

# History Of Reforms In Gilgit-Baltistan And Struggle Of Its People For A Non-Kashmiri Separate Identity

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## Abstract

At the time of Pakistan and India's independence in August 1947, Gilgit-Baltistan (GB) along with Jammu Kashmir was ruled by Maharaja Hari Singh who decided the fate of Kashmir and GB by signing the Treaty of Accession with India. The people of GB revolted against the decision of Maharaja and unconditionally joined Pakistan. Contrary to their wishes and loyalty to Pakistan, the government considered GB as an integral part of Kashmir and not as a separate entity, which thus caused the deprivation of the people from their just political and constitutional rights. This denial of constitutional recognition to GB was equal to its subjection to a colonial administration. The government of Pakistan though announced various reforms packages for the GB from time to time but they failed to give it a separate status of province or to provide its people with representation in the National Assembly and Senate of Pakistan. In the absence of representation in the federal center, the area remained subjected to the presidential ordinances which could neither solve the constitutional issue nor could satisfy the inhabitants of GB regarding their separate identity. The current research study attempts to answer the question that what is the history of administrative and political reforms in GB and how long the people are struggling to have a non-Kashmiri separate identity?

**Keywords:** Gilgit-Baltistan, Administrative, Political, Reforms, Struggle, Separate Identity

## Introduction

The area of Gilgit-Baltistan which lies to the north of Pakistan is located between the mountain ranges of Central Asia; namely Karakoram, Hindu Kush and Himalayas. It share borders with China, Afghanistan and Indian. The total area of GB is 72,496 square kilometers, of which 94% area comprises high mountains and glaciers, 4% forest, 0.2% residential area and only 1.8 % cultivated land.

The case of the struggle of GB is unique in the history of Indian Subcontinent. Before the partition, GB had no political party because of its remoteness. The information about Muslim struggle for independence under the banner of All-India Muslim League (AIML) in India could not flow swiftly into the area while no local political party to guide the people for throwing the yoke of Dogra Raj could flourish because the local rulers of GB diminished any such hopes. However, Giglit Scouts created a 'Revolutionary Council' despite the fact that they were still led by the Kashmir government which installed Major Brown even after the termination of Gilgit Agency on August 1, 1947 (Dani, 2007), (Stellrecht, 1997). Gilgit Scouts made a rebellion against the new ruler. Although Gilgit Scouts were disorganized but were helped by local people compelled Brigadier Ghansara Singh to surrender on November 1, 1947, after which Independent Republic of Gilgit was declared (Brown, 1998).

After remained 15 days as an independent state the people of GB decided to joint with Pakistan. Subsequently, on the request of the people of GB Pakistan allowed it joining as subjects rather than as equal citizens because GB was ruled as Political Agency through various presidential ordinances under Frontier Crimes Regulation (FCR) on the model of Federally Administered Tribal Areas (FATA). For instance, the government of Pakistan People's Party (PPP) introduced Empowerment and Self-Governance Order in 2009 and only changed its name from Northern Areas to GB while the government of Pakistan Muslim League-Nawaz (PML-N) introduced another order of reforms in 2018 which the people have blatantly rejected. The Supreme Court of Pakistan in one of its ruling in 2019 has declared GB as a disputed area and linked its future with the Resolution of United Nations Organization (UNO) on Kashmir. Such kinds of reforms and rulings have created great dissatisfaction among local people, nationalist parties and youth of GB in the last few years (Khan M. A., Gilgit-Baltistan - Part of Issue, 2019).

### **Review of the Literature**

Hum Kon Hain? Naam ki Ahmiyat, the book by Nawaz Khan Naji, rejects the notion of connecting GB with Kashmir. The author himself a nationalist leader founded the Balawaristan National Front in 1989 and argues that the people of Laddakh, Chitral and GB have a strong unbreakable bond among themselves and they never remained parts of Kashmir or for that matter of India and Pakistan. Their separate identity, culture and history distinguish them from the people of Kashmir and therefore, they must not be integrated with Kashmir (Naji, 2001). Although, the current research agree with Naji's argument but it also traces the history of reforms and suggests that the issue could be solved according to the aspirations of the people of GB without harming the stance of Pakistan over Kashmir.

The book of Priyanka Singh, *Gilgit Baltistan: Between Hope and Despair*, argues that Pakistan has always linked GB with the issue of Kashmir and the people of this region are denied political and constitutional rights. The international community is attracted to GB as a result of China's investment; therefore, India has to manipulate the situation and if referendum is held in the region, the people will vote for India and not for Pakistan (Singh, *Gilgit Baltistan: Between the Hope and Despair*, 2013). Nevertheless, the fact is that GB is inhabited by Muslims who though might have some reservations and demands from Pakistan but it cannot watershed its long struggle to be the masters of their own destiny. On the other hand, the state of Pakistan should not confuse GB with Kashmir and should bring it at par with other provinces as to end up all the high hopes of its traditional rival, India.

### **Research Methodology**

Both descriptive and analytical approaches are adopted in this research study. The history of reforms is dealt with the aim of bringing out a workable solution to the problem that has surfaced because of the lack of knowledge of authorities in the federal center of Pakistan regarding GB where it is linked with Kashmir and deprive it from a separate identity and treatment. The events are described in such a manner as to convey the major issue faced by the people of GB and to highlight a possibility for the state of Pakistan to dissect the issue by giving a separate identity to the people without damaging the Kashmir cause.

### **GB as Part of Pakistan and the History of Reforms**

After independence, Shah Rais became the President of GB. The people of GB, however, decided to join Pakistan after 15 days of independence. Surprisingly, Pakistan made it as part of the then North-West Frontier Province (N-WFP) and extended the Frontier Crimes Regulation (FCR) to it which was already applied in the Federally Administered Tribal Areas (FATA) and sent Sardar Muhammad Alam Khan immediately to resume the charge of a first political agent of Gilgit on 16 November 1947 (Brown, 1998), (Khan M. A., *Gilgit-Baltistan - Part of Issue*, 2019).

The United Nations organization adopted a six-point resolution on January 1, 1949 which stated that the future of the disputed areas has to be decided according to the wishes of the people but it neither specified the geographical boundaries of the disputed areas nor has mentioned GB. On the other hand, the federal government of Pakistan confused GB with FATA and went a step further to separate its administration from the then N-WFP and took it under its direct rule in 1950 after the Karachi Agreement that was reached between the government of Pakistan and the leaders of Kashmir in 1949.

Pakistan also followed the footprints of the British by allowing the local Rajas and Mirs to rule their respective areas without disturbing the administrative settings of the federal government. Later on, when Ayub Khan became the President of Pakistan in 1958, he extended his 'Rural Improvement Program' to GB. He also demarcated the boundaries of GB with China in 1963. Subsequently, Ayub's successor, President General Yahya Khan declared the area as a separate

administrative unit under the name of 'Northern Areas' and formed a 16 member Northern Areas Consultative Council in 1970 (Khan E. M., 2017), (Abadi, 2003).

Nevertheless, both Ayub Khan and Yahya Khan failed to take a bold step of declaring GB as an undisputed territory. Later on, Zulfikar Ali Bhutto (ZAB) abolished the local princely states in GB between 1972 and 1974 and introduced new administrative machinery by changing the status of the region from an agency to political districts (Wninger, 1997). Through a statement in a cabinet meeting in 1973, he declared it as an undisputed and indispensable part of Pakistan but in the 1973 Constitution of Pakistan, GB was neither clearly declared as part of Pakistan nor of Azad Jammu and Kashmir (AJK) (Dad, 2019), which according to ZAB was due to the fact that GB was backward in socio-economic terms and after the eradication of poverty in the region, it could be possible after 10 years that the region might be declared as a separate province (Khan E. M., 2017). The government of ZAB also abolished the infamous FCR in GB and introduced the Northern Area Council in 1975 (Akhunzada S. W., 2015). His successor, General Zia-ul-Haq as martial administrator divided the whole country into five zones. GB was zone E among the five zones and was represented in the Federal Majlis-e-Shura (Consultative Council) by an advisor for the Northern Areas affairs (Khan E. M., 2017).

In response to such overtures by the federal government, Nawaz Khan Naji founded the Balawaristan National Party (BNP) in 1988 for signification of a separate landmass and for the distinction of the socio-cultural traits of the people from the rest of its neighbors. It still sticks to its belief that GB lies out of the orbit of all constitutions and inhabiting a separate nation. Therefore, being a separate unit, GB must have a separate constitution (Naji, 2001).

When Benazir Bhutto became Prime Minister for the second time, she issued the Legal Framework Order (LFO) for GB (Lamah, 2016) in 1994 for redesigning of the administration of Northern Areas on provincial lines, with a Council of 24 directly elected members so as to legislate on 49 subjects, Ministry and Minister for Kashmir and Northern Areas Affairs (KANA) as an executive of the Council, Deputy Chief Executive for Northern Areas and the Chief Secretary and secretaries of various departments. The Council was however, renamed as Northern Areas Legislative Council (NALC) by Nawaz Sharif and included technocrats and women in it. The Supreme Court gave its ruling in May 1999 by declaring the people of GB as equal citizens of Pakistan with equal fundamental rights as contained in the constitution.

Nevertheless, the military regime of General Pervez Musharraf created the posts of Deputy Speaker and Speaker in the NALC and renamed it as Northern Areas Legislative Assembly (NALA) with extended powers through the LFO of December 2007 (Khan E. M., 2017). During his official visit to GB, he announced some reforms for the area and simultaneously entrusted all powers to Ministry of Kashmir Affairs (Dawn, 2007). (Khan E. M., 2017).

### **GB after the Return of Democracy in Pakistan**

One of the major steps taken by the PPP government in 2009 was the introduction of a new reforms package, different from the previous reforms packages for GB (Akhunzada S. W., 2015). Though Yousuf Raza Gillani to GB as the Prime Minister of Pakistan openly refused to extend the status of a fifth province to the area but had to constitute the committee for the solution of GB problems on the directions of President Asif Ali Zardari. The Committee after discussion and informal consultation with the members of the Northern Areas Legislative Assembly drafted the 'Gilgit-Baltistan Empowerment and Self- Government Order 2009,' which had 15 parts in total and its salient features included the definition of terms, personalities and institutions; fundamental rights; powers of the governor; the abolition of the Ministry of Kashmir Affairs in GB and in its place the empowerment of the local legislative assembly.

Although, the government of PPP ensured some of the political and constitutional rights to the people and changed the name of the region from 'Northern Areas' to 'Gilgit Baltistan,' and also empowered the local assembly but it failed to mention clearly the constitutional status of GB as the fifth province of the country which was one among the basic demand of the local people to have a separate and distinct identity.

The people of GB saw the 'Order 2009' with suspicion because all powers were vested in the GB Council which was established under Article 33 of the Order of 2009 and the federal government could manipulate it in taking all important decisions regarding the area and its people. The Order specified the 14 members of the Council in total, out of which 7 members were decided to be taken from the federal government, headed by the prime ministers of Pakistan while the other six members were to be elected by GBLA. The PM had to work as the head of the Council in his capacity while governor GB was assigned the position of a vice chairman. Even the legislative assembly was not given the right to legislate regarding the natural resources in the region. This Order of PPP government also shattered the hopes of the people of GB for equal rights (Akhunzada S. W., 2015).

### **General Elections GB 2009**

For the first in the history of the region, the first general elections were held for the legislative assembly on November 12, 2009 under the new Order of 2009. The Legislative Assembly of GB had 33 seats which included the 24 general seats, 6 reserve seats for women and 3 seats for technocrats. On the 24 general seats, about 264 candidates contested the elections (News, 2009).

PPP took lead in the general elections by winning 12 seats, followed by independents who won 4 seats. JUI, PML-Q and PML-N each managed to win 2 seats. MQM and BNF won one seat each (Hussain A. M., 2011). PPP with a total of 20 seats because it was added by two technocrats (Hussain A. , 2009) and four women on reserve seats was in a leading position. (Hussain A. M., 2011). Its candidate, Syed Mehdi Shah became as the first Chief Minister of GB after winning the contest with a huge majority (Surinder Kumar, 2019).

### **The Legislative Assembly of GB and the Administrative Division of the Region**

The legislative assembly of GB passed a resolution in February 2012 to divide the region into three administrative divisions: a) Gilgit Division including Ghizer, Hunza-Nagar and Gilgit Districts; b) Diamer Division including Diamer and Astore Districts and; c) Baltistan Division (Tribune, Administrative Changes: GB Cabinet Announced 3 New Divisions, 2012). Besides that the Legislative Assembly also passed an important resolution that embodied public aspirations of a separate provincial status but unfortunately the prime minister of Pakistan as the head of GB Council ignored this resolution (Farooq, 2014).

### **Imposition of Taxes in Gilgit-Baltistan**

The Council of GB approved the principles of 'Gilgit-Baltistan Council Tax Act, on March 21, 2012. It formed a four-member committee under the headship of Maznoor Ahmed Watto before the implementation of the act. The task of this committee was to take into confidence other political parties for convincing the local people to pay taxes, to which the people showed strong resentment on the ground that they must have a representation in the political and financial institutions of Pakistan before the imposition of any tax in this region. On seeing the reaction, the Chief Minister of GB, Syed Mehdi Shah requested the PM for postponing the decision of implementation of the act unless and until GB is given representation in the National Finance Commission (NFC) (Singh, Gilgit Baltistan: Between the Hope and Despair , 2013).

### **General Elections GB 2015**

The Chief Election Commissioner of GB, Tahir Shah announced the schedule for elections to the Legislative Assembly on April 21, 2015 and the polling day was scheduled on June 8. Notwithstanding, the federal government of PML-N appointed at this point a non-local person, Birjies Tahir as the governor of GB. All the political parties condemned the appointment of the governor and called it is an attempt of rigging the elections (Times P. , Gilgit Baltistan Election Schedule Announced , 2015).

PML-N got a clear majority in the GB Legislative Assembly and its member of GBLA; Hafiz-ur-Rehman became the Chief Minister and took oath on June 26, 2015. (Tribune, Gilgit Baltistan Cabinet, 2015).

### **Formation and Report of Sartaj Aziz's Committee**

An important step taken immediately by the PML-N government was the formation of a constitutional committee for the introduction of constitutional and political reforms in GB on October 29, 2015. The committee after examining the historical background and strategic importance of the region submitted its recommendations report to the federal government on March 10, 2017. The recommendations of the committee were: to give GB a status of a special province until the solution of Kashmir dispute and the delegation of further legislative, administrative and financial powers to GB. The people of GB welcomed the idea of a provincial status as they have always been demanding representation in the National Assembly and the Senate of Pakistan (Iftikhar M. S., 2017).

### **Gilgit Baltistan Reforms Order 2018**

The PML-N government in GB introduced a new reforms package known as ‘Gilgit Baltistan Order 2018’ which had 17 parts, 113 articles and 4 schedules. President of Pakistan, Mamnoon Hussain approved the Order on the advice of the Prime Minister in May 2018. This reform package was introduced as a replacement for the ‘2009 Order.’ Nevertheless, the government totally ignored the recommendation of Sartaj Aziz’s committee in the bill (Shah, 2018).

The bill Gilgit-Baltistan Order 2018 was enforceable in the whole of GB; applicable to all the citizens of GB inside and outside and inapplicable to security forces; The rights of freedom, speech, political party, religion, fair trial, trade, education and service will be ensured for the people; acceptance of all the decisions of the prime minister by GB government; no discussion in GBLA regarding defense, security issues, foreign affairs and the decision of judge; the legislation of GBLA will be acceptable only if the prime minister deem it right; the government of Pakistan has full power to acquire land anywhere for any purpose in GB which the GB government cannot challenge or refuse; the prime minister will appoint any judge of Supreme Court, auditor general and election commissioners of GB and most importantly any step of the prime minister cannot be challenge in any court (Shah, 2018).

Though the people of GB were expecting historical reforms from the PML-N government but it introduced the Order 2018 in a way to strengthen the hold of the central government instead of empowering the Legislative Assembly of GB. The people of GB strongly condemned and rejected it. They called it as a black colonial order. On the eve of Prime Minister of Pakistan, Shahid Khaqan Abbasi’s visit for announcing the Order, the whole of the region observed a complete shutter down strike. Even the opposition members of GB Assembly boycotted his speech (The News, 2018).

### **Abolition of GB Council**

The people of GB who expressed reservations about the Order 2018 also saw the GB Council as useless because it was headed by non-local members and had more powers than the legislative assembly which made the council irrelevant. Subsequently the Prime Minister abolished the Council in February 2018 and all its powers were transferred to the Assembly (Zaheer, 2018).

### **Supreme Court of Pakistan Ruling on GB Order 2018**

The chief justice of Pakistan during his visit to GB witnessed a huge protest against the Order while later on; the people have also filed many petitions against the Order in the Supreme Court of Pakistan. As a result, the Supreme Court of Pakistan had to form a committee for drafting a fresh reforms package for GB in December 2018. In his last verdict as the head of a seven member bench on January 17, 2019, Chief Justice Saqib Nisar issued a 29 page verdict and declared GB as a disputed region. The decision asked for no change to be made in the current status of GB. The decision said that GB cannot be given the status of a fifth province until the resolution of the Kashmir issue which otherwise, would get affected. Nevertheless, the decision declared the people

as the citizens of Pakistan and gave orders to the government for the provision of more facilities and rights to them (Surinder Kumar, 2019).

The people of GB were quite optimistic about the decision of the Supreme Court of Pakistan but it came as a total surprise to them because it declared GB as a disputed region which once willingly joined Pakistan. The hopes and expectations of the people to see GB as the fifth province of the country and thus to have a separate identity got shattered due to this verdict. Ultimately, the political parties, students, religious and civil society organizations and lawyers of GB strongly rejected the verdict of the Supreme Court and announced to file a petition in the International Court of Justice against the decision of the Supreme Court of Pakistan (Nagr, 2019).

### **General Elections GB 2020**

As GB Legislative Assembly was standing dissolved on June 23, 2020, the President of Pakistan, Arif Alvi on the advice of the Prime Minister Imran Ahmed Khan Niazi promulgated the Gilgit-Baltistan (Elections and Caretaker Government) Amendment Order 2020 on May 15, 2020.

PTI won the majority of 10 seats, followed by the seven independent candidates, among whom six have joined PTI. As a whole, PTI emerged as the victorious party by getting 22 seats in total (Guraman, 2020). PTI formed the government with Barrister Muhammad Khalid Khurshid Khan as the 3<sup>rd</sup> elected Chief Minister of GB on November 30, 2020 (Abbas, 2021).

During the election campaign most of the parties have promised provincial status to GB. This change in the stance of Pakistan as a whole was adopted after the abolition of articles 35A and 370 of the Indian constitution by the Indian government that abrogated the special status of the Indian Occupied Kashmir. Pakistan also showed GB and Kashmir as one territory with a green line in its political map and Siachen Glacier as a part of Pakistan's territory (Najaf Ali, 2021). The Chairman of PTI Imran Khan during his visit to GB in the start of November announced before a rally on November 1, 2020 that "we have made a decision to grant provisional provincial status to Gilgit-Baltistan, which has long been the demand here" (Aljazeera, 2020) but it draw condemnation from Indian government and a fresh war of words started between Pakistan and India. The federal ministers of PTI also promised the solution of GB issue after the winning of elections but this just proved election winning slogan and in reality no such step were taken after grabbing victory to give GB its status of a province and thus, a separate identity to its people (Najaf Ali, 2021).

### **Conclusion**

The people of GB have a separate and distinct identity, history and culture of their own. Although they have willingly joined Pakistan after getting independence from the Dogra Raja of Kashmir but they are treated as integral and part of Kashmir (disputed area) and their area is even considered a disputed territory by the Pakistani government, officials and the judiciary perhaps due to the fact that it might not weaken the stance of Pakistan over Kashmir. On the other hand, Kashmiris and Indian authorities see GB as part of the Indian Occupied Kashmir.

Pakistan has run the area through various ordinances and legal framework orders instead of giving it a separate status and identity. It is clear denial of the fact that the people have become



conscious about their separate identity and equal citizenship. The government of Pakistan through the various reforms has just strengthened the hold of the federal government over the GB. As a response, the people of GB have protested several times and demanded proper integrative mechanism for the region.

Furthermore, the people of GB must be given representation in the elected bodies of Pakistan, particularly the National Assembly and Senate of Pakistan. Instead of interference from the federal government, the legislative assembly should be empowered to legislate on the provincial subjects and should be brought at par with other provinces of the country. It will revive the trust of the people of GB over the federal government.

The federal government has a golden opportunity to win the heart to the people of GB given them a provincial status to GB because due to mega projects, like CPEC and Diamer-Bhasha Dam, the value of this region is increasing internationally. In this situation, the youth of GB are not ready to accept further orders from outside on one hand while the Indian government poses a major regional threat on the other hand as it consider GB to be part of Indian Occupied Kashmir. It is, therefore, suggested to isolate the region from the disputed territory of Kashmir and ensure the separate identity of the people to address their grievances.

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