

**DETERMINING THE POLITICAL STATUS OF GILGIT-BALTISTAN –
FUTURE PERSPECTIVE**

BY

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RESEARCHER'S PROFILE



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Colonel
Imtiaz ul Haque (Retired)

DEDICATION

This research paper is dedicated to those 98 martyrs of The War of Liberation 1947 – 48, who laid their lives so that the coming generations of Gilgit-Baltistan could breathe in an independent Country and live as a proud nation.

Dedicated to those 584 soldiers of Gilgit Scouts, 1900 volunteers and the heroes of the War of Liberation, especially Colonel Mirza Hasan Khan, Colonel Ahsan Ali, Lieutenant Shah Khan, Captain Baber Khan, Subedar Safi ullah Baig and many others who despite of all odds of the terrain, weather, resource and organizational in-adequacies, dared to pick up arms against Dogra Rule and liberated 28000 square miles of an area.

Dedicated to Mir Muhammad Jamal Khan (late), the Ruler of Hunza (whose Accession Letter addressed to the Father of the Nation remains a master piece of its kind) and other Rulers of other Princely States who respected the populace sentiments and opted for Pakistan.

Dedicated to my father, Farman Ali (late) who as a young Machine Gun Operator of Gilgit Scouts, was fortunate to have been part of the squad, tasked to siege and arrest Brigadier Ghansara Singh, (the Maharaja of Kashmir's designate Governor for Gilgit-Baltistan) at his residence, on night 31 October/1 November 1947, probably fired the first shot, marking the commencement of the War of Liberation; later he fought the war in Skardu Sector as part of Ibex Force.

Dedicated to my uncle Subedar Qalandar Shah (late), who as in charge of logistics of Eskimo Force, operating in Dras and Kargil Sector, bid his share in the War of Liberation.

Colonel
Imtiaz- ul- Haque (Retired)

LIST OF ABBREVIATIONS

- | | |
|-----------|--|
| 1. AK | Azad Kashmir |
| 2. AJ&K | Azad Jammu and Kashmir |
| 3. GB | Gilgit-Baltistan |
| 4. GBLA | Gilgit-Baltistan Legislative Assembly |
| 5. J&K | Jammu and Kashmir |
| 6. KKH | Karakorum High Way |
| 7. LFO | Legal Framework Order |
| 8. NAC | Northern Areas Council |
| 9. NALC | Northern Areas Legislative Council |
| 10. NWFP | North West Frontier Province |
| 11. UN | United Nations |
| 12. UNSC | United Nations Security Council |
| 13. UNCIP | United Nations Commission for India and Pakistan |

EXECUTIVE SUMMARY

Determination of political and constitutional status of Gilgit Baltistan is an important and sensitive national issue, having far reaching effects. The same has been kept in a hang on position since independence in 1947. As a national policy in principle, the future of Gilgit Baltistan has been linked with Kashmir Issue, considering it a part and parcel of former State of Jammu and Kashmir. However, since November 1, 1947 Gilgit Baltistan is being governed by Government of Pakistan and since then the region enjoys a special status under Federation of Pakistan. This prolonged indecisiveness regarding determination of political status has resulted into sense of political deprivation and identity crisis to the people.

The determination of political and constitutional status of Gilgit Baltistan is a complex and multi-dimensional issue. It involves and demands a thorough study of historical perspective, relevant treaties and agreements relevant to the subject, the proceedings and decisions of the apex Courts of Azad Jammu and Kashmir and Pakistan on the and public opinion. An objective and analytical study of all these factors reveal that the issue so far has not been given due importance and considered in the desired perspective. With reference to history, post 1840 history of Gilgit Baltistan from a narrow angle has been considered while deciding its political status. The public opinion which is the most important aspect in determining the future of nations has been ignored and the area has been administered through the instrument of bureaucracy. The case has been tried in the apex courts of Azad Jammu and Kashmir and Supreme Court of Pakistan without any conclusive outcome; rather the Supreme Court of Pakistan has left the decision regarding the determination of its political and constitutional status at the disposal of the Parliament and Executive bodies.

This study is aimed at considering and evaluating all the relevant factors to the subject, to draw realistic conclusions and recommend viable options with a view to eliminate the prevailing sense of political deprivation of the people and ensure better future integration of Gilgit Baltistan with Pakistan. It is in this context and

manifestation that the people of Gilgit- Baltistan have the strong desire of being part of Pakistan. The study finds that, though it may not be possible for Government of Pakistan, to take a U turn on its principle stance on the subject and integrate Gilgit Baltistan in its constitutionally defined territories, due to its commitments with people of Jammu and Kashmir, United Nations, India and international community. However, provision of interim provincial status, right of vote and due representation in the Constituent Assemblies of Pakistan, is the best viable option to address the issue of identity of crisis and sense of political deprivation, thereby ensuring better future integration of Gilgit Baltistan with Pakistan.

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CHAPTER 1

INTRODUCTION

1.1. **BACK GROUND.** The accession of Gilgit-Baltistan to Pakistan in 1947 is a unique case of its kind in the history of Indo-Pak Sub-continent. Whereas, there was a popular political movement in the entire Sub-Continent, for the freedom from British imperialism in general and for creation of Pakistan in particular, no visible mass political mobilization was witnessed in Gilgit-Baltistan, probably due to remoteness and harshness of the terrain. However, on the eve of independence, the Muslim troops of Gilgit Scouts, with the assistance of local chieftains and volunteers, liberated 28000 square miles of an area, forcing Maharaja of Kashmir's Forces to flee, followed by unconditional accession to the Islamic Republic of Pakistan.

1.2. Despite of above, the political and constitutional status of Gilgit-Baltistan remains in a doldrums for last six and half decades. As a policy stance, its future has been linked with resolution of Kashmir Issue, in the light United Nations resolutions on the subject. Sequel to Karachi Agreement of 1949¹, Gilgit-Baltistan enjoys a special status under federation of Pakistan. So far the region has been governed through bureaucratic tool and on ad-hoc arrangements, through administrative packages and Presidential Orders issued by Government of Pakistan, from time to time. The political concessions through these packages have been in bits and pieces, yet never wholesome and complete. Apparently, Gilgit-Baltistan has been given a provincial status² in 2009, yet in the absence of right of vote and representation in the Constituent Assemblies of Pakistan, it leaves a big question mark regarding citizenry recognition, political rights and the fate / future of 1.2 million inhabitants³ of Gilgit-Baltistan. These heartfelt feelings have given birth to identity crisis and sense of political deprivation.

1.3. Aforesaid in view, it is evident that the policy of delay and status quo has not succeeded and is unlikely to bear fruits in foreseeable future. Hence we need to revisit the the issue and

¹ Karachi Agreement March 1949, K4Kashmir.com/? p554, retrieved on 29 April 2012 at 10:50PM.

² The Gilgit-Baltistan (Empowerment and Self Governance) Order 2009, issued by Law Department Gilgit-Baltistan, dated 1st October 2010.

³ Feasibility study for Gilgit-Baltistan Sustainable Integrated Community Development Project -December 2011, by Japan International Cooperation Agency, page 2-6, issued by Gilgit-Baltistan Government.

evaluate the options, so as to choose as to how we can ensure better integration of Gilgit-Baltistan into the main stream political arena of Pakistan, by determining its political status, without compromising on Kashmir stance, before the resentment of the people here assumes crisis proportion.

1.4. **PROBLEM STATEMENT.** People of Gilgit-Baltistan have not been able to acquire due political status and citizenry recognition since independence in 1947.

CHAPTER 2

LITERATURE REVIEW

2.1. LITERATURE REVIEW AT A GLANCE. The literature, covering the historical aspects of Gilgit-Baltistan is very rich, which include some very authentic books, providing firsthand information about the governance arrangements in the pre and post-independence era; different administrative packages for Gilgit-Baltistan are also available in the form of government documents. Historic treaties regarding the status of Gilgit-Baltistan, verdicts of apex courts and literature covering public opinion is also available in abundance. The main sources consulted are as under:-

- (i) **History of Northern Areas of Pakistan** by Professor Ahmed Hassan Dani, is the most authentic and comprehensive book, covering history of Gilgit-Baltistan from pre-history to post independence era.
- (ii) **The Gilgit Rebellion** by Major William A. Brown also provides the first hand information about situation in 1947, as the author himself was Commandant Gilgit Scouts and played a major role in Gilgit-Baltistan's accession to Pakistan in November 1947.
- (iii) **Where Three Empires Meet** by E.F. Knight, a representative of Times of London reflects memories of his visit to Gilgit-Baltistan in 1891.
- (iv) **Making of a Frontier** by Colonel Algernon Durand, who remained British Political Agent in Gilgit from 1894 to 1899 and demarcated Pakistan's Western borders with Afghanistan, known as Durand Line.
- (v) **Memoires of Sir Muhammad Nazeem Khan**, Mir of Hunza, from 1892 -1938, present a narration of important geo-political developments taking place during that period in that region.
- (vi) **Shamsheer se Zanjeer Tak**, by Colonel Mirza Hassan Khan (Military Cross), the Hero of War of Liberation of Gilgit-Baltistan.

- (vii) **Gilgit Scouts**, by Mirzada Muhammad Shah Khan, Commander Eskimo Force during War of Liberation.
- (viii) **From Colonialization to Post Colonialization : Modes of Domination in Northern Areas of Pakistan**, a research paper by Martin Sokefeld, Assistant Professor of Social Anthropology, the University of Bern, Switzerland.
- (ix) **Gilgit-Baltistan Tareekhi wa Aini Heysiat**, selected articles by politicians and intelligentsia of Kashmir, compiled by Muhammad Saeed Asad, 2004.

2.2. HISTORICAL PERSPECTIVE

2.2.1. GEOGRAPHICAL HISTORY. Professor Manzoor Ali (1985) mentions that geographically Gilgit-Baltistan and Chitral are part of Central Asia rather than South Asia⁴, as Karakoram and Hindokush lay as hedge in between as Central Asian mountain ranges, including Hindukush, Karakoram and Kunlun, converge at Pamir plateau. Professor Dani (1991) writes, the Gilgit-Baltistan remained sandwiched between high peaks of Hindukush and Karakoram on North and Western Himalaya on the South.⁵ Humanity lived here in isolation and cut off from the rest of the world. In the opinion of geologists it is the meeting point of continents in collision. Geographically, climatically and biologically, Northern Areas present primarily a land of Trans - Himalayan features i.e. monsoon rain and seasons of the plain are almost totally absent. Northern Areas also differ from other parts of Himalayan states, as it lies within easy approach of China, India, and Central Asia.

2.2.2. EARLY HISTORY. Professor Dani writes that archeological evidence is not sufficient to give a complete account of the pre historic culture of man in this region⁶. Whatever little has been found, relates to the late period and shows a stage of heritage and food collection in a manner that smacks of primitive life. The entire material evidence for the time being is to limited rock art. However, it is established that the people of primitive

⁴ Ali, Manzoor. (1985). **Karakoram-Hindukush** (1st ed.). Burq Sons Limited, Islamabad p.p. 1.

⁵ Dani, Ahmad. Hasan. (1991). **History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad. pp.4.

⁶ Historical Perspective of Gilgit Baltistan of Pakistan | GILGIT-BALTISTAN.

www.gilgitbaltistan.gov.pk/GILGIT-BALTISTAN/...of-gilgit-baltistan-of, Retrieved, sept 8, 2011

age of this area were known as Dardiac People. The area was ruled by Scythe Parthian, the Kashan's, Huns and Potoal Shahis, all belonging to Central Asia and Chinese regions. From era before Christ to 7th Century AD, Buddhism was the religion, till Islam reached here in 8th Century AD.

2.2.3. MEDIEVAL HISTORY The medieval history of Northern Areas began with the Arab advance into Central Asia in 8th Century A.D, which pushed the Turkish population of Badakhshan, Wakhan and Xing-Jiang into this part⁷. Consequently, China moved its forces to counter advance of Tibetans who had by now built a State and swept across Baltistan and Gilgit right up to Wakhan. Kashmir played a secondary role at that stage⁸. The States in Northern Areas maintained their independence and established varying relations with the contemporary neighboring powers. Gilgit-Baltistan was ruled on monarchic pattern by Mirs and Rajas who were autonomous. The ruling families of Gilgit-Baltistan from medieval era up to 1972 were⁹:-

- (i) Tara Khan dynasty in Gilgit
- (ii) Maghlot family in Nagar
- (iii) Ayashoo family in Hunza
- (iv) Kator family in Chitral
- (v) Khushwaqt family in Yasin and Mastuj
- (vi) Brushai family in Puniyal
- (vii) Maqpon family in Skardu
- (viii) Amacha's in Shigar
- (ix) Yabgu's in Khaplu

⁷ Historical Perspective of Gilgit Baltistan of Pakistan | GILGIT-BALTISTAN.

www.gilgitbaltistan.gov.pk/GILGIT-BALTISTAN/...of-gilgit-baltistan-of, Retrieved, sept 8, 2011

⁸ Dani,Ahmad. Hasan.(1991).**History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad.pp.161 and 236.

⁹ Dani,Ahmad. Hasan.(1991).**History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad.pp.162.

2.2.4. According to professor Dani, (1991) Gilgit Agency included the autonomous States of Hunza and Nager, political districts of Ishkoman, Yasin, Punial and Koh-e-Ghizer and also subdivision of Chilas and tribal areas of Darel Tangir¹⁰. Kohistan was called as Yaghistan in British times, where their authority was hardly felt. Baltistan, also known as Tibet Khurd, consisted of seven mini States, each having its own semi independent Ruler. Historically and culturally greater part of Kohistan District remained part of Northern Areas. It was Ruler of Swat who with the consent of British Masters, raided and brought this area under its administrative control, as confirmed by British letter of 24 Feb 1913. Chitral was separated from Northern Areas by Colonel Durand in 1895 for administrative convenience¹¹. Professor Dani in preface to his book under reference writes that it is usually believed that the region has been an appendix to Kashmir throughout the history. The account presented here would clarify the point amply and show in clear terms, how the region had its own independent identity, as confirmed in a letter No. Y 103/27 dated 12 January 1924, from Resident Kashmir to Col G.P. Gunter, Director Frontier Circles, Survey of India, wherein he writes “ the territory composed within Gilgit Agency was divided into three categories:-

- (i) **Kashmir State Territory**, i.e. Gilgit tehsil, including Bunji and Astor.
- (ii) **Political Districts** i.e. Hunza, Nagar, Puniyal, Koh-e- Ghizer, Ishkoman and Republic of Chilas.
- (iii) **Un-administered Areas**, Darel, Tangir, Kandia, Jalkot, Sazin, Shatial and Herbun.

2.2.5. Professor Dani states that the adjustment of Northern boundary (boundary of State of Hunza with China and Russia) was result of Anglo-Russian rivalry in 19th Century for defining the boundaries to influence Hindokush region South of Pamir¹². Resultantly Anglo-Russian Commission granted Wakhan corridor and Pamir, part of domain of Mir of Hunza, to Afghanistan in order to create a neutral ground and buffer zone between Russian Empire

¹⁰ Dani,Ahmad. Hasan.(1991).**History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad,pp. 5.

¹¹ Durand,Algernon,(2008),**Making of a Frontier**,urdu version translated by Lt Col (r) Ghulam Gillani Khan,Dost Publications, Islamabad,pp.184-201.

¹² Dani,Ahmad. Hasan.(1991).History of Northern Areas of Pakistan (2nd ed.). National Institute of Historical and Cultural Research, Islamabad. pp.5, 7, 8 and 89.

and British India). In return Mir of Hunza was offered two villages near Gilgit, namely Matumdas and Oshkhandas. The same gets authentication from **Memoires of Sir Muhammad Nazim Khan**¹³(n.d.), the ruler of Hunza state from 1892 – 1938, who mentions that British and Maharaja, both feared from Hunza till they ousted Mir Safdar Khan by aggression in 1891 and forced him to have an exiled life in China.

2.2.6. MODERN HISTORY. Modern history of Gilgit-Baltistan¹⁴(Dani 1991) is marked by invasion of Gilgit-Baltistan by Sikhs Dynasty of Lahore, followed by Treaty of Lahore and Amritsar, sale of Jammu and Kashmir to Maharaja of Kashmir by British, British growing interest in Gilgit-Baltistan to check initially Czarist and later Soviet Communist influence into this area, leading to establishment of Gilgit Agency in 1889, lease of Northern Areas in 1935 for 60 years by British from Maharaja of Kashmir, war of independence of Gilgit-Baltistan and events till to date. Between 1836 and 1842, the Sikhs taking advantage of feud amongst local rulers, invaded Gilgit and Skardu. They brought the area under their control but ruled through locally appointed rulers. In Baltistan, Ahmed Shah who was the ousted ruler of Skardu, sought help of Maharaja of Kashmir against rulers of Khaplu. Skardu was brought under control by Wazir Zorawar Singh (a General of Ranjit Singh) around late 1836. While in case of Gilgit, Raja Karim Khan, the ruler of Gilgit, who was ousted by Raja Gohar Aman of Yasin, sought help from Sikh Governor of Kashmir. In 1842 Colonel Nathu Shah with a force of 1000 troops pushed out Raja Gohar Aman from Gilgit. This episode did not last long and Raja Gohar Aman recaptured Gilgit in 1852 and Raja Muhammad Khan II, the then ruler of Gilgit, again took refuge in Kashmir. By this time Kashmir had already gone into the hands of Gulab Singh. In 1860 Maharaja of Kashmir invaded Gilgit again and installed Raja Karim Khan, son of Muhammad Khan II as ruler of Gilgit. This could happen only after death of Raja Gohar Aman. However on Hunza and Nagar side Maharaja Forces suffered heavy losses and had to retreat. Colonel Nathu Shah was killed in the battle against Hunza. Professor Dani mentions that there was no permanent claim of Kashmir on whole of Northern Areas, from the medieval age. The only region which came in direct relationship with Kashmir was

¹³ Nazim, M. Khan, **Memories, (KHUD NOOSHT SAWANA E OMREE) (n.d.)**, urdu translation by Sher Baz Barcha, Hanisara Publishers, Gilgit.

¹⁴ Dani, Ahmad. Hasan. (1991). **History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad. pp.247.

Baltistan. It was only Wazir Zorawar Singh, who in 1940 managed to meddle in local war of succession and entered Skardu. He established a military force there to support his nominee.

2.2.3.1. **TREATY OF LAHORE.**¹⁵ Refer Annex A. Sequel to defeat of Sikh Rulers of Lahore, Treaty of Lahore was signed on March 9, 1946 between Sikh Rulers and the Government of British India which reads, "The Maharaja cedes to Honorable company in person sovereignty as equivalent for one crore rupees, all his forts, territories, rights and interest in the hilly countries which are situated between the river Bias and Indus, including the provinces of Kashmir and Hazara"

2.2.3.2. **TREATY OF AMRITSAR.**¹⁶ Refer Annex B. Consequent to above transfer, a separate transaction was made between British and Maharaja Gulab Singh, the Ruler of Kashmir on March 16, 1946. Article 1 of the treaty provides, "The British government transferred to Maharaja Gulab Singh and heirs, all the hilly and mountainous country, with its dependencies situated to the East of the river Indus and Westward of river Ravi, ceded to British government in the light of Treaty of Lahore". This record clears the fact that Chilas, Hunza, Nagar and other areas to north of these were not given to the Maharaja by terms of Treaty of Amritsar. If we strictly interpret the language of Gulab Nama, even Astor was the only territory under protection but not an actual territorial part of Kashmir. It may be noted that the whole Kohistan laid to the East of River Indus and never formed part of Kashmir; it was Yaghistan (the un ruled area) .It is strange that even Laddakh and Baltistan are not mentioned in the treaty, although the river flows through them. This is understandable, because these two areas never formed part of Sikh territory. Thus if treaty is correctly understood in the historical perspective of the time, its meaning has to be limited to holding of the Sikhs in Jammu and Kashmir. Any territory acquired after 1846 was not governed by this treaty. The history clearly shows that the treaty of Amritsar by which Kashmir was sold to Gulab Singh has nothing to do with Northern Areas. Its relationship with Kashmir is totally based on different historical base. Gilgit was finally conquered in 1860; Chilas in 1852, Darel

¹⁵ **Anglo-Sikh Treaties 4 - 1846** - Sikh Cyber Museum - Historywww.sikhcybermuseum.org.uk/history/AngloSikhtreaty1846.htm, retrieved, sept 8, 2011

¹⁶ **Kashmir: Legal Documents**, kashmir-information.com/LegalDocs/TreatyofAmritsar.html

in 1856 and annual tributes, (as token of allegiance / subordination) were imposed on these people, until British Agency was established in 1891-92. According to Professor Dani, (1991)¹⁷ tribute is never a proof of ownership, rather it is reverse. Hunza had dual vassalage to both China and Kashmir. Chinese claimed that Hunza paid tribute to their emperor since 1736 while vassalage to Kashmir is first proved by a treaty signed by Shah Ghazanfar, Mir of Hunza, sometimes about 1864. However vassalage was purely nominal. The annual tribute sent to China by Hunza in 1898 was 15 miskals of gold dust, equal to Rupees 120. State of Kashmir was powerless to control or coerce their so called vassal. It was only after war of 1891 that Hunza's subordinate relations to the Kashmir was effectively established by force of arms and recorded Sanad (appointment letter) was given in the name of Maharaja to Mir Nazeem Khan of Hunza on eve of his installation in September 1892. The tribute paid to Maharaja of Kashmir was, 16 Tola and 5 Masha of gold by Hunza, 17 Tola and 1 Masha of gold by Nagar, 17 Tola and 2 Masha of gold by Darel, $\frac{3}{4}$ Tola and 14 Masha of gold by Gore. This all happened between 1880s and 1890s.

2.2.3.3. LEASE OF GILGIT WIZARAT-1935¹⁸. Refer Annex C. Owing to growing British interests and Great Game factor (fear of Russian aggression), British established Gilgit Agency in 1889, to deal the external affairs with the States. The Agency remained in the control of the British; however, the civil administration of Gilgit Wazarat was run by State of Kashmir. This peculiar arrangement created a dual control which was worrying the British Political Agent here. It was to meet this difficulty that British affected the lease deal with Maharaja of Kashmir. Maharaja was given only suzerain status over local rulers but the territory was never recognized as Maharaja's territory. After the lease the British Political Agent became the local head of civil, military and judicial powers and Kashmir State's interference was restricted to obtaining consensus in case of succession of local rulers or hoisting of State's flags at the official Headquarters of army and exploration of minerals rights were reserved with Maharaja of Kashmir. The lease was enforced for a period of 60

¹⁷ Dani, Ahmad. Hasan. (1991). **History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad. pp. 288 and 289

¹⁸ Kashmir » **Lease of Gilgit**, k4kashmir.com/? p=508, retrieved on sept 6, 2011.

years. It was a fulfillment of their aims that Corps of Gilgit Scouts was raised as a local force of levies in 1889 by Col Durand.

2.2.3.4. THE END OF BRITISH RULE. At the end of World War II, the victorious imperial powers were not in a position to continue their rule over colonies as the people had been yearning to free themselves from the reigns of imperial rules¹⁹. Gilgit-Baltistan was a small area not much known, when seen in the overall context of partition plan. Should the territory be formally handed over to chieftains or to Maharaja was a question, as formally the area was under the suzerainty of State of Jammu and Kashmir, although the territory fell outside the boundaries of the State, except the leased area of 1935 Agreement. The officials forgot that the agreement was only for Gilgit Wazarat and not for the other parts of the Agency. Mountbatten never seems to have consulted Mr. Jinnah or Liaqat Ali Khan on the question, and wanted to end the lease and handover entire area to Maharaja of Kashmir. Finally on first August 1947, Gilgit Agency was handed over to Maharaja of Kashmir, in a ceremony and Brigadier Ghansara Singh formally assumed the responsibilities as Governor of Gilgit Wazarat.

2.2.4. WAR OF GILGIT-BALTISTAN LIBERATION. Gilgit-Baltistan freedom struggle was an independent affair, though influenced by the currents in South Asia but fought separately by its own people and military men posted there²⁰. The Muslim officers of Kashmir State Forces played a leading role, yet the struggle was not a part of Kashmir campaign. The State Army Officers were certainly motivated by an overall Muslim demand in the State of Jammu and Kashmir, yet because of local geographic factor, their activity was limited to Northern Areas. Gilgit was a frontier district, just handed over by the British and Maharaja had to re-establish the authority both civil and military, in this part. The turning of old age suzerainty into real permanent power over the local Rulers and people after the lapse of British sovereignty was a big issue. The Maharaja believed that loyalty of local Rulers to him would guarantee his authority there. Hence he invited Mirs of Hunza, Nagar and Puniyal to

¹⁹ Dani, Ahmad. Hasan.(1991).**History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad

²⁰ Dani,Ahmad. Hasan.(1991).**History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad.pp.327-361

Srinagar and they apparently gave their diplomatic loyalty. However, according to Major Brown²¹(Brown 1998), Mir of Hunza and Nagar had shown their inability to prove their loyalty to Maharaja, against the wishes of the public. Although there was no political party and political movement in Gilgit-Baltistan in 1947, little doubt existed about public sentiments in favour of Pakistan. Gilgit Scouts, mostly comprising the local tribes was the main force in Gilgit under command of Major Brown, while the 6th Battalion of Jammu and Kashmir Rifles (mix of Muslims and Sikhs), and was at Bunji. Prior to independence, the Scouts were paid by the British Raj, however on the eve of the return of the Agency, rumour spread that because of the loyalty issues the Scouts may be disband. Moreover, there was a difference between pay and allowances and concession between troops of Maharaja Forces and Gigit Scouts. Brigadier Ghansara Singh on assumption of the appointment wished to obtain the oath of loyalty from Gilgit Scouts, who refused to do so before the fulfillment of their demands of bringing the forces at par with the State Forces. Meanwhile underground planning for coup d'état against Maharaja Forces was under way, in case Maharaja decided to join India. The plan in rough shape was to arrest the Governor (Brigadier Ghansara Singh) and his administrators in Gilgit by Gilgit Scouts and wipe out Sikh troops of 6 Jammu and Kashmir Rifles stationed at Bunji, confiscate weapons and ammunition from the State Forces and seek help from leaders in Pakistan. According to plan, a squad of Gilgit Scouts besieged Brigadier Ghansara Singh at his residence on the night of 31 October / 1 November 1947 and arrested him. The reinforcement for Gilgit from Bunji and reinforcement for Bunji from Srinagar through Astor was effectively checked by establishing blocking positions on the bridge on River Indus and Astor River. The Dogra and Sikh troops of 6 Jammu and Kashmir Rifles deserted Bunji camp on 3rd November 1947 and the garrison with heavy arms and ammunition fell without firing a single shot. This was followed by pursuit and consolidation phase (Khan 1999)²². The liberation force was organized in three groups launched a three pronged advance as under (refer Annex G):

²¹ Brown A. William,(1998)**The Gilgit Rebellion**,

²² Khan M. Shah (1999).**Gilgit Scouts**(n.d.)

- (i) **Tiger Force** under Colonel Mirza Hassan advanced along axis Bunji - Astor - Zojila Pass.
- (ii) **Eskimo Force** under Captain Muhammad Shah Khan moved along axis Bunji – Deosai - Burzil-Dras-Kargil.
- (iii) **Ibex Force** under Colonel Ehsan Ali advanced along up stream of Indus River in Skardu Valley.

These forces fought courageously despite all the odds of terrain, weather and organizational deficiencies and were able to liberate the area up to line Zojila - Dras-Kargil - Leh, by the end of first quarter of 1948. However, Zojila, Dras, Kargil and Leh, but were recaptured by Indian forces through counter offensive by overwhelming forces. It is worth mentioning here that according to Subedar Major Babar Khan (Dani 1991)²³, he sent telegrams to Muslim leaders of Pakistan soon after 14th August but no reply was received. This was followed by a letter to Quaid-e-Azam through a personal courier. The reply received was, “Our sympathies are with you, May God grants you success. Help yourself. I am myself perplexed. Fourteen lac of Muslims, have been killed. We cannot give you any help.”

2.2.5. ESTABLISHMENT OF PROVISIONAL GOVERNMENT. Between 1st and 3rd November 1947, a Provisional Government was formed with Raja Shah Rais Khan as President of the Provisional Government, Colonel Mirza Hasan Khan as the Head of Military Affairs and Leader of Revolutionary Movement, Captain Durrani Deputy Leader, Lieutenant Ghulam Haider Political Agent, Subedar Major Babar Khan Quarter Master, Raja Sultan Hameed as Police Chief and Major Brown as advisor. A wireless message was sent to the government of Pakistan to send a civil administrator and take over the administrative control.

2.2.6. GOVERNANCE IN POST INDEPENDENCE ERA. On the invitation of Provisional Government, Sardar Alam Khan, the designated representative of Government of Pakistan

²³ Dani,Ahmad. Hasan.(1991).**History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad, pp.341

landed in Gilgit on 16th November 1947 and assumed the appointment of Political Agent²⁴. Later, in pursuance to an order of Governor General, dated 6th April 1948, the Political Resident in North West Frontier Province, based in Peshawar, was directed to act as Agent to Governor General for Gilgit Agency, including Princely States. Northern Areas were thus placed under the administrative control of then North West Frontier Province.

2.2.6.1. United Nations Resolution. On 1 January 1948, India formally referred the case of Pakistan's aggression in Kashmir to United Nations Security Council (UNSC) under article 35 of United Nations Charter. Consequently, on 20 January 1948, a three member delegation visited scene of fighting. On 21 January 1948, United Nations Commission for India and Pakistan (UNCIP), composed of five members was established, with following mandate :-

- a. Holding of immediate cease fire by both India and Pakistan.
- b. Withdrawal of all tribesmen and Pakistanis.
- c. Reduction of forces level by India on restoration of normalcy.
- d. The administration of plebiscite by India.

2.2.6.2. KARACHI AGREEMENT.²⁵ Refer Annex D. In March 1949, an agreement was signed by Mr. Mushtaque Ahmad Gormani, Minister without Portfolio Governments of Pakistan, Sardar Muhammad Ibrahim Khan the President of Azad Jammu and Kashmir and Choudhry Ghulam Abbas head of All Jammu and Kashmir Muslim Conference, in which, matters relating to Kashmir affairs were broadly distributed as under:-

- i. **Matters in Purview of Government of Pakistan.** Matters included, defence, foreign affairs, dealing with United Nations Commission for India and Pakistan, relief and rehabilitation of refugees and governance affairs / administrative control of Gilgit-Baltistan. This agreement further enhanced the legitimacy of control of Gilgit-Baltistan by Government of Pakistan.

²⁴ Dani, Ahmad. Hasan. (1991). **History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad, pp 355.

²⁵ **Karachi Agreement:** Information from Answers.com, www.answers.com/topic/karachi-agreement-1

- ii. **Matters in Purview of Government of Azad Jammu and Kashmir.** Responsible for internal management and administration of Azad Jammu and Kashmir and rendering advice to Government of Pakistan about United Nations Commission for India and Pakistan.
- iii. **Matters in Purview of Government of Muslim Conference.** Responsible for publicity regarding plebiscite and organizing of political activities.

2.2.6.3. **TRANSFER TO MINISTRY OF KASHMIR AFFAIRS.** In 1950, the control of Northern Areas was transferred from North West Frontiers Province, to Ministry of Kashmir Affairs through appointment of a Political Resident. This arrangement continued till 1952 when the Joint Secretary Kashmir Affairs was entrusted with the additional charge of the post of Resident of Northern Areas.

2.2.6.4. **SINO-PAK BORDER AGREEMENT 1963**²⁶. Annex E. While demarcating the boarder, both the parties agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary issue as described in Article 2 of the agreement, so as to sign a formal boundary treaty, to replace the present agreement. In the event of the sovereign authority being Pakistan, the provisions of the present agreement and of the aforesaid protocol shall be maintained in the formal boundary treaty.

2.2.6.5. **BALTISTAN AGENCY.** In 1964, Baltistan was upgraded to the level of a full-fledge Agency and a Political Agent was appointed there. Both the Political Agencies in the Gilgit-Baltistan were supervised by the Resident from Islamabad. In 1967 another change was made and a separate post of Resident for Northern Areas was created with its Headquarters in Gilgit. The Resident combined all the powers as head of the local administration, High Court and Commissioner Revenue under Frontiers Crimes Regulations. While in case of States, the Mirs enjoyed autonomous status, exercising executive, judicial and legislative powers imposed through Jirga System. In 1969, a Northern Areas Advisory Council (NAAC)

²⁶ **Kashmir: Legal Documents**, kashmir-information.com/Legal Docs/SinoPak.html

was created but the same was devoid of decision-making powers and was subordinate to the Resident.

2.2.6.6. NORTHERN AREA COUNCIL. In 1970 Northern Areas Council consisting of 16 members with powers to sanction development schemes was formed. In August 1972 President Z.A. Bhutto ordered various fundamental and far reaching reforms which included abolition of Jagirdari System, i.e. the institution of Mir and Agency system, converting Gilgit-Baltistan into Political districts, instead of Agency. In December 1972 Diamer District and in September 1974 Ghanche and Ghizer districts were created. A definite step was taken in 1973 when promise was made that within 10 years time the region will be constituted into a province with its own Legislative Assembly. However the promised remained unfulfilled .During General Zia's Martial law of 1977, Gilgit- Baltistan was declared as Martial Law Zone E .In 1985 appointment of Advisor to Minister of Kashmir Affairs was created and later in 1988 the appointment was upgraded as Advisor to Prime Minister for Northern Areas. General Zia is also reported to have ordered concerned Ministries to take necessary steps so as to ensure the representation of Gilgit-Baltistan in the Parliament in next coming elections in 1985. However, probably due to strong bureaucratic opposition, the same was shelved. General Zia is also reported to have said in his statements and interviews that Northern Areas have nothing to do with Kashmir Issue.

2.2.6.7. LEGAL FRAMEWORK ORDER (LFO) 1994.²⁷ According to this package the powers of elected representatives were enhanced and slots of initially Chairman and Vice Chairman of the Council created and later re-designated as Chief Executive and Deputy Chief Executive. The Council comprised of 24 directly elected members .The Federal Minister of Kashmir Affairs and Northern Areas, was to act as Chief Executive of the Council while Deputy Chief Executive was to be locally elected member. The fundamental rights as given in 1973 Constitution of Pakistan were made part of LFO. The Council was empowered to enact laws on 49 subjects. Four seats for women and six seats for technocrats, besides slots of Speaker and Deputy Speaker and five advisors, was also added through amendments.

²⁷ **Northern Areas Governance Order, 1994**, published by Secretary Law, Northern Areas Gilgit, May 25th, 2008

2.2.6.8. LEGAL FRAME WORK ORDER (LFO) 2007. Introduced on 15 December 2007, the Northern Areas Legislative Council was re-designated as Northern Areas Legislative Assembly; vested with few more powers. The appellate Court was re-designated as Supreme Appellate Court. The Chief Court and Supreme Appellate Court were brought at par with Supreme Court and High Courts in Pakistan in terms of perks and privileges. The salient features of the package were, Deputy Chief Executive would henceforth be called the Chief Executive, with full administrative and financial authority and the existing Chief Executive (a federal minister) would be the Chairman of the Northern Areas Government. The Chief Executive would be elected by the new assembly. Administrative and financial powers of the Ministry of Kashmir Affairs and Northern Areas would be transferred to the Northern Areas Government.

2.2.6.9. GILGIT-BALTISTAN EMPOWERMENT AND SELF GOVERNANCE ORDER, 2009. The Gilgit-Baltistan (Empowerment and Self-Governance) Order 2009,²⁸ aimed at introducing far-reaching administrative, political, financial and judicial reforms, has been enacted. The salient features of the order are:-

- (i). The name of the Northern Areas of Pakistan would be Gilgit-Baltistan.
- (ii). Gilgit-Baltistan will have an elected legislative assembly, which would elect the Chief Minister and a Governor, to be appointed by the President, on the advice of the Prime Minister.
- (iii) The Chief Minister, assisted by six ministers and two advisers will form Cabinet and function as executive body.
- (iv) The Legislative Assembly would have 24 members, who would be elected directly, besides six women and three technocrats' seats. It would have powers to make laws on 61 subjects.
- (v) Establishment of 15 member Gilgit-Baltistan Council, (just like Senate) with Prime Minister as its Chairman, Governor, Chief Minister, 6 nominees from Gilgit-Baltistan

²⁸ **The Gilgit Baltistan (Empowerment and Self-Governance) Order 2009**, published by Law Department, GILGIT-BALTISTAN

Legislative Assembly and 6 nominees by Prime Minister of Pakistan, from down country, as its members.

- (vi) Gilgit-Baltistan will have Consolidated Fund and the annual budget would be presented to the assembly and voted upon as per practice in vogue in other provinces in the country.
- (viii) Gilgit-Baltistan will have own Public Service Commission, the Chief Election Commissioner and the Auditor General.
- (ix) **Judicial Reforms.** A Chief Judge of the Supreme Appellate Court would be appointed by the Chairman of the Council on the advice of the Governor. Chief Judge and other judges of Chief Court shall be appointed by the Chairman on the advice of the Governor, after seeking views of the Chief Judge. The number of judges would be increased from three to five.

2.3. LEGAL IMPLICATIONS – COURTS VERDICTS

2.3.1. AZAD Jammu and Kashmir HIGH COURT RULING. In a case filed in 1990 in Azad Jammu and Kashmir High Court by petitioners, Malik Muhammad Miskeen and Haji Amir Jan, residents of District Diamer, Gilgit-Baltistan, the Court headed by Chief Justice Abdul Majeed Mallick, ruled ²⁹ “Azad Kashmir Government to immediately assume the administrative control of the Northern Areas and to annex it within its administration, creating administrative and judicial machinery and provide due representation to people of Gilgit-Baltistan in the legislative assembly and council of Azad Kashmir”. The decision was based on the historical evidence, i.e. pacts and treaties between British and Sikhs Rulers of Lahore 1846, Treaty of Amritsar 1846 and Lease of Gilgit 1935, Karachi Agreement 1949, Sino-Pak Border Agreement 1963 and resolutions of United Nations Commission for India and Pakistan.

2.3.2. AZAD Jammu and Kashmir SUPREME COURT’S RULING. This decision was appealed by Federation of Pakistan in the Supreme Court of Azad Jammu And Kashmir. The

²⁹ Writ petition under section 44 of AJ&K interim constitution Act 1974,(n.d.),by AJ&K High Court

decision of the Supreme Court was that, although Gilgit-Baltistan was part of Jammu and Kashmir State, but is not a part of Azad Kashmir. Thus High Court of Azad Kashmir government did not have jurisdiction to attend the plea or pass on judgment. The judgment of the High Court was thus not upheld; in other words turned down.

2.3.3. SUPREME COURT OF PAKISTAN RULING³⁰. In 1999, the Supreme Court of Pakistan, in a landmark case No 17, filed in 1994, titled, Al-Jehad Trust versus Federation of Pakistan, held that the location of Northern Areas is sensitive due to its proximity to India, China, Tibet and Russia. In past the area has been treated differently; hence the Court cannot dictate type of Government, nor can suggest representation in the Parliament. It may not be in larger interest of the Country because of option of plebiscite under United Nations. The above question has to be decided by the Parliament and Executive. The Court at best can direct that proper administrative and legislative steps be taken with reference to basic rights. Government of Pakistan to initiate appropriate administrative and legislative measures within a period of six months, to make necessary amendments in the constitution, relevant, statutes, orders, rules and notifications to ensure that the people of Northern Areas enjoy their fundamental rights and are governed through their chosen representatives and to have access to justice through an independent judiciary, for enforcement of their fundamental rights guaranteed under the Constitution.

2.4. PUBLIC OPINION

2.4.1. Before probing into the public opinion, it is imperative to understand the theoretical connotation of certain terminologies, like citizen ship, self-determination, sovereignty, suzerainty, de-jure and de-facto rule, as recognized by international norms and laws.

- a. **Citizenship³¹**. It is the state of being a member of a particular social, political, national or human resource community. The citizenship under social contract theory carries with it, both rights and responsibilities. Citizenship implies political participation by the subjects in community affairs, through the right of vote and

³⁰ **Al Jihad vs Federation of Pakistan**, 1999 SCMR.1379, constitutional petition NO.11 and 17 of 1994, dated 18 May 1999.

³¹ en.wikipedia.org/wiki/citizenship retrieved on 4th March 2012 at 7 PM.

representation. In the language of law, citizenship reflects the link between an individual and the State.

- b. **Self Determination**³². As per international law, nations have the right to freely choose their sovereignty and political status with no external compulsions or interference.
- c. **Sovereignty**. It is the quality of having supreme and independent authority of the inhabitants, over a geographical area.
- d. **Suzerainty**. It refers to a rule, characterized by total internal autonomy and nominal external autonomy. Maharaja of Kashmir's influence in case of Gilgit-Baltistan was of such a nature; rather matters relating to external affairs remained with the Government of British India.
- e. **De-jure and De-facto Rule**. De-jure refers to a type of a rule which is legally and morally justified where as in case of de-facto, though the rule may not be legally justified, but as such prevails in fact. Maharaja of Kashmir's rule in case of Gilgit-Baltistan can also be attributed to such a rule.

2.4.2. At the time of partition there was no political party in entire Gilgit-Baltistan, because of the then existing pattern of government, that is rule of Mirs and Rajas. The struggle for liberation of Gilgit-Baltistan and accession to Pakistan was based on the religious affiliations, i.e. love for Islam. However consequent to imposition of Frontiers Crimes Regulations in post independence era, nationalist movements started growing, in retaliation to the system of governance imposed here by Government of Pakistan. The Gilgit League was formed by Colonel Mirza Hassan Khan in 1957 against imposition of Frontier Crimes Regulation. It was the first political organization of its kind. However the party was not registered and disbanded after Martial law of 1958. Tanzeem-e- Millat was yet another nationalist organization which surfaced in 1970, sequel to ill-treatment of locals by the Government machinery. The movement got diluted gradually with abolition of Frontier Crimes

³² en.wikipedia.org/wiki/self-determination retrieved on 4th March 2012 at 7 PM.

Regulations in 1972. Karakoram National Movement and Balawaristan National Front are the main nationalist organizations with resolve to determine the constitutional status of Gilgit-Baltistan.

2.4.2.1. GILGIT-BALTISTAN UNITED MOVEMENT.³³ The Party, headed by Manzoor Hussain Parwana as Chairman and Ghulam Shehzad Agha as Secretary, is a Skardu based political movement. It demands a fully autonomous state consisting of Gilgit-Baltistan. Gilgit-Baltistan. The party demands that the Legislative Assembly should be given the status of an "Independent Constitutional Assembly" and vested with similar rights as granted to the existing Azad Kashmir Legislative Assembly.

2.4.2.2. GILGIT-BALTISTAN DEMOCRATIC ALLIANCE (GILGIT-BALTISTANDA). This is an umbrella organization which provides a central platform to Balawaristan National Front, Karakorum National Movement (KNM) and Gilgit-Baltistan United Movement.

2.4.2.3. BALAWARISTAN NATIONAL FRONT³⁴. Balawaristan, coined with the historic name for the Gilgit-Baltistan, the party considers Gilgit-Baltistan and shena speaking areas of Kohistan as part of Balawaristan. The party was formed on July 30, 1992 under the Chairmanship of Nawaz Khan Naji. The party holds reservations with the Pakistani Government for disturbing the demographic composition by encouraging non local's settlements in Gilgit-Baltistan, in a bid to change the existing demographic balance, which has led to dwindling economic opportunities for the local population and an increase in sectarian violence. It condemns the allegedly patronage religious and sectarian conspiracies. The party at present is split into Naji Group and Abdul Hameed Group. Its activities are summarized as under:-

³³ **Gilgit-Baltistan United Movement - Wikipedia**, the free encyclopedia, en.wikipedia.org/wiki/Gilgit-Baltistan_United_Movement -

³⁴ **Balawaristan National Front - Wikipedia**, the free encyclopedia, en.wikipedia.org/wiki/Balawaristan_National_Front

- i. In 2000 the party accused Intelligence Agencies of settling terrorists, drug and arms smugglers and Taliban activists in Balawaristan, to convert indigenous people into a minority
- ii. In June 2002 in an interview, Abdul Hameed Khan, the Party Chairman accused Pakistan of treating people of Gilgit-Baltistan as virtual slaves and blamed Pakistan's Inter-Services Intelligence of fomenting sectarian violence .
- iii. In a letter to United Nations Secretary General Kofi Anan, Hameed Khan claimed that dozens of Al-Qaeda and Taliban leaders were hiding in Balawaristan with the help of Pakistani military and ISI. He released a list of 30 militants who he believed were in Balawaristan
- iv. In a letter dated November 24, 2004 Party Chairman Abdul Hameed Khan presented a peace proposal for Kashmir to President Pervez Musharraf and Manmohan Singh. This was however, not accepted by any party.¹
- v. On April 25, 2007 European Union published a report entitled “on Kashmir: present situation and future prospects”. Section 2 of the report noted the absence of democracy in Gilgit- Baltistan region and deplored the human rights violations in this region.
- vi. A two day conference on Gilgit- Baltistan was held on April 8–9, 2008 at the European Parliament in Brussels under the auspices of International Kashmir Alliance. Here several members of the European Parliament (MEPs) expressed concern over the human rights violation in Gilgit-Baltistan and urged the government of Pakistan to establish democratic institutions and rule of law in this area of northern Kashmir.
- vii. On June 8, 2008 Abdul Hameed Khan who currently lives in exile telephonically addressed a gathering at Gahkuch. He reiterated the demand for independence from Pakistan and deplored the sectarian violence and accused Pakistani intelligence agencies of creating sectarian tension.
- viii. The party considers Gilgit-Baltistan Empowerment and Self Governance Order 2009, as eyewash; whose spokesperson stated “It’s meant to distract the international community from the violation of human rights in this region.”

- ix. In February 2011 Abdul Hameed Khan criticized the move to raise the issue of Gilgit-Baltistan in Pakistan's Assembly. He said "Marvi Memon's move in the Pakistan National Assembly is another trick of Pakistani hidden rulers to diffuse the international pressure about Gilgit-Baltistan, her unwanted move by presenting herself as the representative of Gilgit-Baltistan, is nothing but a drama on behalf of Pakistani hidden hands. Pakistan has only one option according to United Nations Commission for India and Pakistan resolutions, that is to withdraw its forces and civilians and handover the control to the people of Gilgit-Baltistan under the supervision of the United Nations until a final settlement of the whole Jammu and Kashmir issue is reached".

2.4.2. The public opinion on the issue of constitutional status of Gilgit-Baltistan differs from man to man, depending upon the perceptions. Kashmiri political leadership considers Gilgit-Baltistan as the integral part of Jammu and Kashmir while majority of people in Gilgit-Baltistan are opposed to this view point. Sectarian riots of 1988 and thereafter, have drastically influenced and polarized the public opinion on this issue. Whereas, up to decade of 1980, the public opinion was not in favour of Jammu and Kashmir, now it stands divided on sectarian basis. However, it is established that public opinion is generally against status quo and ad-hocism. Views of different writers are as under:-

2.4.3. Doctor Tariq (Tariq 2009)³⁵ writes that Tribal and Northern Areas have mostly joined Pakistan through Instruments of Accession. The courts in Pakistan have recognized the validity of Instruments of Accession. Northern Areas of Pakistan are not even mentioned in the Pakistan Constitution. The Northern Areas are now a single administrative unit, which was formed by the amalgamation of the Gilgit Agency, the Baltistan District and the States of Hunza and Nagar in 1970. These areas have been specified in the Northern Areas Electoral Rolls Act, 1975. Northern Areas are administered by Pakistan under the Northern Areas Council Legal Framework Order, (LFO) and are for this reason also referred to as the Federally Administered Northern Areas (FANA). The Northern Areas Legislative Council

³⁵Hasan, Tariq (2009), **Tribal and Northern Areas of Pakistan: A Case of Constitutional Neglect**, Power point presentation delivered at SZABIT, Islamabad Campus on 30 March 2009.

(NALC), the region's elected legislature, is powerless, and its affairs are run by civil and military bureaucrats. It is this shared sense of constitutional neglect and political deprivation that could be a major contributing factor to the present civil strife in the Tribal and Northern Areas of Pakistan

2.4.4. Khalid Hasan (2004)³⁶ writes, while the Northern Areas are under the administrative control of Pakistan and have been so since 1947, the people who live there, enjoy no fundamental rights, nor do they have any representatives in the National or Provincial Assemblies. They are ruled by a Northern Areas Council which is headed by Pakistan's Minister for Kashmir Affairs and Northern Areas, but all he does is address the opening and closing sessions of the Council. The de-facto ruler of the territories is a Deputy Chief Executive, who exercises "such powers as may be delegated to him by the Chief Executive." In other words, the Northern Area is actually an extension of the federal government in Islamabad. The people of the Northern Areas see themselves as citizens of Pakistan, but citizens without rights, which make the situation both grotesque and indefensible. The Government of Azad Jammu and Kashmir has never been allowed to exercise any administrative or political control over the Northern Areas. There are strong arguments in favor of the view that the Northern Areas are a part of Azad Kashmir.

2.4.5. Mr. Aman Ullah Khan,(1995)³⁷ The Jammu and Kashmir Liberation Front leader views that bureaucracy in Pakistan and certain people from specific school of thought consider Gilgit-Baltistan as part of Pakistan, while all the political leadership of Jammu and Kashmir considers Gilgit-Baltistan as its integral part on the basis of following evidence :-

- i. All maps published by survey of Pakistan and United Nations organizations show Gilgit-Baltistan and Jammu and Kashmir as disputed areas.
- ii. There is no mention of Gilgit-Baltistan in any of the Constitutions of Pakistan.
- iii. All the courts verdicts prove Gilgit-Baltistan as part of Jammu and Kashmir.

³⁶Hasan, Khalid, **Northern Areas, Neither Fish nor Fowl**,www.khalidhasan.net/.../northern-areas-neither-fish-nor-fowl, retrieved,Sept 10,2011

³⁷ Khan A.Ullah(1995), **Gilgit Baltistan Ki Aine Hesiat** published in GILGIT-BALTISTAN Tarekh wa Aine Hesiat by M. Saeed Asaed in March 2004,publishers Institute of Kashmir Affairs, London.

- iv. Gilgit-Baltistan was returned to Maharaja of Kashmir by British, in August 1947 under Lease Agreement of 1935.
- v. During 1935-1947 Gilgit, Astor and Baltistan remained under Maharajas control and Maharaja's flag was hoisted with that of Union Jack.
- vi. Gilgit-Baltistan had representation in Kashmir Assembly from 1934 to 1947.
- vii. Acceptance of United Nations Commission for India and Pakistan's resolutions of 13 August 1948 and 5 January 1949 are recognized by India and Pakistan both.
- viii. Line of Control runs along Gilgit-Baltistan border with India.
- ix. Gilgit-Baltistan administration is with Pakistan under Karachi agreement of 1949.
- x. Sino-Pak boarder Agreement ratifies Gilgit-Baltistan as part of Jammu and Kashmir.

2.4.6. Mr. Hashmi (1971)³⁸ views that certain politician's think that people of Gilgit-Baltistan ceded to Pakistan in 1947, hence the area be included as a part of Pakistan, by making a new province, which is not practicable. Since 1947 the interference of Azad Kashmir Government in Gilgit-Baltistan affairs has gradually reduced to the extent of total diminishment, due to vested interest of Pakistani bureaucracy. The people of Gilgit-Baltistan are deprived of basic right of representation in Azad Kashmir Assembly, which a provision prior of independence as well.

2.4.7. Professor Arif (2004)³⁹ writes that in 1981. The Lahore High Court dismissed a writ petition lodged by 17 individual of Gilgit-Baltistan on the pretext that Gilgit-Baltistan territory doesn't fall in the preview of Pakistani laws, which is a sufficient proof that Gilgit-Baltistan is a part of Jammu and Kashmir, and not part of Pakistan. He adds that Mr. Haider Shah Rizvi a resident of Baltistan, in a protest rally tore off Pakistani Identity card and threw it away. In the same gathering effigy of Major Brown was set on fire as a mark of hatred against him for manipulating the situation in 1947 leading to accession of Gilgit-Baltistan to Pakistan.

³⁸ Hashmi, Mumtaz Ahmad(1971), "**GILGIT-BALTISTAN mein Agency Nizam Que**" published in GILGIT-BALTISTAN Tarekh wa Aine Hesiya by M. Saeed Asaad in March 2004, publishers Institute of Kashmir Affairs, London

³⁹ Khan, M. Arif, (n.d.) "**Gilgit Baltistan – Tarekhi wa Aine position**" published in GILGIT-BALTISTAN Tarekh wa Aine Hesiya by M. Saeed Asaad in March 2004, publishers Institute of Kashmir Affairs, London

2.4.8. Nadir Hassan (2004)⁴⁰ mentions that people of Gilgit-Baltistan have lost their trust and confidence in Government of Pakistan due to their indifferent attitude and step motherly treatment. Gilgit-Baltistan is treated as colony and people of Gilgit-Baltistan are dealt as animals by Pakistani Bureaucratic community.

⁴⁰ Hasan, Nadir. (2004) "GILGIT-BALTISTAN Tarikhi Wa Ayani Hassiyat Aur Mustaqbil Ki Rahain", published in GILGIT-BALTISTAN Tarekh wa Aine Hesiya by M. Saeed Asaad in March 2004, publishers Institute of Kashmir Affairs, London.

CHAPTER 3

RESEARCH METHODOLOGY

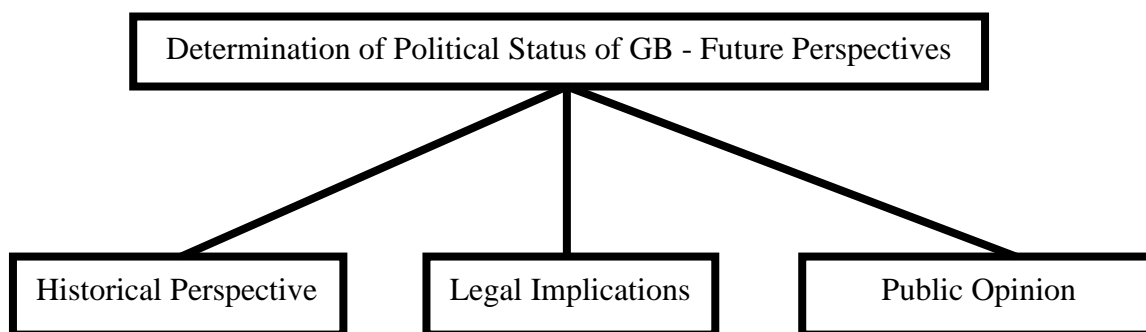
3. THE VARIABLES AND THEIR RELATIONSHIP

3.1 DEPENDANT VARIABLE. Political Status of Gilgit-Baltistan – Future Perspectives

3.2 INDEPENDENT VARIABLES. It will be qualitative and analytical research, with emphasis on following factors, co related to the subject:-

- i. **Historical Perspective**, including pre-partition and post partition political status, governance arrangements and administrative packages.
- ii. **Legal Implications**, including Kashmir issue, historical agreements, pacts, truces, memorandums and court verdicts on the subject.
- iii. **Public Opinion**

DIAGRAMMATIC LAYOUT



3.3. HYPOTHESIS. The research is based on following assumptions.

- i. **HYPOTHESIS - 1.** The political deprivation of the people of Gilgit-Baltistan can be reduced by determination of its political status by giving an interim provincial status, right of vote and representation in the Constituent Assemblies of Pakistan.
- ii. **HYPOTHESIS - 2.** Kashmir issue is the main hurdle in determination of political and constitutional status of Gilgit-Baltistan. However, without compromising on national stance on Kashmir, Gilgit-Baltistan can be provided political relief.

3.4. RESEARCH QUESTIONS (RQ).

- i. **RQ 1.** Whether the present undetermined constitutional status of Gilgit-Baltistan affects the aspirations of its people?
- ii. **RQ 2.** Whether it is possible to find a solution of determination of constitutional status of Gilgit-Baltistan without compromising on national stance regarding Kashmir issue?
- iii. **RQ 3.** Whether grant of full provincial status to Gilgit-Baltistan is a viable option?
- iv. **RQ 4.** Whether it is feasible to bring an end to Karachi agreement of 1949 and annex Gilgit-Baltistan with Azad Jammu & Kashmir for governance purposes?
- v. **RQ 5.** Whether political support, public opinion and autonomous assembly can help in determining its constitutional status?

3.5. RESEARCH OBJECTIVES. The basic objective is to prove the validity of hypotheses (in either way) and answer research questions.

3.6. RESEARCH DESIGN

3.6.1. PURPOSE OF STUDY. Hypothesis testing

3.6.2. TYPE OF INVESTIGATION. It is a qualitative research aimed at ascertaining the cause and effect, i.e. Whether the undetermined constitutional status of Gilgit-Baltistan is the main cause of political deprivation of the people and to ascertain as to whether sense of political deprivation is co-related to undetermined constitutional status or otherwise.

3.6.3. POPULATION. 1.2 Million Inhabitants⁴¹ of Gilgit-Baltistan.

3.6.4. SAMPLE SIZE. Selected politicians belonging to various political parties, intellectuals, lawyers, clergy, technocrats and university students of Gilgit-Baltistan.

⁴¹ Feasibility study for Gilgit-Baltistan Sustainable Integrated Community Development Project December 2011, by Japan International Cooperation Agency, page 2-6

3.6.5. **DATA COLLECTION AND ANALYSIS.** Study of relevant literature, obtaining public opinion from selected individuals as mentioned in sample size through interviews and questionnaires, its analysis and to draw recommendations.

3.6.6 **EXTENT OF RESEARCH INTERFERENC.** Minimal.

3.6.7. **UNIT OF ANALYSIS.** Group

3.6.8. **STUDY SETTING.** None contrived

3.6.9 **TIME HORIZON.** Cross sectional

3.6.10. **SCOPE OF STUDY.** Restricted to political status of Gilgit-Baltistan.

CHAPTER 4

DATA COLLECTION

4.1. ORIENTATION WITH GILGIT-BALTISTAN

4.1.1. Before discussing the political issues related to status of Gilgit-Baltistan, it will be pertinent to familiarize the readers with the salient features of the area, including its geography, demography, geo-strategic importance, potentials , resources and governance / administrative problems, so that the problem is better understood. The information given in this chapter assists in carrying out an objective analysis of the problem, aimed at drawing pertinent conclusions and recommendations.

4.1.2. GEOGRAPHY. Gilgit-Baltistan lies at the extreme North of Pakistan. Its borders join Xinjiang Province of China in the North, Chitral in the West, Kalam, Kohistan and Kaghan valleys in the South. Towards the East are the territories of Laddakh, Indian Occupied Kashmir and Azad Kashmir. Administratively, the area is divided into seven districts, namely Gilgit, Skardu, Diamer, Ghizer, Ghanche, Astor and Hunza-Nagar. It is linked with rest of the country via Karakoram Highway, also known as Silk Route which starts from Hassan Abdal and ends at the Khunjerab Pass, from where it enters into China. Gilgit-Baltistan comprises of 72496⁴² square kilometer of land (six times larger than Azad Jammu and Kashmir), of which 94% is snow clad mountains and glaciers. The total forest covered area is 4%, spread over an area of 2900 square kilometers. Due to rugged mountains and severe weather conditions, the total cultivated area is restricted to only 1.8 %

Gilgit Baltistan and Neighbors



⁴² Map of Northern Areas of Pakistan 2004, by Professor Manzoo Ali

Gilgit Baltistan - Districts



4.1.3. DEMOGRAPHY⁴³. Gilgit-Baltistan has an estimated population of 1.2 million with 2.07 % annual growth. The small population is linguistically, ethnically and religiously fragmented. Ethnically, there is a clear cut division in different regions i.e. Shen and Yashkun in Gilgit, Diamer, Astor and Ghizer; Balti in Baltistan; Mughal and Wakhi in Hunza, Yasin and Ishkoman valleys; while Kashmiri and Pathan in minority in proper Gilgit and some areas of skardu, Astor and Diamer District. The population is 100 percent Muslim, predominately Shia twelvers (40%), followed by Sunni (26%), Ismaili (18%) and Noor Bakhush (16%). Shena, Balti, Brushaski, Khowar and Wakhi are the main languages, spoken in different areas. The District Headquarters are size able towns, while 86% of the population lives in rural areas. Average land holdings are very small. Human settlements are concentrated along the valley bed and nullahs where melting glaciers, provide adequate water for cultivation. Land use is restricted to agriculture, fruit growing, livestock farming and some forestry. Literacy rate is 50%.

⁴³ Power point presentation by Chief Secretary Gilgit-Baltistan.

4.1.4. GEO STRATEGIC IMPORTANCE

- a. Gilgit-Baltistan lies at the junction point of four countries i.e. Pakistan, China, Afghanistan and India. Central Asian Republics are at stretch of only 12 kilometers across Wakhan strip.
- b. Karakorum Highway, linking Pakistan with China, is of immense strategic importance and defence value, providing a safe and reliable land route, which can be used as one of the alternative main supply lines, in case of a naval blockade, consequent to war.
- c. Karakorum Highway is equally important for China offering a trade route for import / export of its goods through sea ports of Gawadar and Karachi.
- d. As situation in Afghanistan remains turbulent, fragile and uncertain, making land route access to Central Asian Republics remains unsafe; Gilgit- Baltistan offer safer access to Central Asian Republics, via China or from Hunza and Ghizer valleys, across narrow Wakhan strip, which is subject to construction of road.
- e. Indus and its tributaries serve as life line arteries for agriculture and power generation of Pakistan. Indus River, also called, Abbaseen (mother of all rivers), flows from here. It is pertinent to mention that, though Indus River originates from Tibetan mountains in Indian Occupied Kashmir and enters into Pakistan in Skardu District, but bulk of its water originates from the mountain and glaciers of Gilgit- Baltistan. India is in a position to effectively regulate or block other rivers, like Jhelum, Nelum and Chenab, but can't do much with Indus.

4.1.5. POTENTIALS . Gilgit-Baltistan is endowed with a high development potential, in tourism, rich natural resources and human resource. The challenge is to alleviate poverty by developing social and economic infra-structure, utilizing the resources.

- a. **WATER STORAGE AND GENERATION OF HYDRO-ELECTRICITY⁴⁴**. Gilgit-Baltistan has enormous potential of storage of water and generation of hydro electricity, which is afforded by fast current rivers, flowing amidst narrow valleys. Gilgit-Baltistan provides vital catchment area of Indus River, upon which most of the Pakistan's

⁴⁴ Feasibility study for Gilgit-Baltistan Sustainable Integrated Community Development Project December 2011, by Japan International Cooperation Agency, page 3-58

irrigated agriculture and hydroelectricity projects are constructed. According to an estimate, Gilgit-Baltistan has the capacity to produce 40,000 megawatt electricity, which is far more enough to meet the power requirements of Pakistan. The current under consideration projects with electricity generation capacity are, Diamer-Basha Dam Project 4500 Mega Watt and Bunji Hydro electricity Project 7500 Mega Watt.

- b. TOURISM⁴⁵**. Gilgit- Baltistan is rich in world class tourism attractions in terms of both natural and cultural resources. It is full of scenic beauty, where variety of landscape is found, including lofty snow covered mountains, green meadows, glaciers, lakes and springs. The natural and scenic beauty attracts thousands of tourists every year, ranging from professional mountaineers and trackers to casual tourists. Gilgit- Baltistan has the greatest concentration of highest peaks in the world. It has five peaks, out of eight in entire world, with height more than 8000 meters, including world's second highest mountain - the K2 (28250 ft). There are 29 peaks over 7500 meters and 121 peaks over 7000 meters, many of them still lying un-climbed and posing challenge to mountaineers. Likewise, there are world's famous and longest glaciers i.e. Baltoro 62 kilometer, Biafo 65 km, Batora 56 km, and Hisper glacier 48 km, all offering challenging hiking opportunities to trekkers. There are a number of fresh water lakes, unique species of wild life, angling, historic buildings and ancient inscriptions, all attracting the tourist's world over. Deosai plains at height over 14000 feet, with its natural beauty, having rare species of wild life, is an ideal trekking, angling and camping site in the summer season. Tourism industry is viewed as a driving force for the economic development of the area. However, the fragile security situation in the country in general and sectarian issue in Gilgit-Baltistan in particular coupled with unreliable access, inadequate infrastructure, weak administration and limited public spending, are the key issues in the development of tourism.

⁴⁵ Feasibility study for Gilgit-Baltistan Sustainable Integrated Community Development Project December 2011, by Japan International Cooperation Agency, page 10-2.

- c. **MINERALS**⁴⁶. The mineral sector has significant potential to boost private sector led growth. The geological reports confirm the presence of mix of precious and semi-precious stones including gem stones like, ruby, aquamarine, tourmaline, topaz, garnet, quartz, dimension stones like gold, copper, molybdenum and tungsten, etc. There are vast reserves of minerals, including gold, copper, ruby, marble, granite and other metallic and nonmetallic minerals which require exploration. However, lack of capital investment and poor infrastructure is hampering exploitation of mineral wealth. In past investors were not encouraged due to security concerns. Minerals exploration, besides generating economic activity, can also bring huge foreign investment.
- d. **OTHER POTENTIALS**. Other potentials include preservation / storage of fruit and manufacturing of juices and beverages, handicraft industry, agriculture, livestock, timber business and trophy hunting, etc.

4.1.6. GOVERNANCE ISSUES. The Governance problems of Gilgit-Baltistan are multifarious in nature. Besides the issue of determination of political and constitutional status, which is the core issue and subject of this research, the other glaring governance and administrative problems are, as under:-

- a. **SECTARIAN DIVIDE**. Unfortunately for the last four decades, the small population of Northern Areas is in the firm grip of sectarianism. Although, there are four sects, distinctly disposed off in different regions, the Sunni-Shia strife has fully paralyzed entire Gilgit- Baltistan. Origin of the problem can be traced back to early 1970's. However, the worst incident of May 1988 changed the socio-political dynamics of Northern Areas and resulted in the formation of militant sectarian organizations, collection of arms and ammunition and hatred for each other. Since then the sectarian violence has become a routine feature, and has taken precious lives of hundreds of innocent people belonging to both the sects. The physical effects of sectarian issue on governance are as under:

⁴⁶ Gilgit-Baltistan Economic Report- Broadening the Transformation, a joint publication by Government of Gilgit-Baltistan, Asian Development Bank and the World Bank, March 2011.

- i. Diversion of huge budgetary allocation on maintenance of peace, law and order.
 - ii. Race for employment in law enforcing agencies, especially police force by hook or by crook, in a bid to maintain a favourable sectarian upper edge in these institutions.
 - iii. Sectarian based favouritism and nepotism in the official and social circles.
 - iv. Promotion and encouragement of sectarian based employment in Government jobs, in contradiction to meritocracy.
 - v. Creation of no go areas, especially during sectarian escalation, making passage for the rival sect fatal. The problem is pronounced in case of travelling on Karakorum Highway.
 - vi. Formation of armed militant sectarian organizations
- b. **COMMUNICATION PROBLEMS.** Gilgit-Baltistan is linked with mainland in Islamabad via Karakorum Highway, the 8th wonder of the world, which is so called all weather roads, but frequently blocked due to landslides, especially during rain/ snow. The highway completed in 1978, has gradually deteriorated due to natural calamities and poor maintenance. It used to take 12 - 14 hours by a public transport bus to reach Gilgit from Islamabad, now it takes over 20 hours. The reconstruction of the highway with the funding and assistance of China is under way, but at a low pace. Moreover, due to the construction of Diamer-Basha Dam, over 100 kilometer road will submerge under the water; the highway will have to be re-aligned and re-constructed in that portion. The other two alternative routes, i.e. via Kaghan - Naran- Babusar Pass and via Shandur- Chitral, are seasonal, as the road gets blocked in the winters due to heavy snow at Babusar pass (4663 meter) and Shandur Pass (3800 meter) . With regards to inland roads, a fairly developed communication infrastructure exists linking Gilgit to the remote areas of the region, yet certain areas remain cut off during winters due to heavy snow fall. For example, Tehsil Gultari of District Skardu and Sub-Tehsil Minimarg of Astore District remain cut off for almost six months from main land due to closure of Burzil Pass (4199 meters). For air link, there are two functional airports, one at Skardu and another at Gilgit, while airstrip

at Chilas is not functional. Flights from Islamabad are subject to weather which mostly disturbs the flight schedule. Moreover, the Gilgit Airport being small in size, cannot afford landing of huge capacity aircrafts. Above mentioned communication problem obviously adversely affect the administrative and governance system, especially the tourism industry is worst affected due to these communication problems.

- c. **CLIMATIC AND WEATHER EFFECTS.** Habitation is mostly along the valleys, with heights ranging between 3500 feet to 12000 feet. The weather is severely cold in winters and remains below freezing point for almost three months, i.e. from November to February. This severity adversely affects the development projects, as no construction work can be carried out during this period. It can be safely concluded that three months of severe winters is just like a hibernation period, mainly affording survival only.
- d. **PROVISION OF HEALTH, EDUCATION AND OTHER CIVIC FACILITIES.** As the area is thinly populated and widely dispersed along the valleys, the provision of health, education and other civic facilities is difficult. This is coupled with the severity of cold winters which adversely affect the health, especially diseases of joints pain. The educational institution remains closed for three months in the winter. There are no quality education and health institution in Gilgit-Baltistan. Cadet College Skardu and recently established Karakoram University, are the only worth mentioning institutions but they are still in their infancy. There are no other professional and technical educational institutions in the area which is adversely affecting the growth and grooming of the youth. For quality education and health facilities people of Gilgit-Baltistan have to come down to cities in Pakistan; the nearest city Islamabad is 600 kilometers. Net literacy rate is 50 percent while doctor to patient ratio is 1: 5000, whereas the same in Pakistan is 1:2500⁴⁷.

⁴⁷ Feasibility study for Gilgit-Baltistan Sustainable Integrated Community Development Project December 2011, by Japan International Cooperation Agency, page 2-12.

- e. **LACK OF ECONOMIC ACTIVITY.** There is no economic activity as there is no industry or any other worthwhile activity as source of income generation. The main economic activities exist in the form of trade and business with neighboring China. Production of dry fruit, handicrafts and agricultural products, have very low yield. There is a dire need to initiate steps for establishment of small scale industries, especially for fruit preservation, mining and handicraft industry.
- f. **UNEXPLORED AND UNEXPLOITED POTENTIALS.** The potential of Gilgit-Baltistan , i.e. construction of dams for storage of water and generation of hydro electricity, tourism, mining, timber business and promotion of handicraft and fruit preservation, remain un-ventured and unexploited. The correct utilization of these resources can generate enormous employment and economic activity, besides addressing the vital national issue of shortage of water and power. However, mineral deposits are disproportionally dispersed across difficult terrain and mostly found at high altitudes.
- g. **INSTITUTIONAL ISSUES.** The performance of the institutions, including legislature, judiciary, executive and administrative department has remained much below the desired standards. This is partially because of adhocism and neglect on the part of Federal Government and partially due to employment of inefficient, biased, undeserving and incompetent individuals in these departments. Government institutions are infested by the sectarian, parochial, ethnic and linguistic curses. Accumulative effect of all these factors results has resulted in weak and unstable institutions. The offices of Public Service Commission, Auditor General and Election Commission have been provided for in Gilgit-Baltistan Empowerment and self-Governance Ordinance 2009, but yet have not been institutionalized. In view of above mentioned institutional handicaps, the efficiency of Government institutions is far below the desired standards.
- h. **ENERGY SHORTAGE.** Despite the fact that Gilgit-Baltistan has enormous potential of producing hydroelectricity, it remains drastically short of its energy requirements. The requirement is of 148 megawatts; while production in summers is 78 megawatts and in winters it is 36 megawatts only. There is no electricity mega project as such in immediate offing; existing arrangements are based on very small hydel projects,

mostly on seasonal water sources. Fuel for warming and cooking etc, is direly short, especially during winters. In the absence of electricity and the other sources of energy, the prices of kerosene oil, coal and fire wood are far beyond afford able range. A big portion of budgetary allocation thus goes on account of fuel for warming and cooking.

i. **FINANCIAL AND BUDGETARY ASPECTS.** The area is completely running on grants and aids, with no source of income of its own. There is no taxation or other worthwhile source of income to make it stand on its own feet. The meager income from Sost Dry Port and from other sources like tourism , etc goes to the Federal Government. Hence, it is necessary that appropriate steps should be taken to make Gilgit-Baltistan stand on its own feet. This is possible by following:

- (1) Royalty/ due share of Diamer-Bhasha Dam and Bunji Hydel Project be given to Gilgit-Baltistan as and when they are build.
- (2) Share of Sost Dry Port be given to Gilgit-Baltistan.
- (3) Gilgit-Baltistan should be allowed to impose local taxes like all other provinces of the country.
- (4) Taxes on small scale industries, tourism and exploration of minerals be imposed to earn revenue to meet the development expenditures.

4.2 INTERVIEWS

4.2.1. With a view to obtain public opinion regarding critical issues concerning political status of Gilgit-Baltistan, interviews of following personalities was taken:-

- i. Mr. Wazir Baig, Speaker Gilgit-Baltistan Legislative Assembly, PPP
- ii. Mr. Hafeez ur Rehman Member Gilgit-Baltistan Legislative Assembly PML(N)
- iii. Mr. Nawaz Khan Naji, Member Gilgit-Baltistan Legislative Assembly Legislative Assembly, BNF
- iv. Brigadier (Retired) Hissam ullah Beg, Intellectual
- v. Mr. Ahsan Ali, President Gilgit-Baltistan Bar Association

- vi. Mr. Hafeez ur Rehman, Retired Secretary Law and Legislative Affairs
- vii. Mr. Gul Beg, Secretary Finance Gilgit-Baltistan.
- viii. Mr. Sher Baz Barcha, expert on history of Gilgit-Baltistan
- ix. Mr. Aman Ullah, Intellectual, political and social activist

4.2.2. OUTCOME OF INTERVIEWS. Owing to privacy issues it is not possible to mention individual views of every respondent. However, the gist of the interviews is given below:-

- a. Undetermined political and constitutional status of Gilgit-Baltistan is the leading issue and the main cause of sense of political deprivation of its people.
- b. Most of them maintain that Gilgit-Baltistan is not part of Kashmir and the Government's stance on this issue is in contradiction to public sentiments.
- c. Majority of them vowed and fore-saw future of Gilgit-Baltistan with Pakistan. However, they were confused and in-decisive with respect to right of vote and representation in the Constituent Assemblies of Pakistan.
- d. They showed total dis-satisfaction with regard to governance and administrative system, especially in the decades of 1950s and 1960s. They opined that reforms thereafter have been in bits and pieces, yet not to the complete satisfaction of the people. They felt that Gilgit-Baltistan Empowerment and Self Governance Order 2009 is a comprehensive package and fulfills the demands of the people. Some of them rather viewed that probably the infrastructure and political leadership of Gilgit-Baltistan, presently is not in a position and capable to shoulder the responsibilities entrusted to them under the provisions of the Presidential Order.
- e. All of them were convinced that menace of sectarianism has adversely disturbed the social order and balance of the society. Rather public opinion regarding any political decision in the future will be determined mostly on the basis of sectarian interest.
- f. The respondents openly opposed merger of Gilgit-Baltistan with Azad Kashmir, at the same time except one odd, opposed the idea of independent Gilgit-Baltistan.

4.3. QUESTIONNAIRE AND RESPONSES

4.3.1. A questionnaire, aimed at ascertaining public opinion, was floated to respondents. The questionnaire contained the following statements:-

- a. People of Gilgit-Baltistan face identity crisis, due to undetermined political / constitutional status.
- b. Gilgit-Baltistan is historically a part of Jammu and Kashmir.
- c. Gilgit-Baltistan is part of Pakistan, as people of Gilgit-Baltistan liberated it in November 1947 and ceded to Pakistan.
- d. An autonomous and independent Gilgit-Baltistan is a viable option.
- e. Gilgit-Baltistan Empowerment and Self Governance Order 2009, is a comprehensive package and addresses the people's sense of political deprivation, administrative and governance issues.
- f. Interim provincial status to Gilgit-Baltistan, right of vote and due representation in the Parliament of Pakistan, is a viable and popular option.
- g. Ending of 1949 Karachi agreement and merging of Gilgit-Baltistan with Azad Jammu and Kashmir is a viable option.
- h. Gilgit-Baltistan should form part of Khyber Pakhtunkhwa province, on the basis of its geographical proximity.

4.3.2. DISTRICT/REGION WISE PROFILE.

a.	Gilgit District	-	145	respondents
b.	Hunza Nagar District	-	40	do
c.	Ghizer District	-	28	do
d.	Diamer District	-	35	do
e.	Astor District	-	17	do
f.	Baltistan Region	-	29	do
	Total	-	294	do

4.3.3. PROFESSION WISE PROFILE

a.	Members Gilgit-Baltistan Legislative Assembly	-	10	respondents
b.	Lawyers	-	30	do
c.	Politicians	-	36	do
d.	Clergy	-	38	do
e.	General educated people	-	60	do
f.	University students	-	120	do
g.	TOTAL	-	294	do

4.3.4. THE FEEDBACK. The results of the survey are as under:-

4.3.3.1. DISTRICT/REGION WISE RESULT

a. GILGIT DISTRICT

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	59	70	1	10	2	3	145
Q-2	30	54	3	22	32	4	145
Q-3	56	51	8	14	15	1	145
Q-4	21	33	30	36	22	3	145
Q-5	13	53	24	30	20	2	145
Q-6	64	49	18	10	4	3	145
Q-7	7	35	9	47	40	7	145
Q-8	6	5	8	45	79	2	145

b. HUNZA NAGAR

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	12	17	0	4	7	0	40
Q-2	2	1	1	9	23	4	40
Q-3	10	21	1	3	4	1	40

Q-4	14	13	5	8	0	0	40
Q-5	1	13	5	10	7	4	40
Q-6	13	20	4	2	1	0	40
Q-7	1	3	4	8	23	1	40
Q-8	1	0	1	3	33	2	40

c. **GHIZER DISTRICT**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	16	8	1	1	2	0	28
Q-2	2	11	0	8	7	0	28
Q-3	5	9	4	1	9	0	28
Q-4	5	9	4	3	5	2	28
Q-5	3	6	4	6	7	2	28
Q-6	8	10	4	2	4	0	28
Q-7	4	4	0	7	12	1	28
Q-8	0	-	0	6	21	-	28

d. **DIAMER DISTRICT**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	23	9	0	0	2	1	35
Q-2	16	9	1	5	4	0	35
Q-3	11	13	3	5	3	0	35
Q-4	5	11	8	10	1	0	35
Q-5	0	8	8	9	10	0	35
Q-6	12	17	4	2	0	0	35
Q-7	1	21	4	4	5	0	35
Q-8	1	3	2	7	22	0	35

e. **ASTOR DISTRICT**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	9	4	1	2	1	0	17
Q-2	3	5	0	5	4	0	17
Q-3	7	4	1	4	1	0	17
Q-4	3	3	5	4	2	0	17
Q-5	1	6	1	7	2	0	17
Q-6	10	5	1	1	0	0	17
Q-7	3	3	0	5	6	0	17
Q-8	0	1	3	3	10	0	17

f. **BALTISTAN (SKARDU AND GHANCHE DISTRICTS)**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	9	13	0	1	4	2	29
Q-2	1	3	0	8	16	1	29
Q-3	16	9	0	0	2	2	29
Q-4	8	8	8	2	3	0	29
Q-5	1	12	7	8	1	0	29
Q-6	9	11	3	2	3	1	29
Q-7	2	3	1	11	8	4	29
Q-8	0	2	0	5	22	0	29

4.3.3.2. PROFESSION WISE PROFILE

a. MEMBERS GILGIT-BALTISTAN LEGISLATIVE ASSEMBLY

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	2	4	2	0	1	1	10
Q-2	0	1	0	6	3	0	10
Q-3	5	4	0	0	1	0	10
Q-4	3	2	0	1	4	0	10
Q-5	0	8	0	0	2	0	10
Q-6	6	2	0	1	1	0	10
Q-9	0	0	0	6	4	0	10
Q-8	2	0	0	3	5	0	10

b. LAWYERS

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	18	9	0	1	1	0	30
Q-2	5	14	1	5	5	0	30
Q-3	5	8	1	6	9	0	30
Q-4	15	5	2	6	2	0	30
Q-5	1	5	1	8	15	0	30
Q-6	6	16	0	5	3	0	30
Q-9	1	5	1	7	16	0	30
Q-8	0	0	1	6	23	0	30

c. **POLITICIAN**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	20	13	0	1	1	1	36
Q-2	12	18	1	1	3	1	36
Q-3	14	16	1	5	0	0	36
Q-4	2	9	6	5	13	0	36
Q-5	2	16	8	7	3	0	36
Q-6	15	14	6	1	0	0	36
Q-9	1	12	1	10	11	1	36
Q-8	3	0	2	8	23	0	36

d. **CLERGY**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	13	25	0	0	0	0	38
Q-2	5	14	3	9	7	0	38
Q-3	12	21	1	0	4	0	38
Q-4	2	11	14	10	1	0	38
Q-5	5	12	14	3	4	0	38
Q-6	19	13	6	0	0	0	38
Q-7	1	16	3	10	8	0	38
Q-8	1	3	2	11	21	0	38

e. **GENERAL PUBLIC**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	24	29	1	2	4	0	60
Q-2	13	11	1	16	19	0	60
Q-3	17	27	8	2	6	0	60

Q-4	14	11	5	22	7	1	60
Q-5	2	19	7	23	5	4	60
Q-6	28	22	5	4	1	-	60
Q-9	3	10	7	16	23	1	60
Q-8	1	3	2	16	38	0	60

f. UNIVERSITY STUDENTS

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	51	46	7	13	10	-	120
Q-2	14	30	3	24	44	4	120
Q-3	52	33	7	15	13	-	120
Q-4	25	39	33	20	9	4	120
Q-5	9	41	23	26	21	4	120
Q-6	47	47	15	9	7	2	120
Q-7	8	27	12	34	39	-	120
Q-8	2	7	7	32	78	4	120

4.3.3.2. SUMMARY- OVER ALL RESULT

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	Total
Q-1	127	122	8	18	16	3	294
Q-2	53	84	9	59	84	5	294
Q-3	105	107	18	26	33	5	294
Q-4	57	76	60	63	33	5	294
Q-5	19	97	53	70	47	8	294
Q-6	119	109	32	18	12	4	294
Q-7	14	68	22	81	96	13	294
Q-8	8	13	14	70	185	4	294

CHAPTER 5

DATA ANALYSIS

5.1. HISTORICAL PERSPECTIVE

5.1.1. The history of Gilgit-Baltistan can be divided into distinct phases as, pre-history up to 7th century, medieval history up to 1840 and modern history from 1840 onwards, including post-independence history after 1947. When analyzed from historical perspective, the area though remained isolated from the rest of the world due to inaccessible and difficult terrain, yet has remained epicenter of politico- military rivalries amongst races of Central Asians, Chinese, Tibetans, Russians and British. The area has been at cross road of conquerors and raiders. The earlier history of Gilgit-Baltistan is not much known, however, the traces of rock carving provide sufficient information to assume the life style, customs and traditions of people. Generally, the people of Gilgit-Baltistan and those living along Eastern bank of Indus River in Kohistan District up to Thakot were known as “Dardiac People”. Prominent amongst earlier rulers are Psycho-Parthian from Central Asia who had established their rule around 1st Century BC, which lasted till 1 AD. This was followed by the rule of Kushan’s who had already established in Central Asia and China, followed by rule of Sassanid from Persia in the beginning of 3rd Century AD. During this period, Buddhism flourished in the area, and many of Buddha’s carved scriptures are witness to the fact. The Huns warrior tribes from Central Asia have also ruled better half of Gilgit-Baltistan. From 612 to 750 AD, the areas were ruled by Portal Shahi Dynasty who were Buddhist and had close relations with Chinese empire. It is worth mentioning here that from racial point of view and from rule point of view, the area has remained divided between Gilgit region and Baltistan region. In early ages, the Baltistan region had been ruled by Chinese and Tibetans. The present Baltee race is believed to be a mix breed of Aryo-Tibetans, which happened sequel to their inter marriages.

5.1.2. The medieval history between 7th century and 19th century is signified by rule of various local dynasties including, Tara khans in Gilgit, Maghlots in Nagar, Ayashoo in Hunza, Burshai in Puniyal, the Maqpons in Skardu, Archans in Shigar and Yabgos in Khaplu. Islam came in the area from Central Asia and Badakhshan in 725 AD. The preaching of four distinct sects of Islam, namely Sunni, Shia, Ismaili and Nurbuksh, by saints continued till 1825.

During this period the main princely States were that of Yasin, Koh-e-Ghizer, Puniyal, Gilgit, Hunza, Nagar, Astor, Rondu, Skardu, Shigar, Khaplu, Kharmang and Shinaki Democratic Republics of Diamer district. Amongst these the States of Yasin, Gilgit, Hunza, Nagar and Skardu were relatively more powerful. These States had complete internal and external autonomy. The relation between these princely States varied, i.e. hostilities leading to battles and cordial leading to inter marriages amongst royal families. The princely States of Baltistan are believed to have influence of Mughal Empire after Emperor Akbar's occupation of Kashmir. The State of Hunza had a long drawn history of its relation with China.

5.1.3. The modern history starts with the ingress of Sikh Rulers of Lahore in Skardu in 1838 and in Gilgit in 1842, while rest of the princely States remained intact. The influence of Sikh Ruler, in the above mentioned two States, cannot be termed as capture with intention to rule. As the feuds among the princely States and within royal families continued to gain power, the ousted rulers of Gilgit and Skardu sought military assistance of State of Jammu and Kashmir, which was a province of Sikh Rulers of Lahore. Wazir Zorawar Singh in Skardu and Colonel Nathu Shah in Gilgit, having re-instated the ousted rulers, had returned bulk of the forces, leaving the affairs of the State to the native rulers.

5.1.4. Significant turn came in the history of Gilgit-Baltistan, when after Anglo-Sikh war of 1846; the British India signed Treaty of Lahore, depriving the Sikh Rulers of its territories between River Beas and Indus, including State of Jammu and Kashmir. This was followed by Treaty of Amritsar between British India and Maharaja of Kashmir, i.e., British India selling out State of Jammu and Kashmir to Maharaja Gulab Singh, the ruler of Jammu and Kashmir. The detailed analysis of these treaties, aimed at finding their implications on political status of Gilgit-Baltistan, is carried out in subsequent part. However, it is pertinent to note that the British in a way rewarded Maharaja Gulab Singh by authenticating him the ruler of State of Jammu and Kashmir. The British government further, desired to extend their influence over the princely States of Gilgit-Baltistan, known as Frontier Region States. With the help of British, Maharaja of Kashmir was able to subjugate most of the area. Chilas was subjugated in 1852, Gilgit in 1860, Puniyal, Koh-e-Ghizer and Yasin 1863, Skardu and surrounding in 1838-1842 and Hunza and Nagar around 1866. In case of Hunza and Nagar, only a truce was

enacted and no physical invasions were carried out, till 1891, when joint force of Maharaja and Government of British India jointly attacked Nagar and Hunza. During the period from 1840 – 1892, the princely States of Gilgit-Baltistan enjoyed complete internal and to some extent external autonomy. Maharaja of Kashmir only enjoyed suzerain status, and received annual vassalage/tribute as mark of the Mir's allegiance to him. Meanwhile, consequent to expanding influence of Russian Empire to Central Asia and Chinese Turkistan in the decades of 1860 and 1870s, the British in collaboration with Maharaja of Kashmir, established office of the Political Agent in Gilgit, to keep a watch on Russian advancement into British India through the passes, entering in the area via Wakhan strip. For this purpose initially a small force and later a militia known as Gilgit Scouts, comprising of local youth was raised to guard these passes. In 1935, it was appreciated by British that a full military control of Gilgit Agency was required owing to spreading communism, and accordingly Gilgit Agency was taken on lease for 60 years from Maharaja of Kashmir.

5.1.5. It is worth to pointing out that during the period after 1891; all the local chieftains remained loyal to Maharaja of Kashmir and British government. Meanwhile, as the movement for freedom of Subcontinent was gaining impetus and the British had decided in principle to give independence to Sub Continent after world War II, leading to independence of Pakistan and India on 14/15 August 1947. Due to remoteness of the area and monarchic rule, no worth while political movement was witnessed in Gilgit- Baltistan. However, the population and rulers both had only one ambition, i.e. to join Pakistan. The same manifestation was translated into reality by troops of Gilgit Scouts, on 1 November 1947, later joined by rulers and volunteers. This led to coupe against Dogra Ruler, ousting Maharaja's forces out of Gilgit – Baltistan, and announcing accession to Pakistan.

5.2 TREATIES AND AGREEMENTS

5.2.1. TREATY OF LAHORE 1946 (Refer Annex A)

a. **Back Ground.** Treaty of Lahore was signed on March 9, 1946 between the Government of British India and Sikh Rulers of Lahore, in the aftermath of Anglo – Sikh War, leading to defeat of Sikhs.

b. **The Treaty** It is a piece of document having 16 articles. Like any other treaty of such kind between a victor and loser in a war, the treaty while denouncing the Sikh Rulers of Lahore, being responsible for the war, the British Government imposed indemnification worth one and half crore Rupees, besides depriving it from better half of its territories and imposition of restrictions on maintenance of forces. Amongst the clauses, article 2, 4, 12 and 13 are particularly relevant with reference to status of Gilgit-Baltistan. The gist from the relevant part of the treaty is stipulated as below:-

- i. **Articles 2** The Maharaja of Lahore renounces, himself and his heirs of all territory lying South of River Sutlej.
- ii. **Articles 4** The Lahore State cedes to British Government, in perpetual sovereignty, as equivalent to one crore Rupees and all the territories in the hilly countries, situated between River Indus and Beas, including province of Kashmir and Hazara.
- iii. **Articles 12** In recognition of the services rendered by Raja Gulab Singh of Jammu, towards restoration of relations between British Government and Sikh Rulers of Lahore, the Ruler of Lahore will recognize the independent sovereignty of Raja Gulab Singh in such territories, as may be made over to Raja Gulab Singh, under a separate agreement between him and Government of British India.
- iv. **Articles 13** In the event of any dispute arising between Lahore State and Raja Gulab Singh, the case will be referred to the arbitration of British Government, and the decision of British Government will be abided.

Implications of Treaty of Amritsar-1846

(Only red circled areas GB fall on East of River Indus)



- c. **Comments** The wording of articles 4, i.e. “the areas situated between the River Beas and Indus” are worth noticing. At the time of the treaty or even before that, the princely States of Gilgit-Baltistan were not under control of Maharaja of Kashmir or Sikh Rulers of Lahore. Amongst dozens of princely states, only state of Gilgit and Skardu were partially under influence of Sikh Dynasty, while state of Hunza, Nagar, Yasin and other areas were out of it. The Ruler of Gilgit was ousted by Raja Goher Aman, the Mir of Yasin. The ousted Ruler of Gilgit sought help of Sikh Governor of Jammu and Kashmir. Consequently in 1842, the Sikh Ruler sent 1000 Kashmir troops, under the command of Colonel Nathu Shah, a Punjabi commander from Gujranwala. Raja Gohar Aman was pushed back to Yasin. Raja Karim Khan was reinstated as Mir of Gilgit, who retained a small force of Kashmiri troops in Gilgit. Raja Gohar Aman recaptured Gilgit in 1852, forcing Mir of Gilgit to take refuge in Kashmir again. It was in 1860, after the death of Raja Gohar Aman when Dogra forces could reoccupy Gilgit and re-install the ousted ruler of Gilgit. In case of Baltistan, it was Muhammad

Shah son of Ahmed Shah (who fled to seek help of Zorawar Singh), who advanced towards Skardu, installed Muhammad Shah to throne, on promised payment of annual tribute of Rs 7000/-. It is worth mentioning that the Lahore Darbar was unable to pay huge indemnity imposed on it⁴⁸, and offered province of Jammu and Kashmir with District of Hazara to the British. It was fulfillment of this expression that treaty of Lahore was drawn up. According to Professor Dani (Page 277), the areas of Chilas, Gilgit, Hunza, Nagar and all other areas falling North and West of Indus River never formed part of the treaty⁴⁹. According to "Ghulab Nama" Astor was the only territory "under protection" but not an actual territorial part of Kashmir. The region of Laddakh and Baltistan also never formed part of Sikh territory. From the above it is evident that the areas between River Indus and Beas did not include Gilgit-Baltistan. The above mentioned two incidents with reference to attack by Colonel Nathu Shah in Gilgit and Zorawar Singh in Skardu, can be attributed to the assistance, rendered by the Sikh Darbar to ousted rulers of Gilgit and Skardu to regain their lost dynasties.

5.2.2 TREATY OF AMRITSAR (Refer Annex B)

- a. **The Treaty.** Treaty of Amritsar was signed between Government of British India and Maharaja of Jammu and Kashmir on Mar 16, 1946. It is a small documents consisting of 10 Articles. However, Article 1 and Article 6 are more important, with reference to the case under discussion. As per Article 1, the British Government transferred all the territories situated East of River Indus and West of River Ravi to Maharaja of Kashmir for seventy five lac rupees. As per article 6, Maharaja of Kashmir was bound to render military assistance to British Forces when employed anywhere within the domain or areas adjoining it. Likewise the British Government was bound to protect State of Jammu and Kashmir against external aggression.

⁴⁸ Dani,Ahmad. Hasan.(1991).**History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad, pp 275.

⁴⁹ Dani,Ahmad. Hasan.(1991).**History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad, pp 277.

- b. **Comments.** The British Government, in a way had rewarded Maharaja of Kashmir for rendering assistance to them in war against Sikh Ruler of Lahore. Besides this, as a policy, the British used to extend their influence and control by gaining sympathies of local chieftains. The same strategy was adopted here as they found Maharaja of Kashmir a suitable person to extend their influence, particularly in the difficult Frontiers regions of Gilgit, bordering Czarist Russia and China. If we go strictly according to the relation of wording of Article 1 and map of Gilgit-Baltistan, hardly any worthwhile area of Gilgit-Baltistan falls in the preview of this treaty. It is however, worth mentioning that the British Government and Dogra Raj both honored the articles of the treaty, which provides for their mutual military assistance. Owing to peculiar geo- strategic conditions, i.e. threat from Czarist Russia, the British Government had established Agency in Gilgit to check the advance of Russians through defined passes, connecting State of Hunza, Ishkoman and Yasin with that of Russia. Till 1890, many attempts by Dogra forces to invade Hunza and Nagar States had bitterly failed. Meanwhile a worthwhile incident took place, when Mir Safdar Khan of Hunza collaborated with Russians, thereby blocking the British passage to China via Hunza. This move threatened the British Political Agent stationed in Gilgit and accordingly in 1891, a joint military expedition by British, assisted by Dogra force was launched against State of Hunza and Nagar. The State forces of Hunza and Nagar were for the first time defeated. Mir Safdar Khan fled to China. The British instated Muhammad Nazim Khan, the step brother of Safdar Khan as Mir of Hunza. Besides this, Hunza State was deprived of its territories in Sinkiang province of China and Wakhan strip by British. Wakhan strip was later given to Afghanistan, thus creating a thin buffer zone between the State of Hunza and Czarist Russia. It was this event, which lead to increase of influence of Dogra Raj over States of Hunza and Nagar. Consequently the Mir of Hunza and Nagar paid some nominal annual tribute to Maharaja of Kashmir. The above narration amply clarifies that Hunza and Nagar were subjugated in 1891, while Gilgit and principalities of Koh-e-Ghazer ruled by Raja Goher Aman were subjugated after death of Raja Goher Aman

in 1860. This reality augments to the fact that areas East of Indus region as mentioned in the treaty did not include above mentioned areas.

5.2.3 LEASE OF GILGIT WIZARAT – 1935⁵⁰ (Refer Annex C)

- a. **The Treaty.** The Agreement regarding Lease of Gilgit was signed between Government of British India and Maharaja of Kashmir on 26 Mar 1935. It is a one page document having five articles. As per provisions of this treaty, much of the Wazarat of Gilgit province was put under civil and military administration of Government of British India, for a period of 60 years. However, the territory remained included within the domain of Maharaja of Kashmir, who kept on enjoying customary salutes and honours, including his flag was flown at the official Headquarters of the Gilgit Agency, throughout the year.
- b. **Comments.** As discussed earlier, the British had established Agency at Gilgit, owing to the threat emanating from Czarist Russia, which had already taken many of Central Asian Republics under its influence during the decades of 1860s and 1870s. In the process, Russia reached a point within striking distance of India. At that time British India was not prepared to face the growing Russian threat, hence the British government thought it appropriate to extend their influence over local chieftain of Gilgit and through Maharaja of Kashmir. Accordingly, Gilgit Agency was established in 1877 by Major John Biddulph. A militia force, later converted into Gilgit Scouts was created in early 1980s to check the Russian advance. As discussed earlier, the collaboration by Mir Safdar Khan with Russians was deterred by the joint attack of British under Colonel Algernon Durand and Dogra Forces, the virtual opposition to the authority of British India and Maharaja of Kashmir had ended. It was the Russian Communist Revolution of 1917 and events of thereafter, that the British India found itself a harder and bitter threat as compared to Czarist Russia. They found Stalin, more harder and determined foe, under whom communism was spreading like wild fire. Aforesaid in view, the British India envisaged that the threat of communism will

⁵⁰ Dani, Ahmad. Hasan. (1991). **History of Northern Areas of Pakistan** (2nd ed.). National Institute of Historical and Cultural Research, Islamabad, pp 283 and 284.

persist in times to come. That is why under the said agreement Gilgit Wazarat was leased to British India for 60 years. The said agreement further strengthened the suzerainty of Dogra Raj over the rulers of Northern Areas. However, complete internal autonomy was enjoyed by the rulers.

5.2.4 KARACHI AGREEMENT – 1949 (Refer Annex D)

- a. **Back Ground.** Karachi Agreement was signed in March 1949. The signatories were, Mr. Mushtaq Ahmed Gurmani, Minister without Portfolio Government of Pakistan, Sardar Muhammad Ibrahim Khan, the President of Azad Kashmir and Choudhry Ghulam Abbas, the head of All Jammu and Kashmir Muslim Conference. It is a simple and self-explanatory document, basically assigning the functions and responsibilities with regards to liberated part of Azad Kashmir, amongst Government of Pakistan, Government of Azad Jammu and Kashmir and All Jammu and Kashmir Muslim Conference. It was decided in principle that sensitive matters including defence, foreign policy of Azad Kashmir, negotiations with United Nations Commission for India and Pakistan (UNCIP), including publicity in connection with plebiscite, relief and rehabilitation of refugees and affairs of Gilgit-Baltistan will be administratively governed by Pakistan. The Government of Azad Kashmir will deal with administration of Azad territory, including advice to Minister without portfolio regarding negotiations with UNCIP. While All Jammu and Kashmir Muslim Conference was vested with the responsibility of organization political activities in Azad Kashmir and occupied territories to mobilize the population for contesting of the plebiscite.
- b. **Comments.** It will be pertinent to review Karachi Agreement of 1949, in the perspective of initial years of Pakistan's independence confronted with enormous problem. Obviously, in the absence of any infrastructure to handle the State affair, it was an uphill task for the political leadership. Amongst the countless problems, including influx of refugees, total absence of bureaucratic and industrial base, financial problem, division of assets, etc, and the Kashmir issue was glaring one. A portion of it in the shape of Azad Kashmir and Gilgit-Baltistan was liberated while better half remained in the hands of India. Due to intervention of United Nations,

both the parties ceased hostilities, linking the settlement of Kashmir issue with the plebiscite. Hence, it was viewed that plebiscite will be held within few years, if not in months. It was with this motive that probably government of Pakistan took the stand “making Gilgit-Baltistan as part of Jammu and Kashmir, probably considering that in case of plebiscite the 100% vote of Gilgit-Baltistan will be for Pakistan. The assumption was fairly correct also. However, at that very moment no one could imagine the actual motive of Indian leadership, i.e. trading for time. It is also worth mentioning here that at that time there was no exclusive ministry to deal with the Kashmir Affair that is why the Agreement was signed by Minister without Portfolio. It was later in 1951 that Ministry of Kashmir Affairs and Northern Areas was created and the administrative control of Gilgit-Baltistan was shifted from former North West Frontier Province to Ministry of Kashmir Affairs. Another worth pondering point of this agreement is that the agreement was signed between Governments of Pakistan, Azad Kashmir and Muslim Conference, without consensus of people of Gilgit-Baltistan. Agreed that there was no political party existing in Gilgit-Baltistan at that time, but the Mirs (rulers) of princely States who represented the populace, had already opted for Pakistan, in November 1947. The concern of the people of Gilgit-Baltistan seems genuine, with regards to the fact that the people of the area have never been consulted and taken into the confidence as what actually they want. Foregoing in view, the validity of Karachi Agreement can be questioned on the basis that the fate of Gilgit-Baltistan was decided, setting aside the popular support of its inhabitants for Pakistan. The Indian Constitution provides that Gilgit-Baltistan and Azad Kashmir are part of Indian Union and 25 seats are kept reserved in Indian Occupied Kashmir Assembly by them.

5.2.5 5.2.5 PAK CHINA BORDER AGREEMENT 1963 (Refer Annex E)

- a. The boundary between China’s Sing kiang province and Gilgit-Baltistan was never formally demarcated, as historically the State of Hunza enjoyed special relations and ties with the Sing kiang Kingdom for centuries. Till very late, the Mir of Hunza enjoyed grazing rights deep into the territory, now part of China and Wakhan strip, which is now part of Afghanistan. The State of Hunza at that time was known as

“Kanjoot” and use to exchange annual tributes with China, as a mark of respect and acknowledgement of each other’s sovereignty. The British Political Agents in Gilgit used good office of State of Hunza to develop relations with Chinese emissary in Kashgar, using passage through Hunza. It was Colonel Durand, the British Political Agent, based in Gilgit who sensing the threat of nexus of Mir of Hunza with Czarist Russia, invaded Hunza in 1891, forcing Mir Safdar Ali Khan of Hunza to flee to China. After installing Mir Nazim Khan as ruler of Hunza, the British Government curtailed his sovereignty by depriving him of the territories in Sing kiang and Wakhan strip. Besides making Mir of Hunza, subordinate to Maharaja of Kashmir, the British government imposed restriction on Mir of Hunza in developing relations with the neighboring empires. The Mir of Hunza was stopped from the annual exchange of tributes with Sing kiang rulers and bound to brief and debrief British emissary in Kashghar, about his meeting with Chinese. Despite this trade and exchange of live stock and goods continued even after independence in 1947. The above narration amply signifies nature of relationship between State of Hunza and China.

- b. The boundary demarcation was carried out keeping in view the traditional customary boundary lines and features, in the spirit of equality, mutual benefit and friendly cooperation. In principle the water-shed forming tributaries of Indus River on Gilgit-Baltistan side and tributaries of Tashkurgan River on Sing kiang side were considered as boundary line. The boundary originated from Kilik pass (4828m) in the North- Mintaka Pass (4726m)- Khunjerab Pass (4763m)- Shimshal Pass- Muztagh Pass (5370m)- the peaks of K-2 (8611M)- Broad Peak (8047 M), Gasherbrum heights (8068M) – Sia Kangri (7422M) and ended at Karakorum Pass in the East. However, now the area East of Sia Kangri upto Karakorum Pass is under Control of India, since Indian occupation of Siachen Glacier in early 1980s.
- c. The border agreements is a comprehensive document, consisting of 7 articles; article 5 and 6, as under are relevant with reference to the topic under discussion.
 - i. **Article 5** The two parties have agreed that any dispute concerning the boundary, which may arise after the delimitation of boundary line actually

existing between the two countries, shall be settled peacefully by two parties through friendly consultation.

- ii. **Article 6** The two parties have agreed that after settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concern 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 the formal boundary treaty, to be signed between People Republic of China and Pakistan
- d. India launched a strong protest in United Nations, terming the border agreement as a violation of UN Resolutions on Kashmir. In response, Mr. Z.A. Bhutto, the then Foreign Minister of Pakistan, referred to article 6 of the treaty. Although Sino-Pak Border Agreement proved to be a milestone in development of Gilgit-Baltistan as soon after the agreement, the construction of Karakorum Highway commenced, which is considered as the actually the beginning of development and prosperity in the area, rendering its lines of communications open down country in Pakistan and towards China. Sequel to above, Pak-China border trade commenced through Silk Route in early 1970s.

Leaving aside the development aspect, attached to Karakorum Highway, the fact remains that the consensus of people of Gilgit-Baltistan was not attained while making a decision regarding their fate. The provisions of this agreement further make Gilgit-Baltistan a disputed territory and part of Jammu and Kashmir.

5.3. APEX COURTS DECISIONS

5.3.1. AZAD JAMMU AND KASHMIR HIGH COURT DECISION⁵¹

- a. **Back Ground.** The writ petition No.61 of 1990 was filed in the High Court of Azad Jammu And Kashmir by Malik Muhammad Miskeen and Haji Amir Jan, residents of

⁵¹ The All Pakistan Legal Decisionns, Aj&K High Court PLD 1993, Azad j&K 1, writ pettion NO. 61 of 1990, decided on 8th March 1993.

Tangir valley, District Diamer, Gilgit-Baltistan and Sheikh Abdul Aziz, Advocate, resident of Muzaffer Abad, where in it was prayed that the petitioners were citizens of State of Jammu and Kashmir, making them eligible to approach the High Court of Azad Jammu and Kashmir to redress of their grievances.

b. **The Decision.** The Court headed by Abdul Majeed Malik, the Chief Justice and other two member judges opined on March 8, 1993 that, “no legitimate cause has been shown by the respondents of Government of Pakistan to keep Northern Areas and their residents, detached from Azad Jammu and Kashmir, under separate and arbitrary administrative system and deprive them of fundamental rights. We accordingly accept the petition and direct.

- i. The Azad Kashmir Government to immediately assume the administrative control of Northern Areas and to annex it with Azad Jammu and Kashmir.
- ii. The Government of Pakistan to provide adequate assistance and facility to the Azad Kashmir Government in attainment of the said objective.
- iii. The resident of the Northern Areas shall enjoy the benefit of the fundamental rights, conferred by the Act, 1974. They shall be provided representation in the Government, the Assembly, the Council, the civil services and other national institutions in due course of law.
- iv. Azad Kashmir Government shall take steps to establish administrative and judicial set up in Northern Areas within the frame work of the Interim Constitution Act”.

c. **Arguments in Support of the Decision.** Following arguments and evidences were considered in support of the decision:-

- i. Northern Areas formed part of the State of Jammu and Kashmir prior to 15 August 1947, as State was administratively divided into Jammu, Kashmir, Laddakh and Gilgit provinces.
- ii. Gilgit province was leased out for 60 years by Maharaja of Kashmir to Government of British India through a lease deed executed on 26 March 1935. However, on 1st August 1947, these areas were restored to State of Jammu and

Kashmir, and Brigadier Ghansara Singh was appointed as Administrator for Gilgit-Baltistan by the Maharaja of Kashmir.

- iii. After liberation of Northern Areas, an agreement was entered between Government of Pakistan, Azad Kashmir government and All Jammu and Kashmir Muslim Conference on April 28, 1949 (Karachi Agreement), wherein certain functions were distributed and administrative control of Northern Areas was entrusted to Government of Pakistan.
- iv. The said agreement lapsed on enforcement of Azad Jammu and Kashmir Government Act 170, subsequently substituted by Azad Jammu And Kashmir Interim Constitution Act, 1974. Hence the administrative control of Northern Areas should have been restored to Azad Jammu and Kashmir Government by putting an end to Karachi Agreement of 1949.
- v. The geographical status of Northern Areas, being an integral part of Jammu and Kashmir State, as existed on 15th August 1947, has been acknowledged in United Nations Resolutions, Sino-Pak Border Agreement of 1963, and Simla Agreement 1972, between India and Pakistan.
- vi. As per 1956, 1962 and 1973 Constitutions of Pakistan, Gilgit-Baltistan did not forms part of territories included in Pakistan,
- vii. In view of the strategic importance of the area, an agreement was affected between State of Jammu and Kashmir and British India in 1877, accordingly a British Political Agent was appointed there and the princely States of Gilgit, Hunza, Nagar, Puniyal, Yasin, Koh-e-Ghizer, Ishkoman and Chilas were part of the agreement.
- viii. As per census report of British India held in 1911, 1921, 1931, and 1941, Northern Areas were shown part of Jammu and Kashmir.
- ix. The record of settlement carried out in 1925, also shows Northern Areas as part of Jammu and Kashmir State.
- x. Even during the leased period, the flag of Jammu and Kashmir remained hoisted in Gilgit; the right of exploration of minerals was vested with Maharaja of Kashmir. The Mirs of the princely state were awarded appointment letter by

Maharaja of Kashmir and the ruler of princely States paid annual tribute to Maharaja of Kashmir.

- xi. As per maps issued by survey of Pakistan in 1954 and thereafter, Northern Areas have been shown as a part of Jammu and Kashmir.
- xii. In response to protest launched by India against Sino-Pak Border Treaty in 1963, Mr. Zulfikar Ali Bhutto, the then Foreign Minister of Pakistan, clearly stated that the territory of Jammu and Kashmir belonged to its people, future of which must be decided in accordance with United Nations Resolutions of 13 August 1948 and 5 January 1949, i.e., through impartial plebiscite under the auspices of the United Nations. The Boundary Agreement between China and Pakistan does not affect the status of the territory of Jammu and Kashmir.
- xiii. The President of Azad Jammu and Kashmir, vide their letter number, PS-400/9 of March 17, 1989, addressed to the President of Pakistan had amply clarified the historical position of Northern Areas.
- xiv. In accordance with Treaty of Lahore 1946 between Government of British India and Sikh Rulers and Treaty of Amritsar March 16, 1846, signed between British India and Maharaja Gulab Singh, Northern Areas formed part of state of Jammu and Kashmir.
- xv. Sir Muhammad Zafar ullah Khan, the then Foreign Minister of Pakistan, in his speech made in Security Council on January 16, 1948, described the position of the state, including Gilgit as, "Gilgit which is the high mountain region in the North West, a part of which border USSR, is entirely Muslim, amply prove that Northern Areas formed part of State of Jammu and Kashmir.
- xvi. Section 7(i) (b) of the Independence Act 1947, being relevant to point under consideration is reproduced as follow, " As from the appointed day, the suzerainty of His Majesty (British) over the Indian States shall lapse and with it all treaties and agreements in force at the date of the passing of this Act between his Majesty and the rulers of Indian States, all function exercisable by his Majesty at that date with respect to Indian States, all obligations of his Majesty at that date towards Indian States or the rulers there of and all powers,

rights, authority or jurisdiction, exercised by his Majesty at that date, in or, in relation to Indian states by treaty grant, usage or otherwise”.

xvii. Vide Jammu and Kashmir State, Chief Secretariat Political Order No B. 480/47P. B dated 17th July 1947; the administration of entire Gilgit Wazarat was taken over by Maharaja’s appointed Governor on 1st August 1947.

xviii. The Mirs (rulers) were granted “Sanad” (Nomination / appointment letter) by to Maharaja of Kashmir.

d. Comments. It is a comprehensive and logically developed leading case. The evidence is supported by historical events, treaties, pact and agreements, produced in the shape of documents. The proceeding provides a good rundown of events relevant to Gilgit-Baltistan, covering the period from year 1846 onwards, i.e., the developments in British era, after Anglo- Sikh war of 1846. The petition launched by Mr. Malik Muhammad Miskeen and Haji Amir Jan, can also be viewed in peculiar environments, i.e., in the aftermath of worst sectarian riots of May 1988. It is pertinent to view that the majority of the population of Gilgit- Baltistan is predominantly Shia. After above mentioned incident, the general orientation of people of Gilgit-Baltistan was changed. It is generally viewed, that the petition in Azad Jammu and Kashmir High Court by above named petitioners (belonging to Sunni dominated Diamer District) was a bid and attempt to annex Gilgit-Baltistan with Azad Jammu and Kashmir, thereby balancing the sectarian domination of Shia community. The proceedings and the decision of the High Court, however completely ignored following aspects:-

- i. The history of Gilgit-Baltistan prior to year 1840.
- ii. Many historical events after the year 1846 have not been mentioned and those mentioned have not been correctly evaluated in correct perspective.
- iii. The diversities emanating from customs, traditions, culture and caste.
- iv. The geographical realities and hardships imposed by the terrain, i.e. the traditional passes between Gilgit-Baltistan remained blocked for better half of the year due to heavy snow.

- v. As the native population is the ultimate custodian of the territory they belong to, the choice and will of the people of Gilgit-Baltistan has been completely ignored. The proceeding does not quote even a single evidence, wherein the people or ruler of Gilgit-Baltistan had opted for State of Jammu and Kashmir or Azad Jammu and Kashmir after 1947, Rather incidents have been quoted through Brigadier Ghansara Singh and Major W.A. Brown the then Commandant of Gilgit Scouts in 1947, that Mir of Hunza and Nagar had clearly sounded to Maharaja, that they will opt for Pakistan.
- vi. Karachi Agreement of 1949 was signed between Government of Pakistan, Government of Azad Jammu and Kashmir and All Jammu and Kashmir Muslim Conference, with no representation from Gilgit-Baltistan, which makes validity of the Agreement doubtful.
- vii. After liberating Gilgit-Baltistan in 1947, the Revolutionary Command Council of Gilgit had opted for Pakistan and not for Azad Jammu and Kashmir, asking Government of Pakistan to take the area in its administrative control.
- viii. Even during Sino-Pak Border Agreement of 1963, no consensus of Gilgit-Baltistan was obtained.

5.3.2. DECISION OF SUPREME COURT AZAD JAMMU AND KASHMIR⁵²

- a. **Back Ground.** The petition in Azad Jammu and Kashmir Supreme was lodged by Federation of Pakistan through the Secretary Ministry of Kashmir Affairs and Northern Areas, against the decision of the judgment and order of Azad Jammu and Kashmir High Court. The case known as Federation of Pakistan versus Malik Muhammad Miskeen, civil appeals No. 37 and 43 of 1993 was decided on 14th September 1994.
- b. **The Judgment.** “Northern Areas are part of Jammu and Kashmir State, but not part of Azad Jammu and Kashmir, as defined in Interim Constitution Act of 1974. The High Court of Azad Jammu and Kashmir did not possess the necessary jurisdiction to

⁵² The All Pakistan Legal Decisions, Aj&K Supreme Court PLD 1995, Azad j&K 1, writ petition NO. 34 and 37 of 1993, decided on 14 September 1994.

issue a writ against the Government of Pakistan for handing over the control of Northern Areas to Azad Jammu & Kashmir. Accordingly, the appeals are accepted and the impugned judgment of the High Court is vacated with the result that the writ petition filed in the High Court stands “dismissed”. In view of the circumstances of the case, no order is made as to the costs”.

c. Argument in Support of the Decision

- i. In the light of section 44 (2) (a) (i) of Azad Jammu and Kashmir Interim Constitution Act 1974, only a person performing functions in connection with the affairs of Azad Jammu and Kashmir can be directed to refrain from doing an act, which he is not permitted by law to do so. Thus no relief in the form of a writ could be granted, even if it could be justified on moral, historical and political considerations, until and unless it has a sanction of law behind it. Thus contractual obligations cannot be enforced by resorting to writ jurisdiction.
- ii. Northern Areas were historically and constitutionally part and parcel of Jammu and Kashmir State before 14th August 1947, but definition of expression “Azad Jammu and Kashmir”, given in its Interim Constitution Act 1974, does not include Northern Areas, therefore Northern Areas are part of Jammu and Kashmir, but not part of Azad Jammu and Kashmir, as defined in Interim Constitution Act 1974.
- iii. Territorial writ jurisdiction of Azad Jammu and Kashmir High Court is confined to limits as defined vide Section 2 of the Interim Constitution Act 1974 and Northern Areas do not fall in the said jurisdiction, hence writ against a person not residing within territorial jurisdiction of the High Court, as a general rule was not competent.
- iv. Northern Areas are governed by Pakistan as a result of an agreement between Government of Pakistan and Government of Azad Jammu and Kashmir dated 28 April 1949. Gilgit-Baltistan remains to be administratively controlled by Government of Pakistan, till the time the said agreement is brought to an end by the signatories.

- v. As Northern Areas were historically part of Jammu and Kashmir on 14th August 1947, and entire Jammu and Kashmir is a disputed area and under consideration with United Nations, it cannot be said with surety the all those territories which formed part of Jammu and Kashmir and presently not forming part of Azad Jammu and Kashmir, may at a time in future come under the administrative control of Azad Jammu and Kashmir.
- d. **Analysis.** The decision of the High Court of Azad Jammu and Kashmir is of no consequence as it has been held null and void. The High Court did not possess the authority and jurisdiction to comment on administrative and governance aspects of Northern Areas. Hence, the actionable aspects of the High Court's decision including directing Azad Jammu and Kashmir Government to take administrative control of Gilgit-Baltistan and provide representation to its people in the Government, Assembly, the Council, in civil services and other institution is annulled.

5.3.3. DECISION OF SUPREME COURT OF PAKISTAN

- a. The constitutional petition No. 11 and 17 of 1994 under Article 184 (3) of the Constitution of Islamic Republic of Pakistan 1973, was lodged in Supreme Court of Pakistan by Al Jihad Trust through Habib-ul-Wahab Al Khairi, Advocate and nine other petitioners. In its land mark decision of 28 May 1999, the Supreme Court gave following judgment. "It may be observed that since the geographical location of Northern Areas is very sensitive, because it is bordering India, China, Tibet and Russia, and as the above area in the past have been treated differently, this Court cannot decide, what type of Government should be provided to ensure compliance with the above mandate of the constitution, neither we can direct that the people of Northern Areas should be given representation in the Parliament as, at this stage, it may not be in the larger interest of the country because of the fact that a plebiscite under auspices of United Nations is to be held. The above questions are to be decided by the Parliament and the Executive. This Court at most can direct that the proper administrative and legislative steps should be taken to ensure, that the people of Northern Areas enjoy their above rights under the constitution. As

regards to the right to access to justice through an independent judiciary, it may be observed that the Northern Areas has a Chief Court, which can be equated with High Court, provided it is manned by the persons of the status, who are fit to be elevated as judges to any High Court in Pakistan. Its jurisdiction is to be enlarged as to include jurisdiction to entertain constitutional petitions inter alia to enforce the Fundamental Rights, enshrined in the Constitution and to provide right to approach, a higher forum through a petition for leave to appeal and/or by way of an appeal against orders/judgment of the above chief court. The same may require Azad Jammu and Kashmir amendment in aforesaid Notification No 11-2/17/1994 referred to herein above in Para 23, and/or the constitution/statute/ statutes/ orders/ rules / notification / notifications. We, therefore, allow the above petitions and direct the respondent Federation to initiate appropriate administrative/ legislative measures within a period of six months from today to make necessary amendments in the constitution / relevant statute / statutes/ order / orders / rules / notification / notifications, to ensure that the people of Northern Areas enjoy their above fundamental rights namely, to be governed through their chosen representatives and to have access to justice through an independent judiciary, inter alia, for enforcement of their Fundamental Rights guaranteed under the constitution”.

- c. Since, the petition was filed under article 184; it is pertinent to examine the contents of the article which is regarding Original Jurisdiction of Supreme Court, which says, “The Supreme Court shall, to exclusion of every other court, have original jurisdiction in any dispute between any two or more governments. Without prejudice to provisions of Articles 199, the Supreme Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights, conferred by the Constitution is involved, have the power to make an order of the nature, mentioned in the said Article”.

5.4. POST INDEPENDENCE GOVERNANCE PATTERN

5.4.1. Soon after liberation of Gilgit-Baltistan in November 1947, the local Provisional Government requested the Government of Pakistan to take the area under administrative control. Accordingly Sardar Alam Khan, an Establishment Officer, designated as Political Agent Northern Areas, took charge of his appointment on 16 November 1947. The Political Agent was answerable to the Resident Commissioner North West Frontier Province (now Khyber Pakhtunkhwa), based in Peshawar. In a way initially Gilgit-Baltistan was annexed with North West Frontier Province for administrative and governance purposes. The Political Resident was to act as advisor to Governor General of Pakistan on the matters relating to Gilgit Agency and princely states. Since the Resident Commissioner based in Peshawar was dealing with the Tribal Areas bordering Afghanistan, consisting of Agencies under peculiar environments and governed by British Law for Tribal Areas, known as "Frontier Crimes Regulations (FCR)", it was deemed convenient to extend the same law to Gilgit Agency as well, contrary to the fact that the societal dynamics and on ground situation in Gilgit-Baltistan altogether differed to that of Tribal Areas, bordering Afghanistan.

5.4.2. The arrangement continued till 1950, when Ministry of Kashmir Affairs and Northern Areas (KANA) was established under Federal government and affairs of Gilgit Agency were transferred to KANA Division. In 1952, the post of Political Agent was up graded and a District Management Group officer of the level of Joint Secretary was appointed as "Resident Northern Areas". The shift of administrative and governance affairs of Northern Areas from the then NWFP to Ministry of KANA can be because of the fact that by then, the blurred picture about status of Gilgit-Baltistan had become quite clear as Gilgit-Baltistan in principle was taken as a part of state of Jammu and Kashmir, thus making it disputed area, and recognized as such by India, Pakistan and United Nations. The other significant event was Karachi Agreement 1949, between the Government of Azad Jammu And Kashmir and Government of Pakistan, which also declared Gilgit-Baltistan as part of Jammu and Kashmir, but provisionally placed under Federation of Pakistan for administrative purposes.

5.4.3. Gilgit-Baltistan has been ruled and governed by Federal Government through the bureaucratic machinery throughout, till the promulgation of reforms of 2009. The analysis of

the governance pattern reveal that though the Political Agent exercised all administrative and judicial power under the provisions of FCR, till its abolition in 1972, yet the fact remains that he had minimal effect, as better half of the Northern Areas was divided into princely states. The rulers (Mir) of the princely states enjoyed internal autonomy and managed the affairs through the Jirga system, in accordance with their customs and traditions. It was only in proper Gilgit, Skardu, Astore and Chilas, where political functionaries had to play a role.

5.4.4. Although a representative body called Northern Areas Advisory Council (NAAC), consisting of sixteen members with powers to sanction development scheme was established in 1970 but the real change was witnessed when through Presidential Order of 1972. Gilgit, Baltistan and Diamer Agencies were converted into political districts by appointing Deputy Commissioners. All the princely states, less the state of Hunza, were abolished. The State of Hunza was abolished in 1974. The FCR was replaced by common law, and two additional political districts namely Ghizer and Ghanche (making total five districts) were created later. It was also envisaged to develop the administrative infrastructure within a period of ten year, in a way that Gilgit-Baltistan could be transformed into a Provincial Setup. However, Bhutto Reforms remained a dream due to imposition of Martial Law in 1977 and Gilgit-Baltistan was declared as Martial Law "Zone E". The gradual facilitations continued. In 1985, a representative from Northern Areas was appointed as Advisor to Minister Kashmir Affairs. Later elected representative from Gilgit-Baltistan with the status of Minister of State was appointed as Advisor to the Prime Minister.

5.4.5. The next marked change was witnessed in 1994, when the Federal Cabinet under the direction of Prime Minister Benazir Bhutto, approved a Reform Package known as Legal Framework Order (LFO) 1994. Through this package Rules of Business were framed, civil secretariat was established, the post of Judicial Commissioner was replaced by three members Chief Court. In 1999, the LFO 1994 was amended by empowering Northern Areas Legislative Council to legislate on 49 subjects, as spelt out in schedule II of the LFO. In 2005 Northern Areas Court of Appeal was established. Moreover, 6 reserve seats for technocrats and one additional seat for women in Northern Area Council were created. In 2006,

six advisors were appointed from Northern Areas Legislative Council (NALC) members and the members were brought at par with those of Azad Jammu And Kashmir Assembly for pay and privileges. In 2007, the NALC was renamed as Northern Areas Legislative Assembly (NALA).

5.4.6. A chronological survey of administrative and governance reforms relating to Gilgit-Baltistan from 1947 till today reveal that the area remained totally neglected till early 70s. However, from 1970s onwards, the concessions have been gradual and in bits and pieces, yet not to the total satisfaction of the masses because the bureaucracy dominated the elected representatives. No government has been able to endure a political solution to the best satisfaction of the people of Gilgit-Baltistan due to its so called linkage with Kashmir Issue.

5.5. GILGIT-BALTISTAN EMPOWERMENT AND SELF GOVERNANCE ORDER 2009

5.5.1. Gilgit-Baltistan (Empowerment and Self Governance) Order, 2009 was introduced on August 28, 2009. This document finds its traces in the land mark decision of Supreme Court of Pakistan of May 29, 1999, directing the Government of Pakistan to initiate appropriate administrative/legislative measures within a period of six months, from the date of decision, enabling people of Gilgit-Baltistan to enjoy their fundamental rights, to be governed through their chosen representatives, and to have access to justice through independent judiciary.

5.5.2. The package has been promulgated through Presidential Order. Through this package a special status, in line to that of Azad Jammu and Kashmir Government and provincial set ups of Pakistan has been extended to Gilgit-Baltistan. The package is outcome of hectic efforts put in by a high powered committee under the chairman ship of Minister for Kashmir Affairs and Northern Areas, with experts representing ministries of Foreign Affairs, Law and Justice, Cabinet Division, Interior, Inter Services Intelligence and Intelligence Bureau. The draft reforms duly vetted by the Law and Justice Division, was approved by the Federal Cabinet. The package is a comprehensive document, containing the provision of fundamental rights to the people, the structure, functioning and powers of the institutions of the Governor, the Chief Minister, the Gilgit-Baltistan Government, the Gilgit-Baltistan

Council, the Legislature, financial procedure, emergency provisions, the judicature and the services including the office of the Public Service Commission, the Chief Election Commissioner and Auditor General.

5.5.3. Besides the fact that the name of the area has been changed from “Northern Areas” to “Gilgit-Baltistan”, the offices of the Governor, Chief minister and other offices as mentioned above have been created. On the pattern of Azad Jammu and Kashmir Council, the Gilgit-Baltistan Council is headed by the Prime Minister of Pakistan; the Council has powers to legislate on 55 subjects; including passing of annual budget. The legislative powers of Gilgit-Baltistan Legislative Assembly have been increased from 49 to 61 subjects.

5.5.4. **GILGIT-BALTISTAN LEGISLATIVE ASSEMBLY.** It consists of 33 members of whom 24 members are elected directly on the basis of adult franchise. Seven seats have been reserved for women, at rate of one woman per District and 3 seats have been reserved for technocrats. The Assembly has Chief Minister as leader of the House, the Speaker and Deputy Speaker, elected by the house.

5.5.5. **GILGIT-BALTISTAN COUNCIL.** This consists of Prime Minister of Pakistan as its Chairman, Governor Gilgit-Baltistan as Deputy Chairman, 6 members nominated by Prime Minister of Pakistan from amongst the Ministers and members of the Parliament of Pakistan while 6 members are elected by Gilgit-Baltistan Legislative Assembly on the basis of proportional representation. The Minister Kashmir Affairs and Gilgit-Baltistan acts as ex officio member and the minister in charge of the Council.

5.5.6. **STAKE HOLDERS VIEWS.** The package as a whole is generally viewed as a comprehensive draft, addressing most of the issues relating to self-governance, internal autonomy, judicial relief and provisions of services. In the opinion of the masses, the reforms package is a right and timely step, bringing the people of Gilgit-Baltistan at par with other provinces of Pakistan. However, a small segment of the people view that the reforms are eye wash, because they do not provide the required relief, with reference to integration of Gilgit-Baltistan with Pakistan. Most of the Kashmir leadership on both sides of the Line of Control interprets the reforms equivalent to delinking Gilgit-Baltistan from Kashmir issue.

The Indian Government also retaliated; summoned the Pakistan Deputy High Commissioner of Pakistan Mr. Rifat Masood and registered its strong protest, turning it yet another cosmetic exercise, intended to camouflage Pakistan's illegal occupation of the region. The fact of the matter is that, the internal autonomy and self governance has been ensured through provision of provincial setup required institutions and infrastructure. The monopoly and influence of Ministry of Kashmir Affairs and Northern Areas and bureaucracy has been considerably reduced. The Gilgit-Baltistan Council by virtue of its composition, i.e. 50% members from Gilgit-Baltistan and 50% from amongst the members of the Federal Cabinet and Parliament of Pakistan, provide forums for interaction and sharing of views on issues relating to Gilgit-Baltistan. However, the question of representation of Gilgit-Baltistan in the Constituent Assemblies of Pakistan yet remains an unfilled dream. The package does not ensure better integration of Gilgit-Baltistan with the main stream political system of Pakistan.

5.5.7. APPREHENSIONS. Apparently there is no opposition to the package, however, apprehensions with respect to following aspects definitely prevail:-

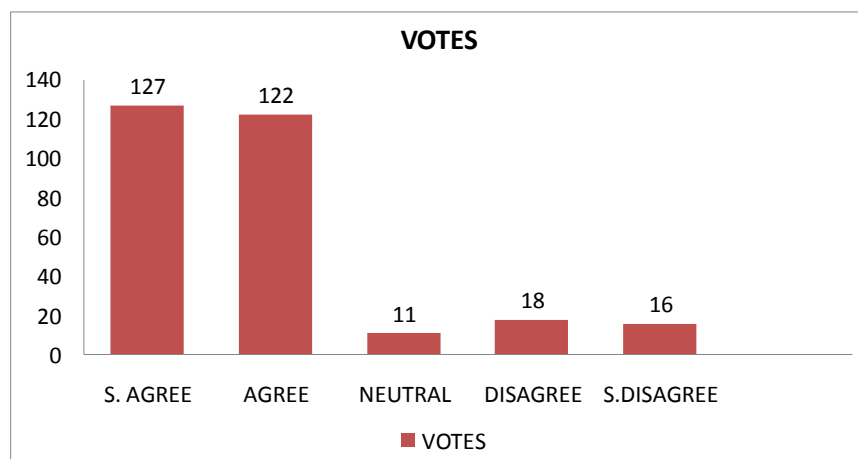
- a. The package has been promulgated through a Presidential Order, duly approved by Federal Cabinet. The references are not consequent to legislation by the Parliament. The executive order of the President has no legal and constitutional binding on future governments to continue it.
- b. Between 1972 - 2009, Gilgit-Baltistan has been gradually upgraded to status of a province, through references and packages. All these references are extra constitutional and out of framework of settlement of Kashmir issue, provided under United Nations Commission for India and Pakistan resolution.
- c. As a special administrative unit, Gilgit-Baltistan has to function like other provinces of Pakistan but without representation in National Assembly and Senate. The Chief Minister of Gilgit-Baltistan can be invited to participate in the meeting of Federal Cabinet as an observer, which is token representation.
- d. The reforms provide the provision for establishment of Gilgit-Baltistan Consolidated Funds and encourage imposition of taxes, thereby generating own

revenues. So for Gilgit-Baltistan is run on grants, provided by Federal Government. In the absence of any reasonable source of income and totally missing industrial infrastructure, the imposition of taxes is going to be an unpopular step. Hence, Gilgit-Baltistan Government apparently seems reluctant to impose taxes, as there is already a strong demand for removal of custom duty on Chinese imports for Gilgit-Baltistan consumption.

5.6. ANALYSIS OF QUESTIONNAIRE

a. **Question 1: People of Gilgit-Baltistan face identity crisis, due to undetermined political/constitutional status.**

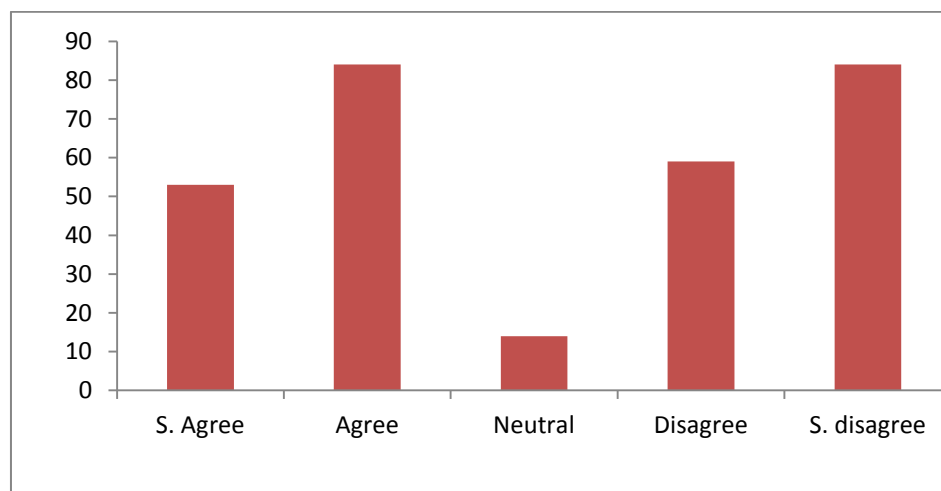
This was basic question and basis of hypothesis. As evident from figures, almost 85% people agreed to the statement, 12% people didn't agree, while 3% either didn't know, or had no definite opinion. It is assumed that those 12% who did not agree with the statement, probably failed to understand the question in its real perspective. The overwhelming agreement to this statement is testimony to the confirmation of the hypothesis.



b. **Question 2: Gilgit-Baltistan is historically a part of Jammu and Kashmir.**

It was a tricky question, involving thorough study and analysis of the history of Gilgit-Baltistan (GB), as knowledge of the people about the complete history of GB is sketchy. Mostly people know that at the time of independence there was

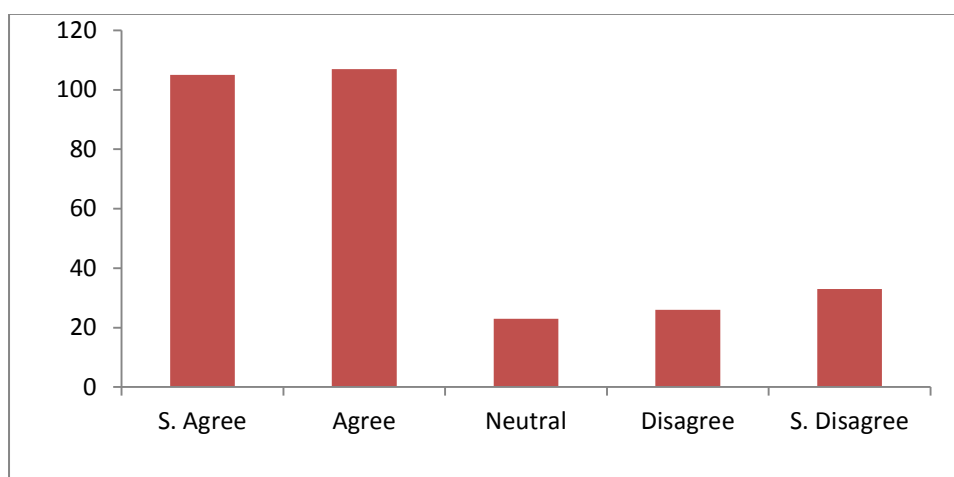
Dogra Rule in Gilgit and people of GB took arms to liberate the area, ousting occupant forces. Hence the answer to the question has been based on the above perception. Very few people know about the history of GB prior to 1840, peculiar geo strategic environment during colonial era and the degree of interference by British and Maharaja of Kashmir. Therefore, respondent's opinion differed half way on this question. Lawyers' politician and generally educated people supported the statement, while members GB Legislative Assembly, clergy and students opposed it. Amongst the regions, Gilgit and Diamer district over whelming agreed to the statement, while Hunza Nagar and Baltistan region disagreed with it; this can also be partially attributed to the sectarian inclination.



c. Question 3: Gilgit-Baltistan is part of Pakistan as people of Gilgit-Baltistan liberated it in November 1947 and ceded to Pakistan.

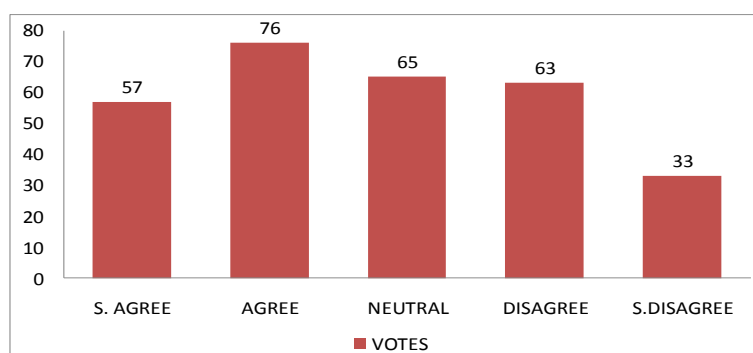
This question had two parts i.e. Gilgit-Baltistan is part of Pakistan and second part, i.e. people of Gilgit-Baltistan liberated in November 1947 and ceded to Pakistan. The second portion of the question was mere narration of the fact, while first portion was aimed to ascertain public opinion. The statement is over whelming accepted by the people, as 80% agreed with the statement, 8% remained indecisive while 12% disagreed to the statement. The disagreement is pronounced in case of lawyers who analyze the statement, "Gilgit-Baltistan as

part of Pakistan”, from legal point of view, setting aside emotional or affection aspects.



d. Question 4: An autonomous and independent Gilgit-Baltistan is a viable option.

It was a difficult question and required thorough analysis of all the factors. However, 45% people agreed with the statement, 22 % remained neutral or indecisive while 32 % disagreed with the statement. The trend is slightly dangerous, when seen in overall perspective, as it is viewed that nationalist movements are gaining support day by day.



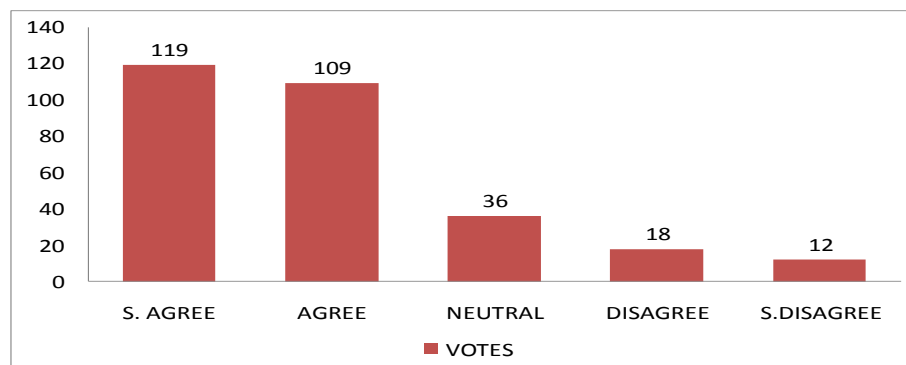
e. Question 5: Gilgit-Baltistan Empowerment and Self Governance Order2009 is a comprehensive package and addresses the people’s sense of political deprivation, administrative and governance issues.

The response to this question remained divided as 40% agreed with the statement, 40% disagreed while 20 % remained neutral/ indecisive. The reason for split answer could be that most of the respondents did not know the

provisions of the reforms package. In this regard the feedback of the members Gilgit-Baltistan Legislative Assembly, who know the reforms and effects, is more important. 80% of the members feel that it is a comprehensive package.

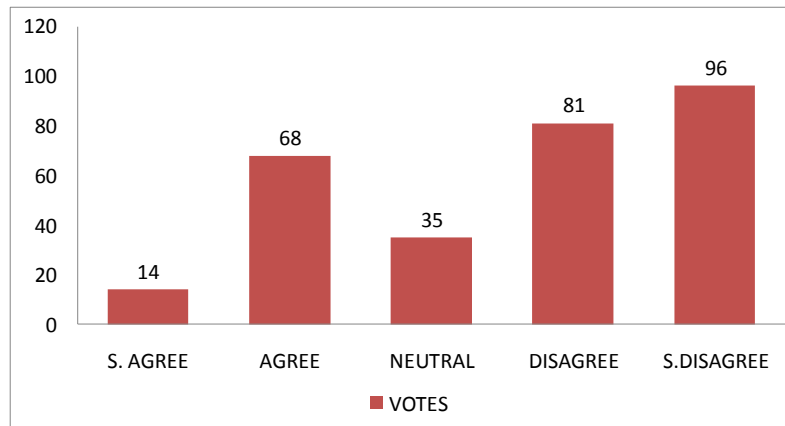
f. Question 6: Interim provincial status to Gilgit-Baltistan, right of vote and due representation in the parliament of Pakistan is a viable and popular option.

This was again a popular question, reflecting popular aspirations of the people. 76% of the people agreed with the statement, 10% disagreed while 14% remained neutral. The members of Gilgit-Baltistan Legislative Assembly, the clergy, the politicians and students, all overwhelmingly supported the notion; however 33% of the lawyers disagreed with the statement, probably in view of the legal implications of the statement, which they thought a wishful thinking.



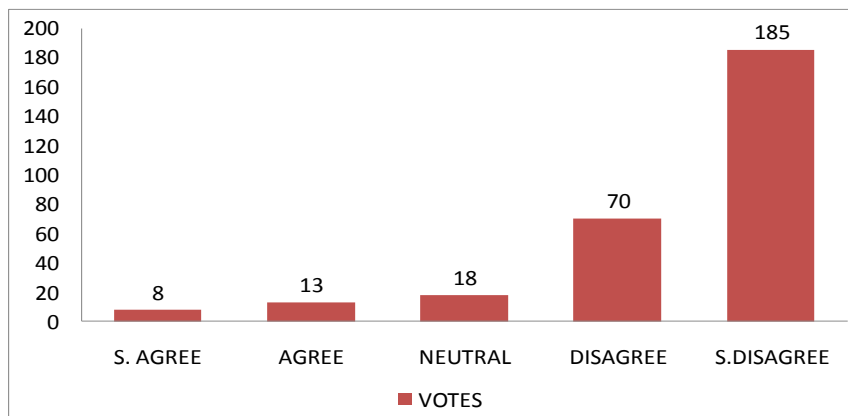
g. Question 7: Ending of 1949 Karachi agreement and merging of Gilgit-Baltistan with Azad Jammu and Kashmir is a viable option.

28% of the respondents agreed to the statement, 12 % were neutral while 60% opposed the motion. Especially, the members of Gilgit-Baltistan Legislative Assembly overwhelmingly opposed it. The respondents from Diamer region generally (63%) supported the motion. This can be partially attributed to sectarian inclination as well. It is also likely that the background and content of Karachi Agreement 1949 and its implications are not known to most of the people.



h. Question No 8: Gilgit-Baltistan should form part of Khyber Pakhtunkhwa province, on the basis of its geographical proximity.

87% of the respondents disagreed with the statement, only 7% agreed to it, while 6% remained neutral. The reasons for disagreement are that the district of Kohistan and Chitral which are part of Khyber Pakhtunkhwa province, adjoining to Gilgit-Baltistan, are far behind in terms development and prosperity. Moreover, there is already a popular movement for creation of Hazara province. Besides this the people of Gilgit-Baltistan are culturally, ethnically and linguistically different than those in Khyber Pakhtunkhwa.



5.7. FUTURE PERSPECTIVES FOR INTEGRATION OF GILGIT-BALTISTAN WITH PAKISTAN

- a. The Gilgit-Baltistan (Empowerment and Self Governance) Order 2009, in the light of the decision of Supreme Court of Pakistan, is a fairly comprehensive package. An objective analysis of Supreme Court's judgment reveals that the decision had two main parts, i.e. the decision regarding the future of the Gilgit-Baltistan, to be decided by the Parliament/Executive and restoration of fundamental rights of the people of Gilgit-Baltistan, including rule through chosen representatives and access to

independent judiciary. Whereas the second portion of Supreme Court's decision i.e. self governance and independent judiciary has been fulfilled through enforcement of above mentioned Presidential Order, the first portion of the decision, i.e. "the matter of representation to Gilgit-Baltistan, in the Parliament of Pakistan to be decided by the Parliament/Executive", is yet to be decided. As the integration of Gilgit-Baltistan with Pakistan has been a desire and demand of the people since 1947, following options emerge with respect to deciding its future.

b. **OPTIONS.**

- i. **OPTION 1. PRESENT STATUS WITH ADDITION OF INTERIM REPRESENTATION IN THE PARLIAMENT OF PAKISTAN.** Under the provisions of the Gilgit-Baltistan (Empowerment and Self Governance) Order, 2009, a special status, akin to that of provincial administrative/organizational structure in other provinces, is already in place. The office of the Governor, Chief Minister, Ministers, the Legislative Assembly, the Chief Court, office of Auditor General, Election Commissioner and Public Service Commission etc, all are in line with the infra-structure existing in other four provinces of Pakistan. The Gilgit-Baltistan Council, an amalgamation of the members from Gilgit-Baltistan and Parliament of Pakistan and Prime Minister of Pakistan, as its Chairman, to some extent symbolizes interaction of representative of Gilgit-Baltistan with those of Pakistan, but on subjects dealing with Gilgit-Baltistan only. At the moment there is no worthwhile forum where the elected representatives from Gilgit-Baltistan can air out their thoughts and views and participate in affairs of national interest. Hence, the existing setup can be augmented with interim or provisional provincial status and representation in the parliament of Pakistan. This will require amendment in 1973 Constitution, providing Gilgit-Baltistan interim provincial status. Though this option may draw criticism and hue and cry from India, Kashmiri leadership, but the action can be justified and legalized adding only one word "interim" or "provisional", which is covered under Karachi

Agreement 1949. In this option the ratio of representation in National Assembly and Senate could be as under:-

- 1) **POSSIBILITY 1- DISTRICT WISE REPRESENTATION.** One seat for each district, i.e. total seven seats in the National Assembly. This provision however may draw criticism for the reason that the ratio of population to representation will be roughly one seat for approximately two lac people, where as in case of Federally Administered Tribal Areas the ratio is one seat for 2.5 lac and in case of rest of the country the ratio remains one seat for seven lac of population..
- 2) **POSSIBILITY 2- REGION WISE REPRESENTATION.** In this option four seats in the National Assembly as under can be considered:-
 - i. Gilgit, Hunza and Nagar 1 seat
 - ii. Ghizer region 1 seat
 - iii. Diamer and Astor region 1 seat
 - iv. Baltistan region 1 seat
- 3) **POSSIBILITY 3. REPRESENTATION ON BROADER REGIONAL BASIS.** In this option the representation will be in the form of three seats as under:-
 - i. Gilgit, Ghizer and Hunza Nagar districts 1 seat
 - ii. Diamer and Astor district 1 seat
 - iii. Baltistan region 1 seat
- 4) **POSSIBILITY 4. MINIMAL REPRESENTATION.** In this option two seats only, one for Baltistan region and one seat for Gilgit, Hunza Nager, Ghizer, Astor and Diamer region. The composition of National Assembly is larger but there is equal representation of all the provinces in the Senate of Pakistan. However, keeping in view its size and population, we may suggest one seat each for every District of Gilgit-Baltistan.

a) ADVANTAGES

- i) The sense of political deprivation of the people of Gilgit-Baltistan, with regards to identity and representation, will be addressed and the future of Gilgit-Baltistan will be determined as per their wishes.
- ii) The option ensures better integration of Gilgit-Baltistan with the mainstream political system of Pakistan.
- iii) Kashmiri leadership, India and United Nations can be satisfied, as it will be “interim/provisional” status, i.e. retaining the disputed status of Gilgit-Baltistan as part of Jammu and Kashmir.
- iv) India and United Nations can be reminded that as per Indian Constitution, the State of Jammu and Kashmir including Laddakh has been included in their territory without resorting to plebiscite and they have been given representation in the Parliament of India. Why Pakistan can do so in case of Gilgit-Baltistan. Another, logic is that India has given Laddakh region a special autonomous status although it is a part of disputed Jammu and Kashmir.
- v) As the settlement of Kashmir issue, as per UN resolutions appear to be a difficult proposition in near future, relief could be provided to people of Gilgit-Baltistan, yet retaining the flexibility of use of vote of Gilgit-Baltistan in favor of Pakistan in case of a plebiscite.
- vi) If Pakistan at some stage feels that the ‘status quo’ is the future of Kashmir issue, this option would serve better the interest of Pakistan.
- vii) In case the plebiscite in which third option (independent state of Jammu and Kashmir) is proposed, the people of Gilgit-Baltistan will still vote for Pakistan.
- viii) The options require minimum organizational and structural changes.

- ix) The uprising nationalist movement and centrifugal tendencies will be defeated.
- x) The option has over whelming support of the people of Gilgit-Baltistan as evident from the feedback obtained through the questionnaire.

b) DISADVANTAGES

- i) The pro Pakistani Kashmiri political leadership on the both sides of the line of control may not like it. They term it a step amounting to weakening Pakistan's original stance with respect to Kashmir issue.
- ii) It can be termed a step towards recognition of status quo, which is more of an Indian desire.
- iii) The political status of Gilgit-Baltistan yet remains in flux and hang on and the original desire/demand of the people for accession to Pakistan is not addressed.
- iv) As the public opinion keeps on changing, this move may become counterproductive and may ignite support for independent Gilgit-Baltistan.

ii. OPTION 2. ENDING KARACHI AGREEMENT AND MERGING GILGIT-BALTISTAN WITH AZAD JAMMU AND KASHMIR

a) ADVANTAGES

- i) Supplements Pakistan's principal stance regarding resolution of Kashmir issue through plebiscite, as per UN resolutions.
- ii) Political leadership on both sides of Line of Control will welcome this step.
- iii) The people of Gilgit-Baltistan, belonging to Kashmiri caste and possibly some percentage of people from Diamer and Astor district may welcome this step.

b) DISADVANTAGES

- i. The sense of political deprivation of people of Gilgit-Baltistan will increase.
- ii. Will have shocking effect for the majority of the people of Gilgit-Baltistan, whose forefathers opted for Pakistan in 1947.
- iii. The non-Sunni sects i.e. Shia, Ismaili and Noorbaksh, who form 75% of the population of Gilgit-Baltistan, will definitely resist it.
- iv. Nationalist and pro-independence trends will be encouraged.
- v. India's stance about Gilgit-Baltistan will be understood and justified.
- vi. The political leadership of Azad Jammu and Kashmir will dominate and Gilgit-Baltistan will become a minority in Azad Jammu and Kashmir Assembly
- vii. The distances and communication problems with Azad Jammu and Kashmir will create more governance and administrative bottle necks.

iii. OPTION 3. PROVIDING STATUS AKIN TO AZAD JAMMU AND KASHMIR

a. ADVANTAGES

- i. The issues relating to self-governance and internal autonomy will be better addressed as Gilgit-Baltistan will attain status of state akin to that of Azad Jammu and Kashmir having own interim Constitution, flag, President, Prime Minister, the Assembly and judicial infrastructure.
- ii. Minimum organizational and structural changes will be required, as existing infra-structure is almost on the similar lines except the change of names /appointments, i.e. President and prime Minister instead of Governor and Chief Minister.

b. DISADVANTAGES

- i. The basic demand of the people, i.e. integration with Pakistan would remain un- addressed.
- ii. No integration with the main national political system of Pakistan.
- iii. A State for 1.2 million people of Gilgit-Baltistan may not be a viable administrative and financial option.
- iv. Autonomous State status has never been a demand of people of Gilgit-Baltistan.
- v. The pro Pakistani Kashmiri leadership on both sides of line of control will bitterly oppose it.
- vi. India will make a lot of hue and cry.
- vii. It will be difficult for Pakistan to justify its principle stance in UN.
- viii. Nationalist parties striving for autonomous State will be encouraged.
- ix. The option has received halfhearted response as per the feedback received through questionnaire.

d. OPTION 4. GB AS FIFTH CONSTITUTIONAL PROVINCE OF PAKISTAN

a) AVANTAGES

- i. Admissible under Art. 1 (2) (d) of 1973 Constitution which says, "Territories of Pakistan shall comprise, such States and territories as are or maybe included in Pakistan, whether by accession or otherwise"
- ii. To the best satisfaction of people of GB.
- iii. Issue of GB political future settled once for all.
- iv. Pakistan has a justified reason to do it, when see in historical perspective.

b) DISADVANTAGES

- i. U turn on principle stance and Kashmir Policy.
- ii. Unacceptable to Kashmiris on both sides of LOC, amounting to annoying them and losing their support for accession to Pakistan.
- iii. Difficult to justify because of Karachi Agreement and Sino – Pak Border Agreement 1963.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

6.1 CONCLUSIONS

6.1.1. CONCLUSIONS FROM HISTORICAL PERSPECT

- i. The ancient history of Gilgit-Baltistan is not much in recorded form. In era BC, the region was ruled by imperial powers from Central Asia and China. However medieval age is signified by rule of selected local dynasties in respective valleys, which continued till independence in 1947 and even thereafter.
- ii. The British interest in this region grew in the latter half of 19th Century, in view of the threat posed to British India by Czarist Russia.
- iii. Sequel to the treaty of Amritsar in 1846, the Maharaja of Kashmir enjoyed a suzerain status over Rulers of Gilgit-Baltistan. The Maharaja's de-facto rule in no way justifies the claim of Maharaja of Kashmir over Gilgit-Baltistan.
- iv. On the eve of independence in 1947, the British handed over Northern Areas to Maharaja of Kashmir in the light of the 1935 Lease Agreement, disregarding popular sentiments of local inhabitants, which was not acceptable to the masses. This led to the war of liberation of Gilgit-Baltistan in November 1947 and its accession to Pakistan.
- v. The governance arrangements and administrative reforms in post independence period have remained far below the expectations of the people. From Frontiers Crimes Regulations to Presidential Order 2009, the concessions and relief has been gradual and in bits and pieces, yet not complete.
- vi. Gilgit-Baltistan Empowerment and Self Governance Order 2009, is a comprehensive package from administrative and governance point of view, yet the package does not ensure integration of Gilgit-Baltistan with Pakistan.

- vii. The unresolved political status of Gilgit-Baltistan for last six and half decades and linking it with Kashmir Issue has resulted into sense of political deprivation in the masses.
- viii. The public opinion of people of Gilgit-Baltistan has neither been obtained nor a consensus has been developed to resolve the issues regarding determination of its political status and citizenry rights, rather the area so far has been governed through bureaucratic tool.
- ix. Besides undetermined political status, sectarian divide, poor communication infrastructure, economic inactivity and non-exploitation of its natural resources remain major governance issues faced by Gilgit-Baltistan.

6.1.2. CONCLUSIONS FROM TREATIES AND AGREEMENTS

- i. **Treaty of Lahore and Amritsar 1846.** Surrendering to the Government of British India, the territories situated between the Rivers Beas and Indus, by Sikh rulers of Lahore, in no way include Gilgit-Baltistan, as the monarchical dynasties of here enjoyed autonomous status. Moreover, 80 percent of Gilgit-Baltistan lied towards North and West of Indus River; hence, technically also Gilgit-Baltistan did not form part of this Treaty. Likewise, the provisions of this Treaty also, do not make sense for the same reason as spelt out in Treaty of Lahore.
- ii. **Lease of Gilgit-26 March 1935.** This treaty was under peculiar geo political environment, i.e. to exercise check on the Russian communist expansion, entering in to British India. At the time of the deal, the Maharaja of Kashmir enjoyed a de-facto suzerain status and not de-jure status over princely States of Gilgit-Baltistan. Hence, this agreement does not make Gilgit-Baltistan a constituency of Kashmir.
- iii. **Karachi Agreement 1949.** While assigning the responsibilities with reference to matters relating to Kashmir, within the purview of the Government of Pakistan, Gilgit-Baltistan was administratively placed under the control of Federal Government of Pakistan. This agreement can be viewed as the first formal, in principle recognition of Gilgit-Baltistan, being part of Jammu and Kashmir. No consensus of people of Gilgit- Baltistan was sought

in this regards.

- iv. **United Nations Resolutions.** Whereas United Nations Commission for India and Pakistan (UNCIP) in all its resolutions stressed on holding of immediate cease-fire by India and Pakistan, reduction of forces level in Kashmir and holding of plebiscite. There is no specific mention of Gilgit-Baltistan in any of the resolution.
- v. **Sino-Pak Border Agreement 1963.** This agreement can be seen as the second official declaration by Pakistan, making Gilgit-Baltistan part of Jammu and Kashmir, as the two parties agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary as described in this agreement.

6.1.3. CONCLUSIONS FROM COURT'S VERDICTS

- i. **Azad Jammu and Kashmir High Court Ruling 18 March 1993.** The decision has based on the historical evidences regarding pattern of rule of Gilgit-Baltistan after 1846. The Court however, did not take into account, the history of Gilgit-Baltistan prior to that, as the area was ruled on monarchial pattern, for about one thousand years by local rulers. Moreover, the demographic realities and the public opinion have been totally disregarded.
- ii. **Azad Jammu Kashmir Supreme Court Ruling, 14 March 1994.** The Court viewed that the High Court of Azad Kashmir did not have jurisdiction of hearing the case. Thus the High Court's decision was not upheld by the Supreme Court.
- iii. **Ruling of Supreme Court Pakistan 29 May 1999.** The Court's directive to Government of Pakistan to, initiates administrative and legislative steps by making necessary amendments in the Constitution and statutes, to ensure that the people of Gilgit-Baltistan enjoy fundamental rights, can be considered as landmark decision relating to determination of political and constitutional status of 1.2 million inhabitants of Gilgit-Baltistan. Gilgit-Baltistan Empowerment and Self Governance Order 2009 is the outcome of the Court's mile stone decision.

6.2. RECOMMENDATIONS

6.2.1. CORE RECOMMENDATIONS

- i. **Integration of Gilgit-Baltistan with Pakistan.** The Supreme Court of Pakistan in its landmark decision on the subject has, underlined a course of action to solve the issue. With the enforcement of Gilgit-Baltistan (Empowerment and Self Governance) Order, 2009, a portion of the Supreme Court's judgment order has been fulfilled. However, issue relating to representation of Gilgit-Baltistan in the Parliament of Pakistan, ensuring better integration of Gilgit-Baltistan with the main stream politics of Pakistan, is yet to be decided by the Parliament and Executive. The establishment of the Gilgit-Baltistan Council is a step in this direction, but more of symbolic in nature. Ideally, the merger of Gilgit-Baltistan with Pakistan as its fifth province would bring an end to the identity crisis once for all. However, in view of the Government's policy adopted so far, a complete policy shift may not be a viable option. This research, thus recommends **"interim provisional status to Gilgit-Baltistan with right of vote and representation in Parliament of Pakistan"** as best possible option. For this purpose, necessary legislation and amendment in 1973 Constitution can be made. Each district of Gilgit-Baltistan can be given one seat each in the National Assembly, making it a total seven seats and representation in the Senate as it is in case of other provinces . Pakistan can justify it, as India has already extended its constitutional jurisdiction to the part of Jammu and Kashmir under its administrative control, including Laddakh region
- ii. **Political Process.** Political process in Gilgit-Baltistan remained a dream up to 1972, till the Agency System was abolished. Today, although there is organizational infrastructure of all the main stream political parties, yet the analysis of past four decades reveals that, the political associations are based on weak bondages. The elections for member ship of Gilgit-Baltistan Assembly are mostly contested on the basis of personal repute, caste and sect, rather than political party affiliations. This is because of the reason, that the people of Gilgit-Baltistan have no representation in the National Assemblies of Pakistan. Was it so, the political parties of Pakistan would

take the matter seriously and make earnest efforts to resolve the problems being faced by the people of Gilgit-Baltistan. It is imperative that Gilgit-Baltistan should be integrated in the main political stream of Pakistan. This is essentially important to defeat nationalist tendencies.

6.2.2. SUBSIDIARY RECOMMENDATIONS.

- Extension of bench of Supreme Court of Pakistan, bringing GB under wider judicial umbrella.
- Establishment of institutions like office of Provincial Public Service Commission, Provincial Ombudsman, office of Provincial Consolidated Fund, etc, as permissible under the Constitution of Pakistan 1973.
- Due representation of GB in Council of Common Interest, NFC award and other national level forums, having representation of federating units.
- Determination of due share / royalty of projects of national magnitude, like Diamer Basha Dam, Bunji hydel project and mineral, tourism and water resources.
- Safeguarding economic interests of GB in Pak-China Economic Corridor project.
- **Fighting Menace of Sectarianism.** There is a need to take appropriate measures to shun the notion of sectarianism. The awareness to the fact that people of Gilgit-Baltistan have to live in an environment of mutual co-existence is of utmost important. Whereas, the overall responsibility of handling the issue rests with the Government, the clergy and civil society also need to play their role. There is a need to realize that the diversity is a hard fact of modern societies. It is with the sense of accommodation and tolerance that people of Gilgit-Baltistan can have a prosperous life. The performance of Law Enforcing Agencies and Judiciary need mark improvement.
- **Communication Infrastructure Improvement.** The prosperity of Gilgit-Baltistan is associated with better communication links with the main land, Pakistan. For this purpose Karakorum High Way which serves as life line artery, needs to be maintained. This portion needs to be linked on priority. The portion of the road likely to be submerged under water due to the construction of Diamer Basha Dam need to

be realigned and re constructed. The alternative road to Gilgit- Baltistan via Kaghan- Naran- Babusar-Chilas, which is a short cut of about 100 kilometer to Gilgit from Islamabad, requiring finishing touches be completed on priority. As the flight schedule to Gilgit and Skardu are often disturbed by inclement weather, there is a need to upgrade the existing airports and arrange for passenger aircrafts capable of operating in all weather. This will tremendously boost tourism in Gilgit-Baltistan.

- **Exploiting Potentials of Gilgit-Baltistan.** The same can be achieved by;-
 - a) Promotion of tourism
 - b) Exploration of mineral and natural resources
 - c) Exploiting the enormous potential of production of hydro electricity
 - d) Development and promotion of cottage industry i.e. fruit preservation, juices and beverages and handicrafts.
 - e) Social Development through establishment of institutions like, a medical college, a poly technical college and a cadet college in each region.

CONCLUSION. Sense of political deprivation of people of Gilgit-Baltistan is a sour national issue and requires immediate attention of political leadership. An earnest effort has been put in to identify the nature and gravity of the problem and suggest measures to address the issue. All relevant factors, including historical aspect, pertinent treaties and agreements, the court's decisions and public opinion, have been analysed before drawing conclusions and recommendations. Besides literature review, public opinion has been obtained through interviews and questionnaire. It is hoped that this academic research helps the readers in general and people at the helm of affair in particular to understand the complexity of the subject and get a fair idea about the available options to address the issue of sense of political deprivation of the people of Gilgit- Baltistan, ensuring its better future integration with Pakistan.

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TREATY OF LAHORE -1846

Article 1. There shall be perpetual peace and friendship between the British Government and Maharajah Dhuleep Sing, his heirs and successors.

Article 2. The Maharajah of Lahore renounces for himself, his heirs and successors, all claim to, or connection with the territories lying to the south of the River Sutlej, and engages never to have any concern with those territories or the inhabitants thereof.

Article 3. The Maharajah cedes to the Honorable Company, in perpetual sovereignty, all his forts, territories and rights in the Doab or country, hill and plain, situated between the Rivers Beas and Sutlej.

Article 4. The British Government having demanded from the Lahore State, as indemnification for the expenses of the war, in addition to the cession of territory described in Article 3, payment of one and half crore of Rupees, and the Lahore Government being unable to pay the whole of this sum at this time, or to give security satisfactory to the British Government for its eventual payment, the Maharajah cedes to the Honorable Company, in perpetual sovereignty, as equivalent for one crore of Rupees, all his forts, territories, rights and interests in the hill countries, which are situated between the Rivers Beas and Indus, including the Provinces of Kashmir and Hazara.

Article 5. The Maharajah will pay to the British Government the sum of 60 lakhs of Rupees on or before the ratification of this Treaty.

Article 6. The Maharajah engages to disband the mutinous troops of the Lahore Army, taking from them their arms-and His Highness agrees to reorganize the Regular Regiments of Infantry, upon the system, and according to the Regulations as to pay and allowances, observed in the time of the late Maharajah Runjeet Sing. The Maharajah further engages to pay up all arrears to the soldiers that are discharged, under the provisions of this Article.

Article 7. The Regular Army of the Lahore State shall henceforth be limited to 25 Battalions of Infantry, consisting of 800 bayonets each with twelve thousand Cavalry - this number at no time to be exceeded without the concurrence of the British Government. Should it be necessary at any time - for any special cause - that this force should be

increased, the cause shall be fully explained to the British Government, and when the special necessity shall have passed, the regular troops shall be again reduced to the standard specified in the former Clause of this Article.

Article 8. The Maharajah will surrender to the British Government all the guns-thirty-six in number-which have been pointed against the British troops-and which, having been placed on the right Bank of the River Sutlej, were not captured at the battle of Subraon.

Article 9. The control of the Rivers Beas and Sutlej, with the continuations of the latter river, commonly called the Gharrah and the Punjnud, to the confluence of the Indus at Mithunkote-and the control of the Indus from Mithunkote to the borders of Beloochistan, shall, in respect to tolls and ferries, rest with the British Government. The provisions of this Article shall not interfere with the passage of boats belonging to the Lahore Government on the said rivers, for the purpose of traffic or the conveyance of passengers up and down their course. Regarding the ferries between the two countries respectively, at the several ghats of the said rivers, it is agreed that the British Government, after defraying all the expenses of management and establishments, shall account to the Lahore Government for one-half the net profits of the ferry collections. The provisions of this Article have no reference to the ferries on that part of the River Sutlej which forms the boundary of Bahawalpur and Lahore respectively.

Article 10. If the British Government should, at any time, desire to pass troops through the territories of His Highness the Maharajah, for the protection of the British territories, or those of their Allies, the British troops shall, on such special occasion, due notice being given, be allowed to pass through the Lahore territories. In such case the officers of the Lahore State will afford facilities in providing supplies and boats for the passage of rivers, and the British Government will pay the full price of all such provisions and boats, and will make fair compensation for all private property that may be damaged. The British Government will, moreover, observe all due consideration to the religious feelings of the inhabitants of those tracts through which the army may pass.

Article 11. The Maharajah engages never to take or to retain in his service any British subject-nor the subject of any European or American State-without the consent of the British Government.

Article 12. In consideration of the services rendered by Rajah Golab Sing of Jummoo, to the Lahore State, towards procuring the restoration of the relations of amity between the Lahore and British Governments, the Maharajah hereby agrees to recognize the Independent sovereignty of Rajah Golab Sing in such territories and districts in the hills as may be made over to the said Rajah Golab Sing, by separate Agreement between himself and the British Government, with the dependencies thereof, which may have been in the Rajah's possession since the time of the late Maharajah Khurruck Sing, and the British Government, in consideration of the good conduct of Rajah Golab Sing, also agrees to recognize his independence in such territories, and to admit him to the privileges of a separate Treaty with the British Government.

Article 13. In the event of any dispute or difference arising between the Lahore State and Rajah Golab Sing, the same shall be referred to the arbitration of the British Government, and by its decision the Maharajah engages to abide.

Article 14. The limits of the Lahore territories shall not be, at any time, changed without the concurrence of the British Government.

Article 15. The British Government will not exercise any interference in the internal administration of the Lahore State-but in all cases or questions which may be referred to the British Government, the Governor-General will give the aid of his advice and good offices for the furtherance of the interests of the Lahore Government.

Article 16. The subjects of either State shall, on visiting the territories of the other, be on the footing of the subjects of the most favoured nation.

Source: **Encyclopaedia of Sikhism by Harbans Singh**

TREATY OF AMRITSAR-1846

Article 1. The British Government transfers and makes over forever in independent possession to Maharajah Gulab Singh and the heirs male of his body all the hilly or mountainous country with its dependencies situated to the eastward of the River Indus and the westward of the River Ravi, including Chamba and excluding Lahul, being part of the territories, ceded to the British Government by the Lahore State according to the provisions of Article IV of the Treaty of Lahore, 9th March, 1846.

Article 2. The eastern boundary of the tract transferred by the foregoing article to Maharajah Gulab Singh shall be laid down by the Commissioners appointed by the British Government and Maharajah Gulab Singh respectively for that purpose and shall be defined in a separate engagement after survey.

Article 3. In consideration of the transfer made to him and his heirs by the provisions of the foregoing article Maharajah Gulab Singh will pay to the British Government the sum of seventy-five lakhs of rupees (Nanukshahee), fifty lakhs to be paid on or before the 1st October of the current year, A.D., 1846.

Article 4. The limits of territories of Maharajah Gulab Singh shall not be at any time changed without concurrence of the British Government.

Article 5. Maharajah Gulab Singh will refer to the arbitration of the British Government any disputes or question that may arise between himself and the Government of Lahore or any other neighboring State, and will abide by the decision of the British Government.

Article 6. Maharajah Gulab Singh engages for himself and heirs to join, with the whole of his Military Forces, the British troops when employed within the hills or in the territories adjoining his possessions.

Article 7. Maharajah Gulab Singh engages never to take to retain in his service any British subject nor the subject of any European or American State without the consent of the British Government.

Article 8. Maharajah Gulab Singh engages to respect in regard to the territory transferred to him, the provisions of Articles V, VI and VII of the separate Engagement between the British Government and the Lahore Durbar, dated 11th March, 1846.

Article 9. The British Government will give its aid to Maharajah Gulab Singh in protecting his territories from external enemies.

Article 10. Maharajah Gulab Singh acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British Government one horse, twelve shawl goats of approved breed (six male and six female) and three pairs of Cashmere shawls.

Source. kashmirinformation.com/LegalDocs/TreatyofAmritsar.ht

LEASE OF GILGIT-26 MARCH 1935

Article I - The Viceroy and Governor-General of India may at any time after the ratification of this agreement assume the civil and military administration of so much of the *Wazarat* of Gilgit province (herein after referred to as the “said territory”) of the State of Jammu and Kashmir as lies beyond the right bank of the river Indus, but notwithstanding anything in this agreement the said territory shall continue to be included within the dominions of His Highness the Maharaja of Jammu and Kashmir.

Article II – In recognition of the fact that the said territory continues to be included within the dominion of His Highness the Maharaja of Jammu and Kashmir salutes and customary honours shall be paid in the said territory of the administration on the occasion of the birthday of His Highness, Baisakhi, Dussehra, Basant-Panchmi and on such other occasions as may be agreed upon by His Excellency the Viceroy and Governor-General of India. The flag of His Highness will be flown at the official headquarters of the agency throughout the year.

Article III – In normal circumstances no British Indian troops shall be dispatched through that portion of the *Wazarat* of Gilgit Province which lies beyond the left bank of the river Indus.

Article IV – All rights pertaining to mining are reserved to His Highness the Maharaja of Jammu and Kashmir. The grant of prospecting licenses and mining leases will be made during the period of the agreement mentioned below.

Article V – This agreement shall remain in force for sixty years from the date of its ratification and the leases will terminate at the end of that period.

Source: www.K4Kashmir.com, July 19, 2010, Article by Prof Dr. Shabbir Chaudry

KARACHI AGREEMENT-1949

Text of the agreement signed between Pakistan and Azad Kashmir Governments in March 1949. The Agreement was signed by the following:

1. Honourable Mushtaque Ahmed Gurmani, Minister without Portfolio, Government of Pakistan.
2. Sardar Mohammed Ibrahim Khan, the president of Azad Kashmir .
3. Choudhry Ghulam Abbas, Head of All Jammu and Kashmir Muslim Conference.

A. Matters within the purview of the Government of Pakistan.

1. Defence (as modified under....).
2. Foreign policy of Azad Kashmir.
3. Negotiations with the United Nations Commission for India and Pakistan.
4. Publicity in foreign countries and in Pakistan.
5. Co - ordination and arrangement of relief and rehabilitation of refugees.
6. Co - ordination of publicity in connection with plebiscite.
7. All activities within Pakistan regarding Kashmir such as procurement of food, civil supplies running of refugee camps and medical aid.

8. All affairs of Gilgit - Ladakh under the control of Political Agent.

B. Matters within the purview of Azad Kashmir Government.

1. Policy with regard to administration of AK territory.
2. General supervision of administration in AK territory.
3. Publicity with regard to the activities of the Azad Kashmir Government and administration.
4. Advice to the honourable Minister without Portfolio with regard to negotiations with United Nations Commission for India and Pakistan.
5. Development of economic resources of AK territory.

C. Matters within the purview of the Muslim Conference.

1. Publicity with regard to plebiscite in the AK territory.
2. Field work and publicity in the Indian occupied area of the State.
3. Organisation of political activities in the AK territory and the Indian occupied area of the State.
4. Preliminary arrangements in connection with the plebiscite.
5. Organisation for contesting the plebiscite.
6. Political work and publicity among the Kashmiri refugees in Pakistan.
7. Advise the honourable minister without Portfolio with regard to the negotiations with the United Nations Commission for India and Pakistan.

SINO-PAK BORDER AGREEMENT 1963

Article 1. In view of the fact that the boundary between China's Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan has never been formally delimited, two parties agree to delimit it on the basis of the traditional customary boundary line including features and in a spirit of equality, mutual benefit and friendly cooperation.

Article 2. In accordance with the principle expounded in Article 1 of the present agreement, the two parties have fixed as follows the alignment of the entire boundary line between China's Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan.

1) Commencing from its north western extremity at height 5,630 metres (a peak the reference coordinates of which are approximately longitude 74 degrees 34 minutes east and latitude 37 degrees 3 minutes north), the boundary line runs generally eastward and then South-eastward strictly along the main watershed between the tributaries of the Tashkurgan river of the Tarim river system on the one hand on the tributes of the Hunza river of the Indus river system on the other hand, passing through the Kilik Daban (Dawan), the Mintake Daban (pass), the Kharchanai Daban (named on the Chinese map only), the Mutsgila Daban (named on the Chinese map only) and the Parpik Pass (named on the Pakistan map only) and reaches the Khunjerab (Yutr Daban (Pass).

2) After passing through the Kunjerab (Yutr) Daban (pass) the boundary line runs generally southward along the above-mentioned main watershed upto a mountain-top south of the Daban (pass), where it leaves the main watershed to follow the crest of a spur lying generally in a south-easterly direction, which is the watershed between the Akjilga river (a nameless corresponding river on the Pakistan map) on the one hand, and the Taghumbash (Oprang) river and the Koliman Su (Orang Jilga) on the other hand. According to the map of the Chinese side, the boundary line, after leaving the south-eastern extremity of the spur,

runs along a small section of the middle line of the bed of the Koliman Su to reach its confluence with the Elechin river. According to the map of the Pakistan side, the boundary line, after leaving the south-eastern extremity of this spur, reaches the sharp bend of the Shaksgam of Muztagh River.

3) From the aforesaid point, the boundary line runs up the Kelechin river (Shaksgam or Muztagh river) along the middle line of its bed its confluence (reference coordinates approximately longitude 76 degrees 2 minutes east and latitude 36 degrees 26 minutes north) with the Shorbulak Daria (Shimshal river or Braldu river).

4) From the confluence of the aforesaid two rivers, the boundary line, according to the map of the Chinese side, ascends the crest of a spur and runs along it to join the Karakoram range main watershed at a mountain-top (reference coordinates approximately longitude 75 degrees 54 minutes east and latitude 36 degrees 15 minutes north) which on this map is shown as belonging to the Shorgulak mountain. According to the map of the Pakistan side, the boundary line from the confluence of the above mentioned two river ascends the crest of a corresponding spur and runs along it, passing through height 6.520 meters (21,390 feet) till it joins the Karakoram range main watershed at a peak (reference coordinates approximately longitude 75 degrees 57 minutes east and latitude 36 degrees 3 minutes north).

5) Thence, the boundary line, running generally south-ward and then eastward strictly follows the Karakoram range main watershed which separates the Tarim river drainage system from the Indus river drainage system, passing through the east Mustagh pass (Muztagh pass), the top of the Chogri peak (K-2) the top of the broad peak, the top of the Gasherbrum mountain (8,068), the Indirakoli pass (names of the Chinese maps only) and the top of the Teramn Kankri peak, and reaches its south-eastern extremity at the Karakoram pass. Then alignment of the entire boundary line as described in section one of this article, has been drawn on the one million scale map of the Pakistan side in English which are signed and attached to the present agreement. In view of the fact that the maps of the two sides are not fully identical in their representation of topographical features the two parties have agreed that the actual features on the ground shall prevail, so far as the location and alignment of the boundary described in section one is concerned, and that they

will be determined as far as possible by ground survey on the ground.

Article 3. The two parties have agreed that:

- i) Wherever the boundary follows a river, the middle line of the river bed shall be the boundary line; and that
- ii) Wherever the boundary passes through a deban (pass) the water-parting line thereof shall be the boundary line.

Article 4. One the two parties have agreed to set up, as soon as possible, a joint boundary demarcation commission. Each side will appoint a chairman, one or more members and a certain number of advisers and technical staff. The joint boundary demarcation commission is charged with the responsibility in accordance with the provisions of the present agreement, to hold concrete discussions on and carry out the following tasks jointly.

- 1) To conduct necessary surveys of the boundary area on the ground, as stated in Article 2 of the present agreement so as to set up boundary markers at places considered to be appropriate by the two parties and to delineate the boundary line of the jointly prepared accurate maps.

To draft a protocol setting forth in detail the alignment of the entire boundary line and the location of all the boundary markers and prepare and get printed detailed maps, to be attached to the protocol, with the boundary line and the location of the boundary markers shown on them.

- 2) The aforesaid protocol, upon being signed by representatives of the governments of the two countries, shall become an annex to the present agreement, and the detailed maps shall replace the maps attached to the present agreement.

- 3) Upon the conclusion of the above-mentioned protocol, the tasks of the joint boundary demarcation commission shall be terminated.

Article 5. The two parties have agreed that any dispute concerning the boundary which may arise after the delimitation of boundary line actually existing between the two countries shall be settled peacefully by the two parties through friendly consultations.

Article 6. The two parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary as described in

Article 2 of the present agreement, so as to sign a formal boundary treaty to replace the present agreement, provided that in the event of the sovereign authority being Pakistan, the provisions of the present agreement and of the aforesaid protocol shall be maintained in the formal boundary treaty to be signed between the People's Republic of China and Pakistan.

Article 7. The present agreement shall come into force on the date of its signature. Done in duplicate in Peking on the second day of March 1963, in the Chinese and English languages, both sides being equally authentic

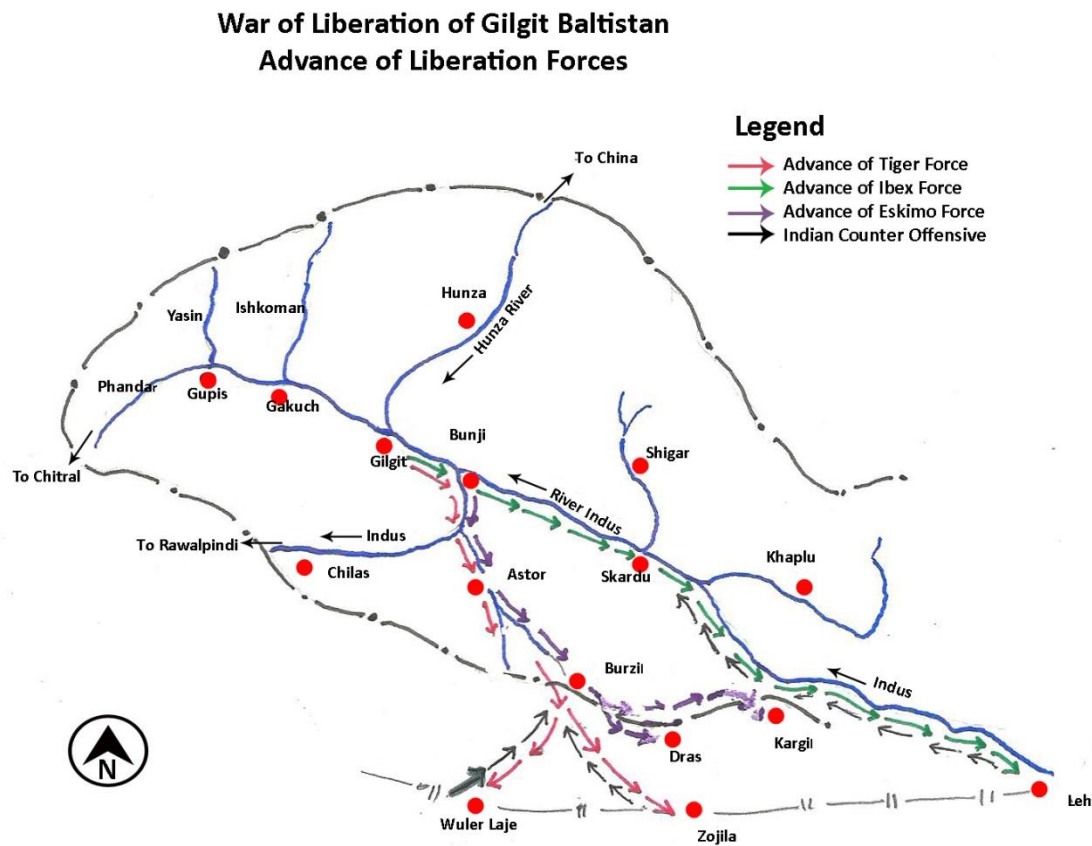
APPOINTMENT OF GOVERNOR OF GILGIT WAZARAT

The Jammu and Kashmir Government Gazette, 16th Sawan 2004 No.16

His Highness the Maharaja Bahadur has been pleased to command that:-

1. The Administration of the entire Gilgit territory i.e. Former Gilgit Wazarat North of the Indus and all Political District be taken over on 1st August.
2. The above together with Bunji will form the Gilgit Frontier Province.
3. A post of Governor in the grade of 700-40-900 with the usual Frontier Allowance and sumptuary allowance of Rs.200 p.m is sanctioned.
4. Brigadier Ghansara Singh is appointed Governor. He will draw his personal pay Rs.1, 000 together with Frontier and Sumptuary allowances.
5. For Revenue and General administration work, 3 officers, one Revenue Assistant and two Naib-Tehsildars, are sanctioned.
6. Services of two British officers, one as Assistant Governor Chilas and one as Commandant Gilgit Scouts be taken over in for a period of one year each. The emoluments of these officers will be sanctioned later when we know the class of officers we are getting.
7. The company stationed at Bunji may be reinforced by one more company.
8. The budget for the Gilgit Frontier province will be sanctioned when full details are known and have been scrutinized. ***Prime Minister***

ADVANCE OF LIBERATION FORCES IN 1947- 48



Source; Map of Northern Areas of Pakistan by Professor Manzoor Ali, 2004

ACCESSION LETTER BY MIR OF HUNZA ADDRESSED TO THE QAID I AZAM

