

Politics of Azad Kashmir: Domestic Dynamics of an Associated-Unit

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Abstract

This study is conducted on domestic politics of Azad Kashmir and Centre-region political association. Azad Jammu and Kashmir born and shaped by indigenous conditions in Kashmir despite several impediments the government has been evolved from a minimal existence to a relatively well established government structure after passing through various stages of evolution in cooperation with Pakistan. Azad Jammu & Kashmir is highly associated with Pakistan since independence due to affinities in socio-political environment, religious homogeneity and historical bindings. Apparently in domestic political sphere biradirism, clans, family and regional divide into districts, sub-districts level seen as a dominating factor. The current political status of the government is three tier models with power sharing structure under interim constitution act 1974. The democratic setup installed in AJ&K in 1974 and elections held every four year with number of political parties and their own manifestos and ideologies.

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Introduction

Azad Jammu and Kashmir (AJ&K) is a disputed territory and parts of erstwhile state of Jammu & Kashmir allied with Pakistan. These areas have a unique character as administratively neither they are independent nor the part of Pakistan. "Azad Jammu & Kashmir is a territory comprises of an area 13,297 square kilometers and total population 4,045,366 as per the 2017 census.¹

The part of Kashmir allied with Pakistan is always refers by India as 'Pakistan-Occupied Kashmir' or POK, whereas Pakistan refers to it as 'Azad Kashmir'. Officially, the name used by Pakistan is the 'Azad government of the territory of Jammu and Kashmir' which signifies that, in the opinion of Pakistan and the Azad Kashmiris, 'freedom' [i.e. from Indian control] should eventually encompass to include the whole territory.² It is a territory with its own legal and institutional framework known as "Autonomous unit" but its government is economically and administratively affiliated with Pakistan. Soon after independence under the UNCIP it is stated as de-facto unit of Pakistan. Both states have correspondence among their people, politics, traditions, ideological and cultural affinities, and homogeneousness in other spheres of life they had shared long history of bilateral relationship. At the time of Maharaja Hari Singh's decision of accession of Kashmir with India that was virulently against the desire of people of Jammu and Kashmir was the time when Pakistan overtly supported Azad Kashmir and sent its troops.³ In 1949, the issue settled by the supervision of UNSC and cease-fire was established between India and Pakistan.⁴

The official liaison was established in 1949 between both states [i.e. Azad Kashmir and Pakistan] with the various legitimate provisions.⁵ In 1949 'Ministry of Kashmir affairs' was formed with mutual consensus of Azad Kashmir and Pakistani government.⁶ Generally the major objective of Ministry of Kashmir affair was to help and facilitate newly emerged territory of Azad Jammu and Kashmir in her administrative region and vis a vis control the region. Thereafter, Azad Kashmir came under the overbearing control of Pakistan's Ministry of Kashmir Affairs (MKA), both states are constitutionally connected with each other under 1974 interim constitution act which anticipate Pakistan's legal authority over Azad Jammu & Kashmir affairs through an organized body known as Kashmir council (the linking body)⁷. According to interim constitution Act Pakistan has right to manage Azad Kashmir affairs and its main functioning units that are the central elements of national power of any state i.e. defense and security, currency, foreign aid, foreign affairs, trade were under control of Pakistan directly⁸. The AJ&K council works as an indirect body or connecting unit between Centre and unit that has given Pakistan higher position in domestic politics so Pakistan has the hold and

¹ Azad Jammu & Kashmir at a Glance , Muzaffarabad .Planning and development department, 2017 [accessed 21/09/2018] , <https://pndajk.gov.pk/uploadfiles/downloads/At%20a%20Glance%202017.pdf>

² Victoria Schofield, *Kashmir in Conflict* (London: I.B.Tarus & Co Ltd, 2003). 87

³ Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur :National Institute of Kashmir Studies, 2013) , 46-52.

⁴ Christopher Snedden, *Understanding Kashmir and Kashmiris*(London: Hurst & Company, 2015) , 143-146

⁵ Ershad Mahmud, 'Status of AJK in Political Milieu'. *Institute of Policy studies, Islamabad* 3 (2006) : 105-153

⁶ A.G Noorani. *A Constitutional History of Jammu and Kashmir* (United Territory of America: Oxford University Press, 2011), 67-99.

⁷ Ibid.,

⁸ Javaid Hayat, 'Shadow Governance: Right to Vote and Rule in Azad Jammu & Kashmir 'Eurasia review, 11 August 2012.

interference in the in-house politics of Azad Jammu & Kashmir. The power sharing structure established which affects the autonomy of the territory as well and impacts domestic politics.⁹ Azad Jammu & Kashmir is internationally recognized as disputed territory between India and Pakistan. The main concern of disputed territory is to establish democratic setup and building autonomous and democratic governance structures without sovereign statehood.¹⁰ These are tenacious issues in societies of disputed territories, especially where democracy is relatively fresh and concerns over quality are often linked to its capacity to deliver public goods. Multifaceted power sharing and the presence of manifolds of governance not only create democratic brittleness, but may also upset the nature of these systems and the desire to partake in them. External power-sharing relationship defines the nature and types of center-region relationships based on a definite agreement or a mutually agreed constitutional design between the parties.¹¹

At present, Azad Kashmir is a dynamic region with well-established political system. The political milieu of Azad Kashmir transited through numerous stages of evolution to triumph the democratic stability. The first era (1948-50) was momentarily after the independence with the ascendency of the only *Riyasti* party Muslim Conference as an independent body with the frequent agreements with the Pakistan.¹² The second phase was (1950-70) with the existence of many provisions between Centre and unit. In 1950's the political environment again transmuted with the induction of 'Rules of the Business' the duties and power assigned according to rule of business.¹³ 'The Rules of Business' documented to restrict the strategically political environment with time to time modifications. The political bodies also established under the name of 'Kashmir Council' in order to modify political issues of the region.¹⁴

The stepping toward democracy build the initiatives paved the way toward one unit system as Presidential system in Pakistan and Azad Kashmir with inclusion of legislative assembly with huge internal autonomy.¹⁵ The third phase (1974 onward) was toward building the democratic installment of multi-party political system and adult suffrage election. According to 1973 Constitution, elections would be held every five years for the legislative assembly and President and Prime Minister chosen through electoral process with the representation of all political parties. The election polls were held in 1975, 1985, 1990, 1991, 2001, 2006, 20011 and 2016.¹⁶

Currently Azad Jammu & Kashmir work under 'interim constitution act 1974' due to its cultural, social and religious affiliation with the Centre they have homogeneity and centre-Unit relationship is based on this uniformity. Domestically baraderi is still very dominating factor

⁹ Javaid Hayat, 'Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty, Absence of Self-determination and Enduring Conflict: Recognizing Internal Self-Determination-OpEd' (PhD diss., Freie Universität Berlin, 2014), 125 .

¹⁰ Javaid Hayat. 'Empowering Azad Kashmir: Who Will Tie the Bell on Cat's Collar'. *Eurasia Review*, 7 December 2011.

¹¹ Ershad Mehmood. 'Socio-Political Realities of Pakistan Administered Jammu and Kashmir', *PILDAT* (2011):10-11

¹² Ershad Mahmud, 'Status of AJK in Political Milieu', *Institute of Policy Studies* 3(2006) : 105-110

¹³ Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015) , 143-146

¹⁴ Luv Puri, *Across the Line of Control: Inside Pakistan-administered Jammu and Kashmir* (New York: Columbia University Press, 2012) , 38-46

¹⁵ Shams Rehman, 'Azad Kashmir :A Brief Introduction'(Dadyal Azad Kashmir News,24 January 2012)

¹⁶ Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (United Kingdom: Oxford University Press, 2011) , 189-212

in politics and business and it plays a significant role in their social and political lives.¹⁷ Apparently Azad Kashmir is composed of following major biradiris: Gujars, Rajputs, Maliks, Sudhan and Abbas. These biradiris are landowning with Rajputs having ruling past. Meanwhile from 1947 Sudhans, Jats and Gujars also have been ruling through Muslim Conference, Liberation League or Peoples Party in Azad Kashmir.¹⁸ In general biradirism can be seen in politicization of baraderi affiliation, relation and sentiments. The tendency of using baraderi in election apparently grew stronger with every election. The candidates play baraderi card in election campaign.

Statement of the Problem

The free countries reflects autonomy in their constitutional arrangements but Azad Kashmir known as a self-governing 'autonomous' territory since independence is associated with Pakistan. The government of Azad Jammu & Kashmir works on interim constitutional arrangement under the constitution of Pakistan that compromises its autonomy. The power sharing framework undermines the power of the territory with the host country and creates homogeneity.

Significance of Research

- South Asia is caught between peace and conflict with Kashmir as an issue; it is capable of defining the dimensions of politics in the region of a disputed territory and its autonomous status.
- Inferences produced by this research will be useful because study of a highly associated unit Azad Kashmir with Pakistan and its internal politics will help people of Kashmir to understand the political mechanism, power sharing structure, different approaches toward domestic politics and state system.
- It will help the public to identify problems that impact society and their lives due to the power sharing structure and how it reflects the autonomy of the state.
- It suggests remedies to fix identified problems [i.e. power sharing multi-tier structure] and secure the interest of the state as a prime interest.
- It will highlight the political and constitutional arrangements in the territory of Azad Kashmir since independence to create awareness and understanding among people about political dynamics of Azad Kashmir, and their rights.

Research Question

Why Azad Kashmir have an autonomous-associated but highly integrated unit with Pakistan developed harmonious relations with the Centre?

Hypothesis

Azad Kashmir is highly integrated with its host state (Pakistan). The associated unit has its socio-political and economic dependency on Centre since inception. The Centre-region relationship structured on the basis of historical, cultural, social, linguistic and religious commonalities.

Literature Review

Christopher Snedden in his book 'Untold story of People of Azad Kashmir' the author discussed about the political dynamics of Azad Kashmir and historical overview of administrative ties of Azad Kashmir with Pakistan. He elaborated on October 24, 1947 when

¹⁷ Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur: National Institute of Kashmir Studies, 2013), 20-21.

¹⁸ Ibid.,

provisional government formed in Azad Kashmir many challenges confronted the newly Azad Kashmir administration that include building a civil organization, reestablishing totally disrupted communications, supporting Azad Kashmir armies, to settle local populations, health food, revenues. These circumstances compelled Azad Kashmiris to look to Pakistan, to which they were emotionally and politically inclined for assistance.¹⁹

The author keenly observed the initial years and highlighted the problems faced by Azad Kashmir government soon after independence. He pointed out "From the early 1970's Azad Kashmir economic situation began to improve, chiefly because Pakistan allocated large amount of financial assistance to this deficit region".²⁰

While analyzing the domestic politics of region he concluded complete power over the administration, resources, and political activities in Azad Kashmir remain surrounded in the hand of few influential authorities in an area and at times outsiders[i.e. from Pakistan] put in place to make sure Pakistan's interest remain paramount. 'Across the Line of Control: Inside Pakistan-Administered Kashmir' a book written by the author 'Luv Puri' said that the Kashmir issue remained forefront for all leaders of state of Pakistan as well. They shaped their foreign policy to make progression in Kashmir issue. In an address on September 22,1965 to the UNSC, Zulfikar Ali Bhutto stated that Pakistan would keep on instigating war for thousands of years is indicative of the importance of the issue for Pakistan's political elite. "The political and emotional appeal of the Jammu and Kashmir issue was greater in West Pakistan compared to East Pakistan mainly because of the region's geographical contiguity with West Pakistan and the large numbers of refugees living there."²¹

He further elaborated that while discussing about political implications of Azad Kashmir as the decision of ruling elites in Pakistan is significant factor in deciding about the political leadership and administration of Azad Kashmir. "Past experience demonstrates that candidates who are close to the ruling dispensation at Islamabad are able to win these seats. In 1975, Zulfikar Bhutto's Pakistan People's Party brought down the Muslim Conference government on the power of these refugee seats. In 1990, the Muslim Conference gained all the twelve refugee seats and Nawaz Sharif, the then prime minister, boasted that his government had presented these seats to Sardar Qayyum as a gift."²²

'Understanding Kashmir and Kashmiris' another book written by 'Christopher Snedden' while discussing about the administrative setup after the inclusion of 1974 interim constitution act and relationship established between Islamabad and Muzaffarabad elaborated that Pakistan also uses its Minister of Kashmir Affairs and Gilgit-Baltistan to ensure Pakistan's will in Azad Kashmir. "This minister controls the Azad Kashmir Council's Islamabad-based Secretariat; he determines and decides on important non-Council matters. Pakistan's strong military presence in Azad Kashmir, while chiefly there to defend the region from Indian forces, can also ensure local pliancy if required. For example, the Pakistan Army was used to quell two serious uprisings in the Poonch area in 1950- 51 and 1955."²³

While discussing about administrative and governmental relations she further explained by embedding five senior lent officers in dominant positions in AJ&K Pakistan also maintains its

¹⁹Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (United Kingdom: Oxford University Press, 2011), 141-142.

²⁰ Ibid., 187

²¹ Luv Puri, *Across the Line of Control: Inside Pakistan-administered Jammu and Kashmir* (New York: Columbia University Press, 2012), 35

²² Ibid., 51

²³ Christopher Snedden, *Understanding Kashmir and Kashmiris*(London: Hurst & Company, 2015) , 145-148

superior position in Azad Kashmir administration, even though Pakistan officers are available to fill these posts. "These lent officers comprise the Secretary General/Chief Secretary, who is the region's senior bureaucrat, the Finance Secretary, Accountant General, Inspector-General of Police, and the Chief Engineer/Development Commissioner. This follows a tradition started by the senior Maharaja of J&K who lent administrators to the junior Raja of Poonch. Lent officers ensure that Pakistan's bidding is done in Azad Kashmir"²⁴. Finally, it is difficult for the Azad Kashmir Prime Minister to hold office unless Islamabad approves of him. There is a long history of the person ruling Pakistan ensuring that he or she had a local surrogate in control in Azad Kashmir. As there is a saying road ruling Muzaffarabad passes through Islamabad.²⁵

'With Friends Like These: Human right violation in Azad Kashmir' a report written by 'Ali Dayyan Hassan' while discussing about social, political and cultural diversity the author writes the religion of people of Azad Jammu and Kashmir are entirely Muslim. "The individuals of Azad Kashmir are not similar culturally and linguistically to that of valley of Jammu whereas the similarity in cultural practices lies with the province of Punjab in Pakistan. There are number of tribes and sub-tribes whereas Suddhan and Rajputs remained dominant in local politics.²⁶

While discussing about socio-political landscape and its influence on domestic politics the author says "The territory is far from ethnically homogenous. The *baraderi* is the overriding determinant of identity and power relationships within the Azad Kashmiri socio-political landscape"²⁷. Historically the two most influential biradiris have been the Suddhan from the southeast (concentrated in Bagh district and Rawalakot subdivision of Poonch district) and the Rajputs who are spread out across the territory. Almost all of Azad Kashmir's politicians and leaders come from one of these two groups.²⁸

The PhD dissertation written by 'Javed Hayat' titled as 'Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty, Absence of Self-determination and Enduring Conflict'. While debating about the Azad Kashmir and its administrative ties with Pakistan he said challenges of governance and democracy under the aforementioned Act 1974 when we critically analyze how powers are distributed between different layers of authority, between the disputed territory of AJK and its controlling nation territory Pakistan. "It addresses questions of where power is vested and whether it can be described as balanced power-sharing between different layers of authority, or whether one layer of authority holds absolute power at the expense of the other."²⁹ He discussed about the governance system of Azad Kashmir and 'autonomy' of the region elaborated democracy without sovereign statehood in an autonomous region with multiple modes of governance and complex power sharing structures which shakes the sovereignty and autonomy of the region.³⁰

²⁴ Ibid ., 147.

²⁵ Ibid ., pp. 148-49

²⁶ Ali Dayyan Hassan , 'With Friends Like These: Human Rights Violation in Azad Kashmir', *Human Right Watch* 18 (2006) : 12 .

²⁷ Ibid., 13

²⁸ Ibid.

²⁹ Javid Hayat, 'Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty, Absence of Self-determination and Enduring Conflict: Recognizing Internal Self-Determination-OpEd' (PhD diss., Freie Universität Berlin, 2014), 88-89.

³⁰ Ibid.

A journal 'National Integration: Voices from AJK' written by multiple authors 'Syed Mudassar, Fida Gardazi, Adnan Rehman, Ashar Awan, Shahida Khalique, Zoya Shafique'. It describes, Azad Jammu and Kashmir has been facing a plethora of problems which have the tendency to drift away the sentiments and feelings of the people of Azad Jammu and Kashmir to the ideologies and having the harmful effects on the avenues of integration of this disputed territory with Pakistan. There are two aspects of integration in the context of AJ&K: internal and external. As far as internal integration of AJ&K is concerned, it implies the peace, harmony and tranquility among all the regions, sects, ethnic groups, races and political narratives within AJ&K. On the other hand, the external perspective of the integration means the ideological and emotional attachment or sense of strong bonding and cohesion of the people of AJ&K with the state of Pakistan until its complete constitutional integration.³¹

'Status of Azad Jammu and Kashmir in Political Milieu' article by the 'Ershad Mahmud' an expert on Kashmir issues elaborated that "In harmony with the AJK constitution, 12 seats have been reserved for displaced persons of the Valley and Jammu region to signify relationship with them and to give them a sense of involvement in the government affairs. Whereas in reality these seats have become, simply, a tool of manipulation in the hands of the ruling government in Islamabad, and particularly Punjab government as almost eight and a half seats fall in its territorial jurisdiction."³²

He further elaborated there is no doubt that successive federal governments have been gifting these seats to their allies. The ruling parties always use their leverage to ensure their allies' victory. "Additionally, as part of corrupt practices by the candidates, parties and the election machinery, a huge number of non-Kashmiris are registered as voters. It is a persistent demand from various circles that refugee voters' lists should be drastically revised. Islamabad should ensure free and fair election on refugee seats or it should devise alternatives to ensure genuine refugee representation in the assembly."³³

Theoretical Framework

Constructivism provides the basis for this paper which is an approach of international relation that highlights how humans "constructing" knowledge out of their experiences. Center-region homogeneity is based on their prior experience.³⁴ It focuses on how humans make meaning in relation to the interaction between their experiences and their ideas.³⁵

According to Professor André Kukla, at the University of Toronto, everybody is virtually constructivist about certain things. He debates that some social facts like social institutions, languages, social classes, government, legal system, economic system and kinship systems are what they are socially constructed by virtue of our beliefs, actions and intentions.³⁶ Constructivism assumes that in reality state relations can be socially constructed via discourse and practice of the participating actors.³⁷

In order to view Pakistan and Azad Kashmir homogeneity, Pakistan attitude toward AJ&K since independence and policies in order to stand firm with the associated-unit have evolved

³¹ Gardazi F. Mudassar, et al., 'National Integeration and Cohesion in Pakistan: voices from Azad Jammu and Kashmir', *Contemporary Studies* 4 (2015): 66-70

³² Ershad Mahmud, 'Status of AJK in Political Milieu', *Institute of Policy studies* 3 (2006) : 105-153

³³ Ibid.

³⁴ Seifert, Kelvin , Sutton, Rosemary. *Educational Psychology* (Georgia, Global Text Project: 2009), 33-37.

³⁵ Piaget, J., *Psychology and Epistemology: Towards a Theory of Knowledge* (New York: Grossman, 1971).

³⁶ KUKLA, André: Social constructivism and the philosophy of science. London and NY 2000, p. 24

³⁷ Alena Márová, *Pakistan As a Case For Social Constructivism*(Bachelors diss, UNIVERZITA PALACKÉHO V OLOMOUCI department of European Science And Political Studies: OLOMOUC 2013).7-10.



over the time. Constructivists support themselves by philosophical approaches and sociological theories, which see structure and actor as equal and show their mutual integrity.³⁸ In international system constructivism highlights the significance of ideas, identity, and interaction revealing how the human world is not simply given and/or natural but that, on the contrary, the human world is one of artifice; that it is “constructed” through the actions of the actors themselves.³⁹ This theory is of the view that security is social phenomenon that can be constructed on basis of ideas, norms and ideology.⁴⁰ This construct of security can be clearly seen through the Indian intervention in IOK, as how they humiliating, and violating their rights as of how they associate Muslims as a danger to Indian security forces and thus the acts of torture are inflicted upon them is clearly seen in IOK.

Since independence Pakistan is fighting for the Kashmir cause and has been successful in keeping Kashmir issue alive at the international level. Pakistani is linked with associated unit through the bond of ideology, culture, religion. Having ideological ties means living by a same code of conducts. This means they are enjoying same events, permitting the same food, living by the same codes of conduct. The idea of ideologically is that similar people living together safeguards better freedom to worship, celebration, education and life style.⁴¹ On the other hand India claims to be a secular state but in reality adopting the extremist policies not hidden from anyone. Rashtriya Swayamsevak Sangh (RSS), political wing of RSS Bharatiya Janata Party (BJP), Shiv Sena and its offshoot Maharashtra Navnirman Sena (MNS) have strong influence on Indian politics.⁴²

Examining through the prism of constructivism people of Azad Kashmir are Muslim socially and ideologically resembles with Pakistanis and their social and religious freedom is more likely with Pakistan whereas secular India depriving IOK Muslims, their religious rights. In 2017 police fired tear smoke shells in Muharram and resorted to cane charge to stop Shia Muslim to take out Muharram procession in civil lines areas of Srinagar.⁴³

In 2016 similar incident happened a curfew was imposed in all 10 districts of the Kashmir Valley on the occasion of Eid.⁴⁴ The media houses in Pakistan plays content that shows struggle for Kashmir and Indian atrocities to the world. The Pakistani people reciprocate the same love for Kashmiris. The constructivist school of thought view both are united by ethos and pathos. All the historical events show that Center-unit is virtually one unit. Their festivals, celebrations, ideals, sorrows and code and conduct for life are comparable. AJ&K is not only politically, culturally economically, religiously and socially similar to Pakistan but they are in conflict with self-proclaimed secular Hindu India.⁴⁵ Constructivism idealizes the material world can be shaped and reshaped by human interactions and actions depend on dynamic interpretation of material world this in case of Center-region relationship they both are highly integrated based on pre-partition historical ties.⁴⁶ In constructivism view politics is sphere of

³⁸ Ibid.

³⁹ Seifert, Kelvin , Sutton, Rosemary. Educational Psychology (Georgia, Global Text Project: 2009), 36 .

⁴⁰ Ghulam Qumber, waseem ishaque, Syed Jawad Shah.' Kashmir Crisis: A Critical Analysis of Indo-Pak Intercession.' *Global Social Sciences Review* 2(2017) :67-88.

⁴¹ Ibid.,

⁴² Teltumde, 'Hindu Fundamentalist Politics and American Empire,' *Voice of Dalit* 1 (2008): 147-166.

⁴³ Observer news, 'Yet Again: Govt Uses Force To Stop 8th Muharram Procession.' *Kashmir Observer*, December 2, 2017

⁴⁴ Nazir Masood, '2 Dead In Clashes In Kashmir, Valley Under Curfew On Eid.' *NDTV*, 13, September 2016.

⁴⁵ Ghulam Qumber, waseem ishaque, Syed Jawad Shah.' Kashmir Crisis: A Critical Analysis of Indo-Pak Intercession.' *Global Social Sciences Review* 2(2017):67-88.

⁴⁶ Maysam Behravesh , 'Constructivism :An Introduction,' *Research Gate*, 3 February 2011.

interaction which is molded by actors, identities and practices that can be influenced by constantly changing normative institutional structures. They believe that they are “also made of social relationships” which are themselves constructed by three elements of “shared knowledge, material resources and practices.”⁴⁷ Another strand of constructivist theory has focused on future of territorial states suggesting that transnational communication and shared civic values undermining traditional national loyalties and creating radically new form of political association.⁴⁸

Methodology

The data collection technique used in this research work is quantitative as well as qualitative data collection based on secondary sources like books, media, library, journal articles, autobiographies, summaries and analysis from conferences and workshops. Public reports such as media, speeches, editorials, speeches, and interviews reports, publications from governmental and non-governmental organizations, news, articles. For updated information internet sources also consulted. Whereas the primary source included the elite interviewing includes political leaders, journalists, academics, civil society activists, and legislators, and through panel group discussions.

The Internal political dynamics of Azad Kashmir will be discussed and analyzed with respect to its intra actor relations and inter actor relation with the Centre therefore it will be historical analytical study based on seven decades of Azad Kashmir Internal political dynamics.

Scope of Study

The study will focus on Azad Kashmir and Internal politics reflecting system creation, operations, viability and dependency. This will be discussed under geo, political, economic and social dynamics of Azad Kashmir spread over seven decades since its independence in 1947. The political contours of the territory and its three tier structure that embedded Azad Kashmir with Pakistan in accordance with the constitutional framework.

Centre-Region Correspondence

The Azad Jammu and Kashmir state is under Pakistan control which is administratively attached to Pakistan. The Interim Constitution Act 1974 connects both states and permits Pakistan legally to interact over Kashmir affairs through Kashmir Council forum. This act allows Pakistan to control Kashmir Affairs, such as; foreign affairs, foreign aid, currency, defense, security, trade where Azad Jammu and Kashmir Council is indirect body or the connecting unit between the two states. Through these affairs it allows authorities from Pakistan to involve in Azad Jammu and Kashmir internal politics.⁴⁹ The Pakistan ruling government unusually gets involved with internal politics of Azad Jammu and Kashmir through Kashmir Council and controlling though varies devices such as budget and foreign relations. The main reason for political uncertainty and fragility within the ruling government in Azad Jammu and Kashmir is especially when the ruling government is not as same as the mainstream ruling political party.⁵⁰ After 1990 the trend started to appear the successful political party in Pakistan was also successful in Kashmir elections.⁵¹ In the current era there

⁴⁷ Ibid.,

⁴⁸ Stephen M Walt, 'International Relations: One World, Many Theories,' *Foreign Policy* 110(1998):24-46.

⁴⁹ Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015), 146-147.

⁵⁰ Institute for Defence and Analysis, "Azad Kashmir Election and Pakistan Hypocrisy" (accessed 03/12/2018) https://www.idsaindia.org/idsacomments/AzadKashmirelectionsandPakistanshypocrisy_archaudhuri_130911

⁵¹ Ali Dayyan Hassan, "With Friends Like These: Human Rights Violation in Azad Kashmir," *Human Right Watch* 18 (2006) p. 29-31

are three main Pro-Pakistan political parties; Pakistan Tehreek-e-Insaf (PTI), Pakistan People's Party (PPP) and Pakistan Muslim League-Nawaz (PMLN).⁵² In 2018 the transfer of the power of controlling 52 departments from Azad Jammu and Kashmir Council to the Kashmir government through the constitution changes in form of 13th Amendment according to the constitution Amendment in 1974. The controlling of the 52 department is equivalent to controlling government of Kashmir which defuse its active role.⁵³ The achievement of the 13th Amendment is the landmark victory for empowering the aspiration of people of Azad Jammu and Kashmir and step towards independence. The shift in power from the central government of Pakistan to Azad Jammu and Kashmir government shows there is realization in people and within the political parties.

Three-Tier relationship and power sharing structure

As discussed earlier power structure of Azad Jammu and Kashmir with different political entities and different folds of relationship shaping and reshaping the governance structure of the region over different period since independence. Relatively, all the tiers of the ruling bodies execute roles according to the provision of the 1974 interim constitution act. The constitution serves the body that describes the laws and act to tiers of associated unit to which they have responsibility to maintain. As with the constitutional development Three-tier relationships was established on the basis of Interim Constitution 1974, as a well maintained relationship on the base of power politics, mutual gains and harmony of interest between different entities governing politics in the region with development of 'Kashmir Council'. Kashmir Council considered as a linking body between Center-region relationship under interim constitution 1974 and its main purpose was to reduce the gap between Centre and region and under each department duties distributed and assigned different tasks for governing the region.⁵⁴

Each tier is relatively independent part of the government with its own roles and responsibilities whereas there are certain instances where they need to collaborate with each other. For example budget, currency, economy so when we discuss about the political domain of the state it is very important to discuss these tiers of the government.⁵⁵ Pakistan's control is preserved via Schedule III of the Azad Kashmir Interim Constitution act, which details the respective responsibilities for Islamabad and Muzaffarabad. Pakistan controls all major and important aspects of the relationship; Azad Kashmir's functions are essentially low-level, municipal-type ones.⁵⁶

In order to run political system the government (all tiers) collaborates with each other in which each of the tier is responsible for their assigned duties according to the interim constitution act. Firstly, the two tiers are state government and federal government and kind relationship between them. The collaboration between the government of and region over few concerns is very important. While which has administrative control of the region in terms of leadership, political parties and electoral system due to which it has control over the

⁵² Ershad Mahmud, 'Status of AJK in Political Milieu', *Institute of Policy studies* 3 (2006) : 105-153.

⁵³ Azam Khan, '13th Amendment opens new vistas for empowerment of AJK govt' *Associated Press of Pakistan*, 10 July 2018 (accessed 30/10/2018) <https://www.app.com.pk/13th-amendment-opens-new-vistas-for-empowerment-of-ajk-govt-azam-khan/>

⁵⁴ Javaid Hayat, 'Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty, Absence of Self-determination and Enduring Conflict: Recognizing Internal Self-Determination-OpEd' (PhD diss., Freie Universität Berlin, 2014), 98.

⁵⁵ Ibid.,

⁵⁶ Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015), 146.



government. Secondly state government collaborates with local government to deal certain issues like health education, wealth, agriculture and responsibilities under its jurisdiction. And the third tier is Azad Kashmir Council which is an organized body between both states in order to deal with specific issues. The responsibilities shifted among all three tiers to the federal, the state and the council in order to get better results and power sharing is basically the distribution of power among all the associated tiers and given subject they are responsible.⁵⁷ According to Ershad Mahmud the Kashmir based journalist “He Said, Act 1974 is unequal and need to be revised as in there was no Council according to 1970 act and apparently there is no headquarter of Council in AJ&K. In order to make localize body and shift it from Pakistan capital to the State capital Muzaffarabad and decentralize the powers to district level for more empowerment.”⁵⁸ This constitution provides Centre with enormous power in order to control and interfere in the political milieu of the region. Secondly, Kashmir council is not accountable to any other supreme authority in Pakistan or Azad Kashmir. There are certain flaws in the Interim Constitution as well it is also considered as an unequal relationship between center-region. For example, the department of Tourism and Electricity are under the jurisdiction of Kashmir Council but physically located in Azad Kashmir. Basically it is basically problematic in order to deal with these issues from faraway and to locate widespread of branches of these offices in all districts of Azad Kashmir and handle mapping of tourism, managing of rest houses and electricity billing processes for the reason that AJK Government is handling all these matters via its extensive official set up all over the area. “The situation on ground has created many anomalies because assigning legislative list of subjects to both authorities is one thing while ground reality regarding the use of authority on these subjects is a different one. So the lists of powers assigned to both AJK Council and Assembly direly needs to be revised and brought in coherence with the operational contingencies. In this regard, all the subjects like Tourism, Electricity etc. must be delisted from AJK Council’s list and be made part of AJK government authority.”⁵⁹

A closer view at the Interim Act 1974 exhibits that there are also dogmatic sections aimed at limiting the right of association and political freedom. The ‘Act’ itself entails contradiction in different clauses. For example, the preamble of this Act reads “WHEREAS the future status of the State of Jammu and Kashmir is yet to be determined in accordance with the freely expressed will of the people of the State through the democratic method of free and fair plebiscite under the auspices of the United Nations as envisaged in the UNCIP Resolutions adopted from time to time”⁶⁰. In another other clause it states. In Azad Jammu and Kashmir it is not allowed to go against the ideology of Pakistan and permitted to take part in activities that propagates the politics of independence. The Clause, must be signed before contesting election by the contesting parties locally termed as ‘The Shik’ and take an oath before electing as member of Legislative Assembly. This Clause is a priori demand for their adherence to Pakistan. Candidates must declare that they believe in the Ideology of Pakistan. “The clause reads as: ‘I solemnly declare that I believe in the Ideology of Pakistan, the Ideology of State’s

⁵⁷Javaid Hayat, ‘Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty, Absence of Self-determination and Enduring Conflict: Recognizing Internal Self-Determination-OpEd’ (PhD diss., Freie Universität Berlin, 2014), 97-100

⁵⁸ Ershad, Mahmud in interview 02, 2019.

⁵⁹ Midhat Shahzad, Sabahat Akram and Saadia Bano Hashmi. ‘Azad Jammu and Kashmir and Gilgit Baltistan: Historical, Constitutional & Administrative Development’, *Contemporary Studies* 5 (2016) : 69-85

⁶⁰ AJ&K official portal (accessed 20/06/19)

<https://law.ajk.gov.pk/assets/lawlibrary/2019-02-14-5c647c6b9bfcd1550089323.pdf>



Accession to Pakistan and the integrity and sovereignty of Pakistan'. In the past, many political parties and candidates who did not sign and agree with this clause have been debarred and banned from contesting elections."⁶¹

Conclusion

A state is a polity that usually established as an integrated organization. Some states are sovereign, whereas some states are subject to external sovereignty or hegemony, where sovereignty lies with other states. Similarly, Azad Jammu & Kashmir is a country with its own territory, government, population completing all aspects of the territory but it is associated with federal state (Centre) commonly known as associated-unit and sovereignty is shared between two countries [i.e. AJ&K and Pakistan]. Both states work in cooperation with each other. Pakistan historically supported Kashmir movement for self-determination IOK both diplomatically and politically. Azad Jammu Kashmir is highly integrated into Pakistan and both states have social, political, commonalities that make Centre-region relation more strong. Secondly, when comes to the administrative structure of the region and debate over the "autonomy" or state, theoretically, it can be state with its President, Prime Minister, Supreme court, National Flag, National Anthem with all the subject except complete power it has shared sovereignty that reflects its autonomy .

The politics of Azad Jammu& Kashmir passed through various stages of evolution on basis of mutually designed agreement with Pakistan. Currently, its administrative structure work according to 1974 interim constitution act which gives Pakistan significant authority in AJ&K. Pakistan government has its interference in domestic politics through Kashmir Council, Ministry of Kashmir affairs, civil bureaucracy , Inspector General all institutions controlled by Pakistan and the defense and external security of Azad Jammu and Kashmir, the issuance of currency, coins or bills and the external affairs of Azad Jammu and Kashmir including foreign aid is under the direct control of Pakistan which is monitored by thick network on intelligence agencies so it exerts its control over Azad Kashmir in various ways by overwhelming presence of military and even have ability to influence elections results and one cannot be in power in Azad Kashmir without approval of Pakistan and is the most significant player in domestic politics. The legislative assembly of Azad Jammu & Kashmir consist of 49 seats among these seats twelve seats secured for the refugees settled in Pakistan that are in hand of ruling party in Pakistan and party close to the Centre gets the benefit over these seats.

Thirdly, leadership is one of the very important aspects of the state in order to achieve its objective and keen factor in shaping and reshaping of politics but unfortunately the incompetent leadership in the region is unable to safeguard its national-interest of the state and society. In past soon after independence if we take a look toward the circumstances there was nothing in the region except widespread casualties, damage and loss with no political structure but it came out of the situation because of the strong visionary leadership of both states and ideology which is now in a form of an organized structure but unfortunately due to lack of priorities and leadership with no ideology and vision lacking behind the main objectives another important factor is they follow the trend of dynastic politics which is limited to few influential families or groups. Biradirimism is one of the dominating factors in domestic politics and no new face gets the chance to play its parts in the regional contours. The domestic politics revolves around biradirimism, clans, family and regional divide into districts, sub-districts level.

⁶¹ ibid.,

At present general elections held every five year and the political parties representation based on three categories. The religious-politico parties based on religious manifestoes representing different school of thoughts like MMA, Jamat-e-Islami, and JUI etc. Secondly Socio-politico and regional based parties that represents the interest of different groups in the society like Muslim Conference on of the regional(Riyasti) PPP, PML-N and other small parties and thirdly, the nationalist party that voices the freedom struggle and liberate the other part of AJ&K is relatively small.

From mid-1990's the diaspora settled in United Kingdom from AJ&K started taking interest in politics and influenced the politics in different ways like they financially funded different parties in election. The immigration to the Middle East and employment in the United States carried various societal and economic problems back home. It created a class or families who exclusively rest on remittances, instead of looking for jobs locally. In 1992, one-third of rural families had at least one male member who was working outside. It minimizes efficiency and has impact on the traditional way of life of the Kashmiri people; in particular through a rise in off-farm service outside AJ&K. Except remittance based development, various other aspects also help AJ&K to grow fast. The education rate of AJ&K is 61 percent relatively high as compared to Pakistan which is 45 percent. The rich class had huge impact on domestic politics secondly youngsters leave home for the better future of and support their families by sending heavy foreign remittance.

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