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Freedom in the World 2023 - Indian Kashmir*

NOT FREE

27

/ 100

Political Rights 7 / 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 However, the region's autonomous status was revoked in 2019, and what had been the state of Jammu and Kashmir was reconstituted as two union territories under the direct control of the Indian central government.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 2022

- The authorities closed and dissolved the Kashmir Press Club in January as part of a persistent crackdown on journalistic freedom.
- Indian prime minister Narendra Modi visited Jammu in April, repeating his earlier promises to deliver economic investment and development to the region.
- In a series of incidents in April, May, and June, militants attacked members of non-Muslim religious communities, causing hundreds of families to flee. Others who wished to leave Jammu and Kashmir were reportedly prevented from doing so by the government.

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 2022, and the timeline for holding elections remained unclear. 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 and remained in office during 2022. Radha Krishna Mathur, a former bureaucrat, was appointed as lieutenant governor of Ladakh in 2019 and also remained in office during 2022.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 0 / 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 May 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 implemented impartially by the relevant election management bodies? 2 / 4

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 in October following a public outcry.

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, reportedly remained under de facto house arrest in 2022, though officials claimed he was under police protection.

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 aimed to restore the region's autonomy under the Indian constitution, but the viability of the alliance appeared to be in doubt as of 2022.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its 1 / support or gain power through elections? 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 for the foreseeable future. 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 manage local development matters and have little governmental authority.

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 2022. The sentencing of a separatist leader, Yasin Malik, to life imprisonment in May prompted a wave of militant attacks, clashes between police and protesters, and arrests.

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 2022. 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.

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, and it filed a handful of bribery charges against public officials. However, few corruption cases result in convictions. In 2020, the commission was dissolved after the Jammu and Kashmir territorial government repealed the underlying law. A series of anticorruption recommendations issued by the New Delhi-based Central Vigilance Commission remained largely unimplemented in 2022.

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 announcement of 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; additional connectivity blackouts were briefly imposed in certain districts during 2022, ostensibly to counter militant activities.

A new 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 2022, several journalists were arrested or summoned for questioning after reporting on antigovernment protests or publishing material that was critical of the government; a reporter for and the editor of the news website Kashmir Walla were arrested in January and February, and both remained in detention as of December, according to the Committee to Protect Journalists. A reporter for the magazine *Kashmir Narrator*, Asif Sultan, has been detained since 2018, apparently for publishing work that was critical of the government. A number of other journalists who work in the region have been barred from leaving India; in July and October 2022, a prize-winning photojournalist was prevented from traveling to France and the United States.

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 ban on Shiite Muslims' Muharram processions, which take place during a period of mourning at the Islamic new year, has been upheld for decades. In August 2022, Shiite Muslims were detained and assaulted by police while attempting to hold Muharram processions in Srinagar. 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. Remote learning was severely hampered by ongoing restrictions on internet access. A reopening of schools began 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 April 2022, the High Court ruled that statements about the region's military occupation are not to be considered protected speech under the constitution.

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 2022, and lockdowns intended to stem the spread of COVID-19 further curtailed assembly while they remained in effect early in the year. Ongoing disruptions to phone and internet services hampered the planning of protests. Nevertheless, security forces clashed with protesters on multiple occasions during the year.

In November, protesters in Leh and Kargil voiced demands for full statehood for Ladakh.

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 2022.

In January 2022, police raided and closed the offices of the Kashmir Press Club. The authorities halted its protracted attempts to renew its registration, and the government announced that the organization had been dissolved.

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 typically 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. There were allegations of corruption and nepotism in the High Court of Jammu and Kashmir and Ladakh during 2022.

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 backlog increased in 2020 and 2021 due to COVID-19-related delays. 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 2022. At least 253 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.

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 2022 included selective murders of people belonging to the Hindu community in Jammu and Kashmir in April, May, and June.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 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 to change their place of residence, employment, or education? 1 / 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 seven 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. In 2022, there were reports that Hindus and members of other communities targeted by militant attacks were prevented from relocating outside Kashmir, as the government sought to project an image of stability.

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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