, the central government now has the sole authority to declare an area "disturbed" under the AFSPA, which activates enhanced powers for security forces. The Public Safety Act allows detention without charge or trial for up to two years, though 2012 amendments barred the detention of minors. The law was used to jail mainstream political leaders and others in 2019 and 2020. Many such detainees have been held in parts of India outside Kashmir.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

After several years of relative stability, security deteriorated sharply following the 2016 killing of Burhan Muzaffar Wani, a popular separatist militant leader. The situation remained volatile in 2023. At least 134 civilians, security personnel, and militants were reportedly killed in conflict-related violence over the course of the year.

Indian security personnel have continued to engage in torture, forced disappearances, and custodial killings of suspected militants and their alleged civilian sympathizers, and they generally enjoy impunity for such abuses. In December 2023, three civilians who Indian soldiers had detained for questioning in relation to a militant attack were found dead on the side of a road; one of the civilians' relatives alleged that their bodies bore signs of torture. Both regional authorities and the Indian

army announced that they would investigate the deaths, which reportedly occurred while the men were in military custody.

Militant groups have killed pro-India politicians, public employees, suspected informers, members of rival factions, soldiers, and civilians. The militants also engage in kidnapping, extortion, and other forms of intimidation. Militant violence during 2023 included selective murders of people belonging to the Hindu community in Jammu and Kashmir. Following violent attacks on Hindu civilians in January, the Indian government reintroduced civil militias in some areas of the territory. The militias are sponsored, armed, and trained by the Indian government; in March, local Muslim leaders reported that only Hindus had been armed.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of 1 / various segments of the population? 4

A pattern of violence targeting Pandits, or Kashmiri Hindus, has forced several hundred thousand Hindus to flee their homes in the region over the years, and many continue to reside in refugee ("transit") camps. Members of other religious and ethnic minority groups, including Sikhs and Gujjars, have also been attacked. Women face societal discrimination and are subject to harassment, intimidation, and violence, including rape and murder, at the hands of both the security forces and militants. LGBT+ people are generally marginalized in Kashmiri society.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability 1 / to change their place of residence, employment, or education? 4

Freedom of movement has been heavily curtailed by the authorities. Strict curfews were imposed in connection with the region's 2019 reorganization, and coronavirus-related lockdowns were added during 2020, 2021, and early 2022, with the severity varying somewhat by location and over time. Even when curfews are not in place, internal movement is disrupted by roadblocks, checkpoints, and periodic protest-related impediments. Kashmir residents face delays of up to two years in obtaining and renewing passports due to heightened levels of scrutiny.

In 2020, the Indian government altered domicile legislation to make it easier for refugees and Indian nationals from outside Kashmir to establish permanent residency and obtain government jobs in the region, extending eligibility to those who had lived there for 15 years or studied there for 7 years. The change would benefit many long-term residents who had lacked domicile status, but critics alleged that the government's aim was to alter the Muslim-majority territory's demographic composition. Tens of thousands of new domicile certificates have since been issued.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights are undermined by displacement and military activity related to the conflict, and the regulatory environment constrains the establishment and operation of new businesses.

In 2020, the Indian government substantially altered dozens of laws governing land ownership in Jammu and Kashmir, ending long-standing restrictions on property acquisition by people who were not permanent residents of the region. Ladakh was not immediately affected by those changes. The new legal framework also gave the government and the military enhanced powers to reserve and manage land for development and strategic purposes.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Many women face domestic violence and other forms of abuse. There have been reports of women being killed in dowry disputes, and conservative social customs limit the choice of marriage partners for individuals. Same-sex marriage is illegal.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Certain social groups are subject to economic marginalization, though some are also eligible to benefit from affirmative-action policies in areas such as employment and education. Child labor is reportedly prevalent in the region, and the government has taken few steps to combat it. Militant groups have been accused of recruiting children as fighters.

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