

MP-IDSA

Issue Brief

Elections in the so-called Azad Jammu and Kashmir

Priyanka Singh

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S*ummary*

The issue brief captures the highlights of the elections held in the so-called Azad Jammu and Kashmir (AJK) in July 2021. It also lays out perspectives on Pakistan's persisting dominance and control over local politics in the so-called AJK while gauging the extent or limits of “azadi” in the region.

Elections to the legislative assembly in the so-called Azad Jammu and Kashmir (AJK)—part of Pakistan-occupied Kashmir (PoK)—were held on 25 July 2021 after the previous dispensation headed by the Pakistan Muslim League-Nawaz (PML-N) completed its five-year term. At the forefront of the electoral contest were the mainstream political parties of Pakistan—the Pakistan Tehreek-e-Insaf (PTI), Pakistan Peoples Party (PPP) and the PML-N. Other groups known to have participated included Tehreek-e-Labbaik Pakistan (TLP), the far right group banned in Pakistan; the All J&K Muslim Conference; Jamat-e-Islami and the Jammu and Kashmir Democratic Party.¹ Along expected lines, the Imran Khan-led PTI secured a simple majority by winning 26 of the total 45 seats in the so-called AJK Assembly. The PTI was followed by the PPP winning 11 seats, while 6 seats were taken by the PML-N. There were more than 700 candidates from 32 political outfits—big and small—contesting for these 45 general seats—33 local constituencies and 12 refugee constituencies from the four provinces of Pakistan. About 3.2 million people were noted to exercise their franchise.²

There were reports of sporadic violence in which at least two people died, even as the so-called AJK Chief Election Commissioner, Justice Abdul Rasheed Sulheria, committed to hold “free, fair and transparent elections”.³ After potential candidates were interviewed by Pakistani PM Imran Khan, Sardar Abdul Qayyum Khan Niazi was sworn in as the Prime Minister to head the PTI-led government in the so-called AJK. India rejected the so-called AJK elections as “an attempt by Pakistan to camouflage its illegal occupation.”⁴

This was the first election after Government of India’s move to end the special status of Jammu and Kashmir, bifurcating it into two Union Territories. Thus, the campaign was heavily divided along as to how apt or inept Prime Minister Imran Khan’s response to India’s decision was. While the PML-N accused PM Khan of selling out Kashmir, the PPP pegged its agenda around plebiscite and the party’s long-held commitment to the Kashmir cause. In this backdrop, the elections in the so-called AJK were touted as a litmus test for PM Imran Khan, whose pan-Islamic approach, as envisaged in the 2019 UN General Assembly speech for instance, is being showcased as his success not only on Kashmir but also with regard to shielding his country from the religion-centric onslaught—one that has perennially charged Pakistan as being the chief promoter of terrorism and violence across the globe.⁵

¹ **“Explainer: Key Things to Know Ahead of AJK Elections”**, *The Express Tribune*, 23 July 2021.

² Ibid.

³ Syed Abbas Gardezi, **“AJK CEC Says Free, Fair Polls will be Ensured”**, *The News*, 14 July 2021.

⁴ **“Transcript of Virtual Weekly Media Briefing by the Official Spokesperson”**, Ministry of External Affairs, Government of India, 29 July 2021.

⁵ **“Imran Khan Warns of Kashmir 'Blood Bath' in Emotional U.N. Speech”**, *The New York Times*, 27 September 2019.

Core Electoral Issues

The election campaign witnessed mutual mudslinging. However, it was at the same time heavily tilted towards the Kashmir issue *vis-à-vis* India—a component that virtually overpowered all other issues including those concerning immediate local needs and the extant development lag. Hardcore direct issues of unemployment, improvement in agriculture and industries, and overall infrastructural deficit and requirements seemed to have existed but certainly on the backseat. PM Imran Khan's handling of the economy and the raging inflation and his inability to curb it were not the prominent issues either.

The elections in the so-called AJK were being interpreted as a battle of narratives on Kashmir. While the PTI highly and positively self-appraised its handling of the aftermath of India's revocation of Article 370 from J&K, it also held its nerves fresh from a huge by-poll defeat against the PML-N in Daska (in Punjab currently ruled by PTI) in April 2021.⁶

The elections in the so-called AJK were held amidst widespread allegations levelled by the opposition—the PPP and the PML-N—against PTI of “stealing” the polls and brazenly indulging in systematic rigging.⁷ Maryam Nawaz warned of dire consequences against stealing of elections while post elections, Bilawal Bhutto asserted that PPP's tally would have been better had the polls been fair and transparent. The PTI accused the incumbent PML-N, previously heading the so-called AJK government, of peddling the “India narrative”—one that is soft on India and especially on Prime Minister Narendra Modi.

It is also alleged that the elections in the so-called AJK—the one held recently as well as the by-gones—have invariably undermined local institutions instead of strengthening them, and in every sense have been an extension of the feudal, elite and patronage-seeking political culture rampant in Pakistan.⁸ There is a near obsessive approach about what is purportedly being done with fellow Kashmiris along the Line of Control due to India's supposed repressive approach and military excesses.

There are muted but some concerns that invariable corresponding win of the political party ruling Islamabad in the so-called AJK elections raises serious doubts on the veracity of the whole electoral exercise.

⁶ **“Daska's Decision”**, *The News*, 12 April 2021.

⁷ **“Maryam Warns Govt Against Stealing PML-N's Mandate in Kashmir Polls”**, *Daily Times*, 11 July 2021.

⁸ Danish Khan, **“Elections in AJK”**, *The News*, 3 July 2021.

Shrill Poll Pitch and Controversies

The previous dispensation headed by the PML-N knew they would lose despite a by-poll win in the PTI-dominated Punjab as mentioned earlier. This was also because of the long established paradigm or pattern of the so-called AJK selecting the party ruling Islamabad. In this context, the former Prime Minister of the so-called AJK, Raja Farooq Haider alleged that members of the Imran Khan government were “brazenly desecrating and contravening AJK’s Constitution”.⁹ There was uproar when Ali Amin Gandapur, Minister for Kashmir Affairs and Gilgit Baltistan, accompanied Imran Khan to an electoral rally despite the former facing a ban from participation in any poll-related activities by the so-called AJK Election Commission.¹⁰ PTI’s election campaign was steered by Ali Amin Gandapur. The minister was seen distributing cash during one of his meetings and the issue went viral on social media.¹¹ The situation further precipitated and Prime Minister Haider threatened to stage a sit-in against inaction against Gandapur.

The pitch of the polls was visceral and crude. The PTI accused the PML-N of guzzling the money of common man narrating the rags to riches story of the Sharif family in poll rallies and how parties that have looted Pakistan are now sending their heirs to further continue the loot—reference to Bilawal Bhutto and Maryam Sharif. Ali Amin Gandapur in one of his speeches levelled the Sharifs of pandering PM Modi by hosting him for Maryam’s daughter’s wedding at Lahore in 2015.¹² On the other side, Maryam Sharif tried to balance out or neutralise the pro-India charges by emphasising Nawaz Sharif’s achievement when he conducted more nuclear tests than the enemy, India.¹³ Besides, Maryam Nawaz cautioned the people in the so-called AJK that Imran Khan’s government may convert the region into a province and that her party would never allow that to happen.

Besides, the campaign also became personal and led to a slugfest where Maryam Nawaz retorted to Imran Khan’s remarks about her son playing polo, which he alleged was a sport for the rich. Khan claimed that the money to support Sharif’s plush lifestyle was in fact drained from the people of Pakistan.¹⁴ In response, Maryam

⁹ Tariq Naqash, **“AJK PM Threatens Sit-in Against Alleged Govt ‘Meddling’ in Elections”**, *Dawn*, 19 July 2021.

¹⁰ **“Election Commission Summons PTI Minister Gandapur For Violating Code Of Conduct”**, *Bol News*, 25 July 2021.

¹¹ Abbas Shabbir, **“AJK Elections: Gandapur Distributes Cash while Campaigning, CEC Takes Notice”**, *Samaa TV*, 9 July 2021.

¹² **“Ali Amin Gandapur Fiery Speech in Azad Kashmir Jalsa-AJK Election 2021 Campaign”**, 23 July 2021.

¹³ **“Those Dubbed as ‘Traitors’ are True Patriots: Maryam”**, *The Express Tribune*, 20 July 2021.

¹⁴ Zulqernain Tahir, **“Maryam, Jemima Spar on Social Media after PM’s Taunt”**, *Dawn*, 21 July 2021.

Nawaz hit out with anti-Semitic remarks against Imran Khan's sons with his estranged wife Jemima Goldsmith about their Jewish upbringing.¹⁵

Mired in controversies, the 2021 elections in the so-called AJK were notably “ugly”—one that reflected upon the failure of Pakistan as well as local politics proving thereby “that the system in place is incapable of producing an election that can be accepted by all stakeholders.”¹⁶

Outcome

The PTI won majority of 26 seats, followed by the PPP with 11 seats and the PML-N restricted to 6, and one each won by state-based All Jammu and Kashmir Muslim Conference (AJKMC) and Jammu Kashmir Peoples Party (JKPP). PM Imran Khan thanked the people of the so-called AJK for voting in favour of PTI for the very first time. Interesting, he further said, “As ambassador for Kashmir I will continue to raise my voice on all international forums including UN to ensure that the international community fulfils its commitment of self-determination to the Kashmiri people through a UN-sponsored plebiscite”.¹⁷ The information minister, Fawad Chaudhury said that the PML-N's “humiliating defeat” was a backlash against “Nawaz Sharif's meeting with RAW agent Hamdullah Mohib”, the Afghan NSA (National Security Advisor) in London.¹⁸ The PPP and PML-N reported widespread irregularities in the election process by writing to the so-called AJK Election Commission alleging how the state machinery was misused to favour the PTI.

A rather elated Bilawal Bhutto tweeted after the results: “PTI resorted to violence & rigging. ECP failed to take action vs PTI for violating electoral rules. Despite this, PPP emerged as largest opposition party in AJK with 11 seats, up from 3 seats last time. Incredibly proud of PPPAJK for putting up a good fight”.¹⁹

The so-called AJK's Electoral Politics and Azadi

In the discourse on the so-called AJK, a proverbial question that has come up—though with limited traction—is how “Azad” is the so-called Azad Kashmir? This is a pertinent question and lies at the core of not only the so-called AJK's electoral politics but also of the broader Kashmir question. It is a well-established truth that the so-

¹⁵ **“No Interest in You, Your Sons, Maryam Nawaz tells Jemima Goldsmith”**, *The News*, 20 July 2021.

¹⁶ **“AJK's Ugly Elections”**, Editorial, *Dawn*, 27 July 2021.

¹⁷ Syed Irfan Raza and Tariq Naqash, **“PM Thanks Kashmiris for PTI's First Victory in AJK”**, *Dawn*, 27 July 2021.

¹⁸ Haseeb Hanif, **“Fawad Links PML-N's Defeat to 'Anti-Pakistan' Rhetoric”**, *The Express Tribune*, 27 July 2021.

¹⁹ **“Maryam, Bilawal Reject AJK Poll Results”**, *The Express Tribune*, 27 July 2021.

called AJK is neither *Azad* (independent) nor sovereign and is merely given a fallacious wrap of an independent nation.

A very basic and fundamental flaw in the construct on the so-called “Azad Kashmir” is the reality of the prevalence of mainstream political parties of Pakistan in the region including in Gilgit-Baltistan. Even a cursory glance at the history of the electoral politics in the so-called AJK makes it apparent that the mainstream Pakistani parties have remained at the helm. If the region is a sovereign entity pending final resolution of a bilateral dispute, what explains the pre-dominance of the political parties of Pakistan (in contrast to the political landscape in J&K where regional parties remained at the helm with national parties confined to a supporting role).

The second most important contention is that usually, the Azad Kashmir election follows a simple pattern. The people vote in overwhelming numbers for the party incumbent in Islamabad mainly for what has been called “survival instincts”, to get maximum support from Islamabad for developmental projects or simply because the party in power uses its resources and influence to muster votes in the region.²⁰ However, it is also important to note that respective terms do not usually correspond to the tenure of the establishment in Islamabad. As a result, there is acute friction during the interregnums/phases.

Similarly, the electoral framework with as many as 12 refugee seats representing refugees from the Kashmir Valley and Jammu gives added room for Islamabad to influence the balance of votes or seats in its favour as these seats are spread in parts of Pakistan and are, therefore, easier to manipulate.

There are provisions in the so-called AJK Interim Constitution of 1974 that perpetrate Pakistan’s continued dominance and subjugation of the so-called AJK’s political process and systems. In this regard, Article 7(3) notes: “No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, [this] ideology”.²¹ An affidavit to the effect of swearing allegiance to Kashmir’s accession to Pakistan guaranteeing loyalty to the cause of Kashmir eventually joining Pakistan is mandatory to participate in political activities or hold a political post in the so-called AJK.²² Similarly, Article 257 of the Constitution of Pakistan states that “when the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that

²⁰ Ayaz Muhammad Khan, “**AJK Elections 2021: A Test for the PTI Government?**”, *Global Village Space*, 17 July 2021.

²¹ “**AJK Interim Constitution, 1974**”, *Law Department, AJ&K*, p. 14.

²² Ershad Mahmud, “**Status of AJK in Political Milieu**”, *Policy Perspectives*, Vol. 3, No. 2, July–December 2006, p. 119.

State.”²³ This Article reflects Pakistan’s complacent supposition at its peak regarding the choices that the two entities within PoK are going to make. The fact is that entities under Pakistani occupation have no choice conferred other than to remain under Pakistan.

More recently, the government of Pakistan has been pursuing the 14th amendment which is drafted to undo the curtailment of powers of the all-powerful Council headed by the Prime Minister of Pakistan.²⁴ The long pending 13th amendment strips the Council of its overarching powers and instead ironically vested them in the PM as head of the Council. However, the reforms are now known to pinch the council members reportedly drying up their financial resources. The Imran Khan government was pursued by the bureaucracy to modify the proposal by another amendment strongly desisted by the then PML-N headed so-called AJK government.

The 2021 electoral campaign threw up another flagrant anomaly in the context of the so-called AJK’s electoral politics. The so-called AJK Election Commission could not take decisive action against Ali Amin Gandapur’s violation of code of conduct. It is believed that even if a case was registered against the Federal Minister, no action could be taken against him, since he is not a member of the so-called AJK legislature and, hence, beyond the purview of the so-called AJK EC.²⁵

The so-called AJK in Pakistan’s Kashmir Strategy

The so-called Azad Kashmir is a delusionary visage or countenance that Pakistan has tried to use as a bulwark in its time-old Kashmir strategy. Raising a so-called Azad Kashmir government back in 1947 partially served Pakistan’s strategic designs in the earlier years. By doing so, Pakistan was able to dodge international attention in a crucial span of time, when the issue was hotly debated at the UN. Secondly, and more importantly, Pakistan was able to camouflage its seizure of the Gilgit Baltistan region, being able to showcase the so-called AJK as the role model juxtaposed to the centrepiece of the Kashmir debate, i.e., the J&K under India’s control. It was perhaps this false pretence of “Azadi” that gave Pakistan respite to tighten hold over what is deceitfully seized without much notice being taken.

Imran Khan’s speech on the Kashmir Solidarity Day, 5 February 2021, reiterated Pakistan’s revisionism and its unabashed penchant to occupy the entire Kashmir wherein he noted that both the so-called AJK and J&K must first accede to Pakistan

²³ See **Article 257: Provision Relating to the State of Jammu and Kashmir**, The Constitution of the Islamic Republic of Pakistan, Part XII: Miscellaneous, Chapter 4: General, *pakistani.org*.

²⁴ Tariq Naqash, **“AJK Cabinet Declines to Agree to Draft Constitutional Proposals from Islamabad 'In Totality'”**, *Dawn*, 16 July 2020.

²⁵ Sardar Sikander Shaheen, **“Violation of ‘Code of Conduct’ AJK EC Unlikely to Proceed against Gandapur”**, *Business Recorder*, 28 July 2021.

and then Pakistan will give them the right to either remain with it or become independent—a somewhat preposterous proposition. In reality, the so-called AJK merely embodies the façade of Pakistan’s Kashmir strategy—one that pursues the illusionary truth effect—make believe by repeatedly calling Indian J&K as “Maqbooza” Kashmir and never really letting the focus train on real “Maqbooza”, i.e., the so-called AJK.

The so-called AJK has been rightly described as the “rump” area devoid of attention.²⁶ Given its proximity to J&K, it has an extensive network of terrorist launch pads across the LoC. The region has been fulcrum of Pakistan-unleashed terrorism against India. It is unfortunate that a disproportionate focus on J&K and an acute deficit in the case of the so-called AJK’s representation in the international discourse on Kashmir has benefitted Pakistan’s revisionist agenda at the expense of India’s strategic discomfiture.

²⁶ Christopher Snedden, *The Untold Story of the People of Azad Kashmir*, Hurst & Company, London, 2012, p. 146.

About the Author



Dr. Priyanka Singh is Associate Fellow at the Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi.

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