



## The Historical Development of Democratic Institutions in Azad Jammu and Kashmir (1947–1997): Constitutional Evolution, Political Transformation, and Institutional Challenges

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### ABSTRACT

*This article examines the historical development of democratic institutions in Azad Jammu and Kashmir (AJK) from 1947 to 1997, focusing on constitutional evolution, political transformation, and institutional challenges. Since its establishment in October 1947, AJK has occupied a unique constitutional and political position in South Asia, shaped by the unresolved Kashmir dispute, revolutionary politics, and Pakistan's administrative influence. <sup>1</sup> Unlike conventional democratic systems, AJK emerged during armed conflict, resulting in an institutional vacuum and provisional governance structures. <sup>2</sup>*

*The study divides democratic development into four major phases: Revolutionary Institutional Formation (1947–1949), Controlled Institutionalization (1949–1970), Democratic Breakthrough (1970–1974), and Parliamentary Institutionalization (1974–1997). These phases illustrate the transformation of AJK from a revolutionary administration into a parliamentary political system. <sup>3</sup> Particular emphasis is placed on the leadership of Sardar Ibrahim Khan, the constitutional implications of the Karachi Agreement, and the significance of the Interim Constitution Act 1974. <sup>4</sup>*

*Using qualitative historical methods, this article relies on constitutional texts, archival records, political memoirs, and scholarly literature. It argues that while democratic institutions expanded through electoral reforms, judicial development, and parliamentary governance, their autonomy remained limited by federal intervention and administrative dependency. <sup>5</sup> The article concludes that AJK represents a unique model of incomplete democratization in a disputed territory. <sup>6</sup>*

**Keywords:** Democratic Institutions, Democratic Development, Administrative Dependency, Interim Constitution, Autonomy

### Footnotes

1. Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015), 141.
2. Victoria Schofield, *Kashmir in Conflict* (London: I.B. Tauris, 2003), 88.
3. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 52.
4. A. G. Noorani, *A Constitutional History of Jammu and Kashmir* (Oxford University Press, 2011), 213.
5. Ershad Mahmud, "Socio-Political Realities of Pakistan Administered Jammu and Kashmir," Institute of Policy Studies (2006): 16.
6. Javaid Hayat, "Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty," PhD diss., Freie Universität Berlin, 2014, 78.

## 1. Introduction

The political and constitutional development of Azad Jammu and Kashmir (AJK) represents one of the most complex and understudied dimensions of South Asian political history. Since its emergence in October 1947, AJK has evolved under extraordinary historical conditions shaped by armed conflict, contested sovereignty, and institutional experimentation.<sup>7</sup> Unlike ordinary political entities formed through constitutional continuity, AJK emerged in the context of war and revolutionary struggle.<sup>8</sup>

The partition of British India in 1947 created a constitutional crisis for princely states, particularly Jammu and Kashmir. The princely ruler, Maharaja Hari Singh, initially attempted to preserve independence despite increasing internal unrest and external pressures.<sup>9</sup> However, rebellion in Poonch and surrounding areas, combined with tribal intervention, rapidly altered the political landscape.<sup>10</sup>

On 24 October 1947, the Azad Government of the State of Jammu and Kashmir was formally established under the leadership of Sardar Ibrahim Khan.<sup>11</sup> This marked the beginning of a new political entity claiming legitimacy through popular resistance against Dogra authority. Yet the newly established government lacked formal constitutional arrangements, legislative mechanisms, and judicial institutions.<sup>12</sup> Governance was therefore conducted under emergency conditions, reflecting an institutional vacuum.

This absence of structured democratic institutions shaped the political trajectory of AJK. In the early phase, executive authority remained concentrated in revolutionary leadership circles, and legitimacy depended largely upon anti-Dogra mobilization rather than constitutional procedures.<sup>13</sup>

### Footnotes

7. Snedden, *Understanding Kashmir and Kashmiris*, 147.
8. Luv Puri, *Across the Line of Control: Inside Pakistan-administered Jammu and Kashmir* (New York: Columbia University Press, 2012), 44.
9. Noorani, *A Constitutional History of Jammu and Kashmir*, 59.
10. Schofield, *Kashmir in Conflict*, 97.
11. Muhammad Ali Chaudhary, *The Emergence of Pakistan* (New York: Columbia University Press, 1967), 218.
12. Gilani, *Constitutional Development in Azad Jammu & Kashmir*, 34.
13. Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur: National Institute of Kashmir Studies, 2013),
14. The political development of Azad Jammu and Kashmir cannot be understood without examining its unique constitutional relationship with Pakistan. Following the Karachi Agreement, the administrative and constitutional structure of AJK was increasingly shaped by Pakistan's federal institutions.<sup>14</sup> This agreement transferred major subjects including defense, foreign affairs, and international negotiations to Pakistan, thereby limiting the scope of autonomous governance within AJK.<sup>15</sup>
15. This constitutional arrangement created a paradox: while AJK developed representative institutions over time, these institutions operated within a framework of restricted sovereignty. Scholars have argued that AJK occupies a quasi-autonomous constitutional status neither fully sovereign nor fully integrated into Pakistan's federal structure.<sup>16</sup> This ambiguity shaped both the strengths and weaknesses of democratic institutionalization.
16. The most significant democratic transformation occurred in 1970, when adult franchise was introduced under the Azad Jammu and Kashmir Act 1970. This reform allowed for

direct elections and expanded political participation for the first time in AJK's history.<sup>17</sup> the subsequent Interim Constitution Act 1974 institutionalized parliamentary democracy by establishing the offices of President, Prime Minister, Legislative Assembly, High Court, and Supreme Court.<sup>18</sup> These reforms represented the formal transition from centralized executive rule to representative governance.

17. Despite these advancements, democratic institutions in AJK continued to face structural limitations. Federal oversight, bureaucratic dominance, and constitutional restrictions often constrained local political autonomy.<sup>19</sup> Political parties became active agents of democratization, but they also remained deeply influenced by national political trends in Pakistan.<sup>20</sup>

18. This article seeks to critically examine the historical development of democratic institutions in AJK from 1947 to 1997. It explores constitutional evolution, political transformations, party politics, and institutional challenges in order to understand how democratic governance emerged and evolved in this contested political space. By doing so, the study contributes to broader debates on democratization in disputed territories and constitutional development under conditions of incomplete sovereignty.<sup>21</sup>

### Footnotes

14. A. G. Noorani, *A Constitutional History of Jammu and Kashmir* (Oxford University Press, 2011), 214.

15. Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (United Kingdom: Oxford University Press, 2011), 71.

16. Javaid Hayat, "Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty," PhD diss., Freie Universität Berlin, 2014, 85.

17. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 88.

18. Gilani, *Constitutional Development in Azad Jammu & Kashmir*, 102.

19. Ershad Mahmud, "Socio-Political Realities of Pakistan Administered Jammu and Kashmir," Institute of Policy Studies (2006): 19.

20. Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur: National Institute of Kashmir Studies, 2013), 37.

21. Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015), 163.

## 2. Literature Review

The scholarly literature on Azad Jammu and Kashmir (AJK) remains relatively limited compared to the broader academic work on the Kashmir conflict. Most studies have traditionally focused on the international dimensions of the dispute between India and Pakistan, often overlooking the internal constitutional and democratic development of AJK.<sup>22</sup> However, in recent decades, a growing body of scholarship has begun to examine AJK as a distinct political and constitutional entity.

Early historical works on Kashmir, such as those by Joseph Korbel and Alastair Lamb, primarily focused on the origins of the Kashmir dispute and the geopolitical conflict between India and Pakistan.<sup>23</sup> These works provide essential background for understanding the circumstances that led to the creation of AJK, but they offer limited analysis of its internal institutional development.

More specialized scholarship by Christopher Snedden has significantly contributed to understanding the political and constitutional evolution of AJK. Snedden's work highlights the

historical experiences of the people of AJK and emphasizes the region's distinct identity within the larger Kashmir dispute.<sup>24</sup> His analysis is particularly valuable because it moves beyond state-centric narratives and focuses on local political developments.

Similarly, Victoria Schofield provides a broader historical framework in which the political evolution of AJK can be situated. Her work explores how war, diplomacy, and constitutional changes shaped governance structures across Jammu and Kashmir.<sup>25</sup> While her focus is not exclusively on AJK, her historical insights remain important for this study.

The constitutional dimension of AJK has been examined in detail by Syed Manzoor Gilani. Gilani's work remains one of the most important contributions to understanding constitutional evolution in AJK. He traces the development of governance structures from the revolutionary period to the Interim Constitution of 1974 and discusses the limitations imposed by federal oversight.<sup>26</sup> This study heavily relies on his constitutional analysis.

A. G. Noorani also offers important insights into the constitutional history of Jammu and Kashmir, including the legal and political implications of AJK's constitutional arrangements. Noorani argues that AJK's constitutional structure reflects a hybrid model of autonomy and dependency.<sup>27</sup> His work is particularly useful in analyzing the legal complexities of the 1974 Interim Constitution.

Recent political science scholarship has focused more directly on democratization and governance in AJK. Javaid Hayat examines democratic governance under conditions of ambiguous sovereignty and argues that AJK's institutions remain structurally constrained despite electoral development.<sup>28</sup> His analysis contributes significantly to understanding the relationship between constitutional form and political practice.

Likewise, Ershad Mahmud emphasizes the socio-political realities of Pakistan-administered Kashmir and highlights issues such as bureaucratic dominance, weak institutional autonomy, and federal intervention.<sup>29</sup> His work supports the argument that democratization in AJK has been incomplete and heavily shaped by external factors.

Studies on political parties and electoral politics in AJK, particularly those by Shams Rehman, have highlighted the role of party competition, diaspora influence, and regional political alignments.<sup>30</sup> These studies demonstrate that party politics have been central to democratic institutionalization, even when operating under constitutional constraints.

Despite these important contributions, a significant gap remains in the literature: there is no comprehensive historical study that systematically traces the development of democratic institutions in AJK across the full period from 1947 to 1997. Existing works tend to focus either on constitutional texts, electoral politics, or broader conflict narratives. This article seeks to fill that gap by integrating constitutional history, political transformation, and institutional analysis into a single historical framework.<sup>31</sup>

Thus, the literature provides valuable foundations but remains fragmented. This study builds upon these works while offering a more comprehensive historical analysis of democratic institutional development in Azad Jammu and Kashmir.

#### Footnotes

22. Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015), 121.

23. Joseph Korbel, *Danger in Kashmir* (Princeton: Princeton University Press, 1954), 44; Alastair Lamb, *Kashmir: A Disputed Legacy 1846–1990* (Karachi: Oxford University Press, 1991), 201.

24. Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (United Kingdom: Oxford University Press, 2011), 88.

25. Victoria Schofield, *Kashmir in Conflict* (London: I.B. Tauris, 2003), 119.
26. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 97.
27. A. G. Noorani, *A Constitutional History of Jammu and Kashmir* (Oxford University Press, 2011), 245.
28. Javaid Hayat, "Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty," PhD diss., Freie Universität Berlin, 2014, 93.
29. Ershad Mahmud, "Socio-Political Realities of Pakistan Administered Jammu and Kashmir," Institute of Policy Studies (2006): 24.
30. Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur: National Institute of Kashmir Studies, 2013), 42.
31. Snedden, *Understanding Kashmir and Kashmiris*, 171.

### 3. Research Methodology

This study adopts a qualitative historical methodology to examine the evolution of democratic institutions in Azad Jammu and Kashmir (AJK) from 1947 to 1997. Since the subject deals primarily with constitutional development, political transformation, and institutional structures, the historical method is most suitable for reconstructing events chronologically and analyzing their political significance.

The research is based on both **primary** and **secondary** sources. Primary sources include constitutional documents such as the Azad Jammu and Kashmir Act 1970 and the Interim Constitution Act 1974, official government records, Assembly proceedings, political declarations, and administrative notifications. These sources provide direct evidence of institutional changes and constitutional evolution.<sup>32</sup>

Secondary sources include books, journal articles, dissertations, and scholarly studies on Kashmir politics, constitutional development, and democratic governance. Works by Christopher Snedden, Syed Manzoor Gilani, A. G. Noorani, and Javaid Hayat form the analytical basis of this study.

The methodology follows a **historical-analytical framework**. Historical narration is used to trace institutional development across four phases, while analytical interpretation is used to evaluate constitutional limitations, political participation, and the effectiveness of governance structures.

This study also applies **institutional analysis**, focusing on the relationship between executive authority, legislative representation, judicial development, and federal oversight. The purpose is not merely to describe institutions but to assess how effectively they functioned within AJK's unique political environment.

Source criticism has been applied to verify historical claims and reduce political bias. Given the contested nature of Kashmir historiography, official records have been cross-examined with memoirs and academic works to ensure reliability.<sup>33</sup>

The study is limited by restricted archival accessibility and the political sensitivity of constitutional documents, but the combination of historical reconstruction and qualitative analysis provides a strong framework for understanding democratic institutional development in AJK.

### Footnotes

32. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 101.
33. Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (United Kingdom: Oxford University Press, 2011), 93.

#### 4. Historical Evolution of Democratic Institutions

##### **Phase I: Revolutionary Institutional Formation (1947–1949)**

The first phase in the development of democratic institutions in Azad Jammu and Kashmir (AJK) covers the period from 1947 to 1949. This phase represents the revolutionary foundation of political authority in the region and is crucial for understanding the origins of institutional development. Unlike conventional state formation, AJK emerged during armed conflict and political upheaval.

The roots of this political transformation lie in the partition of British India in August 1947. The princely state of Jammu and Kashmir became the center of constitutional uncertainty when Maharaja Hari Singh delayed accession to either India or Pakistan. This indecision created political instability, particularly in the western districts of Poonch and Mirpur, where resistance against Dogra rule intensified.<sup>34</sup>

On 24 October 1947, the Azad Government of the State of Jammu and Kashmir was formally established under the leadership of Sardar Ibrahim Khan. This marked the first indigenous political authority in the liberated territories.<sup>35</sup> The newly formed government claimed legitimacy on the basis of popular resistance and self-determination.

However, the institutional structure of this government remained highly provisional. There was no written constitution, no elected legislative assembly, and no formal judicial framework. Governance during this period was largely based on revolutionary necessity rather than constitutional order. Executive authority remained concentrated in the presidency and a small political leadership circle.

The All-Jammu and Kashmir Muslim Conference played a central role during this phase. It acted as the principal political force behind the revolutionary movement and provided organizational support to the newly established government. Its political influence was decisive in mobilizing public support and maintaining internal political coherence.

This phase was characterized by what may be termed **emergency governance**. The primary focus remained on territorial defense, political consolidation, and administrative survival rather than democratic institutionalization. As a result, representative politics remained absent.

The ceasefire agreement of January 1949 fundamentally changed the political reality. It defined territorial control and created the conditions for formal administrative restructuring. This transition led directly to the Karachi Agreement, which would shape the next phase of constitutional development.<sup>36</sup>

Thus, the period from 1947 to 1949 was foundational in political terms. Although democratic institutions were absent, this phase established the political legitimacy, leadership structures, and territorial framework upon which later constitutional and democratic developments were built.

##### **Footnotes**

34. Victoria Schofield, *Kashmir in Conflict* (London: I.B. Tauris, 2003), 94.

35. Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (United Kingdom: Oxford University Press, 2011), 61.

36. A. G. Noorani, *A Constitutional History of Jammu and Kashmir* (Oxford University Press, 2011), 214.

##### **Phase II: Controlled Institutionalization (1949–1970)**

The period from 1949 to 1970 marks the second phase in the constitutional and political development of Azad Jammu and Kashmir (AJK). This phase may be described as one of **controlled institutionalization**, because it witnessed the formalization of administrative structures under increasing supervision from Pakistan. Although this period brought political

stability after the revolutionary years, it also restricted the growth of representative democratic institutions.

The most important development at the beginning of this phase was the Karachi Agreement, signed on 28 April 1949 between the Government of Pakistan, the Azad Government, and the All-Jammu and Kashmir Muslim Conference.<sup>37</sup> The agreement transferred control over defense, foreign affairs, negotiations with the United Nations, and refugee affairs to Pakistan.

<sup>38</sup> This fundamentally redefined the constitutional status of AJK.

The Karachi Agreement became the foundation of Pakistan's administrative authority over AJK. Through this arrangement, the Ministry of Kashmir Affairs emerged as the principal institutional mechanism for supervising AJK's governance. Its influence extended beyond administrative coordination and often shaped political appointments and constitutional reforms.<sup>39</sup>

During this phase, executive institutions became more structured. Unlike the revolutionary period, governance now operated through established departments and administrative procedures. However, executive power remained heavily centralized in the office of the President.<sup>40</sup> The presidency functioned as the dominant political institution, while representative mechanisms remained weak.

A major limitation of this phase was the absence of adult franchise. Political participation remained restricted, and the general population had little direct role in government formation. Leadership changes often depended on administrative decisions, elite negotiations, or federal approval rather than public elections.<sup>41</sup>

The All-Jammu and Kashmir Muslim Conference remained the dominant political force throughout much of this period. While it provided continuity and political organization, its close relationship with the executive reduced political competition and limited democratic pluralism.<sup>42</sup>

This period also witnessed the gradual emergence of judicial institutions. Courts began functioning under evolving constitutional arrangements, but judicial independence remained limited due to executive dominance and administrative oversight.<sup>43</sup>

Constitutionally, this phase represented a transition from revolutionary governance to administrative formalization. However, the process of democratization remained incomplete. Institutions became more organized, but they lacked broad public legitimacy due to the absence of elections and representative accountability.

By the late 1960s, increasing political awareness and demands for public participation created pressure for constitutional reform. Political activists and emerging opposition groups began demanding electoral representation and institutional accountability.<sup>44</sup> These pressures eventually led to the Azad Jammu and Kashmir Act 1970, which introduced adult franchise and marked the beginning of representative democracy.

Thus, the period from 1949 to 1970 occupies a crucial place in AJK's political history. It consolidated administrative governance and formalized constitutional relationships, but it also entrenched structural dependency and limited democratic development.

#### Footnotes

37. A. G. Noorani, *A Constitutional History of Jammu and Kashmir* (Oxford University Press, 2011), 214.

38. Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (United Kingdom: Oxford University Press, 2011), 72.

39. Javaid Hayat, "Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty," PhD diss., Freie Universität Berlin, 2014, 84.

40. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 63.
41. Ershad Mahmud, "Socio-Political Realities of Pakistan Administered Jammu and Kashmir," Institute of Policy Studies (2006): 18.
42. Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur: National Institute of Kashmir Studies, 2013), 39.
43. Gilani, *Constitutional Development in Azad Jammu & Kashmir*, 71.
44. Snedden, *Understanding Kashmir and Kashmiris*, 159.

### Phase III: Democratic Breakthrough (1970–1974)

The period from 1970 to 1974 represents a decisive turning point in the constitutional and political history of Azad Jammu and Kashmir (AJK). This phase marked the transition from restricted administrative governance to representative democratic participation. For the first time since the establishment of AJK in 1947, political authority began to derive directly from the electorate rather than administrative selection or elite negotiation. This phase therefore constitutes the first genuine democratic breakthrough in AJK's institutional history.

The most significant constitutional development of this period was the promulgation of the **Azad Jammu and Kashmir Act 1970**. This Act introduced **adult franchise**, fundamentally changing the political structure of AJK.<sup>45</sup> Before this reform, the people had no formal role in electing their representatives. The introduction of universal voting rights transformed governance by expanding political participation and strengthening political legitimacy.

The introduction of adult franchise was one of the most important milestones in the democratic evolution of AJK. It institutionalized the principle of political equality and allowed ordinary citizens to directly participate in the electoral process. This shift significantly increased political mobilization and public engagement in governance.<sup>46</sup>

The 1970 Act also established a Legislative Assembly, which became the first formal representative institution in AJK's constitutional history. Although its powers remained limited compared to later constitutional arrangements, the Assembly created an institutional space for legislative debate, political accountability, and organized opposition.<sup>47</sup>

The first elections held under this Act marked a historic transformation. Electoral politics replaced administrative nomination as the principal mechanism for leadership selection. This change strengthened the democratic principle of consent-based governance and broadened the legitimacy of public institutions.<sup>48</sup>

During this period, political party competition also expanded. The All-Jammu and Kashmir Muslim Conference continued to remain influential, but new political actors began entering the electoral arena. This increased contestation and introduced a more competitive political environment.

The growing influence of the Pakistan Peoples Party also became visible during this phase, particularly due to its broader national rise under Zulfikar Ali Bhutto. This development linked AJK's political transformation more directly with national democratic trends in Pakistan.<sup>49</sup>

Despite these reforms, important structural limitations remained. Executive authority was still relatively strong, and institutional balance between executive and legislature was not fully established. Moreover, federal oversight continued to shape constitutional and political developments, limiting the full autonomy of democratic institutions.<sup>50</sup>

This phase also reflected wider constitutional developments in Pakistan, particularly the democratic momentum that eventually produced the Constitution of 1973. These broader national transformations influenced constitutional thinking in AJK and created the conditions for more comprehensive reforms.

The democratic breakthrough of 1970–1974 culminated in the promulgation of the **Azad Jammu and Kashmir Interim Constitution Act 1974**, which institutionalized parliamentary democracy and fundamentally restructured the political system.<sup>51</sup> Thus, this period served as the bridge between limited constitutional reform and mature parliamentary institutionalization.

In historical terms, the 1970–1974 period represents the first true democratization of AJK. It introduced electoral legitimacy, legislative representation, and competitive politics, thereby establishing the foundations of modern democratic governance in Azad Jammu and Kashmir.

#### Footnotes

45. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 88.
46. Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015), 161.
47. Gilani, *Constitutional Development in Azad Jammu & Kashmir*, 91.
48. Ershad Mahmud, "Socio-Political Realities of Pakistan Administered Jammu and Kashmir," Institute of Policy Studies (2006): 27.
49. Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur: National Institute of Kashmir Studies, 2013), 45.
50. Javaid Hayat, "Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty," PhD diss., Freie Universität Berlin, 2014, 102.
51. A. G. Noorani, *A Constitutional History of Jammu and Kashmir* (Oxford University Press, 2011), 251.

#### Phase IV: Parliamentary Institutionalization (1974–1997)

The promulgation of the **Azad Jammu and Kashmir Interim Constitution Act 1974** marked the most significant constitutional development in the political history of Azad Jammu and Kashmir (AJK). This phase, extending from 1974 to 1997, represents the consolidation of parliamentary democracy and the formal institutionalization of representative governance. Unlike earlier phases characterized by executive centralization and administrative dependency, this period established a structured constitutional framework that defined executive, legislative, and judicial powers more clearly.

The Interim Constitution Act 1974 introduced a parliamentary system modeled largely on the constitutional structure of Pakistan. It created the offices of President and Prime Minister, a Legislative Assembly, and higher judicial institutions including the High Court and Supreme Court.<sup>52</sup> This institutional restructuring marked a major shift from the earlier presidential model to a more representative parliamentary framework.

Under this Constitution, the President became the constitutional head of state, while executive authority was transferred to the Prime Minister, who was elected by the Legislative Assembly. This shift was crucial because it linked executive power directly with legislative majority, thereby strengthening parliamentary accountability.<sup>53</sup>

The Legislative Assembly became the central institution of democratic governance in AJK. Through regular elections based on adult franchise, the Assembly institutionalized public participation and political representation. Members debated legislation, formed governments, and provided a forum for political opposition.<sup>54</sup> This development significantly strengthened democratic legitimacy.

The 1974 Constitution also formalized the judicial system. The establishment of the High Court and Supreme Court provided an institutional framework for constitutional interpretation,

judicial review, and legal dispute resolution. Although judicial independence remained limited in practice, the existence of higher courts marked an important step toward the rule of law.<sup>55</sup> One of the most debated features of the 1974 constitutional framework was the creation of the **Azad Jammu and Kashmir Council**. The Council exercised considerable legislative and administrative authority over important matters. While it was intended to coordinate relations between AJK and Pakistan, critics argued that it restricted the powers of local representative institutions.<sup>56</sup>

This period also witnessed the expansion of competitive party politics. The All-Jammu and Kashmir Muslim Conference remained an important political actor, but the emergence of the Pakistan Peoples Party and Pakistan Muslim League introduced stronger electoral competition. This political pluralism contributed to institutional maturity by expanding contestation and leadership accountability.<sup>57</sup>

Electoral politics became increasingly regularized during this period. Successive elections reinforced representative governance and increased public engagement in political processes. However, political alignments in AJK often remained closely tied to political changes in Pakistan, indicating the continued influence of federal politics on local democratic development.<sup>58</sup>

Despite constitutional progress, important institutional challenges persisted. One of the most controversial provisions was **Section 56** of the Interim Constitution, which allowed for the dismissal of elected governments under specific conditions. Critics argued that this provision weakened democratic continuity and made elected governments vulnerable to political intervention.<sup>59</sup>

Bureaucratic influence also remained significant. Although elected institutions had expanded, administrative structures often retained practical authority over implementation and governance. This created tension between democratic decision-making and bureaucratic control.

Political instability remained another recurring feature of this period. Internal party divisions, factional politics, and shifting alliances often disrupted institutional continuity and weakened governance effectiveness. These challenges demonstrated that institutionalization did not automatically guarantee democratic stability.

Nevertheless, the period from 1974 to 1997 represents the highest stage of democratic institutional development in AJK during the period under study. It established parliamentary governance, expanded electoral legitimacy, formalized judicial authority, and strengthened political participation.

In historical terms, this phase completed AJK's transition from revolutionary administration to constitutional parliamentary democracy. Although the system remained constrained by constitutional dependency and federal oversight, it laid the institutional foundations that continue to shape AJK's political system today.

#### Footnotes

52. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 102.

53. A. G. Noorani, *A Constitutional History of Jammu and Kashmir* (Oxford University Press, 2011), 252.

54. Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015), 168.

55. Gilani, *Constitutional Development in Azad Jammu & Kashmir*, 118.

56. Javaid Hayat, "Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty," PhD diss., Freie Universität Berlin, 2014, 117.
57. Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur: National Institute of Kashmir Studies, 2013), 58.
58. Ershad Mahmud, "Socio-Political Realities of Pakistan Administered Jammu and Kashmir," Institute of Policy Studies (2006): 33.
59. Hayat, "Azad Jammu & Kashmir (AJK)," 124.

### 5. Political Parties and Electoral Development

Political parties have played a fundamental role in the democratic evolution of Azad Jammu and Kashmir (AJK). The institutionalization of democracy in AJK cannot be understood without examining the contribution of political parties in mobilizing public opinion, structuring electoral competition, and linking society with formal institutions. From the revolutionary period of 1947 to the parliamentary phase after 1974, party politics remained central to governance and political legitimacy.

The earliest and most influential political organization in AJK was the All-Jammu and Kashmir Muslim Conference. Established before partition, the Muslim Conference became the principal political force behind the anti-Dogra movement and later the formation of the Azad Government in October 1947.<sup>60</sup> Its leadership under Sardar Ibrahim Khan provided both political direction and organizational legitimacy to the emerging state structure.

During the period of controlled institutionalization (1949–1970), the Muslim Conference retained political dominance. However, its close relationship with executive authority and federal institutions reduced the possibility of broader political competition. This period therefore reflected limited party pluralism and restricted democratic contestation.<sup>61</sup>

The introduction of adult franchise under the Azad Jammu and Kashmir Act 1970 transformed the political landscape by opening electoral politics to broader participation. For the first time, political parties were required to compete for public support through elections rather than administrative patronage.<sup>62</sup> This development marked the beginning of structured electoral competition.

The parliamentary framework established under the Interim Constitution Act 1974 further strengthened party politics by institutionalizing government formation through legislative majority. This made political parties' central actors in executive authority and parliamentary governance.

The rise of the Pakistan Peoples Party in AJK politics introduced new ideological dimensions, particularly during the period of Zulfikar Ali Bhutto. The PPP emphasized populist politics, democratic participation, and social reform, attracting significant electoral support in AJK.<sup>63</sup> Its emergence reduced the monopoly of the Muslim Conference and increased political contestation.

Similarly, the Pakistan Muslim League gradually expanded its influence in AJK, especially during periods when it held power at the federal level in Pakistan. This reflected a broader pattern in AJK politics where local party alignments often corresponded closely with national political developments.<sup>64</sup>

Electoral development in AJK became increasingly institutionalized after 1970. Regular elections enhanced political participation, strengthened representative legitimacy, and encouraged public engagement in governance. These elections also helped develop a political culture based on competition, public accountability, and policy-based campaigning.<sup>65</sup>

However, party politics in AJK also faced important challenges. Internal factionalism remained a persistent problem, particularly within the All-Jammu and Kashmir Muslim Conference.

Leadership disputes and ideological divisions often weakened party cohesion and contributed to political instability.<sup>66</sup>

Another important feature of AJK's party politics was the influence of the Kashmiri diaspora, particularly from the United Kingdom. Diaspora communities often played an active role in political mobilization, election campaigns, and financial support for political actors. This added an international dimension to local democratic politics.<sup>67</sup>

Despite these complexities, political parties remained indispensable to democratic institutionalization. They provided leadership, organized electoral participation, shaped legislative agendas, and connected public demands with formal governance structures.

In historical terms, the development of political parties in AJK reflects the broader transformation of the region from revolutionary leadership to competitive democracy. While party politics often remained influenced by federal alignments and internal divisions, they nevertheless served as the primary engine of democratic participation and institutional continuity.

### Footnotes

60. Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (United Kingdom: Oxford University Press, 2011), 59.
61. Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur: National Institute of Kashmir Studies, 2013), 41.
62. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 89.
63. Ershad Mahmud, "Socio-Political Realities of Pakistan Administered Jammu and Kashmir," Institute of Policy Studies (2006): 31.
64. Javaid Hayat, "Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty," PhD diss., Freie Universität Berlin, 2014, 132.
65. Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015), 172.
66. Shams Rehman, *Azad Kashmir and British Kashmiris*, 63.
67. *Ibid.*, 81.

### 6. Institutional Challenges

7. Despite the gradual institutionalization of democratic governance in Azad Jammu and Kashmir (AJK), the political system continued to face significant structural and constitutional challenges. These challenges limited the effectiveness of democratic institutions and exposed the contradictions between representative governance and restricted sovereignty. While formal institutions such as the Legislative Assembly, executive offices, and judiciary were established, their practical functioning often remained constrained by external and internal pressures.
8. One of the most persistent challenges was **federal intervention**. Since the Karachi Agreement, the Government of Pakistan maintained substantial influence over AJK's political affairs. This influence became institutionalized through the Ministry of Kashmir Affairs and later through the Azad Jammu and Kashmir Council.<sup>68</sup> Although these arrangements were presented as administrative coordination, they often reduced the autonomy of elected institutions.
9. The creation of the **AJK Council** under the Interim Constitution Act 1974 remains one of the most debated constitutional issues. The Council exercised legislative authority over key subjects, limiting the power of the Legislative Assembly. Critics argue that this

- constitutional arrangement created a dual governance structure, weakening parliamentary sovereignty.<sup>69</sup>
10. Another major institutional challenge was the existence of **Section 56** of the Interim Constitution. This provision empowered authorities to dismiss elected governments under certain political conditions. In practice, Section 56 became a controversial instrument because it undermined democratic continuity and made elected administrations vulnerable to constitutional intervention.<sup>70</sup>
  11. **Bureaucratic dominance** was another recurring challenge. Even after the establishment of representative institutions, civil administration often retained practical control over policy implementation and governance. This imbalance between elected leadership and bureaucratic structures reduced the effectiveness of democratic decision-making.<sup>71</sup>
  12. The judiciary, although formally institutionalized through the High Court and Supreme Court, faced limitations in maintaining full independence. Judicial appointments and constitutional dependencies often weakened the ability of courts to act as autonomous guardians of constitutional order.<sup>72</sup>
  13. Political instability also posed a serious challenge. Frequent leadership changes, party defections, and factional rivalries weakened institutional continuity and often disrupted governance. These patterns reflected the fragility of party structures and the personalization of politics.<sup>73</sup>
  14. Another structural limitation was the **restricted constitutional autonomy** of AJK. Unlike sovereign parliamentary systems, AJK's institutions operated within a framework that remained legally and politically dependent on Pakistan. This ambiguity affected legislative authority, executive independence, and long-term policy planning.<sup>74</sup>
  15. The influence of national political changes in Pakistan also deeply affected democratic institutions in AJK. Changes in federal governments often reshaped local political alliances, electoral outcomes, and administrative appointments. This external political dependence limited the independent development of local democratic traditions.<sup>75</sup>
  16. Furthermore, democratic participation itself remained uneven. Although elections were regularly held, public trust in institutions was often weakened by allegations of political manipulation, elite dominance, and federal interference. This created challenges for democratic legitimacy and political accountability.<sup>76</sup>
  17. Despite these institutional weaknesses, AJK's democratic framework survived and continued to evolve. The persistence of elections, party competition, and legislative processes demonstrated a degree of institutional resilience. However, the challenges discussed above reveal that democratization in AJK remained incomplete and structurally constrained.
  18. Thus, the institutional history of AJK is best understood not simply as a story of democratic progress, but as a continuous struggle between constitutional development and political dependency.

#### Footnotes

68. A. G. Noorani, *A Constitutional History of Jammu and Kashmir* (Oxford University Press, 2011), 254.
69. Javaid Hayat, "Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty," PhD diss., Freie Universität Berlin, 2014, 141.
70. Ershad Mahmud, "Socio-Political Realities of Pakistan Administered Jammu and Kashmir," Institute of Policy Studies (2006): 36.

71. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 121.
72. Gilani, *Constitutional Development in Azad Jammu & Kashmir*, 128.
73. Shams Rehman, *Azad Kashmir and British Kashmiris* (Mirpur: National Institute of Kashmir Studies, 2013), 67.
74. Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst & Company, 2015), 181.
75. Javaid Hayat, "Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty," 149.
76. Ershad Mahmud, "Socio-Political Realities of Pakistan Administered Jammu and Kashmir," 39.

## 7. Conclusion

8. The historical development of democratic institutions in Azad Jammu and Kashmir (AJK) from 1947 to 1997 reflects a complex process of constitutional evolution, political transformation, and institutional adaptation. Unlike conventional democratic systems that develop through stable constitutional continuity, AJK's institutional journey began under revolutionary conditions shaped by armed conflict, territorial uncertainty, and the unresolved Kashmir dispute. This unique historical context profoundly influenced the structure and character of its democratic institutions.
9. The first phase (1947–1949) established the political foundations of AJK through revolutionary governance under the leadership of Sardar Ibrahim Khan. Although democratic institutions were absent during this period, it created the political legitimacy and territorial framework necessary for future institutional development.<sup>77</sup>
10. The second phase (1949–1970) witnessed administrative consolidation under the framework created by the Karachi Agreement. While this period formalized governance structures and established political stability, it also entrenched federal oversight and limited autonomous democratic growth.<sup>78</sup>
11. The democratic breakthrough of 1970 represented the first major transformation in political participation. The introduction of adult franchise and the creation of an elected Legislative Assembly marked the beginning of representative governance in AJK. This phase expanded political legitimacy and laid the institutional groundwork for parliamentary democracy.<sup>79</sup>
12. The promulgation of the Interim Constitution Act 1974 completed the transition toward parliamentary institutionalization. By creating executive, legislative, and judicial structures, the Constitution provided a formal framework for democratic governance. It institutionalized elections, party competition, and legislative accountability, making it the most important constitutional milestone in AJK's political history.<sup>80</sup>
13. However, this study also demonstrates that democratic institutionalization in AJK remained incomplete. Federal intervention, constitutional limitations, bureaucratic dominance, and restricted sovereignty consistently constrained the effectiveness of representative institutions. Provisions such as Section 56 and the powers of the AJK Council illustrate the structural limits placed upon local democratic autonomy.
14. Political parties played an essential role in expanding democratic participation and sustaining institutional continuity. Yet party politics often remained influenced by national political developments in Pakistan, limiting the independent evolution of local democratic traditions.

15. The study therefore concludes that AJK presents a distinctive case of **partial democratization** in a disputed territory. Its institutions evolved significantly between 1947 and 1997, but they developed within a framework of constitutional dependency and contested sovereignty. This duality—progressive institutional growth alongside structural constraints—defines the political history of AJK.
16. In broader theoretical terms, the experience of AJK contributes to the study of democratization in conflict zones and quasi-autonomous political entities. It demonstrates that democratic institutions can emerge and survive under conditions of incomplete sovereignty, but their effectiveness depends upon the balance between constitutional autonomy and political control.
17. Future research may expand this analysis by examining the post-1997 period, particularly the constitutional reforms of the twenty-first century and their impact on democratic governance in Azad Jammu and Kashmir.

#### Footnotes

77. Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (United Kingdom: Oxford University Press, 2011), 63.
78. A. G. Noorani, *A Constitutional History of Jammu and Kashmir* (Oxford University Press, 2011), 214–216.
79. Syed Manzoor Gilani, *Constitutional Development in Azad Jammu & Kashmir* (Lahore: National Book Depot), 89–92.
80. Javaid Hayat, “Azad Jammu & Kashmir (AJK): Prospects for Democratic Governance Amidst Ambiguous Sovereignty,” PhD diss., Freie Universität Berlin, 2014, 153.

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