

THE STRUGGLE FOR POLITICAL RIGHTS IN GILGIT-BALTISTAN 1947 TO DATE



Submitted by

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MS PAKISTAN STUDIES
Reg. # 20-FSS/MSPS/F15**



**DEPARTMENT OF HISTORY & PAKISTAN STUDIES
FACULTY OF SOCIAL SCIENCES
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A thesis submitted in partial fulfillment for the requirements for Degree of Master Studies (MS) in the Discipline of Pakistan Studies with at the Faculty of Social Sciences, International Islamic University, Islamabad.

**DEPARTMENT OF HISTORY & PAKISTAN STUDIES
FACULTY OF SOCIAL SCIENCES
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ISLAMABAD**

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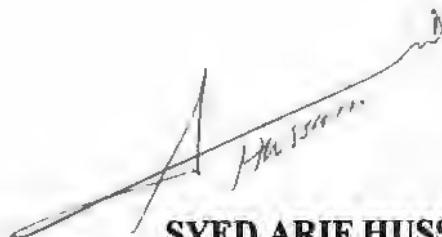
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

DEDICATION

This study is wholeheartedly dedicated to my beloved parents, my brothers and sister, especially my beloved wife Hasina Kazmi and my children Fiza Kazmi and Fajar Kazmi my sister in-law Nausheen Ibrahim who have been my source of encouragement. They have continually provided me their moral and material support.

DECLARTION

It is hereby declare that I **SYED ARIF HUSSAIN** have completed the entire requirements for submitting this Thesis titled "**THE STRUGGLE FOR POLITICAL RIGHTS IN GILGIT BALTISTAN 1947 TO DATE**" in the partial fulfillment of the Degree in the Master Studies (MS) in **PAKISTAN STUDIES**. This thesis is the result of my own research and has not been submitted to any other institution or any other degree.

A handwritten signature in black ink, appearing to read "SYED ARIF HUSSAIN".

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FORWARDING SHEET

The thesis entitled, "**THE STRUGGLE FOR POLITICAL RIGHTS IN GILGIT BALTISTAN 1947 TO DATE**" submitted by **SYED ARIF HUSSAIN**, Registration No. **20-FSS/MSPS/F15** in the partial fulfillment of the Degree in the Master Studies (MS) in **PAKISTAN STUDIES**, has been completed under my guidance and supervision. I am satisfied with the quality of student's research work and allow him to submit his thesis for further process as per the IIUI rules and regulations.



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Syed Arif Hussain

ABBREVIATIONS

GB	Gilgit Baltistan
GBLA	Gilgit-Baltistan Legislative Assembly
GBA	Gilgit Baltistan Assembly
AAC	Awami Action Committee
AJ&K	Azad Jammu and Kashmir
ASWAJ	Ahl-e-Sunnat Wal Jamaat
ATA	Anti-Terrorist Act
BHU	Basic Health Care Unit
BNSO	Balowaristan National Students Organization
GBUMUO	Gilgit Baltistan United Movement
CPEC	China Pakistan Economic Corridor
EU	European Union
FCR	Frontier Crime Regulation
GBDA	Gilgit-Baltistan Democratic Alliance
GBESGO	Gilgit Baltistan Empowerment and Self Governance Ordinance
HDI	Human Development Index
HRCP	Human Rights Commission of Pakistan
KKH	Karakoram Highway
LBUF	Ladakh Baltistan United Front
LFO	Legal Framework Orders
LOC	Line of Control

NAAC	Northern Areas Advisory Council
NAP	National Action Plan
NGO	Non-Governmental Organization
PAT	Pakistan Awami Tahreek
PML (Q)	Pakistan Muslim League Quaid-I-Azam Group
PML N	Pakistan Muslim League Nawaz
PPP	Pakistan People's Party
PTI	Pakistan Tehreek Insaf
PRI	Panchayati Raj Institutions
SSR	State Subject Rule
UN	United Nations
UNSC	United Nations Security Council

INTRODUCTION

This research study examines the struggle for the political rights in Gilgit-Baltistan since 1947 to present. This research work focuses on the political status of the region and the fight for civil rights of the people of the region, the government's response to the rising voices against constitutional rights and the step-by-step progress towards fulfilling the political demands. The study also deals with the relationship among all these elements which were articulated, in order to explain the political developments earlier and after the independence on the 1st November 1947. However, the study approach adopted is not simply chronological, but it examines the framework of the themes and construct the inter or intra-relationship between different ethno-political forces. Moreover, the study also examines the socio-political basis of regional politics, the mobilization strategies, tools and techniques which were applied by the different political parties, political groups and the role of federal administration towards these themes.

The present study is limited to the period since 1947 to onwards, i.e. 2018. In this study following themes are discussed. First the implementation of Frontier Crime Regulations (FCR) and other political restrictions imposed by the central government. The federal government declined to describe the region's civil, political and social status shortly after taking over the Republic of Gilgit. The denial of all these rights has created a cohesive situation, heightened sense of disaffection and alienation amongst the locals

towards the federation. These issues compelled the people of GB towards disappointment and negative reaction towards the federation which is still prevailing in the region¹.

Furthermore, the other factor behind the local population's dissatisfaction with the federal government remained exclusion from the decision-making process on the question of inclusion in the political and administrative system. During the Dogra and British era the people of Gilgit Baltistan were enjoying at least some political incentives, such as the British rulers were fully involved the local people into political and administrative system, had their own armed force etc. During the Dogra Raj, this area had a provincial status and a Governor was appointed, which give some sort of provincial autonomy. Five seats were also allotted to Gilgit-Baltistan by the Dogra government in the legislative assembly in Kashmir. Maharaja of Kashmir had also setup an autonomous legal system. The local people were allowed to appeal in the High Court of Kashmir.²

Third, after the possession of the areas from local people the delay in the constitutional process had also been the reason behind the resentment from the people which pushed the locals towards rights movements in different eras. Although, there were not any active rights movement, but some of the unwanted incidents also provoked the people even towards mass agitation in the past decades.

This current study discussed the all above issues in a complete length to understand the real political situation as well as the geopolitical and historical position of the GB region.

¹Bansal Alok, "Gilgit Baltistan the Roots of Political Alienation, Strategic Analysis," (January 2008)

²Abadi Hussain Yousuf, *Tahreek-e-Baltistan* (Skardu: Baltistan Book depot, 2003)

The GB region is located in northern Pakistan, covered by the high mountain from all sides. In past this region was known by the northern areas, but present the name was changed to Gilgit-Baltistan. The administrative headquarters is the Gilgit city that connects all other districts of GB. This is a region having geographical and strategic importance. This region is well known for the high mountains and trains of its beautiful countryside.³ The area strategically and geographically shares its borders with China at its northern side, Indian held Kashmir at eastern, and Afghanistan and Central Asian republics at its western side. This region is also the intersection of three largest mountain ranges in the world, i.e. the Karakoram range, the Hindukush and the Himalayas. In addition, the area is the world's largest glacier basin outside the Polar Regions. The second highest peak in the world K2 and four highest peaks over 8,000 meters high are also situated here. This is a heterogeneous region where the speakers of Several languages are living, these languages include Shina, Balti, Broshaski, Wakhi, Khawar and Domki. The Shina language is mostly spoken in the center of the region but the speakers are located in all over the region, Balti spoken by the people of Baltistan region, Broshaski is mostly the language of District Hunza and Nagar, the language of most of the people of District Ghizer is Khawar and Wakhi is spoken in upper Hunza. Gujri and Domaki are also considered as major languages in Gilgit-Baltistan.⁴ Besides these local languages, Punjabi, Pashtu and Hindko languages are also used to speak by the people who are migrated from outside of the region such as Punjab KPK and Kashmir. Urdu

³Saadullah Ameer, *Shumali Ilqa Jat, Eik Nazar* (Gilgit :Nadir Printers 2002)

⁴A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

used as lingua franca and English is considered as the official language which is frequently used in education and other administrative related work⁵.

Historically, the GB region has always been witnessed as the intersection of travelers, raiders and conquerors. The historical silk rout is also passing through Gilgit-Baltistan now named as the Karakoram Highway. Therefore, this area has been witnessed many historical incidents. The history of GB can be outlined back from the fifth century BC, when there were some independent states such as Bloristan, Dardistan and Broshal were existed.⁶ But, with the passage of time due to the infightings their rule became week resulting foreign invasions and destruction of the area as well as the creation of small princely states inside the regions. During 7th century BC and 19th century BC the parts of GB region were ruled by different dynasties which includes Tarakhans who ruled Gilgit, the Muglots ruled Nagar region, Hunza region was under the Ayashos, Punial region was under the rule of Burshai dynasty Skardu was ruled by grate Maqpons and Shigar was under Anchans, the yabgos were the rulers of Khaplu⁷.

The Holy religion of Islam first introduced by the Muslim Sufi saints and preachers from Persia and Central Asia during the 14th century.⁸ In the medieval times, the Gilgit-Baltistan remained outside with the *Mughals* controlled by Akber. The grate Mughal emperor Akbar Although able to occupy Kashmir and some small parts of Baltistan region, but he failed to move towards Gilgit region so the Gilgit region reserved its sovereign status until the Dogra rulers of Kashmir dominated the area in the mid of 18th

⁵ Murtaza K F, "Women empowerment through higher education in Gilgit Baltistan," (September 2012),

⁶ A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

⁷ A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

⁸ ibid

century.⁹ In the year 1947, after getting independence from Dogra rule the region came under Pakistan's control as the local leadership willfully affiliated the region with the newly independent Islamic republic. But it is also the irony of history that the federal government, despite unification, has until now denied granting the region's citizens the fundamental constitutional and political rights. The basic reason for denying GB citizens constitutional and political rights and keeping the region in a political limbo is that the federal government wanted to keep alive GB's connection with the Kashmir issue. This is with the expectation that the Muslim-dominated region, i.e., Gilgit-Baltistan, will vote in favor of Kashmir's amalgamation with Pakistan in the possibility of a plebiscite on the Kashmir conflict under the auspices of UNSC resolution. However, the people of GB are seeming itself to be ethnically, social, culturally, and politically dissimilar from Kashmiris and did not liked being ruled by the Kashmiris in any future course¹⁰. Rather the masses of GB sought to live with Pakistan. Since, the liberation of GB from Dogra's the people are continuously struggling politically to be governed directly by Pakistan.

For many years the GB region was considered one of the identical peaceful regions of Pakistan, inter-marriages between different sectarian groups and attending of each other's festivities as well as the rituals were common amongst the religious groups. But, unfortunately, during and after 1980s Afghan war were fought on Pakistani soil which reached in Gilgit-Baltistan as well. The era of religious intolerance started to flourish, which put savior effects on the people. The area become the arena of terror, killing and violence, which divided the people of different sects of Islam. The violence had also

⁹Khan Bangash Yaqoob, "Three Forgotten Accessions, Gilgit, Hunza and Nagar" The Journal of Imperial and Commonwealth History, Vol,38, no,1 (March 2010)

¹⁰Khan Bangash Yaqoob, "Three Forgotten Accessions, Gilgit, Hunza and Nagar" The Journal of Imperial and Commonwealth History, Vol,38, no,1 (March 2010)

disturbed the social, religious, political and economic relations among the people. Furthermore, the lawlessness also caused unemployment; put the burden of poverty and the educational discrepancy on the people of Gilgit-Baltistan¹¹.

Since the 1947, the Federation has unsuccessful to address the deprivations, and alienations of the region. This indifferent attitude indirectly legitimates foreign conspiracies and lobbies like the India is seeking to construct from this region a voice of rebellion against the Pakistan and involved funding to the people to stand against the state. But thank to almighty the people of GB always been clear in their unconditional love and connotation with Pakistan. Regardless of that the region is not a constitutional part of Pakistan, the masses of GB have sacrificed most for the sovereignty and integrity of Pakistan. The patriot people even never complained of their despairs, although they have no right to vote nor they can be the part of National Assembly and Senate of Pakistan. It created a strong sense of human isolation. The area was stripped of fundamental human and political rights until the first term of Prime Minister Zulfikar Ali Bhutto. Peoples party government led by Zulfikar Ali Bhutto took the GB issues seriously and abrogated the *Rajgi System* (Raja rule) and FCR (Frontier Crimes Regulations). He gave the people a certain level of independence and self-governance. But, on the other hand he also abolished the State Subject Rule (SSR). This act of Zulfikar Ali Bhutto gave an open way to the people from outside of the region to purchase lands and other property which resulting a demographic change in the region. The abolition of the region's special status has played a vital role in creating a sense of

¹¹Barbara A Weightmans, *Dragons and Tigers, A Geography of South, East, and Southeast Asia*, 2nd ed. (John Wiley & Sons, December 2005)

alienation among the citizens, and they regard it as a serious violation of their indigenous rights.¹²

The people of GB from the day first are struggling for their basic constitutional rights but still failed to achieve their goal. Every political party during election campaigns promising to the people of making GB the fifth constitutional province of Pakistan, but after obtaining power forget to fulfill their promises. Since the 1947 the GB people are waiting to see their political representatives as actual Pakistanis in the Parliament of Pakistan. The absence of a representative system and the denial of fundamental rights, the internal security of a nation certainly has implications. The disaffection of the region's non-representative political system is now in a rise and various rights movements are emerging, which the enemy nations may misuse.¹³

The issue of Kashmir and Gilgit Baltistan have been a bone of contention between India and Pakistan. The government of India is aware of the socio-political and geographical importance of GB. The Indian government declared GB and all of Jammu and Kashmir as an integral part. India and Pakistan also discuss different strategies for resolving the Kashmir dispute. In such a state of alienation India would consider it a big achievement if it succeeds in obtaining this right for Gilgit-Baltistan as well. Currently being as the gate way of CPEC project the importance of Gilgit-Baltistan is increased. The international powers are against this mega project so they are playing their dirty games to stop Pakistan and China to uphold the project. The international actors forcing India as the claimant of the GB region play its key role to force China not to pass the

¹²Hasnain Senge Sering, "Constitutional Impasse in Gilgit-Baltistan, Jammu and Kashmir The Fallout", Strategic Analysis, Vol. 34, no. 4 (May 2010)

¹³Petech Luciano, *The Kingdom of Ladakh, 950–1842 A.D.* (Italian Institute of oriental Studies, 1977)

project through a disputed territory. This international game has greatly enhanced the region's significance.

1. Statement of the Problem

The citizens of GB had annexed the area with newly independent Islamic Republic of Pakistan after independence from the Dogra rule. Pakistan also promised to give the people of the region fundamental and constitutional rights, but since then the incumbent governments continuously denied their rights and linked the region to the lingering Kashmir issue. So, till now the people of GB are waiting and demanding a constitutional provincial setup. This research thesis deals with all above mentioned rights and demands of the GB people. The study is also focuses on the constraints in the way of political and constitutional rights to the people.

2. Scope and Significance of the Study

GB is one of the strategically important areas which needs to be kept out of human rights violations. This study on GB rights question has both theoretical and practical significance. Many studies have been conducted in this regard, but this is the first scientific analysis of the struggle of the people towards the political rights since 1947 to date. The last development was the GB order 2018 which was implemented by the Pakistan Muslim League Nawaz. This study also provided the theoretical knowledge on the status of the region since independence to the present era. Furthermore, this study also provide literature to the upcoming students and scholars who wants to do research on similar topics. Moreover, the study gives the awareness about the basic rights and demands of the masses.

Secondly, this research study gives comprehensive knowledge to the federation about the grievances of the people towards the federation and what the people actually wants for their future. Moreover, this study addresses the issue focusing the effects on GB region may also provide the government to do remedies of the grievances of the people so that their loyalty with the state will remain forever. Finally, this study also provided a state of harmony and tranquility and provide patriotic sense in GB towards Pakistan. This research study suggests policies that will build patriotism towards Pakistan.

3. Review of the Literature

The research work covered GB's social, political, legislative, geographical and human rights dimensions through books, newspaper articles, conference papers, government reports and other policy reports. Many books, articles and conference papers are available on the state of political rights in Gilgit-Baltistan as well the constitutional rights. The books, articles, policy papers and reports as well as the conference papers about the GB history, political development and socio-cultural context. The literature review is based on the following items.

Pakistan's Human Rights Commission published a series of annual reports entitled *Pakistan's State of Human Rights*,¹⁴ are covering a comprehensive material about human rights issues in GB and discussed the present and past histories of the mess's perception towards the human rights conditions and the constitutional struggle of the people.

Another book entitled *The Gilgit Baltistan Laws*¹⁵ written by Abdul Basit, explores the GB area rules, people, history, and traditions. His studies cover primarily post-independent political and constitutional changes up to 1999. *The last colony of 21st*

¹⁴HRCP, *The State of Human Rights in Pakistan, 2016*

¹⁵Basit Abdul Muhammad, *The Gilgit Baltistan Laws* (Islamabad Federal Law House April 2011)

*century*¹⁶ is a book authored by Abdul Hameed Khan disagrees and negate the application of FCR, LFO 1994 and many other legal reforms presented by the federal government since 1947. The author doesn't analyses any reform completely.

*The GB empowerment and self-governance order 2009, aur Masla-e-Kashmir*¹⁷ discuss the effects of the governance order on the lingering issue of Kashmir in national and world level. The writer writes that the course of making GB a legitimate part of Pakistan will feeble our Kashmir Stance.

*History of the Northern Areas of Pakistan*¹⁸ The writer Ahmed Hassan Dani highlights the geographical location of the region, its messes, their ethos and civilizations. His works is mostly dealing on the post independent developments until 1999.

*Sense of deprivation in Gilgit-Baltistan*¹⁹ in this the writer highlighted the basic issues and constitutional weakness of the region with special focus on the voices from the region for their fundamental human rights since 1947. He called all of the legal and constitutional changes the federal government had adopted as failed.

*The Sectarian Conflict in Gilgit-Baltistan*²⁰ this book with a series of articles published by PILDAT includes a brief history of sectarian violence in the region. It is paying attention to the external dynamics which increase the vehemence and threaten regional peace and stability. Another book titled "The Gilgit-Baltistan Reforms Package

¹⁶Khan A H, *The Last Colony of 21st Century: Balawaristan*, 1st ed, (Rawalpindi: Gawalmandi Press 2001)

¹⁷Bahar Arif, *Gilgit Baltistan empowerment and self-governance order aur masla-e- Kashmir*,(2010)

¹⁸A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

¹⁹Altaf Hussain, "Sense of deprivation in Gilgit Baltistan," Daily Dawn (November 16th, 2015)

²⁰Muhammad Feyyaz, *Sectarian Conflict in Gilgit Baltistan* PILDAT (May 10,2011)

2007: Background, Phases and Analysis,”²¹ The writer discussed the agreements and pacts regarding the region during post and pre independence era. He also analyzed the GB reforms package 2007 and termed it a comprehensive package for the region.

The book, *Gilgit-Baltistan between Hope and despair*²² talks mainly on the Indian point of view on the lingering Kashmir issue and has a very biased in nature, as the writer tried to show the legality of Indian claims on the issue. So this book was helpful to highlight the Indian stance on the Kashmir issue.

*A socio-political study of Gilgit-Baltistan province*²³ this work converses the historical, cultural and traditional ethos of the GB region. The writer also focuses on the need of developing a feasible governance system to the region which may help the people to empower themselves politically. He also appreciated the GB self-governance order 2009.

The book *Liminality and resistance in Gilgit-Baltistan* discussed not only the constitutional developments in the GB region but also highlights its international exposure having a very strategic location. The writer also highlights the links of international actors such as India, China, Afghanistan, and even USA on the affairs of the region. The writer also exposes the role of NGOs in the GB region. The writer threw light on the gaps between GB and Kashmir which is in his point of view a constraint in the way of resolving lingering Kashmir issue.

²¹Ershad Mahmud, “The GB Reforms Package 2007: Background, Phases and Analysis,”, Institute Of Policy Studies Islamabad, Vol,5, no, 1(March, 2009)

²²Singh Priyanka, “Gilgit Baltistan Between Hope and despair,” Institute of defense studies and analysis New Dehli (March 14 ,2013)

²³Farooq Umar Zain, “A socio-political study of GB province,” Pakistan Journal of Social Sciences, Vol, 30, No, 1 (September 2010)

A verity of literature is available on the GB empowerment and self-governance, order 2009. Dozens of writers shed light on the topic and highlighted the deferent aspects of the order. Some writers look its importance linking it with the Kashmir issue and some about its legal aspects, all are helpful in conducting any research work on the issues of GB empowerment.

*Tribes of the HindoKoosh*²⁴. In this book the writer sheds light on the cultures and traditions of the HindoKoosh region. The writer John Biddulph also served the British interests in the region for many years had deeply studied the nature of the mountainous region so he shares his experiences with the local people. This book also helpful in understanding the mods of the people.

*The Gilgit Rebellion: The Major Who Mutinied Over Partition of India*²⁵. In this book the writer discussed how he involved in the war of independence in Gilgit by Gilgit scouts against Dogra rule and how he manages to accede Gilgit-Baltistan with Pakistan. As the writer major W, A Brown had served the British interest in the region as the last Britisher left, so his words have a great importance to the historians and researchers.

*Kashmir in conflict, India, Pakistan and the unending war*²⁶ This book also deals the disputed nature of the Kashmir and GB region and its national and international aspects as well as implications to India, Pakistan and to all the parts of the Kashmir conflict.

4. Objective of the Study

The study has followings objectives;

²⁴John Biddulph, *Tribes of the Hindo Koosh*, (United States: Ishi Press International, 2016)

²⁵W A Brown, *Gilgit Rebellion: The Major Who Mutinied Over Partition of India 1947*, (Ibex 1988)

²⁶Victoria Schofield, *Kashmir in conflict, India, Pakistan and the unending war*, 1st ed. (I.B Taauris & Co Ltd May 30, 2010)

1. To evaluate the impacts of Political or constitutional rights condition in GB.
2. To analyses the intensity of the struggle of the people towards their political rights.
3. To study the depth of GB people's loyalty towards Pakistan.
4. To study the grievance of the People of the region and give suggestion to overcome the political alienation among the people of GB.

5. Research Questions

This study examined the following research questions.

1. What is the intensity of the struggle for political rights in Gilgit-Baltistan since 1947 to date?
2. Which are the fundamental demands of GB people and how elevate the deprivation?
3. How much the violation of political rights is responsible to create alienation in the GB?
4. What are the implications of the sense of deprivation?
5. What are Pakistan's actions to ease the GB's sense of alienation?

6. Hypotheses

This study has some hypotheses;

1. The prolonged denial of rights produce dissatisfaction among people which cause movements.
2. A small attention from government would create a strong sense of Patriotism towards Pakistan.

7. Research Methodology

The qualitative research approach has been chosen and is applied both the analytical and descriptive study through proper referencing. The Group discussion and in-depth interviews were held to investigate the effects on the masses. Data collection for this study has been done through primary and secondary sources. The primary sources are included the official documents and interviews with the general public as well as political, religious and economic experts from the area. While the books, newspapers, research reports published by various organizations or non-published materials such as gray literature were used as the secondary source of data collection. The data is interpreted through themes and the themes were divided into different chapters.

8. Organization of the Research

The research work is formatted according to the *Turabian Manual*. The research work is divided into different parts and sections and conducted step to step in a systematic manner. The research has main four chapters after the literature review. The first section consisted of the comprehensive introduction of the topic with proper references. Second section included the review of the revealing literature where the researcher has discussed the literature references where the literature has taken. Moreover, the rest of the research was divided into four chapters. Every chapters have their own concept and theme.

The first chapter deals with the region's historical study, where the events of pre-independence, independence and post-independence were discussed. The second chapter included the comprehensive analysis of the "Human Rights Status" in GB, referring to the constitutional status and the political rights. The third chapter is highlighting the "Efforts of Masses", political parties, media and NGOs for the enhancement of the area.

The fourth chapter has discussed in-detail the “Government and its Contribution” for the promotion of the political rights of Gilgit Baltistan and the constitutional arrangements. The final section is about the conclusion and in-depth references of the research.

CHAPTER-1

HISTORICAL BACKGROUND OF THE POLITICAL DYNAMICS OF GILGIT-BALTISTAN

1.1. Historical Background

The GB region is located in the extreme north of Pakistan, and is a very important location on the world map. This region is covering an area of 72971 sq. kms. Due to its geographical location this area is a focus point of study for earth-scientist, geologists, and anthropologists as well as environmentalists. This is also the meeting point of two continental plats (Indian and Eurasian). GB is also home to a large-scale glacial system outside polar region. Siachen glacier, Baltoro, Batura, Biafo, Nanga Parbat and many more glacial ranges are inviting travelers, researchers, mountain climber and environmentalists to visit the region. The attractions were also a source of invasions, attacks by outsiders in the past.

Heterogeneous in nature this area is a home to many ethnic and lingual groups, which includes Syeds, Sheens, Yashkuns, Domes, and Kameens.¹ The Shina, Balti, Broshaski, wakhi, khawar, Domaki and Gujri are main languages spoken in the region.

1.2. Early Settlers of Gilgit Baltistan

The early inhabitants of GB can be traced back 5000 BC in the history. Those inhabitants were identified as the experts of Rock Carving, who started a practice of rock carving which was continued by their next generations. These people were hunters and gatherers and mostly preferred to live under the big rocks and caves. Many anthropologist and

¹These groups are resembled to the Hindu community divisions such as Brahmin, Kshatriya, Vaishya and Shudra.

historians have believed that these people had a religion and having a faith on the rocks and big mountains. If we travel through the Karakoram Highway, we can trace more than 50,000 rock art pieces. These master pieces of rock art and inscriptions are the source of indication that the people of that era had a religion based on the rock carving.² These people have been written their pages of history on rocks in a very revealing manner so their message reaches to the people even after hundreds of years.³.

1.3. Crossroads of Conquerors

The GB region is situated in such a strategic location that it always been witnessed various raiders, travelers, and worriers. The historical Silk road is also passing through the region.⁴ Hence this area was profoundly influenced by the various historical incidences. In addition, GB's political history is as old as the civilization of mankind. But the roots of political history can be found back in the fifth century BC, when there were some small independent states were existed, with the name of Boloristan, Dardistan and Broshal.

Due to the infightings these States have lost their power and in result declaration of independence by local chieftains. These infightings were the cause of independence of many regions from central government and emergence of several small princely states.

The era between seventh and early nineteenth century several princely states were emerged such a Tarakhans were ruling on Gilgit region , Moghlot were the rulers of Nagar, Ayashos were ruling Hunza state, Brushai dynasty were ruling on Punial region,

²Yousuf Suhail, Threatened rock carvings of Pakistan, Daily Dawn, (May 18, 2011)

³ Ibid

⁴Petech Luciano, *The Kingdom of Ladakh, 950–1842 A.D.* (Italian Institute of oriental Studies, 1977)

Kators were the rulers of Chitral, In Yasin, Ishkoman and Mastuj Khuswaqt dynasty were in throne, Diamar region a dozen democratic republics including Chilas, Darel, Tangir, Thalichi Harban Jasteros were the ruling elite, Skardu were ruled by Maqpons, Shigar was under Amachas, and Khaplu was under Yabgo dynasty.⁵ The Baltistan region was separated into eight small states including Rundo, Skardu, Astor, Khermang, Khapolu, Tolti and Shiger.

These areas were ruled by dynasties namely Maqpons, Amachas, and Yabgos. The Raja of Skardu was the true ruler who exercised superior powers. He also controlled the internal and external affairs of the principalities of Baltistan region.⁶ The masses of Baltistan embraced the holy religion of Islam through the representative of the great Sofi Saint Ameer Kabeer Syed Ali Hamdani.⁷ These saints were traveled to the region from Persia through Kashmir.

During the Mughal dynasty in India the GB region Managed to remain outside their influence and control, although the local rulers of Baltistan payed heavily to save their rule from Mughal invasions. Despite that efforts the great Mughals emperor Akber once conquered Kashmir and some parts of Baltistan region, while Gilgit reserved its independent position till 19th century when the Dogra rulers captured the areas through use of force.⁸

Until the British intervention in the region, the Rajas were mainly sovereign rulers who needed local masses support to secure and strengthen their rule over the region. Like

⁵Miglani Sanjeev, "Fresh light on the North", Hindustan Times, New Delhi, (February 9, 2002)

⁶A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

⁷Syed Ali Hamdani was the Muslim sofi saint who traveled from Persia to Kashmir and Baltistan region just to preach Islam.

⁸A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

other Kingdoms of the world in GB Raja-ship was also hereditary in nature. There were also brutal rivalries among the claimants of succession. Often some time the claimants of the throne did not even hesitate to take life of their own brothers.⁹

First in the region's history under the Dogra dynasty led by Maharaja Hari Singh in the year 1842, Kashmiri forces have tried their best to invade Gilgit. But under Raja of Yasin Gohar Aman's dynamic leadership local fighters ¹⁰ fought with them in a befitting manner and defeated Dogra army. The battle of bhop singh pari is the unprecedented achievement of Raja Gohar Aman against the Dogra invaders. But in the year 1846, with the death of Raja Gohar Aman, Kashmir's Dogras dare to inter and rule the area.¹¹ His demise also gave a way to the white skin colonialization (British) on the whole region.

1.4. Sikh and Dogra Invasions and Baltistan Regions

In November 1839, one of the Dogra commanders Zorawar Singh started his operation against the ruler of the Baltistan region¹². His struggle to take control of Skardu was lasted till in the year 1840, when he occupied Skardu and captured its ruler, Ahmad Shah. The Zorawar Singh also forced Ahmad Shah to accompany him on his attack on the Tibetan region. Zorawar Singh also handed over the administration of Skardu city to his own companion Bagwan Singh for the accomplishment of his personal needs. Later the same year, three principality rulers Ali Khan of Rondu, Hyder Khan Amacha of Shiger and Daulat Ali Khan of Khapolu decided to liberate their lost areas from Dogra aggressors and jointly commanded a successful attack on Bagwan Singh. They

⁹Ibid

¹⁰ Raja Gohar Aman was one of the Great rulers of Khushwaqt dynasty of Yasin, Mastuj and Ishkoman, who ruled over the area during the mid of seventeenth century.

¹¹Sokefiled Martin, " Anthropology of Gilgit Baltistan: Introduction," ethnocrats Vol 16, no1, (2014)

¹²Bakshi S R, *Kashmir: History and People* (India: Sarub & Sons, Jan 1997)

successfully manage to liberate their area defeating the Dogra forces and arrested Bagwan Singh. In the battle dozens of Dogra forces also lost their lives.

Moreover, in the year 1842, the Dogra commander Wazir Lakhpat once again stormed and captured Baltistan region¹³. During the furious battle of Skardu the Dogra forces captured Haider Khan the ruler of Shigar State. Later the Raja Haider Khan died in Dogra captivity.¹⁴

The Sikh empire defeated by East India Company in the First Anglo-Sikh War of 1845 and 1846 and subjugated the Sikh kingdom. The Britishers declared the Jammu and Kashmir region a princely state under the British suzerainty. The Baltistan region was also become part of Jammu and Kashmir princely state. Baltistan region remain under Jammu and Kashmir till the independence in 1947. 16th March 1846 was the turning point for the GB region. Under the Treaty of Amritsar the East India company sold Kashmir to the Maharaja Gulab Singh including some parts of GB.¹⁵ Under the Article one of the treaty, Maharaja of Kashmir Gulab Singh integrated almost all the mountainous regions of westward of river Ravi and towards eastern side of the river Indus.¹⁶ Under the rule of Dogra, the princely state of Jammu and Kashmir was geographically divided into three regions, including the province of Jammu, the province of Kashmir and the province of Ladakh and Gilgit.

The Dogra's of Kashmir directly or indirectly governed the Gilgit-Baltistan for approximately 110 years.¹⁷ The British government in India got attraction in the region

¹³ ibid

¹⁴ ibid

¹⁵ Biddulph John, *Tribes of the Hindoo Koosh*, (United States: Ishi Press International, 2016)

¹⁶ A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

¹⁷ ibid

during the late 19th century following the political developments in Russia, and in Chinese Turkistan.¹⁸ Britishers urged Maharaja of Kashmir Hari Singh to hand over the Northern Frontier to British forces¹⁹. The British government did not want to take any risk of leaving the Gilgit in the weak administration of the Maharaja. The Maharaja had also no any issues with the British suggestion. So, a lease agreement among the Maharaja and British government in India were signed on April 1st 1935. This lease agreement was for a 60-year term. Under the agreement the British government paid 57000 Nanak Shahi to Maharaja²⁰. Under the agreement only civil and military administration was transferred to the Britishers while the territory was remained as the Part of Maharajas dominion.²¹ The Gilgit Wazarat of Kashmir was eventually handed over to the Indian Viceroy and Governor General. Under the agreement the internal autonomy of the region was remained intact with the local rulers.²² The British political agent sent by the Indian Viceroy and Governor General had complete control over the area's defense, communications, and external relations. On the other hand during this lease period the flag of Kashmir state was also hoisted with Union Jack over the Gilgit residency.²³ The British Government reshaped the administration of the region and created Gilgit agency, appointed a political agent to control the affairs of the region.²⁴ However, in august 1st

¹⁸Ghulam Rasul, *Azadi-e-Gilgit-Baltistan or Pakistan* (One International Publishers, 2004)

¹⁹ *ibid*

²⁰Nanak Shahi was the Dogra government currency.

²¹A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

²²Victoria Schofield, *Kashmir in conflict, India, Pakistan and the unending war*, 1st ed. (I.B Tauris & Co Ltd May 30, 2010)

²³Khan Bangash Yaqoob, "Three Forgotten Accessions, Gilgit, Hunza and Nagar" The Journal of Imperial and Commonwealth History, Vol.38, no.1 (March 2010)

²⁴Brown W A, *The Gilgit Rebellion: The Major Who Mutinied Over Partition of India 1947*, (Ibex 1988)

1947 when the British empire decides to quit India it also returned the GB region to the Kashmir State.²⁵

1.5. Independence and Establishment of Interim Government

The Maharaja of Kashmir appointed Ghansara Singh as the Governor of Gilgit and Ladakh Wazarat on August 1, 1947. He took administrative control of the region but Maharaja of Kshmir's decision was contrary to Gilgit Baltistan people's wishes. So there emerged a sense of deprivation in the local people. On the other hand, there was a hope in the minds of the locals that they should be the part of newly created Muslim country Pakistan. Due to these circumstances the rule of governor Ghansara Singh did not lasted more than three months. The local people specially the Gilgit Scouts took arms. Local masses, officers of Gilgit Scouts and some Muslim officers of Maharaja's Army jointly formed an armed struggle against the State administration and arrested Governor Brigadier Ghansara Singh through a light battle. The local revolutionary army liberated the area from the Dogra's. Shortly after the Governor's arrest the revolutionary leaders declare Gilgit an independent republic on 1st November 1947.²⁶

The revolutionary leadership had announced the interim government under Raja Shah Rais Khan's presidency.²⁷ The other office barriers of the interim government includes Mirza Hassan Khan as the commander-in-chief of the armed forces, captain Durani as Deputy Commander in Chief. The post of the political agent was given to lieutenant Ghulam Haider, Subedar Major Babar Khan was acting as Quarter Master General, Raja Sultan Madad was given the rank of police chief and the last Britisher left

²⁵ Ibid

²⁶ Brown W A, *The Gilgit Rebellion: The Major Who Mutinied Over Partition of India 1947*, (Ibex 1988)

²⁷ibid

in the region Major Alexander Brown was appointed as the Advisor to the revolutionary leadership.²⁸ The flag of the newly created republic of Gilgit hoisted over the governor house in Gilgit, and the newly established government claimed the sovereignty over several princely states including Hunza Nagar, yasin, Chital, Skardu, Kargil Ladakh diameter region and Kohistan.²⁹

Major William Alexander Brown, the British government's last military representative in Gilgit, also claimed to play a major role in GB's independence. According to him he ensured that GB region remain under control of newly established Muslim country Pakistan.³⁰ Major Alexander Brown writes in his book the Gilgit rebellion that he as the only Britisher left in the region and a liberal member of the best democracy in the world, "I felt that as a Muslim majority region the whole of Kashmir, including Gilgit and Baltistan, should go to Pakistan".³¹

1.6. Towards a Much Greater Cause

After the formation of interim government, the revolutionary government run its affairs for 16 days and then offered the newly established Islamic republic of Pakistan for the accession. Therefore, in response to the request, NWFP chief minister Khan Abdul Qayum Khan appointed Sardar Muhammad Alam as the Gilgit agency's first political representative. On 16th November 1947 he reached Gilgit and took the administrative control of the region.³²

²⁸ ibid

²⁹ibid

³⁰ ibid

³¹ibid

³² ibid

1.7. Imposition of Frontier Crime Regulations

After reaching in Gilgit-Baltistan Sardar Muhammad Alam meet with the local leadership and authorities as well as the Major Brown. After the long session and taking enough briefings about the socio-political affairs of the region, he immediately imposed the Frontier Crimes Regulations (FCR) on the region³³. According to the Major Brown Mr Sardar Muhammad Alam dealt with the local people and leadership with harsh tune and actions from the very beginning and act like an administrator³⁴.

Mr. Brown in his book the Gilgit Rebellion wrote that, In response to some people's voices regarding their immediate demands from the newly established Islamic Republic of Pakistan, he termed the people of GB as a crowd of fools. He categorically told them that they are foolishly playing in the hands of a madman.³⁵ He told them that he will never tolerate any nonsense of one instance. He said that if the people not left the foolishness then whenever the Indian army start Bombing they will never get any help from Pakistan.³⁶ According to Mr. Brown after this encounter with Sardar Muhammad Alam the leadership of the interim government faded away.³⁷ Scholar and writer Yaqoob Khan Bangash says that the people of different regions of GB including Gilgit Hunza, Nagar, Yasin, Ishkoman, Punial and Diamer joined Pakistan by choice.³⁸ Later, on 6th April 1948, on the order of the founder and First Governor General of Pakistan Quaid-e-Azam Muhammad Ali Jinah, the Political Resident based in Peshawar city of NWFP was ordered to act directly as Governor General's agent to Gilgit agency and other Princely

³³Brown W A, *The Gilgit Rebellion: The Major Who Mutinied Over Partition of India 1947*, (Ibex 1988)

³⁴ ibid

³⁵ ibid

³⁶ Ibid.

³⁷ ibid

³⁸Khan Bangash Yaqoob, "Three Forgotten Accessions, Gilgit, Hunza and Nagar" The Journal of Imperial and Commonwealth History, Vol.38, no.1 (March 2010)

States. Thus the GB region placed under the administrative control of NWFP of Pakistan.³⁹

1.8. Advancement of the Revolutionary Forces and the Great Lose

The Gilgit scouts after successfully taking the control of Gilgit agency marched towards Baltistan region along with Azad irregular forces to liberate it from the claws of Dogra regime.⁴⁰ Gilgit-Baltistan scouts liberated the Skardu region from the Dogra's by May 1948.⁴¹ The scouts successfully blocked Indian reinforcements by cutting off Indian communications to Ladakh and then captured strategically important valleys of Dras and Kargill.⁴²

On the other hand, due to the massive deployment of Pashtoon tribal warriors into the Kashmir, the Maharaja of Kashmir fearing the loss of power immediately contacted the Indian government and signed the instrument of accession without the consent of the predominately Muslim masses. Immediately after the official accession, the Indian forces invaded the territory in the autumn of 1948 and the entire Kargil and Ladakh valleys were occupied.⁴³ The rest of Baltistan region then cut off from Ladakh Wazarat and came under Gilgit's control. The occupation of Kargil and Ladakh is a great lose to specially the people of GB, as not only dozens of families divided across the line of control but also a huge land and other historical record of GB left in Ladakh.

³⁹ A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

⁴⁰ Ibid

⁴¹ Khan M. H. *Shamshir Se Zanjeer Tak*, (Islamabad 2010)

⁴² Ibid

⁴³ Farooq Bajwa, *From Kutch to Tashkent: The Indo-Pakistan War of 1965* (Hurst Publishers, 2013)

1.9. Case of Gilgit-Baltistan in the United Nations

The Indian government on 1st of January 1948 fearing the loss of whole of the Kashmir state formally took the issue in UNSC under the article 35 of UN charter and seek the immediate withdrawal of tribal forces from the valley. On the request of India on 20th January 1948 a delegation of three members of UNSC arrived and visited the war turned valley.

A five-member UN Commission for India and Pakistan (UNCIP) was established on 21 January 1948 to settle the issue, with the following mandate: -

1. An immediate cease fire between India and Pakistan.
2. Withdrawal of all Pakistanis and tribesmen from the territory.
3. Both India and Pakistan will reduce the level of forces and restoration of normalcy.
4. The Indian government will administer the plebiscite.⁴⁴

1.10. India Pakistan Rivalries and the Gilgit-Baltistan

The GB Region remained a major war zone during the wars between India and Pakistan in 1948, 1965 and 1971 and during the Siachen conflict. The Kargil conflict of 1999 was another major source of rivalry between the two neighbors.⁴⁵ This limited conventional war took many precious lives of armed forces as well as the civilians of both the sides.

⁴⁴UNCIP, *Resolution on Kashmir conflict*, 13th August 1948.

⁴⁵ Farooq Umar Zain, "A socio-political study of GB province," *Pakistan Journal of Social Sciences*, Vol, 30, No, 1 (September 2010)

1.11. The Karachi Agreement of 28th April 1949

The Gilgit agency till 1950 was under the administration of the Political agent, then it once again reinstates as the Northern Areas.⁴⁶ But this was not Pakistan's northern parts, it was linked to Maharaja's northern province of Jammu and Kashmir.⁴⁷ As the explanation for this act was that this region was connected to UNCIP resolutions and Pakistan's government wanted to show at UNSC that these areas are still part of Kashmir.⁴⁸ In 1949 the Karachi Agreement was signed between the Government of Pakistan and Representatives of Azad Kashmir.⁴⁹ According to the agreement all the parties indorse Pakistan's administrative jurisdiction over Gilgit-Baltistan. This agreement has been signed without the consensus of any representative body from Gilgit-Baltistan.⁵⁰ Vide sub-clause 8 of section 3 of this agreement, GB affairs were brought under the jurisdiction of the federal government's designated Political Agent. KANA Division was formed in 1950 on the basis of the Karachi Agreement comprising GB and Azad Jammu and Kashmir.⁵¹ The rank of political agent was renamed as political resident. In 1952, the responsibility of the region's political resident was given to a joint secretary of the Kashmir affair.

According to the Kashmiri leadership if Pakistan for whatsoever causes decides to drift away from UN Resolutions on Jammu and Kashmir, it would lose the legitimacy of

⁴⁶ Khan Bangash Yaqoob, "Three Forgotten Accessions, Gilgit, Hunza and Nagar" The Journal of Imperial and Commonwealth History, Vol.38, no.1 (March 2010)

⁴⁷ Khan A H, *The Last Colony of 21st Century: Balawaristan*, 1st ed, (Rawalpindi: Gawalmandi Press 2001)

⁴⁸ Ibid

⁴⁹ A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

⁵⁰ ibid

⁵¹ Wirsing Robert, "War or Peace on the Line of Control? The India-Pakistan Dispute over Kashmir Turns Fifty" (University of Durham, International Boundaries Research Unit, 1998)

presence in the Azad Jammu and Kashmir (AJK) as well.⁵² According to a Hurriyat Leader from Jammu and Kashmir Dr Syed Nazir Gilani, It would also give India a reason to move to the United Nations Security Council and the International Court of Justice to seek Pakistan's vacation in Azad Kashmir.⁵³

1.12. Political Awakening

Gilgit-Baltistan's people wanted to live with Pakistan instead of being governed by the Kashmiris or the ministry of Kashmir affairs. So, since the independence the people of Gilgit-Baltistan fighting politically to be ruled directly by federation. In 1957, the legendary freedom leader and founding father of the republic of Gilgit Col Mirza Hassan Khan founded his own political party under the name of "Gilgit League." Gilgit league was the first ever indigenous political organization of the region, which was established in the aim to fight for the rights of the local people. His party wanted civil liberty and democratic rights, and an end to the FCR. A wide range of the people supported his party and it was gaining impetus popularity, But unfortunately the martial law administration of Ayyub Khan had banned his party and the voice of the local people were suppressed. After his party was outlawed, Mirza Hasan Khan entered the civil service in Azad Kashmir.

In 1958 martial law was imposed in Pakistan but due to its controversial political position martial law was not extended to Gilgit-Baltistan. In 1967 an office of the political resident was first time opened in Gilgit. Two political agents had been appointed under his supervision, one for Gilgit and one for Baltistan. The reason behind this was the

⁵² Gilani Nazir Syed, "Government of Azad Kashmir and Kashmir case", July 7, 2019, <https://dailytimes.com.pk/425784>

⁵³ Ibid

administration of the region, the collection of revenue, the judiciary, and to exercise all other major powers. The local people had much antagonism against this pseudo political administration who wanted a modern political system having all the rights safeguarded⁵⁴.

1.13. Sino-Pak Border Agreement of March 2nd, 1963

The Sino-Pak boundary treaty was signed in March 1963. The history of this treaty was that Chinese government had shown some parts of GB on their own side in their maps. The Pakistani government expressed its reservations on the Chinese move. Military dictator General Ayub Khan asked the Chinese government to clarify the border areas, but no answer received from the Chinese side. Nevertheless, in January 1962, after Pakistan voted to give China a seat in the United Nations Security Council, the Chinese government withdrew from the map and decided to begin dialog on the matter. The government of Pakistan acknowledged the assurance of the Chinese government and on October 13, 1962, the talks officially began to reach an agreement. The agreement was signed on 2nd March 1963 by Foreign Minister Zulfikar Ali Bhutto, and his Chinese counterpart Chen Yi.⁵⁵ Both sides agreed to demarcate the borders traditionally. Earlier the boundary between both the countries had never been demarcated. Article 6 of the agreement guarantees that the deal will be re-negotiated by the government in power and the Chinese government after the Kashmir conflict has been resolved. Article 6 of the agreement is actually worded as follows:

The two parties have agreed that after settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiation with Government of Peoples Republic of China, on the boundary as described in Article 2, of the agreement, as to sign a formal boundary agreement. Provided that in the event of sovereign authority being Pakistan, the provision of present agreement and of aforesaid protocol shall be maintained in

⁵⁴ Singh Rahul, "Who changed the face of '47 war?" Times of India, (14 August 2005)

⁵⁵ Malik RA, "Who Ceded the Land?" Pakistan Today (June 26, 2016)

the formal boundary treaty, to be signed between People Republic of China and Pakistan.⁵⁶

The Indian government refused to accept it because they are still demanding jurisdiction over some of the regions. The Indian government protested and took up the issue at UNSC on 16 March 1963 calling the boarder agreement a clear violation of UN resolutions on the Kashmir dispute. On Indian governments protest foreign minister Zulfikar Ali Bhutto denied all such allegations. In his speech to the UN Security Council on 26 March 1963, he categorically denied the Indian arguments against the Pakistan-China border agreement. He said that, "There is no direct or indirect allocation of the territories included in the Agreement. The agreement signed between the Governments of Pakistan and China will in no way alter the situation in Jammu and Kashmir and will in no way alter the status quo of the region".⁵⁷

1.14. First Elections Process in Gilgit-Baltistan

In 1970, elections for a 16-member consultative council were held for the first time in the history of Gilgit-Baltistan. This was the first ever elected representative body of GB. The advisory council had the power to approve schemes for development, but it was almost powerless in all other matters. It was headed by the Commissioner Northern Areas (Resident) .It was changed later and the Minister for Kashmir affairs became its chairman.⁵⁸

⁵⁶Actual text of the Sino-Pak border Agreement of March 2, 1963

⁵⁷ UNSC, Speech of Mr Zulfikar Ali Bhutto, 26th March 1963.

⁵⁸Ershad Mahmud, "The GB Reforms Package 2007: Background, Phases and Analysis, ", Institute Of Policy Studies Islamahad, Vol,5, no, 1(March, 2009)

1.15. Pakistan People's Party, FCR and SSR

The Pakistan People's Party government and leadership viewed the strategic and geopolitical significance of the region in the decade of 1970s. They felt they had to deal with local people's fundamental issues, including political, social and economic concerns.⁵⁹ Prime Minister Zulfikar Ali Bhutto during his visit to GB in the year 1974, abolished the colonial law of FCR and the *Jagirdari* system. He also abolished the established rule of Rajas and Mir's in the autonomous principalities of the area.⁶⁰ All the actions of Bhutto were considered as a good gesture by the local people. His decision to revoke the State Subject Rule (SSR), on the other hand, has been seen as a major blow to indigenous people's rights. As a result, many people from outside of the region entered Gilgit-Baltistan and bought properties in the region that resulted in a demographic change. The acquiring of lands is still prohibited in Azad Jammu & Kashmir, but in Indian occupied Kashmir the occupation regime has abrogated the relevant article 370 on August 5 2019.

1.16. Zia-ul-Haq era Reforms, Islamization and the Socio-Political Impacts on Gilgit Baltistan

During the Zia era the process of reforms continued all over the country including Gilgit Baltistan. He extended his martial law to Gilgit-Baltistan as well and declared the region as the zone e of the martial law. He also made and attempt to bring some reforms in Gilgit-Baltistan by appointing three Northern Area council member to the Majlis-e-Shura. But Zia failed to continue this process due to the serious protest from the Jammu & Kashmir

⁵⁹Shigri AA. "Constitutional rights for Gilgit Baltistan," Daily Dawn (May 23, 2017)

⁶⁰ A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

and Indian government, who believed that the Gilgit-Baltistan is not the part of Pakistan.⁶¹ On the other side people of GB welcomed the attempt of Zial-ul-Haq. Unfortunately, in 1988, an incident made him very infamous among Gilgit-Baltistan's inhabitants. In 1988, a sectarian mob attacked the area from outside the region, particularly from adjoining and tribal areas of NWFP.⁶² These sectarian mobs mainly belong to a sect of Sunni Muslims brutally killed hundreds of Shia Muslims in Villages of Jalalabad, Haramosh, Sakwar, Sharote Shikot, Bargo and even in the Gilgit City. Many villages including Jalalabad, Bargo, Sharot, Sakwar, and other also set into fire. Even animals were killed and trees cut down by the terrorists.⁶³ The local Shia Muslims blame Zia Ul Haq of this massacre. This fatal incident deteriorated the state of peace in the region. A sectarian division which was sowed by the British colonialists become more rampant and the same situation is still exiting. The region is still divided on sectarian basis.

1.17. Socio Political Dynamics of Gilgit Baltistan

Between 1947 to 2009 the GB region had been known as Northern Areas of Pakistan. The Pakistan People's Party government changed its name from the Northern Areas to Gilgit-Baltistan in 2009. A legal frame work order (LFO) was also imposed in the year 1994 and GBESGO 2009 in the year 2009. The executives designated in GBESGO are Governor and Chief Minister.⁶⁴ This order was different from the AJK constitution, where

⁶¹NRSP, "Northern Areas of Pakistan-Facts, Problems and Recommendations", Policy perspective, vol, no 1

⁶²Raman B, "The Northern Areas of Jammu and Kashmir, Himalayan Frontiers of India: Historical, Geo-Political and Strategic Perspectives", Routledge, (2009)

⁶³ Anjum, G.H. *Jab Jalalabad Jal Gaya*,

⁶⁴ ARJK, Azad Kashmir and Gilgit Baltistan, proposals for the enhanced autonomy and empowerment, (June 2012)

the executives are ranked as President and Prime Minister. The head of the GB Assembly is chief minister while the GB Council is headed by the Prime Minister of Pakistan. The governor represents Pakistan's president in the region. In all situations, the Government of Gilgit-Baltistan operates under the overall control of Ministry of Kashmir Affairs and GB.

1.18. Gilgit-Baltistan Order 2018 and Constitutional and Political Reforms

The PML Nawaz government has introduced the GB Order 2018. This order was only welcomed by Muslim League Nawaz members themselves and the rest of opposition and general masses categorically rejected it. The new order is seen as an eyewash that has robbed people of their fundamental civil and political rights. They think that in this reform the prime minister of Pakistan has been given overriding powers. It gives the prime minister of Pakistan legislative, executive and judicial authority, While the people of Gilgit-Baltistan thus feel deprived of any representation in Pakistan's federal legislature. The locals protested against the order and requested that the order be revoked.⁶⁵

⁶⁵Shah Samina, "GB Order 2018: A Copy-Paste Bureaucratic Endeavor" Pamir Times, (June, 5 2918)

CHAPTER-2

THE SITUATION OF HUMAN RIGHTS IN GILGIT BALTISTAN

The Human Rights Commission of the United Nations declares human rights to be fundamental rights of all human beings irrespective of nationality, ethnicity, colour, creed, sex, place of residence, language or other social status. All the human beings have the right of equally entitled to their basic and fundamental human rights without any discrimination on the base of status, creed and culture.¹

As for the human rights situation in GB in concern, the people of the region are struggling to attain all the rights laid down in the UN declaration of Human Rights and its Charter. Since independence from the British and Dogra system now past 72 years, but GB people still await their due political and social rights. The Gilgit-Baltistan territory has no political autonomy or a functioning legal system to protect its indigenous people's civil and political rights. Slow economic development, growing identity crisis and lack of social integration continuously fuel the masses against the existing system. In this scenario the people think that Gilgit-Baltistan is the forgotten and neglected corner of Pakistan.

2.1. Constitutional Status and Identity Crisis

After accession to Pakistan without any prior term and condition the people of Gilgit-Baltistan wanted to live with Pakistan having equal citizenship rights enjoyed by other provinces. But, this patriotic desire of the people was neglected by the federal government and declared GB as a disputed region attaching its fate with the Kashmir

¹United Nations Human Rights Commission, <http://www.ohchr.org> (Accessed November 8, 2017).

issue. Due to these issues there is a general confusion in the masses. The region is currently being governed directly by the federation. The constitutions of Pakistan 1956, 1962 and 1973 did not recognize the Gilgit-Baltistan region as a part of it. Article 1(2) of the Constitution of 1973, which defines the country's territorial boundaries, is silent about Gilgit-Baltistan's status. It says that "All States and territories, whether by accession or otherwise, as are or may be included in Pakistan".²

Pakistan's government and political parties have persistently ignored the appeal by the GB masses for full integration into Pakistan. Citizens of the GB have often been deprived of basic rights such as the right to votes, membership of the national assembly and senate, and freedom of speech, etc. Instead, with the aid of Kashmiri rulers, the federation opted to have full powers to operate GB's affairs through the notorious Karachi Agreement of April 28, 1949. The ex-Inspector General of Sindh Police Mr. Afzal Ali Shigri says that the Kashmiri leadership surrendered the administrative control of such a vast region, which was inhabited by a very patriotic and trustworthy people without any attempts to guarantee of their citizenship rights with Pakistan.³ Instead of providing remedies to their difficulties the federal government has imposed several unacceptable laws, such as legal framework orders (LFO) FCR and many other pseudo regulations that made the people of Gilgit-Baltistan feel deprived and resented.

2.2. Lingering Kashmir Dispute and Graveness

Pakistan's government has linked Gilgit-Baltistan's constitutional issue to the lingering Kashmir dispute. The region's political and constitutional status will never change unless and until the question of Kashmir is resolved. The people of GB believe that they should

²Constitution of Pakistan 1973.

³Shigri AA "Constitutional rights for Gilgit Baltistan," Daily Dawn (May 23, 2017)

be treated beyond the folder of Kashmir dispute. A huge majority of GB residents are not considered themselves part of Kashmir. Gilgit-Baltistan's people have their own identity and culture that is totally different from the people of Kashmir. They argue that the annexation of Gilgit-Baltistan with Kashmir was an incident of history. They claim that like the British colonial rule over Indian subcontinent, the Dogra rule over Gilgit-Baltistan was also colonial in nature. The local people fought their war of independence against the occupiers and liberated their homeland and annexed with Pakistan.⁴ According to the locals GB was annexed with Pakistan without any prior condition, but the federation denied its annexation and linked it to Kashmir dispute. Pakistan did this with the expectation that the Muslim majority territory of Gilgit-Baltistan would vote in favor of Pakistan in case of any plebiscite under the auspices of the United Nations on the Kashmir. Gilgit-Baltistan's people perceived that J&K people are opposed to their political empowerment and that they always build obstacles in their way. In addition, that whenever the federal government plans to give them a viable political status, Kashmir's leadership starts to cry out protests calling it a harm to the cause of Kashmir in the United Nations. The committee formed by PML N federal government headed by Sartaj Aziz to chalk out ways and means to introduce new political reforms and more empowerment to the region was also criticized by Kashmiri leadership. They wedged a strong protest all over the Kashmir and abroad against Gilgit-Baltistan empowerment reforms. Many Kashmiri leaders including Mir Waiz Umar Farooq, Yaseen Malik, syed Ali Gilani and others expressed their utmost concern that the merger of GB region with Pakistan would justify India's illegal actions in the Indian held Kashmir. That would weaken the position

⁴Khan A H, *The Last Colony of 21st Century: Balawaristan*, 1st ed, (Rawalpindi: Gawalmandi Press 2001)

of Pakistan on Kashmir in the international and bilateral fora. People of GB blame that the Pakistani administration also surrenders in front of the Kashmiri leadership and use tactics of delay in provision of more political powers to the region. So, the trust deficit between the Kashmiri and Gilgit-Baltistan's leadership is a big source of alienation with each other. It induces uncertainty in their shared relationships as well as their discontent on political injustices.

2.3. FCR" and other Bureaucratic Rules

The Frontier Crimes Regulations were first imposed by the British Colonial rulers in Gilgit-Baltistan. The basic purpose behind the imposition of this cruel law was to indirectly administer this strategic area in the better interest of the colonial power.⁵ But, unfortunately, after the independence of Gilgit-Baltistan from Dogra Raj, the Pakistani administration and the first political agent Mr. Sardar Muhammad Alam Khan also decided to carry forward what the locals call draconian colonial law of FCR. The terms of the FCR are in clear violation of the 1973 Universal Declaration of Human Rights and the Constitution of Pakistan. Under the FCR, Pakistan's government denied the fundamental rights. On the other hand, local people have had a very strong desire and struggle to abolish FCR. The motive behind the formation of the first ever "Gilgit League" political party was to challenge the FCR. The other famous and rather violent struggle against the FCR was followed by a violent incident at Gilgit city in 1971. This was against the dismissal of a school headmistress after a complaint lodged against her by the wife of a non-local government official. The story begins when a local delegation went to the political agent to demand the restoration of the job of headmistress. The

⁵HRCP, *FCR, the bad law nobody can defend*, Qasim Karim printers Lahore 2005.

delegation was mocked by the officer. This incident fueled violence throughout the region. This resulted the establishment of a nationalist political organization “*Tanzeem-e-Millat*” under the visionary leadership of the first ever lawyer of the region Mr. Johar Ali Khan, well known as Wakeel Johar Ali.⁶ During the violence when the protesters marched towards the government offices, an official ordered to the Gilgit Scouts to open fire on protesters, but the scouts refused to obey the order. The official himself took a gun and opened fire directly to the protesters, resulting in the martyrdom of one protester Mr. Rajab Ali from Gilgit's Kashrote area. The government imprisoned the TEM's top leadership. Gilgit Jail was stormed by the angry mob and released their imprisoned leaders. The local government sought assistance from the NWFP government to send troops to deal with the rebellion. The government re-arrested some of the top leaders of the TEM and put them to jails in the present KPK province, including Haripure Jail. This was one of the major political and social movements against the FCR and the Political Agent's supreme powers. In 1972, Pakistan's Prime Minister Zulfikar Ali Bhutto abolished the FCR and introduced new political reforms.⁷ One other source of resentment is that the federation despite trusting on local bureaucrats, importing ruling elite of Gilgit-Baltistan from down country, making a strong bureaucratic circle, which suppresses the way of local genius to come forward and raise voice against the existing government. Lack of the local participation in governance and bureaucratic system is making dissenting views among the local people. They think that the federation is consciously neglecting the local people demands. According to local people diminished self-rule and continuous deprivation of fundamental human and political rights in the area is

⁶ Tanzeem-e-Millat established in Gilgit in 1971 under the leadership of famous political figure Advocate Johar Ali.

⁷ A H Dani, *History of Northern Areas of Pakistan* (Lahore: Sang-e-Meel Publications 2001)

tantamount to treating GB in the past as a colony. According to the Human Rights Commission of Pakistan “Participation in a political system is one of the fundamental rights”.⁸ It not only offers people a say in their government's operation, but it also provides support to the marginalized and unrepresented groups and can also avoid violent political changes. It also involves much more than just voting, including freedom of expression, assembly and association and the ability to participate in public affairs.⁹

But the federal government ruling the area through a strong bureaucracy imported from the federal level. Even during PML N's provincial government led by Mr. Hafiz Hafeez Ur Rehman as chief minister, nearly all of the top bureaucracy belongs to federal services which has reduced the position of Gilgit-Baltistan's local police officers. The provincial government's act created a strong sense of unhappiness among the local officers. Here one may ask the provincial government is an important body, all the members are local, so why blame the federal government? The answer is that the provincial government is belong to Pakistan Muslim League Nawaz and the PMLN leaders including chief minister, governor, ministers and other office barriers are bond to follow the manifesto of the party. So, they are bond to do about GB, what their party manifesto or party leadership orders. This is the reason that since the day first the GB people demanding a representative government and self-rule, but the federation always put their demands into doldrums.

⁸HRCP, *State of Human Rights in Pakistan ,2014*

⁹ *ibid*

2.4. Abrogation of State Subject Rule

The SSR was promulgated by the Dogra Maharaja of Kashmir Hari Singh in the year 1927 in his state.¹⁰ The history behind this law was that, between 1889 and 1905 the British colonial rulers on a dispute with Maharaja Pratab Singh over the powers of the resident appointed by them for Kashmir had temporarily expelled him from the throne. During this period there was a significant incursion into the state of Kashmir by outsiders from the neighboring states. Many outsiders had been appointed to administrative positions resulting in local people being stripped of the right to obtain government jobs, even occurred a demographic change in the territory. This deliberate entry of outsiders into the Kashmir contributed to an unrest. The protest by local people with the slogan "State for the People of the State" had took the form of a national struggle¹¹

The Maharaja of Kashmir Pratab Singh died in the year 1925. The people's struggle continued, forcing his successor, Maharaja Hari Singh, to issue an order defining the term 'Mulkis' or the state's permanent residents or subjects.¹² In addition, the State Subjects would be favoured on outsiders in the case of employment in government services. According to the order the outsiders could not buy immovable property in Jammu and Kashmir State.¹³ The aim of implementing this rule was to protect the Jammu and Kashmir people from outsiders who may come to buy their land and other property. Such special rights were enjoyed by permanent residents of J&K and Gilgit-Baltistan before and after independence. Yet once a part of Jammu and Kashmir, in 1974, the Pakistan People's Party government led by Prime Minister Zulfikar Ali Bhutto peeved the

¹⁰JB Gupta, *Gulab Singh, 1792,1858 Founder of Kashmir*, (London: Martin Hopkinson Ltd, 1930)

¹¹Panikkar K MS, *Jammu and Kashmir*, (The Hague: Martinus Nijh off, 1968)

¹²Ibid

¹³ Anand Justice A.S, "The Constitution of Jammu and Kashmir- Its Developments and Comments," (New Delhi Universal Law Publishing Co Ltd, 2004)

common people of Gilgit-Baltistan. Prime Minister Bhutto's decision paved the way for mass migration toward GB from across the country, resulting in demographic changes in the territory. The permanent residents of Gilgit-Baltistan believe that, if the federal government would not stop the people from settling down in their areas, time will reach when the region may lose its identity and it would be dominated by people from Punjab, KPK and other parts of the country. It is because of the fear that they are demanding that the SSR be revoked. In the history of Gilgit-Baltistan many incidents were happened in the very past which were violent by nature. Some of the recent riots had begun by the Pakistan People's Party GB chapter against the acquisition of barren lands under the so-called Khalsa Sarkar Act is a milestone against SSR. During his speech in a protest gathering of "HAQ E MALKIAT & HAQ-E-HAKMIAT"¹⁴ campaign in Gilgit, Mr. Amjad Hussain advocate the provincial head of PPP blamed that the provincial government deliberately sought to change the region's demography by forcefully grabbing Gilgit-Baltistan's Barren lands.¹⁵ This reflects that even the mainstream political parties including that of PPP is not satisfied with the abolition of SSR and demanding its immediate restoration.

2.5. The Judiciary System in Gilgit-Baltistan

The federal government has not given full power to local judicial system. The Chief court of Gilgit-Baltistan where no regulation is followed. According to the website of the Gilgit-Baltistan chief court there is nothing mentioned in this regard. Prior to 1972, Gilgit Baltistan, like the other parts of the country, had no regular courts, and judicial matters were dealt with under the FCR. The resident commissioner had the powers of a high

¹⁴Campaign lodged by PPP GB against the grabbing of local lands.

¹⁵Daily K2, Gilgit Baltistan edition, dated 2nd November 2016. <http://www.epaper.dailyk2.com>

court judge; the political agent had the powers of a district and session judge while the assistant political agent served as a civil judge.¹⁶ It further mentions that in the 1972 by abrogating FCR the federal government had introduced some sought of administrative and judicial system. Pakistan's laws have also been applied to GB through the Kashmir Affairs and GB ministry. Consequently, Gilgit-Baltistan was declared a session division by appointing a district and sessions judge in Gilgit.¹⁷

It clearly means that in the year 1972 the law of Pakistan with a very low powers came to the region. The tyranny of the history was that even after more than 25 years of accession with Pakistan the judges of the chief court were banned to proclaim themselves as judges. The head of the chief court were designated as chairman. To be called as chief judge the chairman had to wait till 2007, When the federal government pitied and gave the Chief Court more authority, it was taken in tandem with the other high courts of the provinces. Therefore, Chairman's appointment was replaced by Chief Judge, while representatives were named as Judges.¹⁸ The nomenclature of the chief court was redesignated on 15 December 2007 and named it the Supreme Appellate Court of the Northern Areas. The authority was also expanded by the conferral of jurisdiction to Appellate. The powers given to the Supreme Appellate court are equal to the AJ&K Supreme Court. Furthermore, by promulgating the GBESG Order 2009 on 9 September 2009, the Supreme appellate Court was granted similar jurisdiction equal to that of the Pakistan Supreme Court. The Supreme Appellate court is made up of one chief judge and two other judges. According to Mr. Ehsan advocate a senior lawyer and president supreme appellate court bar association, no single judge can hear cases and three judges

¹⁶Chief court GB, <http://www.Gilgit-Baltistanchiefcourt.gov.pk>

¹⁷Ibid

¹⁸Chief court GB, <http://www.Gilgit-Baltistanchiefcourt.gov.pk>

are mandatory to form a bench to hear any case, but in Gilgit-Baltistan the situation is altered and only one judge hearing cases and making decisions. That's why Bar is continuously in protest against the issue. According to him the federal government is intentionally not appointing local judges on the post of chief judge and selecting judges from other parts of Pakistan. The president further added that the then chief judge Rana Muhammad Shamim was also a non-local and over aged for the post but was posted to supreme appellate court. According to him he was making single bench decisions violating the legal procedure of the courts.¹⁹ So, the state of malfunctioning of the judiciary in Gilgit-Baltistan is another source of rights violation and in turn disappointment and resentment among the people.

2.6. Economic Discrimination

Gilgit-Baltistan's economy depends largely on its natural resources, which can be categorized into five spheres, such as Agriculture, minerals, tourism, hydro power and livestock. Although, the region served as the gate way to the traders for centuries, but the trade and industry is still in the initial phases. The region has fertile agriculture lands and rich in the water resources, having a self-made canal system. Similarly, the NGOs has invested billions of dollars in a systematic agriculture on modern basis with the support of national and international doners and stakeholders. But there is lack of advanced agriculture policies, due to which people cannot gain profit from their lands and other related natural resources. Despite having large water resources many areas are facing water crisis for agriculture, which resulting vast barren and unproductive lands. The government ignoring to develop a viable water management system based on modern

¹⁹¹⁹ Ehsan advocate personally talked with this writer on the issue.

technology. Because of the government's lack of constructive steps towards the Gilgit-Baltistan agriculture sector, that has had a negative impact on the wellbeing of the rural masses in general. Moreover, the tourism is another natural source of income, as the natural beauty of the area attracts thousands of tourists from around the world, including the local people of Pakistan. Every year in summers large number of tourists came to the Gilgit-Baltistan and enjoy the beauty of the region. But the entire revenue is collecting by the federal government, which results the economic lose to the region, so the people demand the revenue collection rights be transformed from the federation to the provincial levels. Furthermore, minerals are the other big source of income. This sector is also taking over by the federal government; despite that after the devolution plan this filed is the provincial subject. The federal government is practicing a unique course with Gilgit-Baltistan by handing over the sector to Gilgit Baltistan council. The local people and the mineral associations demanding to handover back the sector to the provincial government. In this regard a press release from the Gilgit-Baltistan metals, minerals and Gems Association (GILGIT-BALTISTANMMGA) dated 8th July 2014²⁰ is evident. In its resolution, the association calling it a clear violation of Pakistan's constitution, demanded that the federal government hand over the sector to the provincial government immediately.

One of the rich source of income in Pakistan is its energy sector, either it is liquefied gas, electricity or petroleum. This sector has played a key role within the country's economy. Gilgit Baltistan is a region which possesses rich natural resources. If one talk about the electricity needs of the country, there is a large-scale hydro electricity generation capacity in GB. According to the independent surveys the region has a

²⁰BB MMGA, Resolution-regarding-Draft-Concession Rules, Pamir in times 8th July 2014

potential to generate more than 50,000 megawatts (MW) of very cheap hydroelectricity. Sensing the importance of cheap electricity and to accelerate the pace of hydropower development, the government had established the “Gilgit-Baltistan Electricity Development Company. The purpose of this company was to establish a regional grid so that the cheap electricity generated from the region could be linked with the national grid. But unfortunately, due to the non-serious approach of the government now days the GB electricity development company is de functional. So, despite having large scale opportunities to produce cheap electricity there is no such mega project is on board. According to Mr. Hussain Ahmed Siddique vice president of the institute of engineers of Pakistan, currently power supply in GB does not meet the demand. He says that the demand ranges from 200 MW to 300 MW, resulting in a major shortage and therefore causing a huge load-shedding.²¹ This is an alarming condition in such an area, where a vast potential of energy generation exists. The locals demanding energy development through the construction of Diamer Bhasha Dam and other mega projects related to CPEC.

Gilgit-Baltistan is the gateway through the Karakorum highway (KKH) to mutual trade with China. The CPEC has the capacity of billion dollars trade between both the countries. In the wake of CPEC, GB may be a business center between Pakistan and China, but very little attention has been given to it due to negligence of federal government. Indeed, the positive aspect is that the locals are also in high spirits and are welcoming the project with a positive gesture. Nonetheless, on the other hand, there is also a state of uncertainty about the inclusion into CPEC projects including economic

²¹ Siddique AH, “Energising Gilgit-Baltistan,” the Business Recorder, (22 January 2011)

zones. The local opposition parties accuse the provincial government for undermining the interests of the region in setting up special economic zones. On the other hand, the Chief Minister of Gilgit-Baltistan Hafeez Ur Rahman has consistently ensured that two economic zones will be established in the region. But his justifications have failed to appease the opposition. As the Opposition parties argue that no part of the project represents the CM's argument. They blame that the region lacks representation at the CPEC table. Local business groups have consistently protested against the CPEC ventures and levied higher amounts of taxes. The business community had also got a strong support from local people, lawyers, and transporters including all segments of society²². The protesters were chanting slogans of "No taxation without representation". This means that until and unless the area is fused into the constitutional folder of Pakistan and without making it the fifth province of the country imposition of taxes are illegal and non-legitimate.

2.7. The Education Sector

Education plays a key role and cannot be taken for granted in any country's socio-economic progress. Not only does education provide knowledge and skills to enhance health and livelihoods, it also empowers people to make decisions about their livelihoods. The Gilgit-Baltistan having a unique geographical social, political and economic dynamics cannot be overlooked for quality education. Nevertheless, the area lacks educational facilities that challenged its residents in the education sector. Since independence now passed 72-years but the region larger than the Republic of Panama, does not have a single medical, technical or engineering institution. The Karakorum

²²Daily K2, Gilgit Baltistan edition, (14th November 2017), <http://www.epaper.dailyk2.com> (News covered by all electronic and print media including daily papers published from GB)

International University (KIU) was established through the President General Prevez Musharraf's special orders in 2002.²³ Now the Baltistan University the second public sector educational institution started its educational operations in Skardu. As the Gilgit-Baltistan region comprise of many remote valleys, where even not a single government school existed.

Due to lack of economic resources the people did not afford to teach their children in the private sectors institutes of down country. Even in some cases, many of the students left education after grade 8 and some left after matriculation as their parent unable to attend their educational expenses. Lack of public sector educational institutions opened ways to private sector as well. A growing number of private educational institutions are now being set up to take advantage of the inability of government to deliver quality education. But the demands of quality education and future problems cannot be answered by these institutions. Besides this, more young people are moving to the big cities for higher education. So, there is a Diaspora of Gilgit-Baltistan youth towards other parts of the country and beyond. To date, more than 50% of GB students have moved from the area to study in different cities across the country. Where these young people first gain jobs in order to cover the financial expenses then continue their schooling, which in effect cannot guarantee a quality education. In remote valleys, the shortage of higher educational institutions left very bad effects on female education. In addition, there are also difficulties in female education where more women have left their homes and settled in various hostels in cities due to access to higher education. Female education has remained less in focus, as some parents with extreme religious backgrounds are against female education. The situation is worsened in the district Diamer, where the female

²³ Information taken from KIU website, <https://www.kiu.edu.pk/history>

education is vulnerable due to the utter religious sentiments. Furthermore, provincial and federal governments have no interest in raising awareness among the masses of vulnerable districts about women's education.²⁴

2.8. The Health Sector

Same is in the case with health sector. There is currently a shortage of public sector hospitals in Gilgit-Baltistan to meet the needs of patients. Despite the presence of PHQ Hospital in Gilgit, DHQ Hospitals in Skardu and Chilas, other districts are still waiting for such facilities hospitals. The major public sector hospitals in the region lacks advanced health care system. Due to acute shortage of advanced facilities many patients preferred to go to the cities like Islamabad, Lahore and Karachi. But the majority people lacking financial resources failed to get advances health facilities. The rural health set-ups are also in pitiful situations. Almost all rural Basic Health Care Units (BHUs) has lack of basic health care facilities. No boundary walls, no power, and no clean drinking water, health care professionals are also reluctant to work in remote areas because there is lack of facilities to them. Women of Gilgit-Baltistan are the main victims of health care system.

2.9. Sectarianism and Social Stratification

Gilgit-Baltistan's history of sectarian animosity is quite old. The British colonial rulers had first sown the seeds of sectarian discord in the area using their divide and rule strategy. After the independence it restarted gaining escalation during 1970s and reached its peak in the 1980s. The success of Iran's Islamic Revolution in 1979, Afghan war and

²⁴Petech Luciano, *The Kingdom of Ladakh, 950–1842 A.D.* (Italian Institute of oriental Studies, 1977)

the military dictator General Zia ul Haq's so-called Islamization strategy sparked sectarianism in the area²⁵ The first major incident on the issue of moon sighting of the Holy month of Ramadan took place in May 1988. The tragic story begins with the Shia community claiming to have sighted the moon and declaring the Eid ul Fitar, but the Sunni community refuses to accept their assertion. According to sources two Shia boys were passing through Sunni majority Kashrot area of Gilgit when a group of Sunni youth attacked them. This resulted in start of violent clashes between Sunni and Shia community. While the clashes were going on for the fourth consecutive day When thousands of armed Sunni tribesmen from outside Gilgit and even from Pakistan's tribal areas stormed Gilgit and neighboring villages along the Karakoram Highway. A report published by the United States Institute of Peace in January 2013 states that:

“According to some reports, a mujahedeen lashkar (religious militia) invaded Gilgit, massacred more than four hundred members of the Shia community and destroyed entire Shia villages”²⁶.

The estimates released by Shia community about the killed people were more than one thousand including children, women and old citizens.²⁷ The tragic factor of this incident was that police, army and other paramilitary forces including nobody stopped them to invade Gilgit. The local Shia community blamed Zia regime of this massacre. While the original report prepared by the country's law enforcement agencies never been opened for general public, in result nobody knows about the actual reasons of this sectarian invasion. According to a peace activist and educationist from Chilas area of Gilgit Baltistan Mr. Aziz Ahmed, the 1988 incident was engineered by Zia regime.²⁸ He says

²⁵Feyyaz Muhammad, *Sectarian Conflict in Gilgit Baltistan* PILDAT (May 10,2011)

²⁶Hunzai Izhar, “Conflict dynamics in Gilgit Baltistan,” USIP, January 2013, www.usip.org

²⁷Personally, interviewed the victims and witnessed the whole devastation immediately after the incident in May 1988.

²⁸ Aziz Ahmed is a PHD in political science from the University of Karachi.

that the local sectarian groups are living together with harmony and tranquility. He suggests that to maintain peace in Gilgit-Baltistan it is evident to ban suspicious outsiders to enter the region.

2.10. Curriculum Controversy and 2005 Riots

The second major outbreak occurred during the year 2004-05, when there was a controversy over the implementation of a Sunni-centric curriculum in the school textbooks of Gilgit Baltistan. The Shia community while rejecting the curriculum started agitation. They demanded inclusion of Shia Nasab (curriculum) as well. Because of strong opposition from Shia community, The federal government had forced to take the Shia leaders on board and resolve the problem. But the federal government's step fuel resentment in the Sunni community. This resulted in the assassination of prominent Shia religious leader Agha Syed Zia ud-din-Rizvi in January 2005.²⁹ Sectarian tensions were reached to their peak at this level, culminating in violence and eventual loss of several precious lives. The local Shias once again blamed on government and law informant agencies of sectarian bias.

2.11. Kohistan Incident

The Kohistan incident of 28th February 2012 a group of armed terrorists killed more than 18 innocent pilgrims returning from Holy shrines in Iran. The victims were attacked at the Harban Nullah in Kobistan district of KPK while travelling from Rawalpindi to Gilgit

²⁹Agha Zia udin Rizvi was the prominent Shia scholar and Imam of the Central Shia mosque Gilgit.

in a convoy of four buses. After being marked as Shia from their national identity cards, the victims were forced to leave the bus and opened fire on them.³⁰

2.12. Nanga Parbat Foreign Tourist Attack

The terrorist attack on foreigners in Nanga Parbat area on 22nd June 2013 was another tragic incident when armed terrorist ambushed and killed nine foreigners who were reached there to scale Nanga Parbat. This incident ushered an international protest. It also badly effects the tourism sector of the impoverished region.

2.13. Chilas Incident

On 3rd April 2016, when the casualties of the killings in Kohistan shook the nation, there was another tragic incident in Chilas. This tragic incident was followed by a grenade attack on a banned organization's (Ahl-e-Sunnat Wal Jamaat ASWAJ) procession in Gilgit by some unidentified terrorists. After reaching the news of attack in Gilgit religious clerics in Chilas attached to the ASWAJ appealed people to come out and avenge the attacks. The angry mobs reached Karakoram highway and intercepted a convoy of passenger busses heading towards Gilgit, Baltistan and Astor districts. Once again, the armed men forced them to get off the bus and after marking with their national identity cards killed more than 10 Shia passengers³¹ This incident escalated tensions and security situation went from bad to worse. In the Nagar town, 34 Sunni men, including a civil judge and a district health officer, were taken hostage by angry mob.³² To liberate them the government formed a committee including local Ministers and members of

³⁰Ali Fatman, "Sectarian violence: Jundullah claims responsibility for Kohistan bus attack" The Express Tribune, (February 28, 2012)

³¹Khan AF, "Riots erupt in Gilgit, Chilas: 14 killed," Daily Dawn, (April 4, 2012)

³² Khan A F, "Curfew continues in Gilgit, Kidnappers free 34 hostages," Daily Dawn, (April 10, 2012)

Gilgit-Baltistan council led by minister of Law Mr. Wazir Shakil. After a week of talks with abductors, the committee members were able to set the hostages free.

2.14. Lulosar Incident

Another incident similar to Kohistan and Chilas was occurred on August 16, 2016 at the Lulosar area of famous Babusar top. A group of terrorists wearing commando uniforms attacked a convoy of passenger busses going to Gilgit and Astor and killed more than 20 Shia people identifying them through their NIC cards.³³ This incident also fueled a sectarian tension in the region. But thanks to some of the wise people of both sides who realizing the intensity of the incident played their due role and normalized the situation.

These repeated incidents of terrorism triggered a sense of alienation towards central government. The local people blamed its failure to tackle the menace of sectarian killing and of sectarian bias.

2.15. Anti-Terrorist Act

Pakistan's government has imposed various anti-terrorism laws on Gilgit-Baltistan, which, if implemented in a legal way may be very useful. But the irony is that the incumbent authorities in the province are misusing these laws against their opponents. That's why people from different segments of society including media watchdogs, political and rights activists have raised their voices against such laws. They think these laws are used to silence the voices of freedom of expression and dissent among the GB people. Anti-terrorist act is a law frequently being used by the provincial government of GB against its people. The authorities in Gilgit-Baltistan have been accused of using

³³ Sherazi, S Z, "Gunmen kill nine foreign tourists and their guide in Nanga Parbat," Daily Dawn, (June 23,2013)

these divisive laws as a threat to political activist, nationalist and journalist.³⁴ Many law experts across Gilgit-Baltistan have raised their voices against ATA's definition of terrorism. In most cases, the ambiguous definition of terrorism in ATA has been helpful rather than convicting terrorists.

According to news published on October 25, 2016 in the Express Tribune, the panelists in a seminar in Islamabad titled "Preserving the Right to Life" criticized the antiterrorist law ATA, as vague defined. Speaking of the issues with the criminal justice system in Pakistan, former police officer Muhammad Ali Nekokara called the ATA's definition of terrorism vague and open to abuse.³⁵ Mr Jibran Nasir, a rights activist, blamed the anti-terror laws for prosecuting extremists and members of banned outfits, but in actual these laws are used only against the regular criminals.³⁶

On October 2014, Pakistan's Human Rights Commission of Pakistan reported that its GB coordinator, Mr. Israruddin Israr, and ten others were charged with sedition for calling the 1997 Anti-Terrorism Act (ATA) a "black law". They also had protested against the conviction and sentencing of a political rights campaigner Baba Jan. He was charged with protesting against the authorities in 2010 for failing to pay compensation to landslide victims in Ataabad Hunza. The fatal incident resulted in the deaths of several precious lives and destruction of a village making more than one thousand people displaced. Mr Baba Jan organized local people to demand compensation for the villagers who had been displaced. In August 2011, the demonstrations turned violent and clashes erupted between police and protesters resulting in the deaths of two protesters and damage to

³⁴ GB empowerment and self-governance order, (9th September 2009)

³⁵ Arsalan Altaf, "Right to life: Vague definition of anti-terror law troubles panelists," Daily express tribune, (October 25th, 2016)

³⁶Ibid

public property. Mr. Baba Jan and his eleven comrades were arrested and charged under the ATA. In September 2014, they all were imprisoned for life by an anti-terrorism court in Gilgit³⁷.

2.16. The 4th Fourth Schedule

Beside the ATA, implementation of anti-terrorist law schedule four also threatens the local political and human rights activists. Even the incumbent provincial government of CM Hafeez Ur Rehman is blamed to being frequently use of these antiterrorist laws against the political opponents. Even in Gilgit-Baltistan schedule four and ATA is now become a funny phrase, as people make fun of each other that if they did this or that they will be booked under schedule four and ATA by government.

2.17. Expansion of National Action Plan and Military Courts

After the adaptation of the 21st amendments to Pakistan's constitutions of 1973 and the Army Act of 1952, decision to expand the jurisdiction of NAP and military courts to GB was a source to alienate people. People believe that without declaring GB people to be equal citizens of Pakistan, the enforcement of such law is unlawful and negation of basic human rights.

Pressing local media to stop it from bringing people's voices forward is another key issue in the region. Several newspapers have been banned and journalists are being arrested for speaking out against the government. Many journalists of the region are even facing sedition charges and death threats. The prime example is the cases of DJ

³⁷Bukhari Abdul Rehman, "Anti-Terrorism Court in Gilgit sentences 12 people, including Baba Jan, to life imprisonment," Pakistan Affairs, (25th September 2014)

Mahathal's daily Bang e Sahar and weekly Bang and journalist Shabbir Seham's case. Even in the past, the famous Gilgit-Baltistan Daily K2 newspaper was also banned and its editor-in-chief, late Hussain Khan Maqpon, was sentenced to sedition and imprisonment. Rights activists are constantly struggling to curb these laws. They urge that the uncontrolled authority of the law enforcement agencies be monitored and controlled.

CHAPTER-3

MASS EFFORTS FOR ENHANCEMENT OF GILGIT-BALTISTAN

The campaign launched by Martin Luther King in the 1950s to the late 1960s for the African Americans to acquire the same civil rights as those of the white people is a source of hope for the oppressed nations of the world community. Taking the influence of his movement, the South African nation under the charismatic leadership of Nelson Mandela brought about a revolution against apartheid in a racially divided nation.¹ Martin Luther King Jr once said "Human progress is not automatic or unavoidable. Each step towards the goal of justice requires sacrifice, suffering and struggle; the untiring dedication and sincere concern of dedicated people".²

The Gilgit-Baltistan was going through a politically transitional period during the time when Martin Luther Jr was creating a black nation in the United States. Through armed struggle, GB had gained independence from the Dogra and British rule and joined Pakistan. The motive behind joining Pakistan was that the people believed they would openly enjoy practices of Islam in an Islamic country like Pakistan. Yet their hopes broke down when the colonial rule of the FCR forced upon them, confiscating their fundamental human and political rights shortly after they joined Pakistan. At that time, though, there was no such figure who could use Martin Luther King Jr and Mandela as an example to get rid of the black rules. This was the reason that people had been living under colonial rule for 72 years of independence. People in Gilgit-Baltistan are in

¹Mandela R N. Nelson Mandela: *The Struggle Is My Life*, 2nd ed (Atlanta: pathfinder press, 1990)

²King SC, *The Worlds of Martin Luther King,Jr*,(New York: HarperCollins, 2008)

constant confusion about their civil political and constitutional rights. They don't even know which Independence Day they should celebrate, as they every year celebrate two independence days, one on August 14, Independence Day of Pakistan, and the other on November 1st when they gained independence from the Dogra Rule. People have been denied their fundamental human rights for seven decades after independence. Self-governance, independent judiciary, free media, freedom of speech, and fundamental rights guaranteed by all of Pakistan's constitutions, including the 1973, are just dreams to the people. Since the day of independence and unification with Pakistan, people have been trying to get rid of this everlasting ambiguity. They continue to fight peacefully without any significant uprising against the federation for their claim for fundamental human and political rights. But the course of post-independent history often reveals some of the coordinated and unorganized protests that have arisen in the region against the policies of bureaucracy imposed by federation. The region's name's journey from Gilgit Baltistan in 1947 to Northern Areas in the 1970s and then back to Gilgit-Baltistan in 2009, including constitutional changes, is the manifestation of the local people's ongoing struggle. federation has a clear position that it cannot grant constitutional status until the resolution of the Kashmir conflict is resolved, because it may weaken Pakistan's position in favor of Pakistan in the United Nations. The people did not leave hope in spite of this major government position and continued their fight. The region has divided views regarding their demands. Some groups are demanding the region's merger with Pakistan and making the fifth province, but some are demanding self-governance and some are demanding status like AJ&K. There are some radical groups who seek total

independence, claiming Gilgit-Baltistan to be part of the Kashmir conflict rather than Kashmir itself.

3.1. The Political Awakening

The decade of the 1950s can be considered decade of political awakening for the people of GB. During this decade, people have begun to raise their voices against the injustices of the non-local bureaucratic administration. It is worth mentioning that although branches of all mainstream Pakistani political and religious parties are located in GB, But they are completely bound to the manifesto of their mother's parties. In this case, there was no one to speak out against the injustices except the indigenous political parties and rights activists. Therefore, immediately after independence, the fight for fundamental political and human rights had started.

3.2. The Punial Revolt

The resentment of the locals against the tyranny of the local rulers, such as the Rajas and Mir's was an old phenomenon in Gilgit-Baltistan. In the 1950s, local people first saw the transition into modern political activism. The first ever political uprising for the basic rights was seen in the Punial area of now district Ghizer. The uprising was occurred against the local ruler Raja Anwar Khan. Syeds (the father and uncle of Pir Karam Ali Shah) started the uprising in 1951. The people of Punial gathered at Singul Village and start agitating and chanting slogans against the Raja Anwar Khan. The people called for the abolition of the authoritarian rule of Raja. The security forces opened fire on protestors and killed nearly seven of them on order of the Raja, injured a host of others and arrested many of them. The revolt was suppressed, but became a movement and

spread over other areas such as Nagar. As part of the national reforms of Bhutto, autocratic rule ended in 1971 with the dissolution of the princely states. This event is regarded as the starting point for the rights movements in GB.

3.3. The Gilgit League

The Gilgit-League was the political party founded in 1957 by Colonel Mirza Hasan Khan, the revolutionary leader of the GB's independence war, who was fighting against their political rights. The Gilgit League was the first ever political organization, which prompted locals towards the realization of their basic political, social and economic rights.³ The Gilgit League began politically and socially educating people. The party demanded political freedom and democratic rights and an end to FCR. It also inspired the people to demand their fundamental democratic and political rights. This active political party banned very next year of its formation, when in 1958 the country was put under the Martial Law by Ayub Khan. Colonel Mirza Hasan then entered the civil services of Azad Kashmir. He joined Pakistan people's party (PPP) in 1970, but his activist soul was always restless and fighting for the rights of its own people. Therefore, he even refuted with Prime Minister Zulfikar Ali Bhutto's views. In 1973, Zulfikar Ali Bhutto's government arrested and imprisoned him over political differences.⁴

3.4. Gilgit-Baltistan Jamhoori Mahaz

During the decade of 1960 the political activism in Gilgit-Baltistan got momentum. In this decade, the Gilgit-Baltistan-Jamhoori Mahaz Party was founded by Amir Hamza, a radical young leader, and his well-educated comrades. Mahaz's one-point agenda was

³Khan M. H. *Shamshir Se Zanjeer Tak*. (Islamabad 2010)

⁴Ibid

“allow us to participate in the National Assembly of Pakistan or to grant us status like the Azad Kashmir Assembly”.⁵ He was one of the first activists to provide the people of Gilgit-Baltistan with an active political platform and to suffer great hardships in his life. Mr. Hamza has been sent to prison many times and has lost his job as Senior Police Superintendent. The Gilgit-Baltistan Jamhori Mahaz has forced the case of political and constitutional rights through protests and literary work in print media, literature and judiciary. Because of JM's enormous resistance, the AJ&K government also forced to pass a resolution in its assembly seeking a merger of GB with AJ&K. After the 1973 following the implementation of political reform by Zulfikar Ali Bhutto in the region, Jamhori Mahaz became inactive in Gilgit-Baltistan.

3.5. The Nagar Revolt

A civil uprising was also witnessed by the princely state of Nagar in 1968. Syeds have coordinated this rebellion. Under the leadership of Syed Yahya Shah educated youth of Nagar demanded civil rights from Mir, Shaukat Ali Khan. Mr. Syed Yahya Shah and his comrades staged several protests across the Nagar against the Rule of Raja. On demand of Mir of Nagar, he along with thirty other revolutionaries were sent to jail for four years.⁶ Syed Yahya Shah remained in prison until Prime Minister Zulfikar Ali Bhutto came to power and ordered Nagar State and Raja rule to be abolished. He also ordered the release of Gilgit-Baltistan's political prisoners.⁷

⁵Khan A H, *The Last Colony of 21st Century: Balawaristan*, 1st ed, (Rawalpindi: GawaMandi Press 2001)

⁶ Mir Shahbir, “switching sides: PML-N welcomes new leaders into the party’s fold,” Daily the express tribune, (April 5, 2015)

⁷ Hawker Thomas Morison, et al, Report on the Insurrection in Mysore (Report). (Mysore, India: Mysore Government Press, 12 December 1833)

3.6. First Elections in Gilgit-Baltistan

In 1970, the Zulfikar Ali Bhutto government announced the establishment of the Northern Area advisory Council (NAAC), owing to the enormous struggle of local people. The NA advisory council was headed by the resident as its chairman. The elections for the 16th member NAAC were one of the little achievements of the local inhabitant towards their political rights. Under these elections for the first-time people elected their own representatives based on adult franchise. But the dilemma was that these representatives were powerless, and the powers rested with their chairman.

3.7. Taneem-E-Millat

This was region's first ever radical nationalist group that raised voices against the federal government for failing to give Gilgit-Baltistan's people rights. Tanzeem-e-Millat (TEM), was founded in the year 1971. Gilgit-Baltistan's first ever lawyer, late Mr. Johar Ali Khan, also known as the Quaid-e-Gilgit, led the TEM.⁸ The main reason behind its creation was the desire to abolish the FCR and provide the region with administrative powers. It was also demanding that the Raja rule be abolished and that the region be given provincial status. Despite the TEM's prohibition of political activities, their operations from Gilgit were continued. During this period, violence began after a school principal's dismissal. (the story is discussed in chapter 2) This small incident escalated the situation further, and the TEM began agitation. The demonstration was violent and the administration took tough action against the demonstrators to restore the unrest that culminated in many local youths being killed. The angry mob attacked the jail and set

⁸ Seema Shekhawat and Debidata Arubinda, *Kashmir across LOC*, (New Delhi: Gyan Publishing House, 2008)

many inmates free.⁹ A Northern Area Committee formed after the incident, which submitted its report on the incident late in 1971. On the basis of the report, the President of Pakistan ordered the abolition of the FCR and in August 1972 implemented various political and administrative reforms. The main two reforms were including;

1. The abolition of the Jagirdari regime, the establishment of the Local Rajas rule and the princely states of the Mirs of Hunza and Nagar, the conversion of Gilgit and Baltistan agencies into Gilgit and Baltistan districts.
2. Re-appointment of residents and agents as Commissioners and Deputy Commissioners for Northern Areas.¹⁰

A new Diamer district was also formed in December 1972, consisting of subdivisions of the town of Chilas, Astore, Darel and Tangir. With these major reforms, Prime Minister Zulfikar Ali Bhutto also announced a general amnesty to the imprisoned TEM leaders. The TEM has dissolved and incorporated into the People's Party of Pakistan.

Students who migrated for higher education outside of GB have played a key role in advancing political combat, some of which are discussed here.

3.8. Gilgit Baltistan Students Federation

In 1973, Gilgit-Baltistan's students living in Karachi set up the "Gilgit Baltistan Students Federation". The GBSF played an important role in highlighting GB people's issues and educating the youth about their basic human rights. Due to pressure from the federal government, this body also became inactive after 1976.

⁹Bodla Sohaib, *Making a Nation in High Mountains: Balawars and Balawaristan Nationalism in Ghizer District of Gilgit Baltistan*, (Hamburg: Ethnos Scripts, 2014)

¹⁰Shaheen Sardar Ali and Javed Rehman, *Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional and Legal perspective*, (Britain: Curzen Press, Richmond Surrey, 2001)

3.9. KNM, KSO AND BSF

Two more nationalist groups came into the forefront of politics based on the interests of Gilgit-Baltistan during the year 1986. These were Karakorum National Movement (KNM) and the Baltistan Students Federation (BSF). The KNM was founded in 1986 by Late Mr. Qasim Sherliat and others in Quetta Baluchistan. KNM and KSO initially worked in Quetta than it spread to the Gilgit-Baltistan as well as other parts of the country. This body initially called for making GB the fifth province of Pakistan with the name Karakorum. But later it starts to claim independence from Pakistan in the leadership of Mr. Mumtaz Nagri, Javed Iqbal, Afsar Jan and others. On the other hand, some nationalist students from Baltistan also formed the Baltistan Students Federation (BSF) in the same year in Karachi. The motive behind BSF's establishment was to provide guidance in their educational career to Baltistan students. BSF also provided students with a forum for political awakening and activism by highlighting the Baltistan region's main socio-economic and political issues.¹¹ Later, during the first decade of the 21st century, the BSF began to demand self-rule for the entire region, including the demand for the opening of the Kargil and Ladakh traditional route to join the separate families across the Line of Control (LOC). The organization's members, including Late Syed Haider Shah Rizvi and others, were sent to jail for several occasions because of this claim. The BSF is holding its annual meeting in nearly every area of GB, including Islamabad, Karachi and Lahore. It organizes its main procession at Yadgar Shuhda in Skardu. The progressive demands are a source of local administration's distress and alertness. The main brains behind the formation of this organization were Late Syed

¹¹Abadi Hussain Yousuf, *Tahreek-e-Baltistan* (Skardu: Baltistan Book depot, 2003)

Haider Shah Rizvi, Manzoor Parvana, Ghulam Shehzad Agha, Jaffar Beheshti and others.

All of these organizations, KNM, KSO and BSF are still in existence and are grappling with their dream.

About the period of pre- and post-independence from the Dogra rule, the prominent GB historian Mr. Yousuf Hussain Abadi listed many other political and religious organizations. These organizations include, Anjuman Tahafuz Haqooq-e-Baltistan, Ladakh Baltistan United Front, Central Organization of students, the Gilgit-Baltistan United Organization, and Gilgit-Baltistan Ulema Council.¹²

3.10. The Balawaristan National Front

Founded In the year 1988, the founder of the nationalist organization is Mr. Nawaz Khan Naji, who is also the famous political figure of Gilgit-Baltistan. The BNF has its own demands that contradict the stance of Pakistan on Gilgit-Baltistan and question the control of the country over its territory. The BNF sees Gilgit-Baltistan as a separate nation and maintains that this territory is traditionally not Kashmir's legitimate part. It claims that the Kashmir state was controlling these areas through its military might with the help of the Britishers. The BNF wants an independent state called Balawaristan that includes Gilgit-Baltistan's present areas, including Shinaki Kohistan, Chitral, Kargil, and Ladakh.¹³ The BNF also wanted to be the fourth party to Kashmir dispute including Pakistan, India and Kashmiris as being three parties to the conflict. In fact, the BNF has two fictions, one headed by its founder, Mr. Nawaz Khan Naji, also known as Quaid-e-Tehrik and supreme leader. The other group headed by currently under detention, Mr.

¹²Ibid

¹³ Sokefeld Martin, "From Colonialism to Postcolonial Colonialism: Changing Modes of Domination in the Northern Areas of Pakistan," The Journal of Asian Studies, (March 23,20015)

Abdul Hameed Khan. Yet both the fictions present the same historical rhetoric and demands, but they vary in their methods of fighting for the cause of freedom. Mr. Nawaz Khan Naji's fiction is believed to be a peaceful movement and believes in legislative struggle based on negotiations for the resolution of the disputed regions with the Pakistani and Indian governments. The group led by Mr. Abdul Hameed Khan, on the other hand, is radical in nature and has been exposed as a pro-Indian group in the area and has not believed in negotiations on the matter with Pakistan. Mr. Abdul Hameed Khan had been in exile since 2001, settled in Brussels, and now he is reportedly under arrest of Pakistan law enforcement agencies and sent to prison. Recently many of his activists had been arrested by the law enforcement agencies allegedly having contacts with foreign agencies and involving in anti-state activities. The competent authorities also claimed that a cache of arms also recovered during the raid.¹⁴ On the other hand, Mr. Nawaz Khan Naji has a reputation in the region as being a very honest, dedicated and out-spoken politician. He believes in legislative struggle and contesting the local legislative assembly elections. In 2011, he contested the constituency GBLA 19 of Ghizar District in the by-election of Gilgit-Baltistan Legislative Assembly and witnessed an exceptional victory for his party. Previously this constituency was won by PPP since 1974. Mr. Naji is currently member of the GB legislative Assembly and considered as a strong voice for the rights of the people. All BNF fictions have their student wings named BNSO Naji and BNSO Hameed. These wings are still working in GB and other regions of Pakistan.

¹⁴ Nagari Jamil, "RAW-funded anti-CPEC plan foiled in Gilgit, claim police," Daily Dawn, (January 19, 2017)

3.11. The Gilgit-Baltistan United Movement

Another strong voice for region's rights is the GB United Movement (GBUM), based in Skardu district. The GBUM was founded by Mr. Manzoor Hussain Parvana and Ghulam Shehzad Agha local prominent nationalist politicians of Baltistan region. Ghulam Shehzad Agha later left and joined Tehrik Jafria Pakistan, a Shia religious-political party, and then joined the Pakistan People's Party. The GBUM has been demanding an autonomous state composed of the same regions that BNF demands. Mr. Manzoor Hussain Parwana, who is also the party's chairman, was arrested in July and August 2011 because of his radical stance. He was accused of continuing the cause of Ladakhi refugees and supporting the idea of a LOC-wide movement between Skardu and Kargil.¹⁵ Following public protests in Gilgit-Baltistan, Mr. Manzoor Parwana was later released from prison. In one of his statements, Gilgit-Baltistan United Movement had demanded that such a constituent assembly be formed that has the power to formulate a constitution for the region that could be acceptable to all the people of the Gilgit-Baltistan region. Mr. Manzoor Parwana and his comrades Ghulam Shehzad Agha and Shabbir Masood also launched the news magazine "Kargil International," but the military government of Gen Pervez Mushraf also banned it in September 2004 due to the publication of an article in its March 2 issue.¹⁶ The Kargil International was charged with publishing "subversive and seditious" material "instigating people against and criticizing President Musharraf for his personality."¹⁷ The publisher of the magazine Ghulam Shehzad Agha was arrested by the Skardu police. On November 11th, 2004, he was

¹⁵Pamir times. *GBUM Chairman, Engineer Manzoor, arrested in Gilgit*, News published (July 29, 2011)

¹⁶Daily Dawn, *Editor, publisher indicted in sedition case*, News published (April 5 2007)
<https://www.dawn.com/news/240778>

¹⁷Ibid

released and on November 12, 2004, Parwana also secured bail from the Lahore High court Rawalpindi bench for a week.

3.12. The Gilgit-Baltistan Democratic Alliance

The GB Democratic Alliance (GBDA) was an umbrella organization, which includes almost all mainstream political parties as well as nationalist movements of Gilgit-Baltistan, such as BNF, GBUM, KNM, and Bolor research forum. This coalition had demanded for the Gilgit-Baltistan a status like Azad Jammu and Kashmir. The coalition members were committed to remain non-violent amid the region's deteriorating situation. The GBDA had contested the general elections of Gilgit Baltistan Legislative Assembly (GBLA), but failed to secure any seat.

3.12.1. The Gilgit Baltistan National Movement

Mr Ghulam Abbas Astori, a doctor of Medicine by profession, is the founder of the Gilgit-Baltistan National Movement (GBNM). He believes in the legal battle for the Gilgit-Baltistan region's rights. Most of his struggle is based on the lectures and judicial cases. Mr Astori brought a petition to the Gilgit-Baltistan Supreme Appellate Court in February 2012 against the Pakistan authorities concerning Gilgit-Baltistan. He demanded the abolition of certain clauses in GBESG Order 2009 from the Gilgit-Baltistan Apex Court. These clauses are giving unlimited authority to the Prime Minister of Pakistan, as chairman of the GB Council. Even he can appoint judges in the Apex courts and other administrative offices. The court acknowledged his petition and ordered the federal government of Pakistan and the KA & GB ministry to submit a report on it. Together with Gilgit-Baltistan's legal fraternity, Mr. Astori also knocked the doors of Pakistan's

Supreme Court against the unlawful appointments in the GB courts, and his case is currently being heard in the Apex court.

3.12.2. Awami Action Committee Gilgit-Baltistan

The Awami Action Committee (AAC) is one of Gilgit-Baltistan's political right groups led by Molana Sultan Raees as its chairman. The AAC is also an umbrella organization of several religious, political and nationalist parties. The main agenda of the AAC is that this movement has gathered the locals putting their sectarian bias behind and work together for the collective socio-political rights. The Awami Action Committee has started its activism on ten major demands such as:¹⁸

1. The restoration of the price of wheat to 820 rupees per 100 kilograms, as per the prices in 2009.
2. Immediate restoration of subsidies on oil, other commodities and PIA fares.
3. Abolition of fees being charged in the public sector hospitals and free provision of medicines to patients.
4. Lifting of ban on transportation of minerals and bringing an end to provision of mining lease to non-local companies.
5. Acceptance of the demands of the people affected by the Diamer-Bhasha Dam.
6. Bringing an end to illegal hiring in various department jobs and filling of the vacant positions on merit.
7. Bringing an end to the unscheduled electricity load-shedding from the area.
8. Withdrawing all taxes from Gilgit-Baltistan based on the principles of "No Taxation without Representation".

¹⁸Pamir Times, "*What are the demands of the Awami Action Committee Gilgit-Baltistan?*" (April 26, 2014)

9. Resolving the border disputes and protecting the borders of Gilgit-Baltistan.
10. Opening of Skardu-Kargil, Shontar (Azad Kashmir), Ishkoman-Tajikistan and other international routes to facilitate trade and divided families across LOC.

AAC has received a lot of support from the general masses over the past few years. AAC had succeeded in managing large-scale mass rallies, sit-ins as well as shutting down strikes in every city in the GB to meet its demands. In the wake of the CPEC project the recent shutter down strikes by AAC against the taxes imposed by provincial and federal government through Gilgit-Baltistan Council has shattered the provincial government of CM Hafiz Hafeez Ur Rehman.¹⁹ The Committee also calls for a proper share in China's Pakistan Economic Corridor (CPEC) and determining GB constitutional status, according to local people's wishes.

3.13. Mainstream National Political Parties

Shortly after former Prime Minister Shaheed Zulfikar Bhutto's abolition of the FCR, in 1972, Pakistan's political influence start rooted in the region. The removal of FCR allowed political activities in the region. Prime Minister Zulfikar Ali Bhutto launched his Pakistan People's Party in the region for the first time. After Zulfikar Ali Bhutto's promise to abolish the FCR, the first ever local nationalist political party, Tanzeem Milat, was merged into the PPP by its leadership, which was one of the successes of PPP. After that Gilgit Baltistan Jamhori Mahaz and other local parties merged into it. Zulfikar Ali Bhutto's provision of wheat and other commodities subsidy also helped his party survival in the region. PPP-led governments implemented almost all constitutional and institutional reforms including the 2009 Gilgit-Baltistan Empowerment and Self-

¹⁹ Haq Z R, "Gilgit-Baltistan: Shutter-down strike against withholding tax continues day three," Duniya News, (November 15, 2017)

Governance Order. Pakistan Muslim League Nawaz is the second largest party in Gilgit-Baltistan, which has succeeded in making the incumbent government. It is a phenomenon in Gilgit-Baltistan that whatever party governs Islamabad without any hassle forms the governments in Gilgit-Baltistan. During recent elections, the same thing happened; the PML-N emerged as the largest single political power. Although, other political forces had serious concerns and blame game for using government machinery to win the elections. In addition to PPP and PML-N, Pakistan TehrikInsaf (PTI), Awami National Party (ANP), Tehrik Jaffaria Pakistan (TJP), Majlis Wehdat-Ul-Muslmeen (MWM), Jamaat-e-Islami Pakistan (JI), Jamiat-e-Ulema-e-Islam Fazal Ur Rehman (JUI, F), Muttahida Qaumi Movement (MQM), and Pakistan Awami Tehreek (PAT), are also contesting the electoral process in the region.

3.14. Decisions of Apex Courts on the Status of Gilgit Baltistan

In addition to political activism, some of the individual's judicial struggle is a landmark in Gilgit-Baltistan's history. Significant among them are the case of Malik Miskeen and others vs. federation of Pakistan in AJ&K high court, AJ&K Supreme Court's decision against the judgment of the AJ&K high court and Al-Jahad trust vs. federation of Pakistan in the Supreme Court of Pakistan. In the search for fundamental political rights, the court rulings of these cases are of great importance to the people of Gilgit-Baltistan.

3.15. Azad Jammu & Kashmir High Court Verdict on Gilgit Baltistan

Status

AJ&K High Court ruling on Malik Muhammad Miskeen's case is a landmark in Gilgit-Baltistan's history. In the 1990s, Mr. Malik Miskeen and Haji Amir Jan of Tangir valley

of District Diamer knocked the door of AJ&K High Court including a resident of Muzaffarabad AJ&K Mr. Shaikh Abdul Aziz. In their 1990 petition No. 61 questioning Pakistan's power, it was appealed to the court that the petitioners were traditionally Jammu and Kashmir state citizens and should be granted AJ&K's citizenship rights.

In its comprehensive judgment of 8th March 1993 the three-member full bench headed by Chief Justice Abdul Majeed Malik noted that, "A plausible reason for keeping Northern Areas separated from AJ&K under a separate administrative system was not put forward by the counsel of Pakistan government". The Court directed.

1. The Government of Azad Kashmir to assume the administrative control of Northern Areas immediately and to add it to Azad Jammu and Kashmir.
2. The Government of Pakistan shall provide the Government of Azad Kashmir with sufficient assistance and facilities to achieve that objective.
3. The inhabitants of the Northern Areas benefit from the basic rights granted by the Act of 1974. Representation shall be provided in due time in the Government in the Assembly in the Council, in the civil services and in other national institutions.
4. In compliance with the Interim Constitution Act, the Government of Azad Kashmir shall adopt steps to create administrative and judicial arrangements in the Northern Areas.

3.16. Azad Jammu & Kashmir Supreme Court Decision

Pakistan and AJ&K governments regarded the High Court's comprehensive decision as an offense. The Federation of Pakistan lodged an appeal in the AJ&K

Supreme court through the Secretary of Ministry of Kashmir Affairs and the Northern Areas. The Apex Court stated in its historic decision of 14 September 1994 that,

The northern areas are part of the State of Jammu and Kashmir and, as specified in the 1974 Interim Constitution Act, the area is not part of Azad Jammu and Kashmir. Azad Jammu and Kashmir's High Court did not have the requisite authority to issue a writ against Pakistan's government to hand over control of Northern Areas to Azad Jammu & Kashmir. Accordingly, the appeals are accepted and the High Court's impugned judgment is vacated with the result that the High Court's writ petition is "dismissed." In view of the circumstances of the case, no order is made as to the costs.

3.17. Supreme Court of Pakistan Orders

In order to determine the legal status of the Gilgit-Baltistan in the late 1990s, the President of Al-Jihad Trust submitted a petition No. 11 and 17 to the Supreme Court of Pakistan under Article 184(3) of the 1973 Constitution against the Federation of Pakistan. Pakistan's Apex Court delivered its landmark decision in May 1999 and made it clear that the Northern Areas were a legitimate part of Jammu And Kashmir State.

Following the Apex court's milestone decision, the government took several steps according to the wishes of the people to transfer powers to them.

3.18. Legal Fraternity and Rights Movement

The Gilgit-Baltistan Bar Association is also in the same line with other political activists. The struggle for the political, constitutional and human rights rendered by local bar associations is historic. GB's legal fraternity has made several attempts to resolve the issue of people's fundamental rights. The SC Bar, HC Bar and District Bar Associations of GB are standing on the same page to protect their civil, political and constitutional rights. In its meetings there is a constantly deep concern among the bar associations that the people of GB are still being denied constitutional rights. They call for the people of GB to be allowed to govern themselves in the real sense through their elected representatives.

Beside the political and constitutional rights, the Bar Associations are also fighting for a competent judicial system in the region. The legal fraternity argues that the current judicial system in the region is no more applicable and not even exists anywhere in the world. They argue that a modern competent judicial system is need of the day and the federal government should implement the same in the Gilgit-Baltistan region. Apart from these complaints, the Gilgit-Baltistan Bar Associations are also combating the illegal appointments of the region's judicial authorities. Recently, legal fraternity has boycotted the Supreme Appellate Court's proceedings because vacant positions were not filled. They are also calling for filling of vacancies in the Apex Court from the region and not to be imported judges from the federal level.²⁰ The Bar also blames that judges for the Supreme appellate court were appointed on political basis rather than through legal procedure rendered in the GB empowerment and self-governance ordinance 2009.

3.19. Political Activism and Youth

As the non-local establishment has ruthlessly pursued the local people of Gilgit-Baltistan, young people were forced to turn towards the nationalist political system. Sensing the alienation of youth towards political and administrative system, the nationalist movements are gradually increasing their influence. Technological advances such as Social media have played an important role in providing young people with the best forum to exchange ideas and opinions. Although there are various difficulties in running such social media websites in Gilgit-Baltistan due to poor Internet access, a large part of the population uses these platforms to share their grievances. It helped young people to organize themselves for the fundamental rights. The social media groups open debate on

²⁰Mir Shabbir, "Supreme Appellate Court: G-B lawyers demand appointment of local judge," The express tribune, (January 24,2017)

various topics and sometimes pressing the government regarding the fundamental rights of every segment of society as well as political rights to the region. This open sharing of political affiliations sometimes resulting an enormous increase in the nationalist influences. On the other hand, law enforcement agencies are now keeping a close eye on these social media activists and punishing them for their views against the government. One of the examples of victims of social media activism is Hasnain Ramal of District Hunza. Hasnain raised his voice via social media against the political and economic injustice. He was also a staunch supporter and moving sprits of the Gilgit Baltistan Awami Action Committee. He was arrested under Schedule four of ATA. It shows that young people in Gilgit-Baltistan do not hesitate to bring forward their viewpoints on government policies. That would create a major source of tension in the future for both provincial and federal governments, in the midst of the implementation of the CPEC project under the belt and road initiative.

CHAPTER-4

CONTRIBUTION OF GOVERNMENT OF PAKISTAN IN PROMOTION OF POLITICAL RIGHTS

Upon assuming control of the region of Gilgit-Baltistan on 16 November 1947 from the interim government of the Republic of Gilgit, unfortunately, instead of consulting local leaders and political parties, the federal government secretly determines the fate of GB region. Mr. Sardar Muhammad Alam, Pakistan's first government representative, immediately after taking administrative control, put the region under the Frontier Crimes Regulations (FCR). Gilgit-Baltistan's people were deeply alienated and angry with FCR's implementation and called it a repressive rule, demanding that the law be withdrawn. The region of Gilgit-Baltistan was controlled by political agents until 1949, without giving any legal or constitutional right. On April 28, 1949, the federation signed the controversial Karachi agreement with Azad Kashmir's leadership without consulting with the local leadership of Gilgit-Baltistan. Unlawful consent was given by the non-representative signatories to the government of Pakistan to have Gilgit-Baltistan administratively under its own control. Since then, the federation has ruled the region through various governance orders and packages in response to increasing demand for a viable political system from local citizens. Here are listed the reform process by government of Pakistan since independence in a chronological order.

4.1. Karachi Agreement and Ministry of Azad Jammu & Kashmir

Affairs

After signing the Karachi Agreement in 1949 the Government of Pakistan transferred its affairs to the Ministry of Kashmir and Northern Areas. The political agent's position

abolished and renamed it political resident. In 1952, a joint secretary from Kashmir Affair and Northern Areas (KANA) was given the position of political resident with all administrative and judicial authorities. During the 1967 era, KANA ministry transferred more powers to the resident, such as powers of High Court and Revenue Commissioner. The ministry has named two Political Commissioners, each for Gilgit and Baltistan. According to the data shown on the Gilgit-Baltistan Assembly official website, In 1970, the Federal Government set up the first ever representative body with twenty-one (21) elected and non-elected representatives. The resident headed this body as chairman under the division of KANA. The Northern Areas Advisory Council (NAAC) elections held on 30 December 1970.¹ According to the available data shown by the Gilgit-Baltistan Assembly's official website, the advisory council's main functions were;

- I. Calling for information and suggesting improvements in all matters relating to Northern Area administration.
- II. To advise on matters relating to the Northern Areas local bodies.
- III. To assign scheme priorities and adopt on the basis of such priorities to include or exclude a scheme in Five Year Plans and the Annual Development Programme, within the scope of the sanctioned allocation of funds for the period and year in concern.
- IV. To check the progress of various projects / developments and Suggest the steps necessary for the swift implementation of the schemes and the best use of funds.
- V. To approve individual public sector development schemes that no more than cost of the Rs. 10 lakhs.

¹ Gilgit-Baltistan Government official website, <http://Gilgit-Baltistan.gov.pk/page/history>

VI. To Increasing the cost of a scheme up to 10% of the approved amount.²

4.2. Prime Minister Zulfikar Ali Bhutto Visit and Political Transition

When Zulfikar Ali Bhutto took office in 1972, he visited Gilgit-Baltistan and made a lot of progressive promises for the region. In 1972, a presidential order re-designated the resident post as resident commissioner. Gilgit and Baltistan agencies have been transformed into districts with the formation of an additional Diamer district. Deputy Commissioners had appointed to administer the government in all districts. These were the earliest steps the PPP government took to respond to people's demands during the 1968-69 mass popular movement. The Prime Minister Zulfikar Ali Bhutto was wholeheartedly interested in changing centuries old status quo in the region. He talks directly to the people during his visits to Gilgit-Baltistan. He also joined public rallies and took the masses to trust about his vision of the people's uplift.

4.3. Zulfikar Ali Bhutto's Reforms

In 1975 the PPP government led by Prime Minister Zulfikar Ali Bhutto gave more powers to the political system in the region by introducing a package of administrative political and judicial reforms. The LFO of 1975 for the NA Council was promulgated on July 3, 1975. Major administrative, judicial and political reforms, including the abolition of the FCR and princely states, were introduced in this order. The northern areas advisory council was replaced by the northern areas council.³ Government jobs and allowances were given to the local rulers (Rajas) of all the abolished princely states. Prime Minister Zulfikar Ali Bhutto also created two more districts of Ghanche and Ghizar. This was a

²ibid

³Gilgit Baltistan Government official website, <http://Gilgit-Baltistanlan.gov.pk/page/history>

push to provide a way for local people to be given more power. Elections were held on November 6, 1975, for the 16-member Northern Areas Council.

4.4. Zia Ul Haq and martial Law Zone E

The Gilgit Baltistan was officially declared zone E during the 1977 Martial Law imposed by the military dictator General Zia ul Haq. This was a first ever major step towards diverging Pakistan's position on the connection between the Northern Area and the Kashmir issue. The Military government of Zia ul Haq also included the representatives from Gilgit-Baltistan in his Majlis-e-Shora.

4.5. Election 1991 and Shia Boycott

Elections were held on 1979, 1983, 1987 and 1991, respectively, for the 16-member Northern Areas Council. The local Shia community boycotted the 1991 election, accusing KANA Minister Mr. Sardar Mehtab Ahmed Khan Abbassi of redeveloping Gilgit-Baltistan electoral constituencies in favour of the local Sunni community. This incident also created a divide and rift between the region's Shia and Sunni sects.

4.6. Constitution of High-Power Reform Committee

Another major political development occurred in 1985, when the federal government set up a high-powered committee to introduce reforms in GB, including the Federal Secretaries of KA&NA, Law, Interior, Finance, Planning, and Education. Aga Ahmed Ali Shah was also appointed adviser of Minister KANA by the Federal Government.

4.7. PPP Government led by Benazir Bhutto and Gilgit Baltistan Reforms

In 1988 the newly formed People's Party government led by Shaheed Benazir Bhutto, appointed Mr. Qurban Ali, an elected representative of the Northern Areas Council as adviser to the Prime Minister with equal status as Minister of State. This was a major step taken by the federal government to empower the local people. The people of the region welcomed the step taken by Benazir Bhutto's democratic government.

4.8. Benazir second Term and Legal Framework Order

The second term of Benazir Bhutto in 1994 was also an opportunity for the people of Gilgit-Baltistan to step up to their ongoing movement for rights. On 12 June 1994, the PPP government introduced another reform package of LFO replacing the LFO of 1975. The government raised the size of the northern area's council from 16 to 24 members by implementing this package. Six seats were given to each of Gilgit, Skardu and Dimer, and three each were given to the districts of Ghizer and Ghanche. Women were also given two special seats. The government also established five positions of advisers with the status of provincial ministers through an amendment in the LFO 1994.

4.9. Towards a viable Judicial setup

According to the rules of Business Chief Secretary and Civil Secretariats were also established. The post of Judicial Commissioner was abolished, and under the chairmanship of a retired Judge, a three-member Chief Court was created.

4.10. Amendments in the Legal Framework Order1994

The 1994 LFO was amended in 1999, and the Northern Areas Council was renamed the Northern Areas Legislative Council (NALC). The NALC had been empowered to

legislate on forty-nine (49) subjects. For each district, women's special seats had been increased from two to five. KANA's minister was taken over as the region's chief executive. The elections for the 24 members NALC were held on November 1999. In the year 2000 the post of speaker NALC was introduced with special powers of provincial minister. The number of advisors with a one-woman advisor was also raised from three to six. In the year 2003 the post of deputy speaker was also introduced with the same powers of speaker.

4.11. First Ever Elections on Political Basis

On 12 October 2004, political party-based elections for the NALC took place for the first time in the region's political history.

Another major development took place in 2005, when the region's Apex court was established by the federal government. The Court of Appeal of the Northern Areas was a forum for local people to appeal in higher courts about their legal issues. In addition, the Government in the Northern Area Legislative Council has increased the number of six reserved Technocrats seats and one additional women seat.

4.12. Amendments in the LFO 1994

On 15 December 2007 the 1994 Legislative Framework Order was amended and renamed the Northern Areas Governance Order 1994, and the Northern Areas Legislative Council was renamed the Northern Areas Legislative Assembly. The position of deputy chief executive was re-appointed as chief executive, and minister for KANA became the chairman, who had previously working as chief executive.

4.13. Gilgit Baltistan Empowerment and Self-Governance Order 2009

The adoption of GBESGO 2009 by the Pakistan People's Party government was a landmark in the political history of the region, promulgated by presidential order.⁴ This order was the first ever comprehensive reform program to bring greater political freedom and better governance to the people of the region. According to the GBLA's official website, the main features of the reform package were;

1. The northern Areas has been renamed Gilgit-Baltistan.
2. Gilgit-Baltistan Council is Established.
3. The rank of Governor is appointment.
4. Cabinet made up of chief ministers, six ministers, and two advisors.
5. The Appellate court has been upgraded to the Supreme Appellate Court.
6. The number of Technocrat seats has been reduced from 6 to 3.
7. Six seats reserved for women remained unchanged.
8. The subjects of the legislative power of the Assembly now rises from 49 to 61 while the Council has 55 subjects.
9. Establishment of Gilgit-Baltistan Public Service Commission under the article 80.
10. Establishment of the rank of Chief Election commissioner under article 82.
11. Extension of Basic Human Rights for the people of GB.
12. Establishment of Supreme Judicial Council for the GB region.
13. Consolidated Fund setting up for the Gilgit-Baltistan Council.

⁴Gilgit Baltistan empowerment and self-governance order 2009,<http://Gilgit-Baltistanlan.gov.pk/page/history>

14. Establishment of Gilgit-Baltistan Civil Service.
15. Establishment of Services Tribunal.
16. Appointment of Auditor General, and Accountant General.
17. Emergency Provisions⁵.

Although this was one of the federal government's most comprehensive reform initiatives, but the people were sought much more than that. People demand that GB be declared as Pakistan's fifth province and grant full autonomy on the model of Azad Jammu and Kashmir. The Human Rights Commission of Pakistan also rejected the order in its observatory report, arguing that it generally fell short of the aspirations of the local people. The Order has also been criticized and referred to as pure eyewash by most of the main opposition political parties, legal fraternity and trade associations.

4.14. Gilgit-Baltistan Order 2018

The GB Order 2018 is Gilgit-Baltistan's most recent political and administrative setup. To meet the growing demand for autonomy, a committee under Mr. Sartaj Aziz, the former Foreign Affairs Advisor to Prime Minister Nawaz Sharif was established by federal government of the PML N. This committee started working on a new governance order. On 21 May the Government implemented the Gilgit-Baltistan Order-2018 by repealing the GBESGO 2009. The new order was agreed by the federal cabinets and on Tuesday 22 May 2018 the former President of Pakistan, Mamnoon Hussain, signed the order. This order was also approved and indorsed by the national Security Council a very high-level council having membership of all heads of the Pakistan Army. The GBLA was replaced by the GB Assembly under the new Order. Under the new order all powers

⁵Gilgit Baltistan Government official website, <http://Gilgit-Baltistan.gov.pk/page/history>

exercised including legislation regarding tourism, mineral and hydropower and other sectors by the GB council are shifted to GB Assembly. In a press conference, on May 22nd, 2018 in Islamabad the Provincial law minister Mr. Aurangzeb and advisor on information Shams Mir termed the new order a historic move to connect the region with the rest of the country.

Similar to the previous orders the Gilgit-Baltistan Order 2018 is also rests almost all the major powers with the federal government. Some of the major features of Gilgit-Baltistan order 18 are:

1. Under the new order, Gilgit Baltistan people can assert their rights in every corner of the country through accessing to higher courts.
2. A retired Judge of the Supreme Court of Pakistan would be the Chief Judge of the Gilgit-Baltistan Supreme Appellate Court.
3. The name of the chief court had been changed to the high court.
4. At the request of the lawyers ' fraternity, the number of high court judges was increased to two.
5. The appointment of Judges of Supreme Appellate Court and high court will be depoliticized by a five-member committee.

4.15. General rejection of the Gilgit Baltistan Order 2018

The GB people and the GB Legislative Assembly's united opposition opposed the Order 2018 and demanded that GB be recognized as Pakistan's constitutional part rather than being governed by presidential orders. Protests erupt across the region following the promulgation of Gilgit-Baltistan Order 2018. A large-scale protest erupted across the province against the GB order. The local police assaulted on the protestors injuring

several including the chairman of the Awami action committee Sultan Raees, PTI member Legislative assembly Raja Jahanzeb and other the main leaders who were the part of protests.⁶ In various cities of the country, including the federal capital Islamabad, opposition parties and people from different walks of life also protested.

4.16. Legal petition against Gilgit Baltistan Order 2018

The legal petition filled by the legal fraternity of Gilgit-Baltistan, against the GB Order in the GB Supreme Appellate Court, and after proceedings the Court suspended the Order. But a three-member bench of the Pakistan Supreme Court restored the GB Order-2018 by suspending the Supreme Appellate Court decision. Later, hearing several petitions, against the GB Order-2018 and GBESGO 2009, Pakistan's chief justice Saqib Nisar expressed satisfaction with the federal government's draft. Heading a seven-member larger bench Mr. Justice Saqib Nisar made it clear that a complete order cannot be issued to declare Gilgit-Baltistan as Pakistan's fifth province. He urged it to be basically a responsibility of Pakistan's Parliament. The apex court also makes it clear that without appropriate legislation, no part of Pakistan's Constitution of 1973 can be repealed or amended. A committee of legal experts led by Attorney General Anwar Mansoor Khan (AGP) had also been formed by the seven members of the SC Bench, to complete the nitty-gritty of the bill following guidelines on finding a solution to this. The SC also directed the Attorney General of Pakistan to share the document with the committee. The AGP responded that it is not possible to make Gilgit-Baltistan a complete province but it would grant all the powers like others. Mr. Justice Mian Saqib Nisar, the Honorable Chief Justice of Pakistan, heard the case of Gilgit-Baltistan Rights as his last case before

⁶Mir Shabbir, "GB order 2018 triggers protest in Gilgit," Daily Dawn, (May 27th, 2018)

retiring from his office. The SC's seven-member bench extended its powers to Gilgit-Baltistan in its ruling. In its ruling, the Court stated that Gilgit-Baltistan citizens would appeal against the appellate court decisions to the Pakistani Supreme Court. The Top Court directed Pakistan's Government, to grant fundamental rights to the local people. Moreover, the court also directed the people of Gilgit-Baltistan and the people of Kashmir to have equal rights granted to the people of Pakistan until a plebiscite is held in accordance with the UN resolutions. Moreover, the court's general decisions made it very clear that it cannot amend the Gilgit-Baltistan Order 2018, and if the Pakistani Parliament intended to amend it, it can be examined on the basis of the criterion of Pakistan's Constitution. The status of Gilgit-Baltistan and Kashmir is similar, but the administrative structure differs greatly. The status of Gilgit-Baltistan is attached to the disputed region of Jammu and Kashmir; unless the Kashmir issue is resolved, the status of Gilgit-Baltistan cannot be changed.

CONCLUSION

Located in the northern part of Pakistan, Gilgit Baltistan covers more than 72,000 square kilometers of land and has an international geographical and strategic significance for Pakistan. Unfortunately, however, since its independence from the occupation of Kashmir's Dogra through a light war, Pakistan's government has denied Gilgit-Baltistan's constitutional status. Government of Pakistan attached GB constitutional status with the resolution of Kashmir dispute. Although the princely states of the Mir of Hunza and Nagar have sent letters of accession to the Pakistani government. The government declined to make the region part of the constitution of Pakistan. The Gilgit-Baltistan region is deprived of the privileges which the people of Pakistan have enjoyed since independence. It is a matter of fact that the Gilgit-Baltistan region remained a part of the Kashmir state for only a century. There was little trade between the two areas and even fewer people to people contacts were established before that. In addition to these distances, the language barrier is another major factor that shows divisions between the two regions. Shina, Balti, Burushaski, Khowar and Wakhi were the languages spoken by the vast majority in Gilgit-Baltistan, while Kashmiri, Gojri, Pahari and Hindko were spoken in Jammu and Kashmir. There is also a huge cultural gap between the two regions. So, the unnatural unification of the Gilgit-Baltistan and Kashmir regions has making no sense, which in turn creating a deep sense of division among the two parts of the dispute.

When the Gilgit-Baltistan people became independent from the rule of Dogra, they wanted to join the region with Pakistan, in the hope to best serve their interest and demands. When the Indian government took up the Kashmir issue at the UN, the UN

declared the plebiscite in the region. So Pakistan's government has attached Gilgit-Baltistan's majority Muslim region to the Kashmir issue in the hope that Gilgit-Baltistan's Muslims will put their vote in Pakistan's best favor at the time of the plebiscite. The Kashmir issue has not been resolved so far and Gilgit-Baltistan's status remains controversial and isolated from Pakistan's mainstream politics. The federal government rules through various orders that are against the will of the local people. The Kashmiri leadership has failed to make inroads in the region of Gilgit-Baltistan over the past seven decades, because they never raised their voices against injustice in Gilgit-Baltistan, nor tried to bring Gilgit-Baltistan to the level of AJK. It reflected a lack of interest in the region, and Gilgit-Baltistan's people are segregated from the rest of Pakistan.

The government of Pakistan linked the constitutional status of the region to the Kashmir conflict, but at the moment, in order to change the specific, controversial status of the territories under its constitutional control, the government of India has already revoked Article 370 of its Constitution. Now is the time to focus on the Gilgit-Baltistan and transfer the Gilgit-Baltistan status as the fifth province in Pakistan. Pakistan's government should ensure and secure Gilgit-Baltistan's fundamental rights as a provincial status. Until a viable solution to the Kashmir conflict is found, the state must provide the people with genuine guarantees that protect their rights. The AJK and IOK citizens should also accept and allow Pakistan to give Gilgit-Baltistan a viable status that empowers them politically, socially, economically and administratively. In this connection the people in power corridors of Pakistan, AJK and the leadership of Gilgit-Baltistan should also think about an out of the box solution to end the deprivation of Gilgit-Baltistan without harming the Kashmir issue.

A new political pact between Gilgit-Baltistan, Pakistan and AJK can be a way out, which must extend self-governance to Gilgit-Baltistan in a true sense and the best interest of the local people. This self-governance also includes the right to utilization of local resources and encourages the sense of dignity among the people. To reach this landmark achievement maturity and sincerity is need of the hour.

Perhaps some sort of government can be made according to the Azad Kashmir pattern. Taking local people on board and listening to elected representatives of Gilgit-Baltistan and civil society would be the best way to proceed. Imposing solutions from the top is unlikely to address the disaffection of the local people. Let the government hold a referendum offering two options to Gilgit-Baltistan to either remain part of Kashmir or join Pakistan. The referendum must be perfectly fair and transparent. The government will call on international observers to supervise the exercise. India is not prepared to hold a referendum in the areas under its influence in Kashmir.

Pakistan's adversaries want to demolish CPEC's multibillion project. The continued denial of constitutional status to the area of Gilgit-Baltistan would help to fuel the local population's discontent. The Indian and American-led propaganda of Pakistan's enemies has the ability to undermine the CPEC. Arousing the flames of minor problems and turning them into a blaze that threatens the whole initiative. If not for the Gilgit-Baltistan people, then for the safety of CPEC at least, Pakistan's government should take urgent corrective action to address the problem of integration with Pakistan.

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