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**Win-Win Formula for Reforming Non-Territorial
Seats in the AJK Legislative Assembly**



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Sardar Aftab Khan

Jammu Kashmir Council on Foreign Affairs

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Win-Win Formula for Reforming Non-Territorial Seats in the AJK Legislative Assembly

A constitutionally sound, proportionate, and democratic reform proposal

Prepared for: Government of Pakistan; Government of Azad Jammu and Kashmir; Heads of all
Political Parties

Prepared by: Jammu Kashmir Council on Foreign Affairs (JKCFA)

Strategic Policy Advisor and Executive Director: Sardar Aftab A. Khan

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For policy consideration and consensus-building

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Executive summary

This briefing paper presents a win-win constitutional reform formula for the non-territorial seats in the AJK Legislative Assembly. It preserves the political and symbolic recognition of refugees and other State Subjects while correcting a serious distortion in electoral weight. The present 12 non-territorial seat arrangement is no longer proportionate to the registered electorate and is increasingly vulnerable to criticism on democratic, constitutional, and governance grounds.

According to the AJK Election Commission (2026), the 33 AJK territorial constituencies represent **3,365,839 registered voters**, while the 12 non-territorial constituencies represent **438,546 registered voters**. On the territorial benchmark used in the paper, the proportional entitlement is 4.30 seats, which supports reducing the number of constitutionally protected non-territorial seats to 4. That would free eight seats for reinvestment into broader inclusion and democratic renewal.

The proposal is therefore not abolition. It is recalibration: constitutional protection remains, but the seat structure becomes more equitable, more defensible, and more stable.

Azad Jammu and Kashmir (AJK) occupies a **unique constitutional position**: it is neither a province of Pakistan nor a fully sovereign state. Instead, it is an **interim constitutional government of a divided State**, established on 24th October 1947 through a people's declaration for democratic governance, overthrowing the autocratic rule of the Maharaja in the liberated territories, and continuing to exist pending the final determination of the future of Jammu and Kashmir through a UN-supervised plebiscite.

The Azad Jammu and Kashmir Interim Constitution, 1974, establishes the Legislative Assembly as the supreme representative institution of the people of the State of Jammu and Kashmir. From its inception, the Constitution has rightly recognised that representation must extend not only to those residing within the territory of Azad Jammu and Kashmir, but also to those State Subjects who were displaced by conflict or development, such as the Mangla dam and now reside elsewhere in Pakistan and overseas Kashmiris.

What is now at issue is not the *existence* of “**members of AJK Assembly other than AJK constituencies**”, but whether its **current structure continues to serve democratic fairness, equitable MLA’s voting power, political stability, and public confidence** in light of changed realities after Muzaffarabad Agreement (3-4 October, 2025, Article 2 (xii)) between the Government of Pakistan, Government of the Azad State of Jammu and Kashmir and Jammu Kashmir Joint Awami Action Committee (JKJAAC).

1. The Democratic Problem: Why reform is necessary

The existing structure creates a visibly uneven distribution of representational power. Some refugee constituencies contain only a few thousand voters per seat, while others carry many times that number. That imbalance weakens accountability, invites manipulation, and fuels public resentment. A durable solution must protect refugee status while bringing seat allocation closer to the principle of equal vote.

1.1 Extreme Representational Imbalance

According to the AJK Election Commission voter-registration records (2026):

- 33 territorial constituencies represent 33,65, 839 registered voters
→ ~101.995 voters per seat

- 12 non-territorial constituencies represent 438,546 registered voters

Within the refugee seats:

- 33,598 Registered voters for 6 Valley refugees’ constituencies: ~5,600 voters per MLA seat
- 4,04,948 Registered voters for 6 Jammu refugee, Mangla dam affectees’ & others’ constituencies: ~67,491 voters per MLA seat

Category	Registered voters	Seats	Voters per seat
AJK Territorial constituencies	3,365,839	33	101,995.1
Non-territorial constituencies	438,546	12	36,545.5
Valley refugee block	33,598	6	5,599.7
Jammu/Mangla/others block	404,948	6	67,491.3

Current seat share vs electorate share: 12 of 45 seats = 26.7% of the Assembly, while 438,546 voters represent 11.5% of the total registered electorate.

2. A Constitutionally Anchored Reform Proposal

2.1 Option 1 JKJAC Proposal

Accept the JKJAC proposal for the abolition of “members of AJK Assembly other than AJK constituencies” **reserved for Refugees and Mangla Dam Affectees and instead give them proportional representation to their population in Pakistan in the Azad Jammu and Kashmir Council.**

2.2 Option 2 Constitutional Amendment to Article 22

Step -1

The Interim Constitution has been amended multiple times, including Article 22 itself. There is therefore no legal barrier to further amendment justified by changed circumstances.

Using AJK Election Commission (2026) registered electorate data, proportional recalibration yields:

Refugee Seats = (Refugee voters ÷ Resident population) × 33

Refugees Seats = (438,546 ÷ 33,65, 839) x 33 = 4.299

Applying a standard apportionment rule (Hamilton’s Largest Remainder Method), this supports: Four (4) constitutionally guaranteed **“members of AJK Assembly other than AJK constituencies”**.

The amendment would:

- Preserve **“members of AJK Assembly other than AJK constituencies”**, representation as a constitutional principle;
- Remove the rigid 6+6 regional bifurcation;

- Replace it with a single proportional allocation.

Proportional formula used in the paper: $438,546 \div 3,365,839 \times 33 = 4.30$

Recommended constitutional allocation: 4 non-territorial seats.

Seats released for reinvestment: 8 seats.

Reinvestment of Released Seats

Following constitutional reform, the eight (8) freed seats should be reinvested to strengthen on proportional representation bases inclusion:

- 1 seat for youth (ages 18–24)
- 1 seat for people with disabilities
- 2 seats for Ladakh and Gilgit-Baltistan
- 4 seats for Overseas Kashmiris

This reframes reform as democratic expansion rather than exclusion.

3. Reform principles

- Constitutional compliance: amend Article 22 rather than bypass it.
- Electoral equity: move toward a more defensible parity between vote and seat weight.
- Preservation of refugee rights: retain constitutional recognition of refugees and other State Subjects.
- Institutional stability: phase the change so that no abrupt disenfranchisement occurs.

4. Recommended reform package

- A. Amend Article 22 of the AJK Interim Constitution, 1974, so that the current 12 non-territorial seats are recalibrated to four constitutionally guaranteed seats elected under a single proportional framework.
- B. Remove the rigid 6+6 bifurcation so that representation is no longer anchored to a historical division that no longer reflects current electoral reality.
- C. Amend the AJK Elections Act, 2020, to provide the detailed rules for roll verification, delimitation, and conduct of elections for the revised non-territorial seats.
- D. Introduce a transition clause so that the revised arrangement takes effect from the new assembly term, with no disruption to the present Assembly.

5. Suggested reinvestment of the eight released seats

The eight seats released by recalibration should not be treated as a loss. They should be reinvested through consensus into stronger inclusion and democratic renewal. A practical formula would reserve seats for youth, persons with disabilities, women, and other under-represented Kashmiri communities, including the overseas diaspora, through a separate consultative process agreed by all parties.

6. Why this is a win-win formula

- For refugees and displaced State Subjects: constitutional recognition remains intact.
- For AJK residents: electoral fairness improves, and overrepresentation is reduced.
- For Pakistan and AJK institutions: the reform strengthens legitimacy rather than destabilising it.
- For political parties: the formula creates a negotiated compromise that is harder to attack as an abolition.

7. Decisions requested

1. Agree in principle that the current 12-seat non-territorial structure requires constitutional recalibration.
2. Mandate a joint technical group to prepare the Article 22 amendment and the necessary election-law changes.
3. Direct the Election Commission to audit the non-territorial voter rolls and confirm seat calculations.
4. Adopt a transitional schedule so the amended framework can be implemented from the next electoral cycle.

8. Conclusion

This proposal offers a middle path between abolition and status quo preservation. It protects the political standing of refugees and other State Subjects while restoring proportionality and democratic confidence. Handled carefully, the reform can be presented not as a concession to one side, but as a constitutional settlement that serves the long-term interests of AJK, Pakistan, and the wider Kashmiri political cause.

About the Author

Sardar Aftab Khan is a public policy advocate, researcher and strategist for peacebuilding and democratic reforms in Azad Jammu Kashmir. Over a 35-year career, he has championed recognition of Kashmiri national identity in the census, people's rights, decentralised governance, and political inclusion. He can be reached at: aftab@kdfuk.org . Dated: 2 June 2026.

Annex: draft amendment principle

The core legislative change should be limited to Article 22 and the relevant electoral rules. The amendment should substitute the present non-territorial arrangement with four constitutionally protected seats to be elected under adult franchise from the designated non-territorial electorate, while preserving the status of refugees and other State Subjects and applying standard delimitation and roll-verification procedures.

Appendix -1 Model Constitutional Amendment

(Amendment of Article 22 — Legislative Assembly)

Draft Text

An Act

to amend Article 22 of the Azad Jammu and Kashmir Interim Constitution, 1974, to rationalise representation of State Subjects residing outside the territories of the Azad Government of the State of Jammu and Kashmir, in accordance with the principle of equality of vote, equity in representation and democratic proportionality.

1. Short title and commencement

(1) This Act may be called the *Azad Jammu and Kashmir Interim Constitution (Amendment) Act, 2026*.

(2) It shall come into force on the commencement of the next term of the Legislative Assembly following its enactment.

2. Amendment of Article 22

In Article 22, clause (1), sub-clause (a), for sub-clauses (ii) and (iii), the following shall be substituted, namely:—

“(ii) Four members to be elected, on the basis of adult franchise and in accordance with law, by and from amongst the State Subjects residing outside the territories of the Azad Government of the State of Jammu and Kashmir, including refugees from the occupied areas of the former State of Jammu and Kashmir and Mangla Dam affectees, who are residing in any province of Pakistan.”

3. Omission of separate refugee categories

In Article 22, clause (1), sub-clause (a),—

(a) the separate references to—

- refugees from the occupied areas of the districts of Muzaffarabad, Anantnag (Islamabad) and Baramula; and
- refugees from the occupied areas of the districts of Jammu, Kathua, Reasi, Udhampur, Poonch State and Mirpur, and Mangla Dam affectees,

shall stand **omitted**.

(b) Any distinction in representation based on former administrative divisions of the State as existing on the 14th day of August, 1947, for the purpose of electoral weight or number of seats, shall cease to have effect.

4. Saving and transitional provision

(1) Notwithstanding anything contained in this Amendment,—

(a) all members elected under Article 22, clause (1), sub-clause (a)(ii) and (iii), prior to the commencement of this Act, shall be deemed to have been validly elected; and

(b) nothing in this Amendment shall be construed as affecting the status of refugees and other State Subjects residing outside the territories of the Azad Government of the State of Jammu and Kashmir as **first-class State Subjects**.

(2) The delimitation, allocation, and conduct of elections for the seats referred to in Article 22(1)(a)(ii), as substituted by this Act, shall be carried out in accordance with the Azad Jammu and Kashmir Elections Act, 2020.

5. Delimitation and rule-making

(1) The Election Commission of Azad Jammu and Kashmir shall, within three months of the commencement of this Act,—

(a) delimit constituencies for the seats referred to in Article 22(1)(a)(ii) on the basis of equality of vote, using a uniform registered voters population-to-seat ratio consistent with constituencies within the territories of Azad Jammu and Kashmir; and

(b) publish such delimitation in the official Gazette.

(2) The Azad Jammu and Kashmir Assembly or other competent authority may make rules to give effect to the purposes of this Act.