

# **Jammu and Kashmir: Statehood For Human Rights**

**Report, August 2025**



**THE FORUM FOR HUMAN RIGHTS IN  
JAMMU AND KASHMIR**

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Report, August 2024-July 2025

Release date: August 4, 2025

**THE FORUM FOR HUMAN RIGHTS  
IN JAMMU AND KASHMIR**

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## THE REPORT AND ITS METHODOLOGY

The Forum for Human Rights in Jammu and Kashmir comprises an informal group of concerned citizens who believe that, in the prevailing situation in the former state, an independent initiative is required so that continuing human rights violations do not go unnoticed.

This is the sixth annual report issued by the Forum, which has also issued two mid-term and/or thematic reports. It has largely been compiled from government sources, media accounts (carried in well-established and reputed newspapers or television), NGO fact-finding reports, interviews, and information garnered through legal petitions. The various sources listed above have been fact-checked against each other to ensure the information is as accurate as possible, and only that information has been carried that appears to be well-founded. Where there is any doubt regarding a piece of information, queries have been footnoted.

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## MEMBERS OF THE FORUM

### **Co-Chairs:**

Gopal Pillai, former Home Secretary, Government of India

Radha Kumar, former member, Group of Interlocutors for Jammu and Kashmir

### **Members:**

Justice Ruma Pal, former judge of the Supreme Court of India

Justice Madan Lokur, former judge of the Supreme Court of India

Justice AP Shah, former Chief Justice of the Madras and Delhi High Courts

Justice Bilal Nazki, former Chief Justice of the Orissa High Court

Justice Hasnain Masoodi, former judge of the Jammu and Kashmir High Court

Justice Anjana Prakash, former judge of the Patna High Court

Probir Sen, former Secretary-General, National Human Rights Commission

Amitabha Pande, former Secretary, Inter-State Council, Government of India

Moosa Raza, former Chief Secretary, Government of Jammu and Kashmir

Shantha Sinha, former chairperson, National Commission for the Protection of Child Rights

Major-General Ashok Mehta (retd)

Air Vice-Marshal Kapil Kak (retd)

Lieutenant-General H S Panag (retd)

Colonel Yoginder Kandhari (retd)

Enakshi Ganguly, Co-founder and former Co-director, HAQ Centre for Child Rights

Ramachandra Guha, writer and historian

Anand Sahay, columnist

Shivani Sanghvi, lawyer

Abhishek Babbar, lawyer

## EXECUTIVE SUMMARY

The year August 1, 2024, to July 31, 2025, was marked by two major developments: first, the legislative assembly election of September-October 2024, held ten years after the last legislative assembly election in 2014, and second, a shocking terrorist attack on tourists in the Kashmir valley's Pahalgam district on April 22, 2025, in which 25 tourists were killed, along with a Kashmiri pony-guide, and twenty others injured.

The election, which was held only after the Supreme Court ordered it, saw a National Conference administration come into power in October 2024 with a decisive mandate. The electorate turned out in large numbers and the results indicated that Jammu and Kashmir's people had voted strategically to ensure that a single party came in with sufficient strength to power reform rather than a weak and dependent coalition.

However, the Transaction of Business Rules issued by the Union Home Ministry on July 12, 2024, shortly before the assembly election, retained most powers in the hands of the Lieutenant-Governor, including over civil servants, the police, the Attorney-General and prosecutorial services. As the Forum had warned in its 2024 report (*Jammu and Kashmir: A Human Rights Agenda for the New Assembly*), the new rules set up a potential stand-off between the elected and centrally appointed administrations. Lieutenant-Governor Sinha, who originally said that he would work cooperatively with the elected administration, returned the Omar Abdullah cabinet's proposal for allocation of portfolios to Ministers and establishment of a mechanism to resolve difference of opinion between the elected and centrally appointed administrations, with queries as to whether it was in accordance with the Jammu and Kashmir Reorganization Act of 2019.<sup>1</sup>

The Reorganization Act unilaterally removed Jammu and Kashmir's statehood, quashed the state's own constitution and replaced almost all the state laws with national civil and criminal laws. As all five of the Forum's previous reports highlighted, the Union administration used the Act to progressively disempower the people of Jammu and Kashmir, including the grants of land, tourism, resource development and other economic rights to national rather than local enterprises, leading to growing frustration, anger and even despair amongst large segments of the people.

The Union Home Ministry's policy of placing non-State officers ('outsiders') to helm civilian security and governance, together with loudly trumpeted distrust of Jammu and Kashmir's administrative and intelligence services, including misplaced purges, not only furthered local disaffection, it also caused the grave loss of crucial human resources. The jettisoning of experienced local officers entailed a paucity of intelligence from the ground and contributed to the security lapses that allowed cross-border militancy to return to the Pir Panjal and Chenab valley areas of Jammu from 2020-2021 on, and then allowed it to spread to Kashmir,

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<sup>1</sup> HT News Desk, "My support will be with new J&K govt": L-G Manoj Sinha as Omar Abdullah becomes new chief minister', *The Hindustan Times*, October 16, 2024; KL News Network, 'Cabinet Clears Response to Raj Bhavan on Business Rules Amendments', *KashmirLife.net*, May 5, 2025.

including to Pahalgam. It contributed, too, to the failure to prevent the Pahalgam terrorist attack.

There is some welcome solace in the reported killing of Lashkar-e-Taiba operative Suleiman Shah, suspected to have planned and executed the attack, in the army's 'Operation Mahadev' on July 28, 2025.<sup>2</sup> Greater solace will come when full details emerge on how and where the attack was planned, who was involved and how it was executed, and action is taken against the planners and funders.

Meanwhile, the situation in Jammu and Kashmir has worsened post-Pahalgam. The immediate response of the people of the former state comprised an across-the-board repudiation of the terrorists' goals of fomenting Hindu-Muslim polarization and keeping the region in a state of instability. It offered an enormous opportunity to the Union administration to rethink its previous policies of disempowerment of the people.

Instead of recognizing the unanimous Kashmiri repudiation of the Pahalgam attack, police investigators hastily announced that there were four terrorists, two Pakistani and two Kashmiri. According to the National Investigative Agency (NIA), it is now discovered that the earlier police findings indicting Kashmiris were incorrect, and the attackers were Pakistani.<sup>3</sup>

By the time the NIA's finding was released in the public domain, a month after the incorrect police announcement, considerable damage had been done. The national media pounced on the police announcement to castigate Muslims in general and Kashmiris in particular. Innocent Kashmiris in other parts of the country were abused. Allegedly, over 2800 people have been detained or summoned for questioning and over 100 have been arrested under the draconian Public Safety Act (PSA) and Unlawful Activities Prevention Act (UAPA). There are daily cordon and search operations as well as raids; continuing purges of local officers; intimidation of the media, and other scantily verified or unjustified harassments detailed in this report's section on civilian security. Little was or is being done to evacuate people living in the border areas or protect their property in the run up to 'Operation Sindoor', a term that has been widely criticized by women's rights groups for cheap manipulation of deeply personal marital symbols. Cross-border shelling from Pakistan led to the loss of 21 lives in Jammu and Kashmir's border areas, with scores of injured and property damaged.

The post-Pahalgam environment, which was widely conducive to the re-establishment of peacebuilding initiatives, is thus already being vitiated. The most effective bulwark against such vitiation is restoration of civil and political rights, including oversight institutions, that will come with statehood.

It was widely anticipated that the restoration of statehood would follow the assembly elections, given Prime Minister Modi and Union Home Minister Amit Shah's repeated assurances of restoration. Ten months after the elected administration assumed office, however, the Union administration has shown no signs of fulfilling its promise. With several MPs demanding full

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<sup>2</sup> Mukesh Singh Sengar and Saikat Kumar Bose, 'Pahalgam Mastermind Suleiman Shah Among 3 Terrorists Killed In Op Mahadev: Sources', NDTV, July 28, 2025.

<sup>3</sup> Door Darshan News, 'Pahalgam Terror Attack: Three Attackers were Pakistanis Linked to LeT, says NIA', June 26, 2025.



restoration in the upcoming monsoon session of parliament, all eyes are on whether and what steps will be taken on the issue.

The first step is clearly to repeal, replace or amend the Jammu and Kashmir Reorganization Act 2019. Constitutionally, a rollback would be appropriate since it would acknowledge that the removal of an existing state's statehood is unacceptable under Articles 1 and 3. The issue of Ladakh's status, however, would remain. It can be resolved through a speedy conclusion of the discussion between Ladakhi representatives and the Union administration on demands for Ladakh's statehood and incorporation in the Sixth Schedule, and the tabling of legislation to this effect in parliament.

Alongside, the issue of the unilateral withdrawal of Jammu and Kashmir's special status and protection of residents' land and economic rights under Articles 370 and 35A of the Indian constitution remains to be addressed. Some political parties have suggested that they might be incorporated in a dedicated section of Article 371, which offers the same powers to Nagaland and Mizoram, for example.<sup>4</sup> However, it should be noted that Article 370 remains in the constitution even though it has been hollowed out. A discussion between parliamentarians and the elected representatives of Jammu and Kashmir on these two issues remains to be initiated.

As their large turnout in the April-May 2024 parliamentary elections and the September-October assembly election showed, the people of Jammu and Kashmir and Ladakh deeply desire restoration of their constitutional right to representative governance. Apparently too, only the restoration of this right will provide avenues for accountability and redress for human rights violations through the reinstatement of Jammu and Kashmir's human rights, women's and child rights commissions.

The findings of this report are as follows:

1. **Pahalgam security lapse.** There was a major security lapse by the Lieutenant-Governor's administration and the Union Home Ministry, as a result of which the lives of tourists and the people of Jammu and Kashmir were put at risk. Intelligence warning of an attack was received in actionable time, but, despite repeated security reviews by Union Home Minister Shah, action on the intelligence was both feeble and incompetent. The potential threat to tourists in the Baisaran meadow was overlooked in security provision, though it seems that there had been a Central Reserve Police Force (CRPF) picket close to or in Baisaran that was removed in January 2025. It was not reinstated after the intelligence of a possible attack in the valley was received.<sup>5</sup> The least that could have been done, issuing a general advisory warning residents and tourists in Jammu and Kashmir of a risk to crowded or tourist areas, was not done either.

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<sup>4</sup> United News of India (UNI), 'J&K: PDP seeks implementation of Article 371', August 6, 2024, <https://www.uniindia.com/news/north/politics-jk-pdp/3256631.html>; PTI, 'Political parties demand statehood, extension of Article 371 to J&K', *The Tribune*, December 19, 2023.

<sup>5</sup> Shemim Joy, 'Pahalgam terror attack: Govt admits authorities were unaware Baisaran Valley was opened for tourists', *Deccan Herald*, April 25, 2025.

The reported argument by security officials that the area is an open meadow, in which there “was no facility or room for security forces to be present”, is patently absurd.<sup>6</sup> When have Indian security forces been afraid to construct sheltered pickets on open ground? Indeed, why could a picket not have been constructed using the forest cover that was available along the forest which edged the meadow?

2. **Shifting responsibility.** Initially the responsibility for the security lapse was taken by Intelligence Bureau and Home Ministry officers.<sup>7</sup> Lieutenant-Governor Manoj Sinha has recently taken responsibility (three months after the attack) but has not resigned.<sup>8</sup> The responsibility of Union Home Minister Amit Shah remains to be acknowledged, though his responsibility is indubitably larger given (a) that he personally supervised repeated security reviews following the intelligence that an attack was being planned, and (b) that it used to be general practice for ministers to take moral responsibility and resign following a major lapse by their ministries: for example, former Union Home Minister Shivraj Patil resigned following the Mumbai terrorist attack of 2008 (commonly referred to as 26/11). That was the last time any minister resigned on grounds of responsibility for a major security failure.
3. **No evacuation of border residents in run up to ‘Operation Sindoor’.** Despite taking two weeks to respond militarily, little was done to evacuate civilians from the border areas, who were in any case facing incessant firing across the Line of Control from Pakistani troops (probably to facilitate the escape of the terrorists and infiltration by others).
4. **No preventive action against backlash.** Though a backlash against Kashmiris and Muslims in general was widely anticipated,<sup>9</sup> the Union Home Ministry did nothing to prevent it. By contrast, in 2010 the Union Home Ministry had issued an advisory to all police to act against harassment and then Union Home Minister Chidambaram spoke to university Vice-Chancellors to ensure the safety of Kashmiri students. Current Home Minister Shah’s inaction is especially distressing, given that the bulk of attacks occurred in BJP-headed states, where the ‘double engine sarkar’ could have been instantly effective in prevention. Fortunately, Chief Minister Omar Abdullah had his ministers rush to such states to appeal to their chief ministers to protect Kashmiri residents, after which the backlash dwindled.<sup>10</sup>

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<sup>6</sup> Bharti Jain, ‘Pahalgam an ISI-LeT conspiracy; only Pak terrorists were engaged to maintain secrecy’, *The Times of India*, July 15, 2025.

<sup>7</sup> Akhilesh Kumar Singh & Subodh Ghildiyal, ‘Failed to anticipate Pahalgam terror attack: MHA, IB at all-party meet’, *The Times of India*, April 25, 2025.

<sup>8</sup> RK Online Desk, ‘LG Manoj Sinha takes full responsibility for Pahalgam Terror Attack, Calls it “security failure”’, *Rising Kashmir*, July 14, 2025.

<sup>9</sup> Radha Kumar, ‘What the Government Can Do in the Aftermath of Pahalgam’, *The Wire*, April 25, 2025.

<sup>10</sup> Naseer Ganai and Sanjay Khajuria, ‘Omar’s ministers criss-cross states for safety of Kashmiris facing Pahalgam ‘backlash’’, *The Times of India*, April 26, 2025.

5. ***Allowing hate speech and hateful actions.*** The Jammu and Kashmir police's hasty and incorrect information that two of the terrorists were Kashmiri not only caused a backlash against Kashmiris outside the former state, it also created a permissive environment for hate speech and actions which violated the rights to property, freedom of movement and association and a free media, as evidenced by the trolling, arrests and illegal demolitions detailed in this report's section on Pahalgam. It should be noted that mob hate has spread to the extent that even the Foreign Secretary and Army and Air Force officers were trolled for a ceasefire that the Prime Minister approved.
6. ***Heightened security threat to Jammu and Kashmir and Ladakh.*** Pakistani military response to 'Operation Sindoor' revealed a new level of China-Pakistan defence cooperation that was not limited to the supply of weaponry and interception systems but extended to onsite guidance by Chinese military-strategic personnel. China has previously maintained non-involvement in India-Pakistan conflict. The one front-two allies that was revealed not only indicates that cross-border India-Pakistan conflict might now entail new military-technological depth, it also raise questions about whether cross-border conflict will become a two front-two allies challenge, given China's encroachments in Ladakh.
7. ***Questionable security approach.*** In July 2025, the Union Ministry of Home Affairs (MHA) was reported to have given in principle approval to the Central Reserve Police Force (CRPF) to raise 20 new battalions, adding over 20,000 personnel for deployment in Jammu and Kashmir.<sup>11</sup> This is in addition to the expansion of security and police forces in the previous two years. According to the Ministry's annual report for 2023-2024 – the 2024-2025 report is still awaited – it had approved the raising of 5 IR Battalions, 2 Border Battalions, and 2 Women Battalions for the Jammu and Kashmir police. By March 2024, it had completed recruitment for 5 IR Battalions, while the recruitment process of 2 Border Battalions and 2 Women Battalions had begun. It had also focused on the role of Special Police Officers (SPOs) "to provide auxiliary help to law enforcing agencies in the drive against terrorism and involve the local population for their own protection as well as to help the J&K Police and Para-Military Forces in curbing the menace of militancy." Its total expenditure on security in 2023-2024 was Rs. 1347.79 crores.<sup>12</sup>

Clearly, these enhanced security measures failed to prevent the Pahalgam terrorist attack. In light of this failure, we are constrained to ask whether the current security approach is a waste of taxpayer and human resources and needs to be reassessed with a view to making it more effective.

Clearly too, the immediate and past lessons of counterinsurgency are being ignored. As our own experience has repeatedly shown, armed attacks dwindle only when the local people and their elected representatives are involved in peacebuilding on the ground, and when security forces are seen to adhere to the human rights guidelines

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<sup>11</sup> KO Web Desk, 'MHA Approves 20 New CRPF Battalions For J&K: Report', *Kashmir Observer*, July 16, 2025.

<sup>12</sup> Ministry of Home Affairs, Annual Report 2023-2024, pp. 270-274.

laid down by the Supreme Court in 1997, which were included in the Indian Army's 'List of Dos and Don'ts' under the Armed Forces (Special Protection) Act.<sup>13</sup>

8. *Anger on the ground.* There is considerable anger in Jammu and Kashmir at the Union and Lieutenant-Governor administrations' actions post the Pahalgam terrorist attack. The very large number of people brought in for questioning – reportedly 2800 – suggests further indiscriminate action by the Jammu and Kashmir police. Are we really expected to believe that there were so many overground workers of proscribed terrorist organizations at large, when the Union and Lieutenant-Governor's administrations claimed that they had normalized the former state? If this was routine questioning of citizens who might have seen or heard something, why were they not visited by the Jammu and Kashmir police, along with a social worker, instead of summoned?

This anger is in addition to the already growing anger at the Union and Lieutenant-Governor administrations' marginalization of the elected administration through imposition of the New Business Rules mentioned above. The Chief Minister was not invited to the Union Home Minister or the Lieutenant-Governor's security reviews, nor was he consulted on security arrangements either before or after the Pahalgam attack. He cannot even oversee relief and rehabilitation programs in the border areas, since the administrative and police service are not accountable to the elected administration and legislature. Indeed, in risible optics, the Chief Minister's visits to affected areas and even development projects are speedily followed by visits by the Lieutenant-Governor.

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<sup>13</sup> AIR 1998 SC 431; Commonwealth Human Rights Initiative, 'The List of Do's and Don'ts under the Armed Forces (Special Powers) Act, 1958 (AFSPA) as cited in the judgment of the Supreme Court of India in the matter of Naga People's Movement of Human Rights and Ors. vs Union of India (AIR 1998 SC465) vis-à-vis The List of Dos and Don'ts under AFSPA, and Jammu and Kashmir Armed Forces (Special Powers) Act, 1990 supplied by the Indian Army under the Right to Information Act, 2005 (RTI Act)', <https://www.humanrightsinitiative.org/download/AFSPA%20Do's&Don'ts-Comparative%20Table-ChitrangdaS&VenkatN-Jun2012.pdf>.

## RECOMMENDATIONS

1. ***Seek restoration of full statehood, repeal the 2019 Reorganization Act.*** In August 2025 it will be six years since statehood was seized from Jammu and Kashmir in August 2019, *the first time in independent India that an existing state has been demoted to Union Territory status*. This demotion contravened Articles 1 and 3 of the Constitution of India and the basic structure doctrine that India is a federal democracy in which states' rights must be respected, which has been a bedrock for Indian unity for the past 52 years.

In its first sitting after assuming office, the Omar Abdullah cabinet passed a resolution urging the Union administration to restore the statehood of Jammu and Kashmir. The restoration of statehood, it said, “will be a beginning of a healing process, reclaiming the constitutional rights and protecting (the) identity of people of Jammu and Kashmir.”

In its verdict on the Article 370 petitions, the honourable Supreme Court stated that it was not ruling on the constitutionality or unconstitutionality of demoting an existing state in its entirety to two Union Territories, because the Solicitor-General had assured it that statehood would be restored at an appropriate time. In his oral remarks, then Chief Justice of India D.Y. Chandrachud urged the Union administration to restore statehood at the soonest, while setting a deadline for assembly elections to be held by end September 2024. In a separate note attached to the judgement, Justice Sanjiv Khanna expressed the view that the demotion of the state to two Union Territories was unconstitutional and should be ruled upon.

However, the Solicitor-General also said before the bench in December 2023 that statehood would only be restored in stages – i.e., the grant of limited powers one at a time over an undefined period. This is a policy that nullifies the constitutional issue that no state can be demoted to a Union Territory in its entirety. If that demotion was unconstitutional, then it follows that statehood must be restored in toto.

The most satisfactory measure would be to repeal the 2019 Reorganization Act in full, including all the clauses extending national laws to the state. Most of these rights already existed in the state – indeed the state's legislation on the right to free education extended to the postgraduate level and has been demoted by the national guarantee of free school education for the ‘economically weaker sections’. Those rights that did not exist and are necessary can be legislated by the Jammu and Kashmir assembly.

2. ***Resist the terrorism argument.*** There is a danger that the Union administration will again argue that the time is not appropriate for restoration of Jammu and Kashmir's statehood, given the Pahalgam terrorist attack. Not only is that argument not tenable, it can be argued that this is exactly the time to do so. The high turnout in the October 2024 assembly elections with no violence, and the immediate response of the people of Jammu and Kashmir – public repudiation of the terrorists and their goals – have created a conducive environment for peacebuilding, in which the restoration of statehood is a critical first step.

3. ***Accept Ladakh's demand for statehood and inclusion in the Sixth schedule.*** There have already been a dozen rounds of talks between Ladakhi representatives and Union Home Ministry officials on these two demands. In August 2024, noted environmentalist Sonam Wangchuk undertook a month-long fast to press for the two demands. If, as the Forum hopes, Jammu and Kashmir's statehood is restored in full, Ladakh's statehood and inclusion in the Sixth schedule should be amicably agreed.
4. ***Open a dialogue between parliamentarians and members of the legislative assembly on special status.*** In November 2024, the newly elected legislative assembly adopted a resolution, moved by Deputy Chief Minister Surinder Kumar Choudhary, calling upon the Union administration "to initiate dialogue with elected representatives of the people of Jammu and Kashmir for restoration of special status, constitutional guarantees and to work out constitutional mechanisms for restoring these provisions' emphasizing that any process for restoration "must safeguard both national unity and the legitimate aspirations of the people of Jammu and Kashmir." MPs committed to the people's rights to representation, and states' rights in the federal structure could take the first step to discuss the issue with members of the legislative assembly.
5. ***Reinstate Jammu and Kashmir's oversight commissions.*** As a consequence of the unliteral 2019 actions, which kicked off with the removal of Jammu and Kashmir's special status under Article 370, Jammu and Kashmir's oversight commissions were shut down. These included the Human Rights Commission, the Women's Commission, the Accountability Commission and the Information Commission. Independent human rights advocates were arrested, and their reports on the state of human rights in Jammu and Kashmir ceased to be published.

It was in this context that the Forum was founded, to fill a glaring gap in human rights reporting. Anticipating that there would soon be an elected administration and legislature, we expected that local institutions and civil society would be able to resume monitoring, seek accountability and redress initiatives, and this Forum would disband.

Ten months after the elected administration assumed office, none of the recommendations made in our previous report have been adopted. Jammu and Kashmir still does not have a human rights commission, though under the Human Rights Act Union Territories are entitled to set up their own human rights commissions. Nor has the new assembly set up a human rights committee. There has been no progress on human rights issues in the past year (August 1, 2024-July 29, 2025) – indeed there have been increasing human rights violations in the aftermath of the Pahalgam terrorist attack.

The ruling National Conference has set up its own human rights committee, headed by retired Justice Hasnain Masoodi, a former MP and a member of this Forum. It remains to be seen whether the committee will be able to fill some of the current vacuum – it is a political party committee with no official or legislative backing and with no powers, but it could fill the gap in monitoring and more importantly, it could provide legal aid to the victims of human rights violations. Nevertheless, it cannot substitute for an official Jammu and Kashmir human rights commission. It will have no authority to hold the police or prosecutorial services accountable. Given the current situation, therefore, members of the Forum have concluded that the only route to human rights protection,



monitoring and accountability is for Jammu and Kashmir to regain the statehood that was snatched in August 2019.

6. ***Establish a Ladakh human rights commission.*** On June 27, 2025, the Kargil Democratic Alliance's Sajjad Hussain Kargili wrote to then Lieutenant-Governor B.D. Mishra, requesting the establishment of a Ladakh human rights commission. "The formation of such a commission", the Alliance said, "would:
  - a. Ensure Accountability of state and central agencies operating in Ladakh.
  - b. Provide a platform for the voiceless and vulnerable, including marginalized communities, women, children, and minorities.
  - c. Safeguard fundamental rights, especially in the context of rising environmental concerns, displacement, labour issues, and internet shutdowns.
  - d. Bring Ladakh at par with other Union Territories like Delhi and Puducherry, which have functional human rights mechanisms.
  - e. Foster public trust and transparency in the administrative machinery."

## SECURITY

### A. THE PAHALGAM TERRORIST ATTACK

On April 22, 2025, while tourists were picnicking in the Baisaran meadow of Kashmir's Pahalgam in Anantnag district, a small group of armed men emerged from the forest surrounding the meadow. Asking the male tourists their religion and/or to recite the *kalma*, they shot the non-Muslims in front of their wives and children. Twenty-five tourists were killed, most of them Hindu, as also a Kashmiri pony guide who tried to wrestle the gun from one of the terrorists. Twenty others were injured. It took close to an hour for the nearest Central Reserve Police Forces (CRPF) troops to reach the meadow. In the interim, Kashmiri tour and pony guides rushed survivors to clinics and homes in Pahalgam town, many carrying the injured on their backs.<sup>14</sup>

The Pahalgam attack was the first large-scale terrorist action since the Pulwama attack of February 2019, in which 40 CRPF personnel were killed. It was also the first mass attack on tourists since the 2024 attack on a bus carrying Amarnath pilgrims in Jammu, and the 2017 attack on a bus carrying Amarnath pilgrims in the valley. A group called The Resistance Front, created by the Pakistan-based Lashkar-e-Taiba, itself a UN-designated terrorist organisation, claimed the attack in a post on Telegram, then later denied it. According to Indian intelligence, the group is headed by long-standing Lashkar operative Sajjad Ahmad (better known by his alias Sajjad Gul), who has been implicated in numerous terrorist attacks over decades. The group surfaced in 2019 but was initially seen as insignificant; it was only in mid-2020 that it began to be seen as a serious threat. It was ostensibly formed to oppose the removal of Article 35A of the Indian Constitution, which had restricted land ownership in Jammu and Kashmir to permanent residents who held state subject certificates. Its actions, however, revealed a deeply communal intent, targeting Pandit returnees, Hindu pilgrims and non-Muslim tourists.<sup>15</sup> Following the Pahalgam terrorist attack, it has been designated a Foreign Terrorist Organization by the U.S. State Department.<sup>16</sup>

The goals of the Resistance Front were clearly to:

- a. Further Hindu-Muslim polarisation in India, and
- b. Disrupt the official narrative of 'normalcy' in Jammu and Kashmir as attested by declining figures of insurgent violence and increasingly high figures for tourism.

<sup>14</sup> ET Online, "Angels sent by God": Tourists recall how Kashmiris risked everything to save them in Pahalgam attack', *The Economic Times*, Apr 26, 2025.

<sup>15</sup> Bashaarat Masood, 'TRF designated terror organisation: Setback for Pakistan, but in Valley, the challenges that remain', *The Indian Express*, July 19, 2025; Yashraj Sharma, 'What is The Resistance Front, the group claiming the deadly Kashmir attack?', *Aljazeera.com*, 23 April 2025; Nirupama Subramaniam, 'Timing, target, location, message: Baisaran bloodbath is more than a return to old playbooks', *Newslaundry.com*, April 25, 2025.

<sup>16</sup> Ministry of External Affairs, Government of India, 'Designation of The Resistance Front (TRF) by the United States Department of State' (Press Release, July 18, 2025).



The immediate impact of the attack was the destruction of what promised to be one of Kashmir's best tourist seasons, causing enormous loss to the industry. It also engendered a return to intense counterinsurgency, reversing the gradual and very limited civilianization that had begun to occur following the parliamentary and assembly elections of 2024.

Condemnably too, many Indians did fall into the trap of further Hindu-Muslim polarization, despite the fact that the people of Jammu and Kashmir were the first to protest the Pahalgam terrorist attack. There were candlelight demonstrations across the state, traders and business associations in Jammu and Kashmir called a bandh, prominent newspapers printed their front pages black to protest the attack, and mosques across the valley held prayers for the victims in which congregations wore black armbands. The chief cleric of Kashmir's Jamia Masjid, Mirwaiz Umar Farooq, called for mourning the victims and expressed solidarity with the survivors. Kashmir's Grand Mufti Nasir-ul-Islam accused: "This is an attack on Kashmiriyat and humanity itself."<sup>17</sup>

Instead of recognizing the unanimous Kashmiri repudiation of the Pahalgam attack, police investigators hastily announced that there were four terrorists, two Pakistani and two Kashmiri, releasing sketches of three based on eyewitness descriptions and a photograph found on the phone of a terrorist arrested for a different and prior attack.<sup>18</sup> According to the NIA, it is now discovered that the earlier police findings indicting Kashmiris were incorrect, and the attackers were Pakistani. The maximum accusation, at present, is that two Kashmiris gave the terrorists food, possibly under duress.<sup>19</sup>

While the NIA's finding is welcome, considerable damage had already done by the time it was released in the public domain, a month after the incorrect police announcement. The national media pounced on the police announcement to castigate Muslims in general and Kashmiris in particular. Innocent Kashmiris in other parts of the country were abused,<sup>20</sup> the houses of 'active terrorists' in the valley were demolished in violation of Supreme Court orders that such demolitions were illegal,<sup>21</sup> and media reports suggest that as many as 2800 'overground workers' of proscribed organizations and others were detained for questioning. Reportedly, 12 people have been charged under the draconian Unlawful Activities Prevention Act (UAPA) and 90 under the Public Safety Act (PSA).<sup>22</sup> Journalists were summoned for questioning over innocuous tweets. How many still remain in detention is unknown.

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<sup>17</sup> Zulfikar Majid, 'Pahalgam terror attack: Kashmir mourns lost lives, not business', *Deccan Herald*, April 24, 2025; GK Web Desk, 'Kashmir newspapers print front page black to protest Pahalgam terror attack', *Greater Kashmir*, April 23, 2025.

<sup>18</sup> Peerzada Ashiq, Vijaita Singh, 'Pahalgam terror attack: Two Kashmiris suspected to be among attackers', *The Hindu*, April 23, 2025.

<sup>19</sup> The Wire Staff, 'Pahalgam Attack: NIA Arrests Two For Harboursing Terrorists, Opposition Questions 'Lapses in Probe'', *The Wire*, June 24 2025.

<sup>20</sup> Kunal Purohit, "Traitors': Hate-filled songs target Indian Muslims after Kashmir attack', *Aljazeera.com*, April 29, 2025; Mohammad Aatif Ammad Kanth, 'How The Persecution Of Kashmiri Students After The Pahalgam Terror Attack Upended Their Academic Journeys', *Article 14.com*, June 16, 2025.

<sup>21</sup> Civil Appeal No 2357 of 2017, Judgement May 11, 2023.

<sup>22</sup> Zoya Mateen, Auqib Javeed, "We are too scared to go back': Kashmiris in India face violence after deadly attack', *BBC.com*, 2 May 2025; Naseer Ganai, 'J&K: Forces demolish more terrorists' houses in Valley,

Hate speech grew so virulent and widespread that the 26-year-old wife of Pahalgam victim Lieutenant Vinay Narwal of the Indian Navy, Himanshi Narwal, was trolled for asking that innocent Kashmiris not be punished. Foreign Secretary Vikram Misri, a Kashmiri Pandit, Colonel Sofiya Qureshi of the Indian Army, and Wing-Commander Vyomika Singh of the Indian Air Force, were trolled for the ceasefire, though it was approved by the Prime Minister.<sup>23</sup> Neither the Prime Minister nor any Union Minister condemned the trolling or the attacks on Kashmiris in the rest of India; nor was there any action against the perpetrators, except by the High Court of Madhya Pradesh, which took note of the gross abuse of Colonel Qureshi by the state's tribal affairs minister, Vijay Shah, and ordered that a First Information Report (FIR) be filed against him.<sup>24</sup> Unfortunately, the Supreme Court countermanded the order, after scolding Mr. Shah and obtaining his apology.<sup>25</sup>

The Government of India's first response to the Pahalgam terrorist attack, held to have originated in Pakistan since the Lashkar-e-Taiba was the parent body of the Resistance Front, was to revoke the visas of Pakistani citizens who were in India, expel selected Pakistani diplomats from India, suspend all trade, including through third countries by Pakistan, close Indian airspace for Pakistani aircraft and place in abeyance the 1960 Indus Waters Treaty governing river water-sharing between the two countries. The Government of Pakistan responded reciprocally. It also said that any change to the Indus Waters Treaty would be regarded as an act of war and suspended its participation in the Simla agreement under which all disputes between India and Pakistan are to be resolved bilaterally.<sup>26</sup> The cancellation of visas abruptly disrupted families of Indian and Pakistani citizens who had intermarried and lived with their spouses and children on long-term visas, including in the minority Sikh community.<sup>27</sup>

Two weeks after the Pahalgam terrorist attack, the Government of India launched air strikes against the Lashkar-e-Taiba and Jaish-e-Mohammed compounds in Pakistani-held Jammu and Kashmir and Pakistani Punjab (in a dead give-away, one of the Pakistan Army's first acts after the Pahalgam terrorist attack was to create a drone shield over the house of the Lashkar leader, Hafiz Saeed). Pakistan retaliated to the Indian air strikes with missile and drone strikes accompanied by intense cross-border shelling, to which India responded with precision strikes

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total touches 9', *The Times of India*, April 28, 2025; Mohit Kandhari, 'Crackdown on OGWs to dismantle terror ecosystem in Kashmir', *The Pioneer*, May 6, 2025.

<sup>23</sup> Nikita Yadav, 'How Kashmir attack victim's widow went from symbol of tragedy to trolling target', BBC, May 6, 2025; The Hindu Bureau, 'Foreign Secretary Vikram Misri abused on social media; IAS, IPS associations come out in support', *The Hindu*, May 12, 2025; Web Desk, 'When applause turns to abuse: India's ugly turn against its own faces of strength', *The Telegraph*, 16.05.25.

<sup>24</sup> Sayantani Biswas, 'Madhya Pradesh court orders case against BJP minister Vijay Shah for remarks on Army Colonel Sofiya Qureshi', *Mint*, 14 May 2025.

<sup>25</sup> Debby Jain, 'Vijay Shah Remarks on Colonel Qureshi: Supreme Court Continues Stay On Arrest; Closes Proceedings Before MP High Court', *LiveLaw.com*, 28 May 2025.

<sup>26</sup> Omer Farooq Khan & Sachin Parashar, 'Pak says diverting Indus water 'act of war', suspends Simla pact', *The Times of India*, April 25, 2025.

<sup>27</sup> Suhasini Raj, Mujib Mashal and Pragati K.B., 'As India and Pakistan Cancel Visas, Parents and Children are Separated', *The New York Times*, April 28, 2025.

on key Pakistani military airfields. The four-day war ended in a ceasefire. Twenty-one civilians, including five children, and five troops lost their lives in cross-border shelling in Jammu and Kashmir, the bulk of them in Jammu, with 59 injured. Houses and buildings close to the Line of Control were severely damaged.<sup>28</sup> Poonch, Rajouri and Uri were especially badly hit. The Pakistan army claimed that 40 civilians and 11 troops had been killed and over 100 injured.<sup>29</sup>

The Sinha administration's arrests and detentions of as many as 2800 people and the slapping of UAPA charges on 12 and PSA charges on 90 were seen as a form of collective punishment. They have caused a great deal of anger on the ground, which has been exacerbated by the sidelining of the elected administration and assembly from security consultations and initiatives for redress. The Chief Minister is neither invited to nor briefed on security meetings. The elected administration's proposal that it be consulted on appointments and transfers of civil servants, an issue on which the Supreme Court had ruled that civil servants must be accountable to the elected administration in the case of Delhi, has been rejected by the Lieutenant-Governor. Those suffering from human rights violations cannot go to their MLA or minister for aid because the police do not answer to them. There is no Jammu and Kashmir human rights commission to which they can go either, even though Union Territories are entitled to set up their own human rights commissions.

Worse still, there is no information on what is being done for the families of those who lost their lives in Pakistani missile and shelling attacks, whether their houses have been or are being rebuilt, what compensation they have received, and which steps are being taken for their security given Prime Minister Modi's statement that 'Operation Sindoor' is on pause and might, presumably, be resumed.<sup>30</sup>

Worryingly too, we hear that a large number of infiltrators crossed into Jammu and Kashmir while 'Operation Sindoor' was underway.<sup>31</sup> Where are these people and what might they be planning next?

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<sup>28</sup> Scroll Staff, '21 civilians, five members of armed forces killed in J&K in four days of India-Pakistan conflict: Five children were among the dead', Scroll.in, May 11, 2025.

<sup>29</sup> Daily Sabah with Agencies, 'Pakistan confirms India clashes left 11 troops, 40 civilians dead', Daily Sabah, May 13, 2025.

<sup>30</sup> ET Online, 'Operation paused only, we'll keep an eye on Pakistan's activities: PM Modi', *The Economic Times*, May 12, 2025.

<sup>31</sup> Zulfikar Majid, 'Infiltration along LoC may have surged amid war-like situation post Operation Sindoor', *Deccan Herald*, May 21, 2025.

## B. CIVILIAN SECURITY

### *Overall security situation*

Jammu and Kashmir's overall security deteriorated slightly between August 2023 to June 2024. According to the South Asia Terrorism Portal, the total number of deaths in the region due to militant attacks and counter-insurgency operations rose from 104 between August 1, 2023-June 15, 2024, to 126 between August 1, 2024-June 29, 2025. There were 53 incidents of terrorist attacks, in which 42 civilians (26 in the Pahalgam attack), 20 security forces personnel and 64 terrorists were killed. Civilian deaths doubled from 20 in the previous year surveyed to 42 in the current year under survey; security forces' casualties decreased from 33 to 20.<sup>32</sup>

Incidents of arms recoveries fell from 119 in August 2023-July 2024 to 86 in August 2024-July 2025. The number of deaths due to explosions rose from no deaths and 4 injuries in August 2023-July 2024 to 19 dead in August 2024-July 2025. Two village guards were killed by militants.<sup>33</sup>

### *Continuing militancy in Jammu*

As the Forum's 2023 and 2024 reports flagged (*Five Years Without an Elected Administration: Human Rights in Jammu and Kashmir, Jammu and Kashmir: A Human Rights Agenda for the New Assembly*), militant attacks which rose in the Pir Panjal and Chenab valley districts of Jammu division from 2021 continued to spread.

On August 14, 2024, the day before Independence day, an Army captain and an unidentified militant were killed in a counter-insurgency operation of the security forces in the dense forests of the Shivgarh-Akar range of Doda, Jammu and Kashmir.<sup>34</sup>

On August 19, 2024, a CRPF inspector was killed after militants attacked a CRPF patrol party in Dudu area of Udhampur district.<sup>35</sup>

On September 11, 2024, two Jaish-e-Mohammed militants were killed in an ongoing counter-insurgency operation in the Basantgarh area of Udhampur in Jammu and Kashmir. Reportedly, four heavily armed Jaish militants were trapped in the area.<sup>36</sup> Two more attacks followed in September in Jammu division, where Prime Minister Narendra Modi was

<sup>32</sup> South Asia Terrorism Portal, Data Sheets: Jammu and Kashmir, Yearly Fatalities, <https://www.satp.org/datasheet-terrorist-attack/fatalities/india-jammukashmir>.

<sup>33</sup> South Asia Terrorism Portal, Data Sheets: Jammu and Kashmir, Yearly Arms Recovery, 2000-2024, <https://www.satp.org/datasheet-terrorist-attack/recovery-of-arms/india-jammukashmir>; Datasheets: Jammu and Kashmir, Yearly Explosions, 2000-2024, <https://www.satp.org/datasheet-terrorist-attack/explosions/india-jammukashmir>; Data Sheets: Jammu and Kashmir, Civilian Data: Village Guards, <https://www.satp.org/civilian-data-details/Village-Guard/india-jammukashmir>.

<sup>34</sup> Fayaz Wani, 'Army captain, terrorist killed in Doda encounter', *The New Indian Express*, August 14, 2024.

<sup>35</sup> GK Web Desk, 'CRPF inspector killed as terrorists attack patrol party in J-K's Udhampur', *Greater Kashmir*, August 19, 2024.

<sup>36</sup> Arun Sharma, 'Week ahead of J-K polls, two militants killed in Udhampur encounter, ops on', *The Indian Express*, September 12, 2024.

scheduled to campaign for the assembly elections. On September 13, two army soldiers lost their lives while two others sustained injuries in an armed exchange in Kishtwar district.<sup>37</sup>

On September 28, 2024, two days before polling commenced in Kathua district, a policeman was killed in firing between militants and security forces in the Billawar area, and two others were injured.<sup>38</sup>

On October 28, militants fired at an ambulance that was part of an army convoy at Asan in the Sunderbani area. One of the three militants was killed by evening in a counter-insurgency operation by special forces and National Security Guard commandos. The other two militants were killed in the Battalkhour area of Jogwan village.<sup>39</sup> On October 29, 2024, two militants were killed in an attack by militants on army troops in Jammu district's Akhnoor town.<sup>40</sup>

### *Armed attacks in the valley*

Armed attacks also continued in the valley. On August 10, two soldiers were killed and four were injured in an encounter with militants in the Ahlan-Gagarmandu area of Anantnag district.<sup>41</sup>

A series of attacks took place in October, killing 13 people.<sup>42</sup> On October 9, an army jawan was found dead in a jungle near Anantnag district after he was kidnapped alongside another jawan who managed to escape.<sup>43</sup> On October 18, a labourer from Bihar was shot dead by terrorists in Shopian district.<sup>44</sup> Only two days later on October 20, another attack on migrant workers in Sonamarg area of Ganderbal district killed six labourers and a local doctor.<sup>45</sup> On October 24, two soldiers and two porters were killed after terrorists ambushed an army vehicle in the Bota

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<sup>37</sup> TOI News Desk, 'J&K, Two army soldiers dead in encounter in Kishtwar district', *Times of India*, September 14, 2024.

<sup>38</sup> Dinesh Malothra, 'Encounter in J&K's Kathua claims cop's life ahead of crucial polls', *IBTimes*, September 28, 2024.

<sup>39</sup> PTI, 'Two more terrorists killed in Jammu encounter following attack on army convoy', *The New Indian Express*, October 29, 2024.

<sup>40</sup> The Hindu Bureau, 'Akhnoor encounter: All three trapped militants killed in Jammu, says Army', *The Hindu*, October 30, 2024.

<sup>41</sup> The Hindu Bureau, '2 soldiers killed, four injured in gun battle with militants in J&K', *The Hindu*, August 11, 2024.

<sup>42</sup> Observer news service, 'Rise in Terror Attacks In J&K: 13 Killed In 2 Weeks', *Kashmir Observer*, October 25, 2024.

<sup>43</sup> Mir Fareed, '2 jawans kidnapped in J&K, one found dead with bullet wounds, other escapes', *India Today*, October 9, 2024.

<sup>44</sup> Shabir Ibn Yusuf, 'Labourer shot dead in Shopian', *Greater Kashmir*, October 19, 2024.

<sup>45</sup> GK Web Desk, 'Doctor, non-locals among 7 killed in terror attack in J-K's Ganderbal', *Greater Kashmir*, October 20, 2024.

Pathri area of tourist hotspot Gulmarg.<sup>46</sup> The most deadly attack took place in the Baisaran meadow of Pahalgam in April 2025, discussed above.<sup>47</sup>

### *Targeting minorities*

In December 2024, the State Investigative Agency (SIA) filed a charge sheet against key operators of ‘Kashmir Fight’, a social media handle operated by the Resistance Front, for issuing threats to Kashmiri Pandit returnees in February 2024. Those charged included Muzaffar Mattoo, a resident of Srinagar, and Sajjad Ahmad, a wanted Lashkar-e-Taiba operative accused of a string of attacks over the past decade, who now lives in Pakistan and is implicated in the Pahalgam terrorist attack.<sup>48</sup>

Following the Pahalgam attack, intelligence agencies have warned that the Resistance Front is planning fresh attacks on Kashmiri Pandits and non-Muslim workers in the valley.<sup>49</sup> These warnings came amidst intensified action against local militants, including the demolition of family homes of those suspected to be involved.<sup>50</sup>

### *Migrant workers killed*

Targeted attacks on migrant workers, as noted in the Forum’s 2023 and 2024 reports, continue.<sup>51</sup>

On October 18, Ashok Chauhan, a migrant worker from Bihar was killed by militants in Shopian district of South Kashmir. His body was found in a maize field.<sup>52</sup> On October 20, six migrant workers and a local doctor were killed by militants in the Sonamarg area of Ganderbal district.<sup>53</sup> On October 24, a labourer from UP, Shubham, was shot and injured by militants in Tral area of Pulwama district.<sup>54</sup>

<sup>46</sup> PTI, ‘Gulmarg terror attack: Two soldiers succumb to injuries, toll rises to four’, *The Telegraph*, October 25, 2024.

<sup>47</sup> Al Jazeera Staff, ‘Act of war’: What happened in Kashmir attack that killed 26 tourists?’, *Aljazeera.com*, April 23, 2025.

<sup>48</sup> Observer news service, ‘Online Threats To KPs’: SIA Chargesheets Operatives Behind ‘Kashmir Fight’, *Kashmir Observer*, December 23, 2024

<sup>49</sup> Mukesh Ranjan, ‘TRF planning attacks on Kashmiri Pandits, non-Muslim migrant workers after houses of terrorists demolished’, *The New Indian Express*, April 30, 2025.

<sup>50</sup> Vasudha Mukherjee, ‘Homes of suspected Pahalgam terror attackers demolished in Jammu & Kashmir’, *Business Standard*, April 25, 2025.

<sup>51</sup> The Forum for Human Rights in Jammu and Kashmir, *Five Years Without an Elected Administration: Human Rights in Jammu and Kashmir, August 2022 to July 2023*, p 24-25. The Forum for Human rights in Jammu and Kashmir, *Jammu and Kashmir: A Human Rights Agenda for an Elected Administration, August 2023 to July 2024*. p 22 -24.

<sup>52</sup> M Saleem Pandit, ‘Bihar migrant worker killed in Kashmir, first targeted attack since new government took charge’, *The Times of India*, October 19, 2024.

<sup>53</sup> HT News Desk, ‘7 people killed, 5 injured in terror attack in J&K’s Ganderbal’, *The Hindustan Times*, October 20, 2024.

<sup>54</sup> The Wire staff, ‘Migrant Worker from UP Injured in South Kashmir, Militant Attack Suspected’, *The Wire*, October 24, 2024.



On November 1, Usman and Sufyan, migrant workers from Uttar Pradesh were shot and injured by militants in Budgam district of Jammu and Kashmir. Both victims were working as daily wage labourers in the Jal Shakti mission. Their killing marked the fourth attack in 12 days on migrant labourers in the valley.<sup>55</sup>

### *Village Defence Guards*

On November 7, 2024, militants killed two Village Defence Guards in the Kuntwara area of Kishtwar.<sup>56</sup> Apparently, the guards were kidnapped, blindfolded and taken to the upper reaches of Kuntwara, where they were killed. The Kashmir Tigers, an offshoot of the proscribed Jaish-e-Mohammad, claimed responsibility for the killings, sharing a photograph of the dead guards with a letter written in Urdu issuing a warning to local residents not to join village defence groups.<sup>57</sup>

In a tragic incident on July 18, 2025, a woman was shot by a village defence guard in Aragam village in Kishtwar district. An investigation into whether it was an accidental or deliberate killing is underway.<sup>58</sup>

### *Deaths due to security forces' firing or in crossfire*

On July 24, 2025, Muhammad Pervez Ahmed was shot by two constables of Jammu's District Special Branch. According to the police FIR, Pervez had been on their radar as a possible militant and was shot at a checkpoint when he refused to obey the call to halt. According to his family he had gone out with his brother-in-law, who escaped, to buy medicine. Though Pervez was still alive after being shot, the constables left him lying there until the local police arrived 20 minutes later and transported him to hospital, where he was declared dead. Following outcry by political parties and the Gujjar community, the two constables were suspended on July 25, and both a magistrate's enquiry and a departmental enquiry into their conduct have been ordered.<sup>59</sup>

On April 25, Altaf Hussain Lali, a Gujjar like Pervez who was accused of being an 'overground worker', was shot in crossfire between militants and security forces. According to the Jammu and Kashmir police, Lali was leading them to a militant hideout in a joint search operation with the army, when the militants opened fire, killing him. Lali's family allege he was killed in custody.<sup>60</sup>

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<sup>55</sup> Mir Fareed, '2 migrant workers shot by terrorists in J&K, second targeted attack in 12 days', *India Today*, November 2, 2024.

<sup>56</sup> GK Web Desk, 'Two village defence guards shot dead in J&K's Kishtwar', *Greater Kashmir*, November 7, 2024.

<sup>57</sup> Ravi Krishna Khajuria, 'Terrorists kill 2 village defence guards in Jammu & Kashmir's Kishtwar', *Hindustan Times*, November 8, 2024.

<sup>58</sup> KO Web Desk, 'Woman Dies Of Bullet Injury In J&K's Kishtwar', *Kashmir Observer*, July 19, 2025.

<sup>59</sup> Jehangir Ali, 'J&K Admin Suspends Two Policemen Over Killing of Gujjar Man, New Details Emerge', *The Wire*, July 26, 2025.

<sup>60</sup> Jehangir Ali, 'He Was Our Only Breadwinner: Family of Bandipora Man Killed in 'Encounter Seeks Probe', *The Wire*, May 1, 2025.

On February 6, 2025, 32-year-old truck driver, Waseem, was shot when he failed to stop at a checkpoint in North Kashmir's Baramulla district. Waseem was to deliver a truckload of apples to Kolkata.<sup>61</sup>

### *Custodial deaths and torture*

On February 5, 2025, 26-year-old Makhan Din from Kathua committed suicide, after he had been taken into police custody for a day on suspicion of links to militants.<sup>62</sup> In a video he shot before committing suicide, Din alleged he had been tortured in custody and was taking his own life for fear of further torture.<sup>63</sup>

In early May 2025 (date unspecified), 23-year-old Imtiaz Ahmed Magray was found dead in the Vaishaw Nullah in Kulgam district of south Kashmir. According to his relatives, he was taken by security forces a few days earlier and did not return home; they alleged his death was a custodial killing. According to the Jammu and Kashmir police, Imtiyaz was detained on suspicion of being a member of a Lashkar-e-Taiba sleeper cell. Enroute to identify a hideout location, he jumped into the nullah in an attempt to flee and drowned.<sup>64</sup>

Makhan Din and Imtiyaz were both Gujjars. Between deaths due to security forces' firing or in crossfire, and in custody or suicide due to torture, four Gujjar men died between February and July 2025. Members of the Gujjar community believe that there is "selective killing of Gujjar youth in Jammu through fake encounters".<sup>65</sup>

### *House Demolitions*

In the aftermath of the Pahalgam terrorist attack, the houses of six active militants were demolished by the Jammu and Kashmir police in April 2025, using explosives. The six militants were Ehsan ul Haq Sheikh, 23, from Pulwama's Murran area, Zakir Ahmad Ganai, 29, from Kulgam's Matalhama village, Shahid Ahmad Kutay, 27, from Shopian's Chotipora, Farooq Teedwa from Kalaroos, Kupwara, Adnan Shafi Dar from Shopian's Zainapora and Jameel Ahmad Gojri from Naaz Colony in Bandipora.<sup>66</sup> Sheikh, Teedwa and Kutay are held to be members of the Lashkar-e-Taiba.<sup>67</sup>

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<sup>61</sup> Aakriti Handa, "Why Did Army Shoot Before Probing?": Sister of Truck Driver Killed in Baramulla', *The Quint*, February 8, 2025.

<sup>62</sup> Sanjay Khajuria, 'J&K Police refutes custodial torture claims, clarifies suspected OGW's death in Billawar as 'Suicide', *The Times of India*, February 6, 2025.

<sup>63</sup> Safwat Zargar, "They will beat me again": What led to the death of a young man in Jammu village?', *Scroll.in*, February 23, 2025.

<sup>64</sup> Mir Fareed, 'Suspected Lashkar terrorist drowns while fleeing, family alleges custodial death', *India Today*, May 5, 2025.

<sup>65</sup> Peerzada Ashiq, 'Uproar in J&K over 'killing' of Gujjar youth in Jammu shoot-out, CM joins demand for probe', *The Hindu*, July 26, 2025.

<sup>66</sup> KT News Service, 'Homes Destroyed, Mass Detentions Following Pahalgam Attack', *Kashmir Times*, April 27, 2025.

<sup>67</sup> Outlook News Desk, 'J&K: House Of 6th Accused In Pahalgam Terror Attack Blown Up In Kupwara', *Outlook*, April 26, 2025.



### **National Investigation Agency (NIA) raids**

In November 2024, the NIA carried out raids in the Jammu division in search of cross-border infiltration of militants and propaganda. Multiple units of the agency conducted extensive searches in eight locations of Reasi, Udhampur, Doda, Ramban and Kishtwar districts.<sup>68</sup> Reportedly, the searches led to seizure of materials indicating links between designated terrorists and sympathisers (called ‘overground workers’) and the arrest of Muneer Ahmed Banday, who had been evading arrest in a 2020 narcotics case related to terrorist financing.<sup>69</sup>

In December 2024, the NIA carried out 19 raids across eight states/UTs including the districts of Reasi, Baramulla, Budgam and Anantnag in Jammu and Kashmir, in connection with a Jaish-e-Mohammad terror conspiracy case (RC-13/2024/NIA/DLI).<sup>70</sup> In October, the agency had arrested one accused, Ayubi, in the case.<sup>71</sup>

In January 2025, the NIA raided six locations in three different districts of Jammu and Kashmir in a case related to the Lashkar-e-Taiba killings of two migrant workers in February 2024 at Shala Kadal, Srinagar,<sup>72</sup> and seized allegedly incriminating materials from the homes of suspected sympathisers, cadres and overground workers of the Lashkar-e-Taiba and the Resistance Front.<sup>73</sup> The NIA had earlier charged four persons in the case (RC-01/2024/NIA/JMU) in June 2024, on grounds of harbouring, sheltering, and providing logistical assistance to terrorists.

In March 2025, in a follow up to the Jammu November raids, the NIA conducted 12 searches while further investigating cross-border infiltration by cadre of the Jaish-e-Mohammad and the Resistance Front.<sup>74</sup>

In June 2025, the NIA raided 32 locations in different parts of the valley belonging to alleged sympathisers and overground workers of Pakistan-based terrorist organizations.<sup>75</sup> The raids were linked to a 2022 case pertaining to a conspiracy by banned terrorist organizations to carry out armed attacks.<sup>76</sup>

<sup>68</sup> The Hindu Bureau, ‘NIA carries out raids in Jammu to probe militant infiltration through IB, LoC’, *The Hindu*, November 21, 2024.

<sup>69</sup> Ravi Kishan Khajuria, ‘NIA raids 8 locations in Jammu region in narco-terror fund case’, *Hindustan Times*, November 21, 2024.

<sup>70</sup> Express News Service, ‘JeM terror conspiracy case: NIA raids 19 places across eight states, detains suspects for questioning’, *The New Indian Express*, December 12, 2024.

<sup>71</sup> Daily Excelsior, ‘NIA raids at 19 places across 8 States including J&K’s 4 districts’, *Daily Excelsior*, December 13, 2024.

<sup>72</sup> Nivedita Nash, ‘Srinagar: Two non-local residents from Punjab shot dead by terrorists, massive search operation launched’, *India Today*, February 8, 2024.

<sup>73</sup> RK Online Desk, ‘NIA raids six locations in J&K in LeT linked non-locals killing case’, *Rising Kashmir*, January 28, 2025.

<sup>74</sup> Observer News Service, ‘NIA Raids 12 Locations In Jammu’, *Kashmir Observer*, March 19, 2025.

<sup>75</sup> HT Correspondent, ‘NIA conducts raids at 32 locations in Kashmir in terror conspiracy case’, *The Hindustan Times*, June 6, 2025.

<sup>76</sup> Basharat Masood, ‘NIA conducts simultaneous searches across Kashmir Valley in terror conspiracy case’, *The Indian Express*, June 6, 2025.

### Crimes against children and juvenile crimes

According to the Jammu and Kashmir Child Welfare Committee Chairperson, Dr Khair-ul-Nissa, 310 cases were registered under the Protection of Children from Sexual Offences Act 2012 (POSCO) in 2024-25, 60 in Srinagar alone.<sup>77</sup> Data on the disposal of these cases is not readily available.

Similarly, data on juveniles in conflict with the law is not available since the National Crime Records Bureau (NCRB) has not brought out an annual report since 2023 (for 2022). In March 2025, the Union ministry told the Rajya Sabha that “data validation for the 2023 report is in the final stage”, addressing the delay in the NCRB’s publications *Crime in India*, *Accidental Deaths and Suicides in India*, and *Prison Statistics India*.<sup>78</sup>

### Crimes against women

As mentioned above, the Union Home Ministry’s failure to produce the NCRB reports for 2023 and 2024 means there is no data on whether crimes against women have continued to rise as was the trend between 2020 and 2022.

In the absence of a Jammu and Kashmir Women’s Commission following the 2019 Reorganization Act, the National Commission of Women had set up Special Cells in police stations, whose funding was scheduled to end on March 31, 2025. Despite pleas by the Omar Abdullah administration and women’s groups to extend the funding, the Commission argued that it was for the elected administration to carry the initiative forward. Welfare Minister Sakina Itoo said they would continue as best they could,<sup>79</sup> but the Jammu and Kashmir police answer only to the Lieutenant-Governor.

### Crimes against tribal women

In May 2025, a 45-year-old Gujar-Bakerwal woman was brutally raped by two men in the Nishat area of Srinagar. She had gone out to graze the family goats, and when she did not return, her husband and son went to look for her, catching one of the accused, who was handed over to the police. The woman was still alive when they rushed her to hospital; according to her son, she died due to lack of medical attention: “They said it was Sunday and there was no doctor.” Reportedly, the incident sparked fear and anger in members of the Gujar-Bakerwal community. “This is not just hate – it’s dehumanization,” said a young community member.<sup>80</sup>

### UAPA and PSA cases

In November 2024, activist Rehmatullah Padder of Doda was booked under the PSA by the district administration which accused him of being an ‘overground worker’ for terrorist organizations and citing five previous FIRs against him, two for allegedly delivering provocative speeches and inciting youth to anti-national activities and three for alleged assault

<sup>77</sup> Zehru Nissa, ‘In a year, 310 cases of child sexual abuse reported in J&K’, *Greater Kashmir*, June 23, 2025.

<sup>78</sup> Dipak K. Dash, ‘NCRB report for 2023 not out yet, coming soon, says Centre’, *The Times of India*, March 20, 2025.

<sup>79</sup> Arun Sharma, ‘Funding for special cells set to end, J-K govt makes plea to national women’s panel’, *The Indian Express*, March 28, 2025.

<sup>80</sup> Muzzaffar Choudhary, ‘When a tribal woman is raped, Kashmir looks away’, *The Kashmiriyat*, May 5, 2025.

and entering the house of complainants. Padder's previous detention in 2017 under the PSA had been quashed by the high court.<sup>81</sup>

In December 2024, the Jammu and Kashmir police filed chargesheets against seven people in Doda district in two separate cases under the UAPA. The first case was registered at Gandoh police station against Safder Ali, Mubashar Hussain and Sajad Ahmad, charging them of offences under the Indian Penal Code (IPC), the Arms Act and the UAPA. Senior Superintendent of Police Doda, Sandeep Mehta, said that all seven accused had covertly or overtly supported militant groups in Doda.<sup>82</sup>

In the same month, two alleged 'overground workers' of proscribed organisations, Jaffer Hussain Bhat from Kishtwar and Liyaqat Ali from Kathua were booked under the PSA. According to police sources, both individuals had a decade-long history of 'anti-national activities'.<sup>83</sup>

In February 2025, the Jammu and Kashmir police filed a chargesheet against seven persons under the UAPA and sections of the Arms Act in a Srinagar court. "Eight accused were involved in the case, including a Pakistani terrorist operating under the code name Usman, who was neutralised in a police encounter," the investigating team stated.<sup>84</sup>

In March 2025, the Ministry of Home Affairs imposed a five-year ban on Jammu and Kashmir Ittihadul Muslimeen and the Awami Action Committee under the UAPA for "promoting and aiding the secession" of the Union Territory from India by "indulging in anti-national and subversive activities". The Ministry has not put evidence for these charges in the public domain.<sup>85</sup>

As mentioned above, it is reported that 12 people were arrested and charged under the UAPA and 90 under the PSA in the aftermath of the Pahalgam terrorist attack. No official information on the number and status of these charges is available.

In June 2025, the Jammu and Kashmir police attached the property of Mohammad Shafiq, accused of terrorist activities, who had been taken into judicial custody under the UAPA in 2024.<sup>86</sup>

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<sup>81</sup> Jehangir Ali, 'Days After Flagging Environmental Issue, J&K Police Arrest Civic Activist Under PSA', *The Wire*, November 11, 2024.

<sup>82</sup> ANI, 'J-K: Doda Police file chargesheets against 7 accused in UAPA cases', *The Economic Times*, December 14, 2024.

<sup>83</sup> KL News Network, 'Two OGWs Detained Under PSA in Jammu Kashmir', *Kashmir Life*, December 26, 2024.

<sup>84</sup> KO News Desk, 'Srinagar Police Files Chargesheet Against 7 Under UAPA', *Kashmir Observer*, February 3, 2025.

<sup>85</sup> Scroll Staff, 'Two Hurriyat groups banned for five years under UAPA', *Scroll.in*, March 12, 2025.

<sup>86</sup> Sanjay Khajuria, 'Property of terror-accused attached in J&K's Udhampur', *The Times of India*, June 24, 2025.

In the same month, the Udhampur police arrested 99 bovine smugglers including 4 under the PSA, claiming to have rescued 618 animals in the past five months.<sup>87</sup>

### *Drug related arrests*

According to the Jammu and Kashmir police, 1514 drug-related cases were registered, resulting in 2,260 arrests and 274 detentions under the Narcotic Drugs and Psychotropic Substances (NDPS) Act. In the first quarter of 2025 (January to March), 464 cases were registered, leading to 637 arrests and 76 detentions. The police also seized properties of drug dealers worth Rs 12 crore in cases involving narcotics in commercial quantities.<sup>88</sup>

### *Preventive detention*

Apart from the detention of 2800 people mentioned above, Mirwaiz Umar Farooq was subjected to house arrest and prevented from addressing his congregation on the occasion of Muharram, and again on Martyr's Day, July 13. He had been similarly subjected to house arrest and prevented from addressing his congregation in February 2025.<sup>89</sup>

### *Intimidation of the media*

In November 2024, *The Chenab Times* was served a notice by the Jammu and Kashmir administration over its report on the PSA detention of Rehmatullah Padder being 'in bad faith'.<sup>90</sup>

On April 24, 2025, two days after the Pahalgam terrorist attack, *Dainik Jagran* reporter Rakesh Sharma was hospitalised after he was allegedly assaulted while covering a BJP protest against the Pahalgam terror attack in Jammu's Kathua district. Sharma said he was covering the protest, led by legislators Devinder Manyal, Rajiv Jasrotia and Bharat Bhushan, when a party activist Himanshu Sharma accused him of "separatist language" because he raised questions related to security.<sup>91</sup>

On June 11 and 12, 2025, *The Hindu's* correspondent Peerzada Ashiq was summoned twice by the Jammu and Kashmir cyber police over a tweet on Donald Trump's use of the term 'Kashmir dispute'. Journalist Ashraf Wani of Aaj Tak television was also summoned for saying that the Kashmir issue had been internationalized and was no longer bilateral. Both were threatened with charges under the PSA.<sup>92</sup>

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<sup>87</sup> Sanjay Khajuria, 'Udhampur police arrest 99 bovine smugglers; slap PSA against 4', *Times of India*, June 2, 2025.

<sup>88</sup> Observer News Service, 'J&K Nets 2,897 In Drug Cases In 15 Months', *Kashmir Observer*, April 12, 2025.

<sup>89</sup> PTI, 'Placed under house arrest, not allowed to offer prayers at Jamia Masjid: Hurriyat Conference chairman Mirwaiz Umar Farooq', *The Hindu*, July 11, 2025.

<sup>90</sup> Scroll Staff, 'J&K: 'The Chenab Times' gets notice for showing administration in 'bad light'', *Scroll.in*, November 26, 2024.

<sup>91</sup> Online Desk, 'Journalist assault in J&K's Kathua while covering BJP protest over terror attack', *Srinagar News*, April 24, 2025.

<sup>92</sup> As told to the Forum's co-chair Radha Kumar in Srinagar, June 20, 2025.

Newspapers publishers and editors further allege a creeping deprivation of their rights by withholding government advertisements which have long represented crucial financial lifelines for local journalism. The practice, they say, has intensified between 2024-2025, leaving many publications struggling to remain operational. Employees, including reporters, designers, and printing staff, have gone unpaid for months.<sup>93</sup>

### *Suppressing the freedom of expression*

There were three major incidents of suppression of the freedom of expression of large sections of Kashmir's population. The first was the removal of Muharram banners that featured Iranian and Palestinian leaders and the Palestinian flag from Shia areas in Budgam and Srinagar, leading to a scuffle between mourners and the police during the Muharram procession. In July 2024 too, the police had detained dozens of Shia youth after they waved Palestinian flags and chanted pro-Palestine slogans during a Muharram mourning procession in Srinagar.<sup>94</sup>

The second, and even more shocking, act of suppression of expression was the ban on commemoration of the valley's Martyr's Day, July 13, in memory of civilians killed during protests against the then monarchy in July 1931. Chief Minister Omar Abdullah and his cabinet colleagues, along with other political party leaders such as Mehbooba Mufti and Sajjad Lone, and religious leaders such as Mirwaiz Umar Farooq, were put under house arrest to prevent them from defying the ban. Mr. Abdullah later defied the ban and climbed over the gates of the graveyard to deliver his *fateha*.<sup>95</sup>

In a third act of suppression of the freedom of expression, this time the freedom to protest peacefully, on July 19, 2025, the Jammu and Kashmir police prevented a protest march by Congress leaders and workers seeking the restoration of statehood to Jammu and Kashmir. Led by Jammu and Kashmir Pradesh Congress Committee (JKPCC) president Tariq Hameed Karra, marchers had planned to march to the office of the divisional commissioner to submit a memorandum. However, police personnel barricaded the gate of the party office preventing marchers from moving. On July 20, JKPCC leaders and cadre were taken into detention in Jammu when attempting a similar march.<sup>96</sup>

### *Censorship*

In February 2025, the Jammu and Kashmir Police seized 668 books from Srinagar bookstores, citing concerns over their ideological content and links to banned organisations. The bulk of the books seized were published by MMI Publishers, a Delhi-based publisher of religious books that was founded in 1948.<sup>97</sup>

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<sup>93</sup> KO Web Desk, 'Kashmir Newspapers Struggle as Govt Ads Withheld', *Kashmir Observer*, July 18, 2025.

<sup>94</sup> The Hindu Bureau, 'Jammu and Kashmir Police warn action against people circulating content related to 'removal of flag' in Srinagar', *The Hindu*, July 3, 2025.

<sup>95</sup> Nazir Masoodi and Saikat Kumar Bose, 'Won't Be Stopped Today': Omar Abdullah Climbs Wall Amid Martyrs' Day Row', *NDTV*, Jul 14, 2025.

<sup>96</sup> PTI, 'Police Foil J&K Cong Protest March Demanding Statehood Restoration', *Kashmir Observer*, July 19, 2025; Peerzada Ashiq, 'Congress leaders detained in Jammu as police foil street march for J&K Statehood', *The Hindu*, July 21, 2025.

<sup>97</sup> The Hindu Bureau, 'J&K police seize 668 books promoting ideology of banned group in Srinagar', *The Hindu*, February 14, 2025.

### ***Harsh bail conditions on ailing political prisoners***

On June 13, 2025, the Delhi High Court denied bail to Shabir Ahmed Shah on medical grounds, arguing that he might indulge in unlawful activities. The court also rejected Shah's alternative prayer seeking house arrest.<sup>98</sup> Shah, who has been in Tihar jail since 2017, is suffering from serious kidney problems as well as possible prostate cancer that might require immediate surgeries.<sup>99</sup> His daughter appealed for a humanitarian view of his bail or house arrest application.

### ***MP Sheikh Rashid's quest for bail to attend parliament***

Abdul Rashid Sheikh, imprisoned under UAPA for terror funding charges since August 2019, won the Baramulla parliamentary seat in May 2024.<sup>100</sup> On September 10, 2024, ahead of the legislative assembly election, Rashid was granted interim bail till October 2,<sup>101</sup> which was extended to October 28 on grounds of his father's ill health.<sup>102</sup>

In January 2025, Rashid moved the Delhi High Court on his pending bail plea, citing the upcoming budget session of the parliament as grounds.<sup>103</sup> On February 4, the NIA opposed his plea on the grounds of jurisdiction.<sup>104</sup> On February 10, the court provided interim relief by granting a two-day custody parole to attend the Lok Sabha on February 11 and 13.<sup>105</sup>

On March 10, 2025, the NIA trial court rejected Rashid's plea for a further custody parole to attend the parliament session in April,<sup>106</sup> and on March 21 it dismissed Rashid's bail application in the terror funding case, following the NIA's submission that Rashid could neither be granted interim bail nor allowed custody parole as he had no enforceable right to attend parliament while in lawful custody.<sup>107</sup>

<sup>98</sup> TNN, 'Delhi HC refuses bail to separatist Shabir Shah in terror funding case', *Times Of India*, June 13 2025.

<sup>99</sup> FPK News Desk, "Shabir Shah suffering from cancer, Needs humanitarian aid': Kashmiri politicians seek humanitarian support", *Free Press Kashmir*, June 21, 2025.

<sup>100</sup> PTI, 'Terror-funding case: NIA arrests former J&K MLA Rashid Engineer', *The Hindu*, August 10, 2019.

<sup>101</sup> Ishita Sharma, 'Delhi court grants interim bail to Engineer Rashid ahead of Kashmir Assembly polls', *The Hindu*, September 10, 2024.

<sup>102</sup> Srishti Ojha, 'Delhi court extends Engineer Rashid's interim bail till October 28', *India Today*, October 15, 2024.

<sup>103</sup> Sohini Ghosh, 'MP Engineer Rashid moves Delhi HC over pending bail plea, cites upcoming Budget session', *The Indian Express*, January 23, 2025.

<sup>104</sup> Nagpur Thapliyal, 'NIA Opposes MP Engineer Rashid's Plea in Delhi High Court Seeking Interim Bail In UAPA Case', *Live Law.in*, February 4, 2025.

<sup>105</sup> PTI, 'Delhi High Court lists J-K MP Engineer Rashid's bail plea in NIA case on February 24 after SC clarification' *The Hindu*, February 10, 2025.

<sup>106</sup> The Hindu Bureau, 'Delhi court rejects parole plea of MP Engineer Rashid', *The Hindu*, March 11, 2025.

<sup>107</sup> PTI, 'Delhi court dismisses Engineer Rashid's bail plea in terror funding case' *The New Indian Express*, March 21, 2025.



Mr. Rashid's appeal against the NIA trial court order of March 21 is pending before the Delhi High Court, which has also asked the NIA to respond to a separate plea by Rashid challenging the framing of charges in the case.<sup>108</sup>

In July 2025, Mr. Rashid submitted before the court that he should be granted interim bail to attend the monsoon session of parliament starting July 21. Opposing his plea, the NIA said if he is to attend parliament, he should cover his own expenses under custody parole. According to Mr. Rashid, he is charged Rs. 1.44 lakhs per day for custody parole.<sup>109</sup>

## *Court Rulings*

### *On custodial torture*

On July 21, 2025, the Supreme Court of India ordered a time bound 90 days' investigation by the Central Bureau of Investigation (CBI) into the custodial torture of police constable Khursheed Ahmed Chohan at the Joint Interrogation Centre in Kupwara district of north Kashmir in 2022. Summoned for questioning in a drug smuggling case, Chohan had been held at the Joint Interrogation Centre for six days. His widow had to file a Right to Information request to get his medical report, which recorded castration amongst other horrifying injuries.

In an attempted cover-up, the Jammu and Kashmir police filed charges against Chohan for attempted suicide. His appeal against the charges was dismissed by the Jammu and High Court, forcing him to appeal the dismissal in the Supreme Court. Castigating the high court's judgement, the Supreme Court bench observed that the case "represents one of the most barbaric instances of police atrocity which the state is trying to defend and cover up with all pervasive power."<sup>110</sup>

### *On the cancellation of visas*

On June 6, 2025, while ruling on a petition challenging the deportation of 63-year-old Rakshanda Rashid, who had lived in Jammu for the past 38 years with her husband and two children, Justice Rahul Bharti of the High Court of Jammu and Kashmir and Ladakh ordered the Union Home Secretary to repatriate Rakshanda Rashid. She had been deported following the post-Pahalgam cancellation of visas. Commenting that "Human rights are the most sacrosanct component of a human life", Justice Bharti said, "therefore, there are occasions when a constitutional court is supposed to come up with SOS-like indulgence, notwithstanding the merits and demerits of a case, which can be adjudicated only upon in due course of time."<sup>111</sup>

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<sup>108</sup> PTI, 'Delhi HC seeks NIA's stand on Engineer Rashid's bail plea in terror funding case', *The Hindu*, May 15, 2025.

<sup>109</sup> Bhavini Srivastava, 'Delhi High Court seeks NIA reply on Engineer Rashid's plea to attend parliament's monsoon session', *Bar and Bench*, July 25, 2025.

<sup>110</sup> Jehangir Ali, 'Systematic Cover-Up': Supreme Court Order on J&K Police's Custodial Torture Bares Extent of Cruelty', *The Wire*, July 22, 2025.

<sup>111</sup> Vijaita Singh, 'Bring back woman deported to Pakistan: J&K High Court', *The Hindu*, June 24, 2025.

### *On charges under the UAPA and PSA*

In September 2024, the Jammu and Kashmir and Ladakh High Court quashed PSA orders against two detainees on grounds of procedural lapses. In the first case, challenging the PSA detention order issued on April 8, 2024, against 25-year-old Anjum Khan, a youth from Surankote in Poonch district, Justice Wasim Sadiq Nargal took serious notice of the detaining authority's "casual approach" in issuing the detention order "without supplying the dossier to the detenue and arriving at a subjective satisfaction in absence of any cogent reasons or material."<sup>112</sup>

In the same month, the Jammu and Kashmir and Ladakh High Court ordered the immediate release of two persons while quashing their detention under the PSA. Ghazi Ahmed Bhat had been detained since October 27, 2022, by order of the District Magistrate Shopian. Quashing his detention, the court underlined the detaining authority's failure to inform Bhat of his right to make a representation against the order of detention. In a similar judgement, the court quashed the detention of Adil Fayaz Lone, booked by order of the same District Magistrate Shopian on November 28, 2022, stating that the case lacked foundation, and the detaining authority had failed to provide material related to the case.<sup>113</sup>

In December 2024, Justice Sanjay Dhar quashed the detention orders of two residents of Srinagar, Shahid Shafi Sheikh and Muhammad Latief Dar. Once again, the court pointed to the failure of the detaining authority to supply the material on which the detention order was based. On August 19, 2019, the District Magistrate of Srinagar had issued an order placing Dar under preventive detention, and on August 30, 2022, the Magistrate had booked Sheikh under the PSA.<sup>114</sup>

In January 2025, Justice Dhar quashed the detention of Zahoor Ahmed Bhat, the brother of the Jammu-Kashmir Liberation Front (JKLF) founder Maqbool Bhat, under the PSA. Bhat, a resident of Kupwara district, had been detained since 2022 and was lodged in Karnal Jail, Haryana.<sup>115</sup> Advocate Bashir Ahmed Tak, representing Bhat, argued that the detention order was without substantive grounds; the allegations listed in the detention order were unrelated to Bhat. Accepting the lack of grounds, Justice Dhar declared the PSA detention illegal, ordering the police to release Bhat immediately unless he was wanted in another outstanding case.<sup>116</sup>

In February 2025, Justice Dhar set aside the PSA orders against Tawseef Ahmad Parray, Jahangir Ahmad Malik, Tawseef Ahmad Sheikh, and Mohammad Ishaq Tantray, who had

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<sup>112</sup> M Ahmad, 'HC Quashes 2 PSA Detention Orders', *Kashmir Observer*, September 23, 2024.

<sup>113</sup> GK Legal Correspondent, 'HC quashes PSA detention of 2 persons', *Greater Kashmir*, September 14, 2025.

<sup>114</sup> M Ahmad, 'J&K High Court Quashes 2 PSA Detention Orders', December 20, 2024.

<sup>115</sup> NOK Desk, 'J&K High Court Quashes Zahoor Ahmed Bhat's Detention Under PSA, Orders Immediate Release', *News of Kashmir*, January 1, 2025.

<sup>116</sup> The Hindu Bureau, 'J&K court issues release order of Zahoor Bhat, brother of JKLF founder Maqbool Bhat', *The Hindu*, January 1, 2025.



been detained by the District Magistrates of Baramulla, Shopian, Kulgam, and Anantnag, respectively.<sup>117</sup>

In March 2025, the court quashed the detention order of advocate Nazir Ahmad Ronga, former president of the Kashmir High Court Bar Association, stating that the allegations against Ronga were “vague, ambiguous, and devoid of material particulars.”<sup>118</sup>

In April 2025, Justice Muhammad Yousuf Wani quashed the detention order of Irshad Ahmad Dar, from Sopore, imprisoned under the PSA since 2019, ordering his immediate release from the Srinagar Central Jail.

### *On domestic violence*

In July 2025, a division bench of Chief Justice Arun Palli and Justice Rajnesh Oswal disposed of a Public Interest Litigation (PIL) seeking effective implementation of the Protection of Women from Domestic Violence Act, including establishment of shelter homes for destitute women in Jammu and Kashmir as mandated by the act. The petition, filed by the women’s organization Mehram in 2022, highlighted the absence and/or poor quality of available shelter homes, the lack of awareness of the provisions of the act, unqualified Protection Officers and the lack of training programs. Senior Assistant Attorney-General, Abdul Rashid Malik submitted that Child Development Protection Officers (CDPOs) were designated as Protection Officers and coordinated services for vulnerable population including women facing domestic violence. Further, the Director of the Mission Shakti had initiated a training program for CDPOs to enhance their understanding of the act, in coordination with District Social Welfare Officers (DSWOs). The Amicus Curiae in the litigation, Sharaf Wani, submitted that the court might close proceedings, but she be granted liberty to approach the court through a fresh petition in the event that the programs listed by Mr. Malik were found to be ineffective.<sup>119</sup>

### *Impact of absence of human rights and women’s commissions*

In July 2024, while replying PIL seeking the functionalization of statutory bodies in Jammu and Kashmir, Solicitor-General Tushar Mehta informed a Supreme Court bench comprising the Chief Justice and Justice J.B. Pardiwala that the duties of the former state commissions were undertaken by their national counterparts after 2019. Accepting his submission, the bench dismissed the PIL.<sup>120</sup>

Unfortunately, however, the national commissions have not acted as substitutes for the state commissions. The National Human Rights Commission (NHRC), which has for the first time been downgraded from A to B status by the Geneva-based Global Alliance of National Human Rights Institutions, strongly condemned the Pahalgam terrorist attack in its May 2025 newsletter but made no mention of the attacks on innocent Kashmiris in other parts of the

<sup>117</sup> KL News Network, ‘Jammu Kashmir High Court Quashes Four PSA Detention Orders, Orders Immediate Release’, *Kashmir Life*, February 16, 2025.

<sup>118</sup> M. Ahmad, ‘Grounds Of Detention ‘Vague’: J&K HC Quashes PSA Detention Of Ex-bar President’, *Kashmir Observer*, March 17, 2025.

<sup>119</sup> M. Ahmad, ‘J&K HC Disposes PIL on Domestic Violence Act’, *Kashmir Observer*, July 16, 2025.

<sup>120</sup> Anmol Kaur Bawa, ‘J&K Will Come Under NHRC; All Other Statutory Commissions Restored There: Union Tells Supreme Court’, *Livelaw.in*, July 9, 2024.

country, the spread of hate speech and trolling of survivors, military personnel and even the Foreign Secretary of India, or the indiscriminate arrests of as many as 2800 people. Indeed, the NHRC does not appear to have visited Jammu and Kashmir either to speak to survivors of the terrorist attack or of cross-border shelling in the border areas.<sup>121</sup> It has not taken notice of the multiple violations of human rights listed above. Nor has it enquired into the use of the UAPA and PSA against journalists, lawyers, students and other members of civil society. According to its annual report for 2023-2024 (the 2024-2025 report has not yet been produced or put in the public domain), there were 995 complaints received from Jammu and Kashmir, of which 70 were resolved with directions, 163 were closed after receipt of reports and 807 complaints were pending (the figures don't reconcile).<sup>122</sup>

The National Commission for Women (NCW) outsourced its duties in Jammu and Kashmir to the Tata Institute for Social Sciences (TISS), contracting it to set up special cells in the police forces to provide 'social services to women survivors by trained social workers located in a police system with a clear understanding that violence against women is a crime.' The initial 12 cells were expanded to 22 in 2023: 10 in Jammu, 10 in Kashmir and 2 in Ladakh. In 2025, as mentioned in the section on civilian security above, the special cells were defunded by the NCW. Women's and child rights have now been combined under the Jammu and Kashmir Ministry for Welfare, adding to an already overstretched workload of far too small a social welfare department.

In other words, in the absence of Jammu and Kashmir rights commissions, there is little, if any, protection for human, women's and child rights.

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<sup>121</sup> National Human Rights Commission of India, Human Rights Newsletter, 23:5, May 2025.

<sup>122</sup> National Human Rights Commission of India, Annual Report 2023-2024, Annex I - State-wise number of cases registered from 1<sup>st</sup> April, 2023 to 31<sup>st</sup> March, 2024, 121-126.

## THE RIGHT TO REPRESENTATIVE GOVERNANCE

### A. ELECTIONS

The Jammu and Kashmir legislative assembly election of September 18-October 1, 2024, came after an unconscionable gap of ten years from the 2014 election. Disrupting the right of the people to elect their own administration for such an extended period was unheard of in India, including at the height of the insurgency in Jammu and Kashmir. Indeed, it is unclear whether the election would have taken place at all had it not been for the Supreme Court's December 2023 order that it must be held by end-September 2024.

The legislative assembly election was remarkably successful as polls go. Like the Lok Sabha poll a few months earlier, it was held in a completely peaceful atmosphere although for more than two years the mountainous Poonch-Rajouri region of Jammu has seen continual skirmishes between the Indian Army and armed infiltrators crossing over from Pakistani-held territories of Jammu and Kashmir, leading to civilian and military casualties.

The people of the former state came out in impressive numbers to vote in the expectation that return to statehood would soon follow. The polling percentage jumped from 58.46 percent in the 2024 parliamentary election to 63.88 percent in the assembly poll.<sup>123</sup> The high turnout with no violence, and the absolute majority electors gave the National Conference, a regional party, indicated the people had voted for an elected administration with the strength to govern according to public aspirations, rather than the despotic and inaccessible Lieutenant-Governor's administration under which the people had been progressively dispossessed of their social, economic, political and cultural rights (documented in the Forum's five previous reports).

As the Forum warned in its 2024 report, this aspiration for an accountable administration was thwarted even before the assembly election. Amended Transaction of Business rules under Section 55 of the 2019 Reorganization Act were added in February 2024 but notified only in July, just before the Election Commission of India announced the election dates. They specified that all issues concerning the police, public order, transfers, postings and appointment of Jammu and Kashmir's Attorney-General would have to be approved by the Lieutenant-Governor. So would sanction for prosecution.<sup>124</sup> Moreover, all policies or initiatives that required the state finance ministry's concurrence would now require that of the Lieutenant-Governor. His decisions could not be reviewed by the Council of Ministers, which is restricted to 10 percent of the members of the legislative assembly. His representative was mandated to attend all cabinet meetings. Even the ministers' schedules and/or agendas of meetings would have to be submitted to his office at least two days earlier.<sup>125</sup>

<sup>123</sup> Election Commission of India Press Release, 'J&K makes an indelible mark on India's electoral history with highest voter turnout in a General Election in last 35 years', Press Information Bureau, Government of India, May 27, 2024; Election Commission of India Press Release, 'Overall, 63.88 % turnout recorded in J&K Assembly Elections', Press Information Bureau, Government of India, October 3, 2024.

<sup>124</sup> Ananya Bhardwaj, 'MHA broadens powers of J&K L-G, gives him more say in matters of police, public order, postings', *The Print*, July 13, 2024.

<sup>125</sup> Kanwal Singh, 'Latest Changes in Government Rules Reveal Statehood for J&K to Remain a Distant Dream', *The Wire*, July 17, 2024.

In other words, the new administration would not have command over the bureaucracy since it had no control over their appointments or transfers. It would not be able to act on complaints against civil servants either, since only the lieutenant-governor could sanction prosecutions. Even complainants would be unable to seek aid from an elected administration, under a circular issued by the General Administration Department (Vigilance) on June 20, 2024, titled 'Handling of complaints against public servants'. They would even be liable to prosecution if their complaints were deemed "false/frivolous/anonymous/pseudonymous".<sup>126</sup>

Any initiatives at reform would, therefore, be dependent on a Lieutenant-Governor who answers to the Union administration not the Jammu and Kashmir administration or people. The risk of administrative loggerhead was high, as had been seen in Delhi, where a similar division of powers between an elected administration and nominated authority had an extremely negative impact on the delivery of services.

As anticipated, the newly elected administration led by Chief Minister Omar Abdullah was soon forced to propose that it be consulted on appointments and transfers of civil servants, an issue on which the Supreme Court had ruled that civil servants must be accountable to the elected administration in the case of Delhi. Submitted in early March 2025, the proposal sat with the Lieutenant-Governor for close to two months. In early May, just days after the Pahalgam terrorist attack, it was sent back to the cabinet on the grounds that it was contrary to the provisions of the 2019 Jammu and Kashmir Reorganization Act.<sup>127</sup> Passed on August 9, 2019, the Reorganization Act divided and demoted Jammu and Kashmir to two Union Territories. It was challenged in the Supreme Court, which is yet to rule on its constitutionality.

The failure of the Supreme Court to rule on the Reorganization Act, or at least stay its implementation until it ruled, gave the Union administration six years in which to alter residency rights, give land, mining, development and tourism rights to national rather than local industry, subject the people to the authority of civil servants and police from outside the state, who knew neither its customs nor its language, purge the local administration, curb all freedom of expression, association and protest, and intimidate the media, to mention but a few of the most egregious violations of human rights. Politically, Jammu and Kashmir underwent a blatantly biased delimitation exercise and an also biased revisions of the electoral rolls under which the 2024 parliamentary and assembly elections were held.

To further humiliate the people, two major anniversaries marking Jammu and Kashmir's struggle for democracy, the July 13 Martyr's Day and Sheikh Abdullah's birthday, were removed from the government calendar of gazetted holidays following the Reorganization Act. In December 2024 the Abdullah administration sought for these holidays to be reinstated but this request too was rejected.<sup>128</sup>

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<sup>126</sup> Ashutosh Sharma, 'Jammu and Kashmir's new circular on handling complaints against officials sparks outrage', *Frontline*, July 15, 2024.

<sup>127</sup> Bharti Jain, 'J&K LG finds business rules 'contrary to Jammu and Kashmir Act', sends file back to CM Omar Abdullah, *The Times of India*, May 4, 2025.

<sup>128</sup> PTI, 'Sheikh Abdullah's Birthday, 1931 Martyrs' Day Excluded From J-K Holiday List, NC Reacts', *News18.com*, December 30, 2024.

## STATEHOOD

It is six years since statehood was seized from Jammu and Kashmir in August 2019, *the first time in the history of independent India that an existing state was demoted to Union Territory status*, contravening Articles 1 and 3 of the Indian Constitution. Under Article 1 India is defined as a Union of States. Can a Union administration remove or alter the status of a constituent member of the Union? What does that imply for the Union and for states' rights in the Union? Does it not violate the basic structure doctrine that India is a federal democracy in which states' rights must be respected, which has been a bedrock for Indian unity for the past 52 years?

Similarly, Article 3 permits the carving out of a Union Territory from an existing state, after consultation with the state's representatives. It does not envisage the demotion of an entire state to one or more Union Territories, since that would implode Article 1. Arguably, the demotion of Jammu and Kashmir sets a dangerous precedent for other states of the Union, especially border states in India's north-east. In fact, the Nagaland administration reacted with alarm to the August 2019 decisions, asking its implication for Nagaland's autonomy under Article 371; peace talks with the National Socialist Council of Nagaland too have been negatively impacted, with the latter reverting to a long-ago demand for sovereignty.<sup>129</sup>

In its December 2023 verdict on the Article 370 petitions, the honourable Supreme Court stated that the bench was not ruling on the issue of whether Articles 1 and 3 of the Indian Constitution permit demotion of a state to a Union Territory – petitioners had argued that they did not – because Solicitor-General Tushar Mehta had assured the bench that statehood was only suspended.<sup>130</sup> In his oral remarks, the then Chief Justice of India, D.Y. Chandrachud, urged the Union administration to restore statehood at the soonest, while setting a deadline for assembly elections to be held by end September 2024. In a separate note attached to the judgement, Justice Sanjiv Khanna expressed the view that the demotion of the state to two Union Territories was unconstitutional and should be ruled upon.

In January 2025, Prime Minister Modi promised the return of statehood, a statement he had made innumerable times earlier too. Home Minister Shah repeated the promise in March 2025; he had similarly promised parliament as far back as November 2019.<sup>131</sup> These repeated assurances that statehood will be restored, both in parliament and in court, suggest a tacit recognition that the removal of statehood is unconstitutional. However, not only is the Union administration dragging its feet, despite renewed calls by Jammu and Kashmir's legislators and political parties, Home Minister Shah's 2023 statement in parliament that the security forces would achieve total 'area domination' by 2026 – a foolhardy assertion in light of the

<sup>129</sup> PTI, Article 370 revoked: Nagaland on edge after government takes away Jammu and Kashmir's special status', *India Today*, August 5, 2019.

<sup>130</sup> The Wire Analysis, 'Four Important Takeaways From the Supreme Court Ruling on Jammu and Kashmir', *The Wire*, December 11, 2023.

<sup>131</sup> PTI, 'Modi keeps promises: PM assures Kashmiris on statehood', Rediff.com, January 13, 2025; PTI, 'Statehood in Jammu and Kashmir to be restored as promised: Amit Shah', *The Hindu*, March 29, 2025; PTI, 'Restoration of J&K statehood is 'solemn promise' we have made, we stand by it: PM Modi', *The Hindu*, May 20, 2024.

Pahalgam terrorist attack – implied that statehood might be delayed till after that; indeed, following the attack, it might be delayed indefinitely.<sup>132</sup>

Any further delay makes a mockery of the legislative assembly election and the appointment of an elected administration. The sequencing that Home Minister Shah had announced was that there would first be delimitation, then the election, and after that the restoration of statehood. The people of the former state widely expected that statehood would soon follow the assembly election. In its first sitting after assuming office, the Omar Abdullah cabinet passed a resolution on October 17, 2024, urging the restoration of statehood in its original form. “The restoration of statehood will be a beginning of a healing process, reclaiming the constitutional rights and protecting (the) identity of (the) people of Jammu and Kashmir. The Cabinet has authorised the Chief Minister to take up the matter with the Prime Minister and Government of India for restoration of statehood. Protection of Jammu and Kashmir’s unique identity and constitutional rights of people remains the cornerstone of the newly elected government’s policy.”<sup>133</sup>

It has now been ten months since the elected administration took office and public frustration at its lack of powers and the continuing absence of an accountable administration has increased exponentially, especially after the mass detentions and indiscriminate use of draconian legislation following the Pahalgam terrorist attack discussed in this report.

Noting the anger on the ground, the Forum launched a public campaign for the restoration of full statehood as it was before August 9, 2019, in the monsoon session of parliament (July 21-August 21, 2025, with a one-week break between August 12-18). A petition to MPs, signed by 124 former civil servants, retired military personnel, academics, journalists and activists, was released at a public meeting on July 23, 2025, presided over by National Conference president Farooq Abdullah and addressed by legislators from Jammu and Kashmir and the rest of India.<sup>134</sup> The issue was taken up by the Leaders of the Opposition in the Rajya and Lok Sabhas, Mallikarjun Kharge and Rahul Gandhi, who wrote to Prime Minister Modi seeking legislation to restore full statehood in the current monsoon session of parliament.<sup>135</sup>

There is a danger that the Union administration will again argue that the time is not appropriate for restoration of Jammu and Kashmir’s statehood, given the Pahalgam terrorist attack. Not only is that argument not tenable, it can be argued that this is exactly the time to do so. The high turnout in the October 2024 assembly elections with no violence, and the absolute majority electors gave the National Conference, a regional party, indicated the people had voted for an elected administration with the strength to govern according to public aspirations.

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<sup>132</sup> GK News Service, ‘Zero terror plan, complete area domination in J&K to be completed by 2026: Amit Shah’, *Greater Kashmir*, December 8, 2023.

<sup>133</sup> Government of Jammu and Kashmir, Department of Information and Public Relations, ‘Cabinet passes resolution for restoration of Statehood for J&K’, Srinagar, October 19, 2024.

<sup>134</sup> Sravasti Dasgupta, ‘Democratic Imperative, not Grace’: At Public Meeting, J&K Leaders, MPs Demnad Restoration of J&K Statehood’, *The Wire*, July 24, 2025.

<sup>135</sup> Peerzada Ashiq, ‘Rahul Gandhi, Mallikarjun Kharge write to PM Modi for restoring Statehood to J&K’, *The Hindu*, July 16, 2025.



Meanwhile, a new danger has surfaced, that even if statehood is restored, it will only be partial. When asked by the Supreme Court on a timeline for statehood, the Union was unable to provide an answer. Solicitor-General Tushar Mehta said, “Complete statehood may take some time as the State had faced repeated and consistent disturbances for decades together... I assure you we are progressively proceeding to make Jammu and Kashmir a complete state.”<sup>136</sup>

In other words, if or when statehood is restored, it might be only partial, on the hybrid state-Union Territory formula that Delhi is under. Indeed, the new rules discussed above impose even more stringent controls over an elected administration and legislators than the Delhi formula does. In 2023, the Supreme Court ruled that the elected Delhi administration had authority over appointments and transfers, excluding in the departments of public order, police and land. According to the then Constitution bench, “If a democratically elected government is not allowed to control its officers and hold them to account, then its responsibility towards the legislature and public is diluted. If officers feel they are insulated from the elected government, they feel they are not accountable.”<sup>137</sup>

Unfortunately, the Supreme Court did not deal with the issue of whether a phased restoration of statehood would be acceptable under Articles 1 and 3, nor whether a hybrid state-Union Territory status could replace full statehood, as per the Solicitor-General’s submission.

As argued above, neither of the two articles envisages the removal of an existing state’s status. The further question is whether Article 3, which permits the carving out of a Union Territory from an existing state, after consultation with the state’s representatives, can also permit a phase-by-phase restoration of statehood. Clearly, it cannot. Since it does not envisage the demotion of an entire state to one or more Union Territories, the rules which might apply to a Union Territory’s gradual acquisition of statehood do not apply.

In this sense, Jammu and Kashmir cannot be compared to Delhi, nor can the latter set a precedent for the former. While Jammu and Kashmir had full statehood before it was divided and demoted to two Union Territories, Delhi was a Union Territory that acquired partial statehood. Under Article 3, the trajectory is an upward one of a Union Territory moving to a state, since the goal is popular representation. Surely a downward trajectory, of a state being turned into a Union Territory and then having to move only gradually up to statehood is not permissible.

If the Union administration is allowed to implement the policy that the Solicitor-General laid out, then the federal structure that has provided protection for states’ rights in our country will implode. In the current environment of contestation, in which several states’ rights are being eroded, the need to uphold Jammu and Kashmir’s constitutional right is critically important to the nation.

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<sup>136</sup> Krishnadas Rajagopal, ‘Unable to give exact date when J&K Statehood would be restored, Centre tells Supreme Court’, *The Hindu*, August 31, 2023.

<sup>137</sup> Scroll Staff, ‘Delhi government has control over bureaucrats, rules Supreme Court, Scroll.in, May 11, 2023.

*Statehood for Ladakh* (report by Sajjad Hussain Kargili, member Core Committee, Kargil Democratic Alliance).

Since Ladakh was carved out as a Union Territory on August 9, 2019, without a legislature, the people of this strategically vital and culturally unique region have experienced growing political alienation, administrative neglect, and developmental stagnation. Although the Union Territory status was projected as a step toward better governance and development, the ground reality tells a different story. The Ladakh Autonomous Hill Development Councils (LAHDCs), established to empower grassroots governance, have been systematically sidelined by the Lieutenant-Governor's administration. Funds are being diverted to centrally controlled departments, and council decisions are often overturned or ignored.

The 2024 decision to allot major developmental contracts without consulting the LAHDCs sparked criticism from both the Leh and Kargil councils. "We are elected representatives, yet we are treated like spectators in our own councils," said Feroz Ahmad Khan, Former Chief Executive Councillor, LAHDC Kargil).

Contractor associations in both Leh and Kargil have protested the influx of outside firms being awarded major construction and infrastructure contracts, often sidelining local expertise. For instance, in 2023, a major road project in Zaskar was awarded to a firm based in Haryana, despite the availability of local bidders with experience in high-altitude construction. This has led to economic marginalization of Ladakhi entrepreneurs. "Local contractors are being pushed aside while outsiders reap the benefits of our land." (Muhammad Hussain, President, Contractors' Association Kargil).

Six years after Union Territory status, Ladakh still lacks its own Public Service Commission (PSC). This has stalled recruitment into civil services, teaching positions, and technical posts. Thousands of educated youth remain unemployed as recruitment is being done through outsourced agencies or ad hoc contractual processes, many of which lack transparency. Since 2019 not a single gazetted job has been given to a Ladakhi and no PSC recruitment has taken place. Ladakhis are demanding that they should either be given a separate Public Services Commission or they should be included in the JKPS.

Ladakh lacks both an Engineering College and an Agriculture University, despite repeated promises. This forces students to migrate to Jammu, Kashmir, or mainland India. However, since the abrogation of Article 370, students from Ladakh have been denied admission in Jammu and Kashmir's institutions due to domicile rules. "We are neither considered from Jammu and Kashmir, nor are we fully recognized in the UT setup. We are nowhere." (Namgyal Dolma, Student Activist, Leh).

Ladakh does not have a Super-Specialty Hospital or a Medical College. Despite the region's remoteness, harsh climate, and high altitude, patients requiring cardiac care, cancer treatment, or even dialysis must be airlifted to Srinagar or Delhi. "How long can we send our patients outside the region for treatment? What if the flight doesn't operate?" (Dr. Zakir Hussain, Senior Medical Officer, Kargil).

Public protests, press conferences, student agitations, and civil society mobilizations reflect the frustration of Ladakhis. Many Ladakhis consider that the 'Idea' of Union Territory status for Ladakh has failed to redress the issues of the people.



The demand for statehood is rooted in the people's desire for self-governance and political empowerment. Ladakh is one of the few Union Territories without an elected legislature, denying the people a direct say in law-making and budget allocation. The demand for inclusion in the Sixth Schedule of the Constitution is to ensure autonomy and protect Ladakh's tribal identity, land rights, and cultural heritage. The Apex Body Leh and Kargil Democratic Alliance – two umbrella organizations representing the majority of Ladakh's political, religious, and civil society institutions – have jointly submitted multiple memorandums to the Home Ministry demanding these safeguards. Leaders have publicly stated that without constitutional protection, Ladakh's unique identity and demography are at risk.

## LIST OF RIGHTS VIOLATED

### 1-3 Loss of statehood, denial of federal representation, legislative autonomy.

Unilaterally revoking Jammu and Kashmir's statehood is contrary to Article 1 of the Indian Constitution, which declares India that is Bharat is a "Union of States". It is also violative of Article 3, which stipulates that no bill in either House of the Parliament can be introduced for alteration of boundaries of a State unless the State is consulted.

Federalism is an essential feature of the Constitution and is part of its basic structure (*SR Bommai v Union of India*). For the ordinary citizen, it entails the right to be politically represented on at least two levels (national and State). For the State, the principle of cooperative federalism ensures that they are consulted when any decision of the Central Government affects them – *State (NCT of Delhi) v Union of India*.

Article 25(1) of the International Convention on Civil and Political Rights (1966), to which India is a signatory, guarantees every citizen a right to take part in public affairs through freely chosen public representatives.

### 4-11 Right to habeas corpus, right to live in peace, right to protection against arbitrary arrest, illegal and/or preventive detention, custodial violence and injury, right to bail and right to fair and speedy trial.

The Constitution of India, Article 21: No person shall be deprived of his life or personal liberty except according to a procedure established by law. Jurisprudence includes: Habeas corpus (*Maneka Gandhi v Union of India*, *Sunil Batra v Delhi Administration*, *Francis Coralie Mullin v Administrator, Union Territory of Delhi and Others*); Protection from injury (*Kharak Singh v State of Uttar Pradesh*); Right against illegal detention (*Joginder Kumar v State of Uttar Pradesh*, *D.K. Basu v State of West Bengal*); Right to bail (*Sheikh Javed Iqbal v State of Uttar Pradesh*, *Babu Singh v State of Uttar Pradesh*); Right to speedy trial (*Hussainara Khatoon v Home Secretary, State of Bihar*, *A.R. Antulay v R.S. Nayak*, *Anil Rai v State of Bihar*, *Zahira Habibullah Sheikh v State of Gujarat*).

The Constitution of India, Articles 22(4) and 22(5). Protection against arrest and detention in certain cases: Preventive detention must be no more than three months unless an Advisory Board comprising High Court judges or their equivalent determines that there is sufficient cause for extension of the detention period. Detainees should be given the earliest opportunity of making a representation against the order.

The Universal Declaration of Human Rights, 1948 (to which India is a party), Article 8: right to an effective legal remedy; Article 9: protection against arbitrary arrest, detention or exile; and Article 10: fair and public hearing.

The International Covenant for Civil and Political Rights, 1966 (to which India is a party), specifies pre-trial detention only for narrow purposes such as to 'prevent flight, interference with evidence, or the recurrence of the crime'. The Working Group on Arbitrary Detention of the UN Human Rights Council (of which India is a member) states that 'any detention must be exceptional and of short duration and a release may be accompanied by measures intended only to ensure representation of the defendant in judicial proceedings.'

The UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, adopted by the UN General Assembly in 2010, specifies that noncustodial means should be preferred for pregnant women during the pre-trial phase wherever that is possible or appropriate.

### **12-13 Women's rights to protection against violence and sexual harassment, access to women's police stations.**

The National Policy on the Empowerment of Women, adopted in 2001, stressed the importance of tackling violence against women using operational strategy, such as, '...para 13.3 (d) Women's Cells in Police Stations, Women Police Stations, Family Courts, Mahila Courts, Family Counselling Centres, Legal Aid and Nyaya Panchayats will be strengthened and expanded to eliminate violence and atrocities against women.' This infrastructure is to implement rights under the Protection of Women from Domestic Violence Act, 2005, and The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013, but has not been put in place by the Jammu and Kashmir administration.

The UN Declaration on the Elimination of Violence Against Women, 1993, Article 4, obliges states to prevent and punish acts of violence against women. The Convention on the Elimination of All Forms of Discrimination against Women, 1979, also contains a similar set of rights, most prominently in Article 5. India has ratified both of these conventions.

### **14-19 Protection of children from sexual offences, kidnapping and or/abduction, protection against mental harassment, making the child free of fear, trauma and anxiety and helping the child to express views freely, protection of the rights of the child by the National Commission for Protection of Child Rights.**

The Constitution of India, Articles 21A and 45, and the Right of Children to Free and Compulsory Education Act 2009, Sections 3(1), 17(1): making the child free of fear, trauma and anxiety and helping the child to express views freely, protection of the rights of the child by the National Commission for Protection of Child Rights.

The kidnapping and/or abduction of a child are prohibited by The Child Act 1960, The Protection of Children from Sexual Offences Act, 2012, No. 32 of 2012, and sections 359-367 of the IPC, now S.137-140(3) of the Bhartiya Nyaya Sanhita 2024 (kidnapping, abduction, ransom, maiming of children). Jurisprudence: *Sheela Barse v Union of India*, *Munna v State of U.P.*, *Rajeev Kumar v State of U.P. & Ors.*, *Vinod Solanki v Union of India*, *Vikram Deo Singh Tomar vs. State of Bihar*, *Salil Bali v Union of India*, *Tanvi Ahuja v State of J&K and others*.

### **20-21 Right to freedom of speech and expression, right to peaceful assembly.**

The Constitution of India, Article 19(1): All citizens shall have the right, (a) to freedom of speech and expression; and (b) to assemble peaceably and without arms. Article 19(2): any restriction on speech must have a proximate connection with a specific head set out in the article and must show a real and imminent risk of harm arising from the speech and not vague speculation about possible future harms. Jurisprudence: *Chintaman Rao and Others v The State of Madhya Pradesh*, *Sakal Papers (P) Ltd.*, and *Others v Union of India*, *Shreya Singhal v Union of India*, *Subramanian Swamy v Union of India*.

The Universal Declaration of Human Rights, 1948, Article 19: right to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The Universal Declaration of Human Rights, 1948, Article 20(1): right to freedom of peaceful assembly and association.

### **22-23 Right to security against structural lawlessness, failure of law and order.**

Rising frequency of armed attacks and systemic inaction in Jammu & Kashmir constitutes an ongoing erosion of rights under Article 21 of the Constitution. The State is constitutionally enjoined to protect the lives of its citizens at all times – *Sunil Saini v State of Haryana*. This includes creating adequate machinery to protect against threats from non-state actors – *Kaushal Kishore v State of UP*.

The above principle is also contained in Article 3 of the Universal Declaration of Human Rights, which provides every individual the right to life, liberty, and security.

### **23-26 Freedom of the press, right to know, right to publish, freedom of circulation.**

The Constitution of India, Article 21: the freedom of expression includes the freedom of the press. Jurisprudence: *Romesh Thapar v State of Madras*, *Indian Express Newspapers v Union of India*, *Sakal Papers v Union of India*; The right to know: *Reliance Petrochemicals Ltd. v Proprietors Indian Express Newspapers, Bombay Pvt. Ltd.*, *Essar Oil Ltd. v Halar Utkarsh Samit*.

### **27-28 Right to registration of complaints (FIR), right to magisterial investigation in cases of alleged custodial deaths.**

Section 174, CrPC, now S.194 of the Bhartiya Nagrik Suraksha Sanhita, 2024 (Police to enquire and report on suicide, etc). Since murder and causing grievous injury are cognizable offences and the police cannot claim immunity as of right, a report should be instituted by the police when family members make a complaint, even if the police themselves have a different or conflicting story. This issue acquires especial salience in the case of the death of Irfan Dar, who family members allege was detained by the police and died in custody, whereas the police claim he was found dead on account of cardiac arrest. Section 174 of the CrpC mandates that such matters have to be reported to the executive magistrate who is to hold an inquest to rule out foul play.

### **29. Right to due process in arrests.**

Section 41B of the CrPC, now S.36 of the Bhartiya Nagrik Suraksha Sanhita, 2024 (Procedure of arrest and duties of officer making arrest). The police are obliged to prepare an arrest memo which has to be attested by a family member and countersigned by the person arrested. If a family member is not available, the arrested person has to be informed that s/he has the right to have a relative informed of her/his arrest.

## APPENDIX A.

### Petition to MPs Regarding Statehood for Jammu and Kashmir

July 27, 2025

Dear MP,

We are writing to request you to seek the immediate and full restoration of statehood to Jammu and Kashmir in the upcoming monsoon session of Parliament.

We are heartened to note that the session has had a full discussion on the Pahalgam terrorist Attack and its aftermath, including Operation Sindoor. Several critical and appropriate Questions have been raised in the public domain in this matter on a wide range of issues. They relate to national security, to strategic affairs, to policing and administration, and the Failure to find a political resolution to the problems of Jammu and Kashmir. We hope many Of these problems will be addressed during the session, with a view to evolve a bipartisan Political consensus on Pahalgam and the threat posed by terrorism, as well as the future of Democracy in a deeply troubled region, where a large number of people continue to feel Alienated and poorly treated.

In this context, we urge that a very critical question, the loss of Statehood and the Diminution of Jammu and Kashmir into two Union Territories, is not lost sight of during the Discussions. A powerful plea by you and your party colleagues for restoring statehood with The utmost urgency is required. **We enclose a note** outlining the arguments in favour of Immediate restoration of statehood to strengthen the legal, as well as the political basis for This demand.

You will agree that the restoration of Statehood for Jammu and Kashmir, something to Which the Union Government is already committed, is important not just for peace-building In Jammu and Kashmir, but for restoring faith in the federal architecture of our Constitution. This is crucial, as all the States of our Republic can become vulnerable to the rise Of centralising and authoritarian trends in our polity. To prevent such an eventuality, we Propose that a clause be inserted into Articles 1 and/or 3 of the Indian Constitution, laying Down that no existing state can be turned into a Union Territory.

Your support for the statehood demand will demonstrate parliamentarians' solidarity with Jammu and Kashmir's political leadership and legislators. The issue of unconstitutional Removal of statehood has been pending for six years. It must not be allowed to become a Precedent for disrupting the basic structure of federal India.

Yours sincerely,

1. Ammu Abraham, Forum Against Oppression of Women, Mumbai
2. Tanvir Aeijaz, Associate Professor, Ramjas College, University of Delhi
3. Hilal Ahmed, Centre for the Study of Developing Societies, Delhi
4. Mani Shankar Aiyar, Former Union Minister and MP, Rajya Sabha, Lok Sabha, Delhi
5. Apoorvanand, Professor, Delhi University, Delhi
6. Balakrishnan (retd), Secretary Coal, GOI, Delhi

7. Rana Banerji (retd), Special Secretary Cabinet Secretariat, GOI, Delhi
8. Sanjaya Baru Former Media Advisor to the PM, Delhi
9. Prajit K. Basu, Former Professor, University of Hyderabad, Hyderabad
10. Amit Bhaduri, Economist, Dharwad
11. Madhu Bhaduri, IFS (retd), Writer, Dharwad
12. Anando Bhakto, Journalist, Delhi
13. Niloufer Bhagwat, Vice President of the Indian Association of Lawyers, Mumbai
14. Anjali Bhardwaj, Satark Nagrik Sangathan
15. Anuradha Bhasin, Editor Kashmir Times, Jammu
16. Raja Muzaffar Bhat, Founder and Chairman, Jammu and Kashmir Right to Information Movement, Srinagar
17. Pankaj Butalia, Filmmaker, Delhi
18. Maneshwar S Chahal, Member Constitutional Conduct Group
19. Feroze Chandra, Journalist, Mumbai
20. Gurjit Singh Cheema, Retired Financial Commissioner/ Addl Chief Secretary, Punjab
21. Zafar Choudhary, Editor, The Dispatch, Jammu
22. F.T.R. Colaso IPS (retd), DGP Karnataka and Jammu and Kashmir
23. Lt Gen Kamal Dawar (retd), Indian Army, Kasauli
24. Capt Praween Dawar, former Member Minorities Commission, New Delhi
25. Satish Deshpande, Former Professor, Delhi University, Bengaluru
26. Malini Devanandan, Physician, Kodaikanal
27. Nikhil Dey, Mazdoor Kisan Sakthi Sangathan (MKSS), Rajasthan
28. Arundhati Dhuru, National Alliance of People's Movements, Lucknow
29. A.S. Dulat, Former Secretary, R&AW, Delhi
30. K.P. Fabian, IFS (retd), Delhi
31. Enakshi Ganguly, Former Director, Haq Centre for Child Rights, Goa
32. Rajni George, Editor Sky Islands, Kodaikanal
33. Jayati Ghosh, Economist and Professor, Delhi
34. Suresh K Goel, Former DG Indian Council for Cultural Relations, Delhi
35. Colin Gonsalves, Lawyer, Delhi
36. Kamini Gopal, Resident, Kodaikanal
37. H.S. Gujral, Former Principal Chief Conservator of Forests, Punjab
38. Ajay Gudavarthy, Associate Professor, Jawaharlal Nehru University, Delhi
39. Ramachandra Guha, Writer and Historian, Bengaluru
40. Meena Gupta, Retired Civil Servant, Hyderabad
41. Ravi Vira Gupta, Former Deputy Governor, RBI, Delhi
42. Wajahat Habibullah Former Chief Information Commissioner, Delhi
43. Zoya Hasan, Professor Emerita, Centre for Political Studies, Jawaharlal Nehru University, Delhi
44. Shabnam Hashmi, Social Activist, Delhi
45. Madan Lal Hind, Samajwadi Jan Parishad
46. Nalini Tyabji, Artist, Delhi
47. Prem Shankar Jha, Former Editor Hindustan Times and Media Advisor to PM VP Singh, Delhi
48. Najeed Jung, Former Lieutenant-Governor of Delhi, Delhi
49. Air Vice-Marshal Kapil Kak (retd), Indian Air Force, Noida
50. S Kalidas, Writer, Journalist, Goa
51. Sajjad Kargili, Member Kargil Democratic Alliance, Kargil

52. I D Khajuria, Member, National Committee, Internationalist Democratic Platform (IDP), Kathua
53. Vinod Khanna, IFS (retd)
54. Suhas Kolhekar, Climate, Health Rights and Social Justice Activist, National Alliance Of People's Movements (NAPM)
55. Gita Kripalani, Chief Commissioner of Income Tax (retd), Gurugram
56. Radha Kumar, Former Member, Group of Interlocutors & Co-Chair, Forum for Human Rights in Jammu and Kashmir, Kodaikanal
57. Subodh Lal, Former DDG (International Relations), Department of Posts, GOI, Noida
58. Smriti Lamech, Communications Professional, Kodaikanal
59. Ashok Ogra, Media Educator, Delhi
60. Dinesh Malhotra, Member Constitutional Conduct Group
61. Rita Manchanda, Author, Conflict & Peace Studies Policy Advocate, Delhi
62. Saeed Malik, Journalist, Srinagar
63. Ajay K. Mehra, Political Scientist, Noida
64. Aditi Mehta, Former Secretary to the Government of Rajasthan, Udaipur
65. Major-General Ashok Mehta (retd), Indian Army, Noida
66. Nivedita Menon, Professor, Jawaharlal Nehru University, Delhi
67. Malay Mishra, Former Ambassador of India to Hungary, Delhi
68. Bashir Mir, Social Activist, Baramulla
69. Avinash Mohananey, Former Director General of Police Sikkim, Chandigarh
70. Manoranjan Mohanty, Former Professor, Delhi University, Delhi
71. Sudhansu Mohanty, Former Financial Advisor, Minister of Defence, Govt of India, Bengaluru
72. Deb Mukharji, Former Ambassador to Nepal, Delhi
73. Shiv Shankar Mukherjee, Former High Commissioner of India to the United Kingdom, IFS (retd), Delhi
74. Vanita Mukherjee, Independent Researcher, Delhi
75. Sudipto Mundle, Economist, Delhi
76. Nagalsamy IAAS (retd), Former Principal Accountant General of TN, Chennai
77. Janaki Nair, Former Professor, Centre for Historical Studies, Jawaharlal Nehru University, Bengaluru
78. B.M. Nanta, Member Constitutional Conduct Group
79. Niya Tapo, Intersectional Climate Activist, Arunachal Pradesh
80. Pinto Norbu, Businessman and Former MP, Leh
81. Amitabha Pande, Former Secretary, Inter-State Council, Government of India, Noida
82. Sandeep Pandey, General Secretary, Socialist Party (India), Lucknow
83. Anand Patwardhan, Filmmaker, Mumbai
84. Maxwell Pereira, IPS (retd), Author
85. Pamela Philipose, Journalist, Delhi
86. Gopal Pillai, Former Union Home Secretary and Co-Chair, Forum for Human Rights In Jammu and Kashmir, Delhi
87. R. Poornalingam, Secretary to Government of India (retd), Chennai
88. Justice Anjana Prakash, former judge of the Patna High Court, Delhi
89. Jyoti Punwani, Freelance Journalist, Mumbai
90. Ram Punyani, Writer, Activist, Mumbai
91. Ellora Puri, Honorary Director, Institute for Jammu and Kashmir Affairs, Jammu
92. Badri Raina, Columnist and Author, Delhi



93. M.K. Raina, Actor-Director, Delhi
94. Swarna Rajagopalan, Independent Researcher and Writer, Chennai
95. Aruna Rajkumar, Resident, Kodaikanal
96. Sajad Rasool, Journalist, Srinagar
97. Gauhar Raza, retired Scientist, Poet, Delhi
98. Madhukumar Reddy, Member Constitutional Conduct Group
99. Latha Reddy, Former Deputy National Security Adviser of India, Bengaluru
100. Julio Ribeiro, I.P.S. (retd), Mumbai
101. Aruna Roy, Mazdur Kisan Sakthi Sangathan (MKSS), Rajasthan
102. Vaishna Roy, Editor Frontline, Chennai
103. Anand Sahay, Journalist, Bengaluru
104. Shivani Sanghvi, Lawyer, Mumbai
105. Deepak Sanan, Former civil servant, Shimla
106. Meera Sanghamitra, All India Feminist Alliance (ALIFA) & National Alliance of People's Movements (NAPM), Hyderabad
107. Tanika Sarkar, Former Professor, Centre for Historical Studies, Jawaharlal Nehru University, Delhi
108. E.A.S. Sarma, Former Secretary, Government of India, Visakhapatnam
109. Selvaraj, IRS (retd), Former Chief Commissioner of Income Tax, Chennai
110. P.C. Sen, Former Secretary General, National Human Rights Commission of India, Delhi
111. Farooq Renzu Shah, Chairman Kashmir Society and Former Commissioner Jammu and Kashmir, Srinagar
112. OP Shah, Centre for Peace and Progress, Kolkata
113. Shankar, Mazdoor Kisan Sakthi Sangathan (MKSS), Rajasthan
114. Ashok Sharma (ifos), Kirti Chakra, retired PCCF Gujarat, Gandhinagar
115. Ashok Sharma, IFS (retd), Noida
116. Gayatri Singh, Lawyer, Mumbai
117. Padamvir Singh, IAS (retd)
118. Shantha Sinha, Former Chairperson, National Commission for Child Rights, Hyderabad
119. Arun Subramaniam, Journalist, Bengaluru
120. Nandini Sundar, Sociologist, Delhi
121. P.S.S. Thomas, IAS (retd), Former Secretary General, National Human Rights Commission of India
122. Sanjay K. Tikoo, President, Kashmiri Pandit Sangharsh Samiti, Srinagar
123. Major-General S.G. Vombatkere, VSM (retd), Mysuru
124. Suneel Watal, IT Professional, Delhi

### **Organisational Endorsement:**

Mazdur Kisan Sakthi Sangathan (MKSS), Rajasthan

Satark Nagrik Sangathan (SNS), Delhi

The Forum for Human Rights in Jammu and Kashmir, Delhi

## APPENDIX B

### Brief Bios of members of The Forum for Human Rights in alphabetical order

**Enakshi Ganguly** is a human rights activist, writer and researcher. Beginning her career at the Indian Social Institute in 1985, she was Deputy Director of the Multiple Action Research Group (MARG), worked with Mobile Creches and the Population Council and co-founded the HAQ Centre for Child Rights in 1998. She is currently advisor to HAQ and a freelance consultant. She is the President of the Society for Rural, Urban Tribal Initiatives (SRUTI) and on the boards of the Gender Centre of the Lal Bahadur Shastri Academy for Administration (LBSNAA) and National Centre for Advocacy Studies (NCAS). Ms. Ganguly was a member of the Steering Committee of the Planning Commission for the Eleventh and Twelfth Five Year Plans and a technical expert for several UN agencies. In 2003, she was awarded the Ashoka Fellowship and has been profiled in a book entitled *WOMANKIND: Faces of Change Around the World* by Donna Nebenzahl and Nance Ackerman (Raincoast Books: 2003). In 2019, she was awarded the REX Karmaveer Chakra award instituted by iCONGO in Partnership with the United Nations.

**Ramachandra Guha** is a historian and biographer based in Bengaluru. He has taught at the universities of Yale and Stanford, held the Arné Naess Chair at the University of Oslo, and served as the Philippe Roman Professor of History and International Affairs at the London School of Economics. In 2019-20 he held the Satish Dhawan Chair in the humanities at the Indian Institute of Science. Guha's books include a pioneering environmental history, *The Unquiet Woods* (University of California Press, 1989), an award-winning social history of cricket, *A Corner of a Foreign Field* (Picador, 2002), and a best-selling history of independent India, *India after Gandhi* (Macmillan/Ecco Press, 2007). His most recent work is a two-volume biography of Mahatma Gandhi: *Gandhi Before India* (2013), and *Gandhi: The Years that Changed the World* (2018).

**Air Vice Marshal (ret'd) Kapil Kak** served in the Indian Air Force in the flying branch for over three decades and undertook combat missions in the India-Pakistan War of 1971. For distinguished service of exceptional order, the President of India awarded him the Ati Vishist Seva Medal, as well as the Vishist Seva Medal. A former Deputy Director at the Institute for Defence Studies and Analyses in New Delhi, and Advisor (Strategic Studies) at the University of Jammu, Air Marshal Kapil Kak is the Founding Additional Director of the Centre for Air Power Studies, New Delhi, and is closely associated with the Track II initiatives of multiple public policy think tanks on the India-Pakistan peace process, and conflict resolution and peace building in Jammu and Kashmir. He is on the Board of Directors of the New Delhi-based Healing Minds Foundation.

**Colonel (ret'd) Yoginder Kandhari** was born and brought up in Kashmir and remains intensely connected to the region. He regularly contributes articles on it and other strategic and security issues in newspapers and magazines. He served a tenure in Kashmir during the peak of militancy from 1983 to 1987. Presently, he is involved in the preparatory work of a book titled *Revisiting Kashmir – 1989-90: Deconstructing the State Response*.

**Radha Kumar** (co-chair) is former Director-General of the Delhi Policy Group (2010-2015), specialising on peace and security. Earlier Director of the Mandela Centre for Peace at Jamia Millia Islamia University, Dr. Kumar was also Senior Fellow at the Council on Foreign Relations in New York. She has served on the boards of the UN Institute for Training and

Research (UNITAR), the Foundation for Communal Harmony, the United Nations University Council (which she chaired from 2016-19) and is currently a Board member of the Stockholm International Peace Research Institute (SIPRI). She was a member of the three-person Group of Interlocutors for Jammu and Kashmir appointed by the Government of India (2010-11), who prepared the report titled *A New Compact for Jammu and Kashmir*. Her latest books are *The Republic Relearned: Renewing Indian Democracy, 1947-2024* (Penguin Vintage: 2024), and *Paradise at War: A Political History of Kashmir* (Updated, Aleph: 2024).

**Justice Madan Lokur** graduated in law from Delhi University in 1977 and joined the Bar immediately thereafter. He was appointed Additional Solicitor General of Delhi in 1998 and judge of the Delhi High Court in 1999, and as Chief Justice of the Gauhati High Court in 2009 and of the Andhra Pradesh High Court in 2011. In June 2012, he was appointed judge of the Supreme Court. After his retirement in December 2018, he was appointed judge of the Supreme Court of Fiji in January 2019 and took the oath of office in August. Justice Lokur's expertise includes alternative dispute resolution mechanisms (such as arbitration and mediation), legal aid, judicial education, child rights and human rights.

**Justice Hasnain Masoodi** is a former judge of the High Court of Jammu and Kashmir and was a member of the 17<sup>th</sup> Lok Sabha (the lower house of the Indian parliament), from the Anantnag constituency of Jammu and Kashmir.

**Major General (retd.) Ashok Kumar Mehta** retired from the Indian army in 1991. He served in Uri, south of the Pir Panjal in Rajouri, and in the Kargil and Ladakh sectors. He fought in the 1965 and 1971 India-Pakistan wars, both in the eastern and western theatres of the conflict. He also commanded the Indian Peace-Keeping Force in Sri Lanka, fought counter-insurgency operations in Nagaland, and engaged in UN Peacekeeping Operations in 1962-63. He returned to Jammu & Kashmir in 1988 as a member of the Defence Planning Staff, Ministry of Defence. He has subsequently visited Jammu and Kashmir after retirement in 1993 and in mid-2000 as part of Track II assignments. In 2003, he became the convenor of an annual India Pakistan conference which continued almost uninterrupted till 2018.

**Justice Bilal Nazki** is a former Chief Justice of the High Court of Orissa and has served as judge in the high courts of Jammu and Kashmir, Andhra Pradesh and Bombay, and as Advocate General of Jammu and Kashmir. He was Chairman of the Jammu and Kashmir State Human Rights Commission and the Human Rights Commission of Bihar and headed the committee set up by the Government of India to review the functioning of the Haj Committee of India and its state units. He has been President of the Andhra Pradesh State Judicial Academy, Chancellor of National Academy of Legal Studies & Research University (NALSAR), Hyderabad, and Executive Chairman of the Andhra Pradesh State Legal Services Authority.

**Justice Ruma Pal** is a former judge of the Supreme Court of India (2000-2006) as well as of the Calcutta High Court. She has served as Chancellor of Sikkim University, Executive Council member of the International Academy of Law, Executive Chairperson of the National Services Authority, Chairperson of the Academic Council of the Indian Law Institute, Executive Council member of the National Judicial Academy and the WB National University of Juridical Sciences. She is a member of the International Association of Women Judges and advisor to the Asia Pacific Forum on Equality Issues, as well as member of the Committee of experts on the Application of Conventions and Recommendations, International Labour Organization.

**Lieutenant General (retd.) H S Panag** is former GOC-in-C of the army's Northern Command, Udhampur, and Central Command, Lucknow. He is experienced in both counter-insurgency and high-altitude operations, and has served as an Instructor in the Indian Military Officers' Training Academy, commanded an Infantry brigade, the 31 Armoured Division and the XXI Corps, the strike formation of the Southern Command. Post-retirement he was appointed an Administrative Member of the Armed Forces Tribunal, Chandigarh Bench. His awards include the Param Vishisht Seva Medal and the Ati Vishisht Seva Medal. He is a frequent contributor to the media on strategic and military affairs and an expert on Chinese strategic planning.

**Amitabha Pande** is a former member of the Punjab Cadre of the Indian Administrative Service who retired in 2008 as the Secretary of the Inter State Council of the Government of India, a constitutional machinery for federal policy coordination, diversity management and consensus building between the Union of India and the states, and among the states. The Council represents India in the Forum of Federations – an international organisation for the promotion of federalism with headquarters in Ottawa, Canada. He has written several articles on the subject of intergovernmental relations in India, with a focus on the dynamics of the interplay between democracy, diversity, identity and the idea of a monolithic 'nation state'. He also had a long stint in the Ministry of Defence involving close interaction with the armed forces. That and his experience in Punjab during its most troubled period has given him insights into security related issues which have a bearing on the current situation in Jammu and Kashmir.

**Gopal Pillai** (co-chair) is a former member of the Kerala Cadre of the Indian Administrative Service, who retired as Union Home Secretary in June 2011. He has served as Under Secretary/Deputy Secretary in the Defence Ministry, Deputy Secretary Labour, Kerala Special Secretary for Industries, Secretary Health and Family Welfare, Principal Secretary to the Chief Minister of Kerala, Joint Secretary (North East) in the Home Ministry, Additional Secretary in the Department of Commerce, Special Secretary in Commerce, and Secretary in the Department of Commerce, before becoming Union Home Secretary (2009-11). As Union Home Secretary, he dealt closely with security, political, legal and humanitarian issues relating to Jammu and Kashmir. Along with the then Home Minister, he instituted the Multi-Agency Centre for security and intelligence coordination between the Centre and States (MAC), and floated the National Counter-Terrorism Centre (NCTC) and the Crime and Criminal Tracking Network System (CCTNS).

**Justice Anjana Prakash** is a former judge of the Patna High Court (2009-2016). She has practiced law since 1982 and is currently a senior advocate based out of Delhi. She is also a frequent contributor of opinion pieces on constitutional issues in journals, such as Live Law, and newspapers, including The Wire. In early 2020 she served as amicus curiae to the Supreme Court on the death penalty for the Nirbhaya rape-murder convicts.

**Moosa Raza** is a polyglot and a respected scholar of Islam who has been Principal Secretary to the Chief Minister of Gujarat, Chief Secretary in Jammu and Kashmir, Adviser to the Governor of Uttar Pradesh, and Secretary to the Government of India in the Cabinet Secretariat and in the Ministry of Steel. Currently, he is the chairman of the South Indian Educational Trust (SIET), which runs six educational institutions, and of the Executive

Committee of Coastal Energen Pvt. Ltd. In 2010, he was honoured with the Padma Bhushan. His latest book is *Kashmir: Land of Regrets* (Context: 2019).

**Anand K. Sahay** is a columnist who has held senior positions at the Patriot, Times of India, The Hindu, BITV, Hindustan Times and Asian Age and written for the Indian Express, Times of India, Economic Times, The Wire and the Citizen. He reported and commented for the BBC in New Delhi and London and was a Kabul-based advisor to the Afghanistan Times. He reported the fall of Gorbachev and end of communism out of Moscow, the dismantling of apartheid and the first all-race election in South Africa and the transfer of Hong Kong to China, as well as insurgency and militant politics in Kashmir, Punjab and Assam. He has been visiting professor at the Nehru Centre, Jamia Millia Islamia University and guest lecturer at the National Defence College. He has also been president of the Press Club of India.

**Shivani Sanghavi** is a lawyer, activist and consultant on matters concerning civilian security in armed conflict, international humanitarian law, and access to justice.

**Probir Sen** joined the Indian Administrative Service after graduating from Cambridge, and retired as Secretary to the Government of India and Secretary General of the National Human Rights Commission. During the course of his career he headed a large number of organizations, including Indian Airlines and Air India. After retirement he was appointed Director, India International Centre and subsequently served on the Boards of a number of corporations, companies, trusts and NGOs. He possesses wide exposure to issues relating to management, organizational development and leadership.

**Shantha Sinha** is the Founder Secretary of M V Foundation which withdrew over a million children from child labour and enabled completion of their education up to class 10. She headed the National Commission for the Protection of Child Rights as its first Chairperson for two consecutive terms from 2007-2013. She also served as a Professor, Department of Political Science, University of Hyderabad. She is a recipient of the Ramon Magsaysay Award, 2003, for community leadership and was awarded the Padma Shri in 1998 by the Government of India.

**Justice Ajit Prakash Shah** served as a judge of the Bombay High Court and later as Chief Justice of Madras and Delhi High Courts. After retirement, he headed the Twentieth Law Commission of India (2013-2015), which submitted 19 reports, including on the Arbitration and Conciliation Act, commercial courts, electoral reforms and the death penalty. He has been Chairperson of the Broadcasting Content Complaints Council (BCCC), a self regulatory body appointed by the Indian Broadcasting Foundation, and member of the Governing Council appointed by the Ministry of Law and Justice for judicial reforms. He also served as member of the Expert Committee of the International Labour Organization for implementation of ILO Conventions by member countries and headed a Committee appointed by the Planning Commission for drafting the Privacy and Data Protection Laws. He is nominated as the Commissioner in the International Commission of Jurists (ICJ). He has also acted as ombudsman for sports bodies such as the Board for Cricket Control in India.