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**Beyond the Borders: Exploring Gilgit-Baltistan's Political Status and Constitutional Future**

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**DOI: <https://doi.org/10.70670/sra.v3i3.768>**

**Abstract**

Gilgit Baltistan (GB) has geo-strategic, geo-economics, and geopolitical importance because it is the home of mighty mountains, glaciers, rivers, plateaus, deserts, lakes, picturesque valleys, natural resources, and significant locations that connect Pakistan with China, Afghanistan, and India. Due to its roots in the Kashmir dispute, Gilgit Baltistan has faced constitutional and political problems for the last seven decades. Numerous governments introduced reforms in GB, but these were not implemented correctly and did not give full-fledged powers to locals. The federal-based government administered this region. GB has no representation in the National Assembly, Senate, and other financial and constitutional institutions. The study explores GB's constitutional and political problems from a historical perspective, using government documents, court decisions, and the various opinions of the Youth and finds out the Primary constraints to delaying GB's constitutional status, the local aspirations, particularly from the youth, and concerns in GilgitBaltistan regarding constitutional legitimacy and Political Autonomy. It also investigates the role of mainstream parties in GB's political development.

**Keywords:** Gilgit Baltistan, Politics, Constitution, Autonomy, Dilemma, Status, Future, Kashmir,

**Introduction**

The Gilgit Baltistan is situated in the North of Pakistan and covers a wide area of approximately 72,496 square kilometers. GB has the highest mountain ranges, such as the Karakoram Pamir Hidu Kush, and the western Himalayan and famous mountains are K2 and Nanga Parbat. The region has 5100 glaciers, rivers, plateaus, deserts, lakes, picturesque valleys, natural resources, unique culture, rich historical places, and multi-ethnic societies that have attracted millions of Tourists, Invaders, and Missionaries from the past to the present.<sup>1</sup> This region has geostrategic, economic, and political significance. It connects Pakistan with China, Afghanistan, and India. The area remained part of various empires, including those of ancient China, Central Asia, Arabs, Mughals, local dynasties, and other ancient civilizations.<sup>2</sup> In early history, GB was under many empires the Megalith Builders, the Dardic People, the Seytho Parthians, the Kushans, and the Huns. In the Medieval period, GB was under the rule of Local dynasties in many areas of the region. When things changed after the decline of local rulers, the Sikhs and Dogras of Jammu expanded

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<sup>1</sup> Shafqat Hussain, "The History of Gilgit-Baltistan," In Oxford Research Encyclopedia of Asian History, 2021. <https://doi.org/10.1093/acrefore/9780190277727.013.378>.

<sup>2</sup> Ibid.

territories and entered GB to defeat the local rulers and seize power in 1840.<sup>3</sup> British domination began in 1877 when Gilgit was declared an Agency. Col. J. Biddulph (25 July 1840- 24 December 1921) was nominated as a British political agent in 1878.<sup>4</sup> The primary purpose of establishing Gilgit as an Agency was to counter Russian influence. During the Crimean War, Russia had controlled many areas and expanded its territory, so the British feared the Russian expansionism policy. Once again, they were changed due to the First World War and the Bolshevik Revolution, so these changes also influenced British policy. Firstly, the British realized to counter socialism ideology in India because GB closed the Russian borders and the British governate agreement with Maharaja Hari Singh leased the Gilgit to the British for 60 years on 1st April 1935. The region's historically strong ties with Russia and China depicted the British interest during their rule in India, owing to the ongoing rivalry with Russia. The British leased the Gilgit Agency from Maharaja Hari Singh for 60 years, which further deepened its influence on the area.<sup>5</sup> The accession of Gilgit-Baltistan to Pakistan was a unique event in the history of the Subcontinent. Meanwhile, the other part of the region experienced a political movement for independence from British colonialism, and the creation of a new Islamic state, Gilgit-Baltistan, remained untouched by visible mass political mobilisation due to its remote and challenging terrain. But, on the eve of liberation, the Muslim soldiers of Gilgit Scouts, assisted by local chieftains and volunteers, liberated a significant 28,000 square miles, compelling the Dogra's Forces to retreat and leading an accede with the newly born Islamic State.<sup>6</sup> Despite these historical facts, the GB has remained ambiguous in constitutional and political status for the past seven decades, and its future has been associated with the Kashmir dispute and the wake of the infamous Karachi Agreement of 1949. The Karachi Agreement of 1949 was a tri-party agreement between Pakistan, AJK, and the All-Jammu and Kashmir Muslims Conference. This agreement took place, and without representation from locals, Kashmiri leaders handed over GB to the federal government, which administered this region from the capital.<sup>7</sup> Gilgit Baltistan experienced Many Constitutional and political developments and reforms since its independence on 1st November 1947 during different government periods, including the 'Black Law' known as the Frontier Crimes Regulation (FCR). Despite ensuing orders like the Northern Areas Executive Council, LFO, and others, hope emerged in 2009 with the 'GB Self-governance and Empowerment Order.' These reforms aimed to empower the region in politics, judiciary, and economics, garnering acceptance from GB inhabitants after 78 years of waiting for fundamental constitutional rights in this order; Gilgit-Baltistan was granted provincial status.<sup>8</sup> Regrettably, the 2009 order did not include political rights and representation in the National Assembly, Senate, and other financial institutions in Pakistan. It raises significant questions about the recognition of citizenship, political and constitutional rights, and the future of its 2.5 million inhabitants. These concerns have given rise to an identity crisis. Residents of GB

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<sup>3</sup> Farooq Omar Zain. "A socio-political study of Gilgit Baltistan Province." *Pakistan Journal of Social Sciences* 30, no. 1 (2010): 181-190.

<sup>4</sup> Sheikh Shabir. "British Intervention and the Case of Gilgit Agency:1846-1892" *ResearchGate*, June, (2019):1-12.

<sup>5</sup> Martins Sokfeld, "From Colonialism to Postcolonial Colonialism: Changing Modes of Domination in the Northern Areas of Pakistan" *University in Bern, Switzerland*, (2005):1-36.

<sup>6</sup> Ibid.5

<sup>7</sup> Riaz Ahmad, Hashmat Ullah Khan, Sajid Ali, and Muhammed Naeem. "A Historical Overview of Indo-Pak Conflicts and its Impacts on their Relations," *European Academic Research*, Vol, VII 8 (2019): 43.

<sup>8</sup> Najeeb Alam, Ammar Hassan Sajjad, and Nashrah Kainat. "Challenges to Constitutional Identity of Gilgit-Baltistan." *Progressive Research Journal of Arts & Humanities (PRJAH)* 5, no. 1 (2023): 41-51.

have been deprived of fundamental rights for the past seven decades.<sup>9</sup> However, this hope faded in 2018 when the 'GB Order 2018' replaced the 2009 order, transferring significant powers to the Prime Minister's office. Demonstrations against this order proved futile, and the Kashmir issue continued to cast a shadow whenever there was hope for constitutional rights and a pervasive sense of political deprivation in the region.<sup>10</sup> When the Pakistan Tehreek Insaf (PTI) came into power in the federal government, it used constitutional status as a political weapon in the GB election campaign and openly promised that if it won the election, the political and constitutional disparity would be resolved.<sup>11</sup> PTI won the elections but did not take a robust step for constitutional status, the things being when GBLA passed a bill on the constitutional status and PM Imran Khan established the committee regarding GB's constitutional status then.<sup>12</sup> So, unfortunately, that's the problem with GB's constitutional status, which has lingered for seven decades, and no governments have taken bold and concrete steps regarding GB's constitutional and political status. GB, a vast area, has been denied provincial status since independence due to its historical connections with the Kashmir dispute. Despite GB acquiring freedom from Dogras and acceding herself to Pakistan, GB has sought recognition as a province and has demanded political and constitutional rights for the last 7th decades. Pakistan policy contends that it awaits a UN plebiscite in Kashmir to determine the region's status, but the other side, India, revoked Articles 370 and 35A and abolished the special status of Kashmir on 5th August 2019.<sup>13</sup> The Supreme Court of India upheld the decision that violated a UN resolution.<sup>14</sup> The urgent issue regarding GB's Status is that Pakistan should grant GB comprehensive political and constitutional rights to solve the GB conundrum. Then, the people of GB's long grievances would be solved.

#### **Political and Constitutional Development in GB 1947- 2024**

The Mighty struggle of the local community to liberate this region from the Dogra's' Slavery and British domination while lacking proper military and weapons. The region's historically strong ties with Russia and China depicted the British interest during their rule in India, owing to the ongoing rivalry with Russia. The British leased the Gilgit Agency from Maharaja Hari Singh for 60 years, which further deepened its influence on the area.<sup>15</sup> The accession of Gilgit-Baltistan to Pakistan was a unique event in the history of the Subcontinent. While the other part of the region experienced a political movement for independence from British colonialism and the creation of a new Islamic state, Gilgit-Baltistan remained untouched by visible mass political mobilisation due to its remote and challenging terrain. But, on the eve of liberation, the Muslim soldiers of Gilgit

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<sup>9</sup> Basir Chand. "Policy Evaluation in Socio-Economic Dimension." Available at SSRN 1759619 (2010):1-8.

<sup>10</sup> Sartaj Aziz. "FUTURE STATUS OF GILGIT-BALTISTAN." *Himalayan and Central Asian Studies* 24, no. 4 (2020): 66-70.

<sup>11</sup> Aljazeera, "Pakistan's governing PTI is poised to form the government in Gilgit-Baltistan". November 17, 2020. <https://www.aljazeera.com/news/2020/11/17/pakistans-ruling-pti-poised-to-formgovt-in-gilgit-baltistan>.

<sup>12</sup> Dawn, "Committee set up on provincial status for GB." December 30, 2020. <https://www.dawn.com/news/1598654/committee-set-up-on-provincial-status-for-gb>.

<sup>13</sup> 13 BBC, "Article 370: What happened with Kashmir and why it matters" August 6, 2019. <https://www.bbc.com/news/world-asia-india-49234708>.

<sup>14</sup> Aljazeera, "What's Article 370? What to know about the verdict of the top Indian court on Kashmir." December 11, 2023. <https://www.aljazeera.com/news/2023/12/11/whats-article-370-what-to-know-about-india-top-court-verdict-on-Kashmir>.

<sup>15</sup> Kanwal, Singh "British takeover of Gilgit in 1935" *ijariie* Vol-8 Issue-6 (spring 2022):1-7. <http://ijariie.com>.

Scouts, assisted by local chieftains and volunteers, liberated a significant 28,000 square miles, compelling the Dogra's Forces to retreat and leading an accede with the newly born Islamic State.<sup>16</sup> Despite these historical facts, the GB has remained ambiguous in constitutional and political status for the past seven decades, and its future has been associated with the Kashmir dispute and the wake of the infamous Karachi Agreement of 1949. The Karachi Agreement of 1949 was a tri-party agreement between Pakistan, AJK, and the All-Jammu and Kashmir Muslims Conference. This agreement took place, and without representation from locals, Kashmiri leaders handed over GB to the Federal Government, which Administered this region from the Capital.<sup>17</sup> Gilgit Baltistan experienced Many Constitutional and political developments and reforms since its independence on 1st November 1947 during different government periods, including the 'Black Law' known as the Frontier Crimes Regulation (FCR). Despite ensuing orders like the Northern Areas Executive Council, LFO, and others, hope emerged in 2009 with the 'GB Self-governance and Empowerment Order.' These reforms aimed to empower the region in Politics, Judiciary, and Economics, garnering acceptance from GB inhabitants after 75 years of waiting for fundamental constitutional rights in this order Gilgit-Baltistan was granted provincial status regrettably, the order 2009 had an absence of political rights, and representation in National Assembly, Senate and other financial institution (NFC, IRSA, EC and NSC) of Pakistan that raises significant questions about the recognition of citizenship, political and constitutional rights, and the future of its 2 million inhabitants. These concerns have given rise to an identity crisis. Residents of GB have been deprived of basic rights for the past seven decades.<sup>18</sup> However, this hope faded in 2018 when the 'GB Order 2018' replaced the 2009 Order, transferring major powers to the Prime Minister's office. Demonstrations against this order proved futile, and the Kashmir issue continued to cast a shadow whenever there was hope for constitutional rights.is and a pervasive sense of political deprivation in the region.<sup>19</sup> When the Pakistan Tehreek Insaf (PTI) came into power in the federal PTI used constitutional status as a political weapon in the GB election campaign and openly promised if the PTI won the election then the political and constitutional disparity would be resolved but PTI won the elections but did not take a robust step for constitutional status the things being when GBLA passed a bill on the constitutional status and the PM Imran khan established the committee regarding GB constitutional status then So, unfortunately, that's the problem GB's constitutional status has lingered for seven decades no governments took bold and concrete steps regarding GB's Constitutional and political status.<sup>20</sup>

### **United Nation Resolution**

Before the Partition of India and Pakistan, Kashmir was a sovereign territory governed by a Hindu ruler known as the Maharaja, even though the majority of its inhabitants followed the Islamic faith. In 1947, a Force originating from the Pakistani-controlled Tribal territories launched an assault on Kashmir to aid the local population. This incursion provided India with an opportunity to compel the Maharaja of Kashmir to sign the Agreement of Accession. This raid sparked a conflict between

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<sup>16</sup> Prof Usman, Ali, *Gilgit Ka Inqilab 1948* (Lahore: Sang-e-Meel Publications,2012),87.

<sup>17</sup> Ibid.15.

<sup>18</sup> Ibid.,16.

<sup>19</sup> Livia Holden, "Law, governance, and culture in Gilgit-Baltistan: introduction." *South Asian History and Culture* 10, no. 1 (2019): 1-13, <https://www.tandfonline.com/doi/abs/10.1080/19472498.2019.1576300>.

<sup>20</sup> Aameena Tanvir, "Gilgit-Baltistan Elections and Looming Challenges for the PTI" *South Asian Voices*, November 25, 2020, <https://southasianvoices.org/gilgit-baltistan-elections-and-looming-challenges-for-the-pti/>.

newly born states. In 1948, India raised this issue on the international stage, intending to achieve international recognition and involvement. In January 1948, India presented the matter to the United Nations Security Council (UNSC) under 35 Article of the United Nations.<sup>21</sup> The UN promptly assumed responsibility for addressing the subject. The issue was treated with great gravity for an extended period, and the Kashmiris were granted the privilege of conducting a vote to determine their destiny. The resolution passed by the members of the UNSC proposed the resolution of the Kashmir dispute through a plebiscite. This plebiscite would provide three options to the inhabitants of Kashmir. to join India, to join Pakistan, or to remain an independent state. However, the UN resolution was not successfully implemented due to the antagonistic behavior of Pakistan and India.<sup>22</sup> The residents of GB assert that the entire territory has been entangled in the Kashmir dispute, awaiting a plebiscite. Therefore, on January 20, 1948, a delegation consisting of three members visited the location where the battle broke out and the UN established the United Nations Commission for India and Pakistan (UNCIP) of five members on 21 April 1948, to resolve the Kashmir dispute and also the adoption of the United Nations Security Council resolution 47 on Kashmir occurred. This resolution declared that both India and Pakistan expressed their mutual desire for the dispute of Kashmir to be resolved through a democratic process involving a free and unbiased plebiscite<sup>23</sup>. However, despite the passing of seven decades, not a plebiscite has taken place, nor has the given GB status. Most people believe that we are not part of the Kashmir dispute and our ancestors acceded this region with Pakistan, so the government of Pakistan should provide full-fledged status to GB.<sup>24</sup>

### **Karachi Agreement**

On 1<sup>st</sup> November 1947 GB got freedom from the dominations of Dogra's and the British. They proclaimed an Independent country with the name Islamic Republic of Gilgit. Raja Shah Rais Khan became President, Mirza Hasan Khan assumed charge as the head of the military, Lt. Ghulam Haider was appointed as the political agent, and the new flag was raised over the former governor's house. The new state remained for only sixteen days when this newborn state came to an end on 17 November when Pakistan appointed Sardar Muhammad Alam as a political agent. The people of GB happily join Pakistan without any conditions.<sup>25</sup> On 28 April 1949, at Karachi, an agreement took place among Pakistan, Azad Jammu and Kashmir, and the All-Jammu and Kashmir Muslim Conference. This agreement is called the Karachi Agreement.<sup>26</sup> The agreement among the three parties and representatives was Mushtaque Ahmed Gurmani, Minister without Portfolio, Government of Pakistan, Sardar Mohammed Ibrahim Khan, the president of Azad Kashmir, and Choudhry Ghulam Abbas, Head of All Jammu and Kashmir Muslim Conference. Interestingly, there was no representation of Gilgit Baltistan among any of the three parties that signed the agreement. The representatives of the All-Jammu and Kashmir Muslims Conference had no legal rights to represent GB. All the GB Affairs were handed over to the Federal Government.<sup>27</sup> The

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<sup>21</sup> Yashee, "The Kashmir issue: why India went to the UN" The Indian Express. August 24, 2023.

<sup>22</sup>"UN resolution" <https://www.pakungeneva.pk/ContentPage.aspx?ID=20>

<sup>23</sup> Ibid.

<sup>24</sup> Syed Waqas, and Taqi Akhunzada. "Unheard voices: engaging youth of Gilgit-Baltistan." Conciliation Resources (January 2015):1-24, <https://www.c-r.org/resource/unheard-voices-engaging-youth-gilgit-baltistan>.

<sup>25</sup> Ibid.

<sup>26</sup> Priyanka Singh. "GILGIT BALTISTAN." *Between Hope and Despair*" (New Delhi: Institute for Defense Studies and Analyses, 2013),24.

<sup>27</sup> Ibid.

matters of different natures and interests were divided among the Government of Pakistan, AJK, and AJKMC. The government of Pakistan controlled the Defense and Foreign Policy of Kashmir, Dealings with the commission of UNCIP (United Nations Commission India and Pakistan) Matters related to the refugees, coordinated public relations efforts for the referendum, and Affairs of Gilgit Baltistan, Azad Kashmir Government enjoyed a policy governing the management of AJK territory General control over the administration throughout the area of AJK and assisted UNCIP. Muslim Conference Promotion of the referendum in the AK territory, Promotion and research in the Indian-administered Kashmir, coordination of political causes in the IOK territory and the AJK territory, Awareness campaigns, and political activity among Kashmiri refugees in Pakistan and Advise the Honorable minister without a portfolio about the talks with the UNCIP.<sup>28</sup>

### **Political and Constitutional Development in GB 1947- 2024**

The Gilgit-Baltistan, political and constitutional reforms have a lengthy history and the progress of these reforms has been slow because it's associated with the Kashmir dispute. The first change in the political landscape occurred in 1950 when the Ministry of Kashmir Affairs and Northern (KANAN) was established. The governance of GB is called the Northern Area (NA) from NWFP (now Khaybar Pakhtunkhwa). Before this arrangement, the NWFP government was in charge of appointing the region's political agent. This arrangement procedure lasted until 1952 when the Joint Secretary for Kashmir Affairs assumed responsibility for the position of Resident of the NA.<sup>29</sup> The Frontier Crimes Regulations (FCR) were a specific set of laws. It was enacted by the British in 1867 to provide local agents with the power to pursue serious offences. The FCR was used to stifle opposition, indirectly assisting the colonisers to rule. The FCR applied to Tribal Areas. According to this law, the three fundamental rights are not being applicable for the tribal base regions APEEL, (the right to request) WAKEEL, (the right to legal representation) and DALEEL, (the right to present reasoned evidence). The main purpose of enacting these kinds of laws to keep the locals controlled in a suppressive way. During the colonial period, the British government extended FCR in FATA, Jammu and Kashmir, and Gilgit-Baltistan.<sup>30</sup> After the end of the colonial era GB got freedom from the despotic Dogra rule and Accession with Pakistan without any conditions but ironically the Pakistan government imposed the black law or FCR on GB.<sup>31</sup> Many voices were raised against FCR during the mid of 1950 then 1956 Gilgit League was formed and demanded political and constitutional rights and the abolishment of FCR but it was banned during the rule of Ayub Khan's martial law. Particularly during the 60s and 70s, a large number of youth moved to different cities, especially Rawalpindi and Karachi, for work and education then they formulated many political, and student organizations and another awakening platform for the demands of political and constitutional reforms, removal of FCR and repressive feudal rule these platforms played a pivotal role to create awareness among masses.<sup>32</sup> The two vibrant organizations Gilgit-Baltistan Jamhoori Mahaz and Tanzeem-i-Millat showed a robust resistance and protest not

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<sup>28</sup> "The Karachi Agreement (1949)," Cambridge University, accessed March 5, 2016, <https://www.cambridge.org/core/books/deadly-impasse/karachi-agreement/22D292DB7F1137C05CCC1D35CF207A01#:~:text=The%20Delegations%20of%20India%20and,cease%20fire%20line%20is%20established.>

<sup>29</sup> Ibid.28.

<sup>30</sup> "Black LAW(FCR)," Ministry of Human Rights, <https://portal.mohr.gov.pk/wp-content>.

<sup>31</sup> Sajjad Ahmed, "GB long Struggle" DAWN, October 21, 2020, <https://www.dawn.com/news/1586185/gbs-long-struggle>.

<sup>32</sup> Ibid.

in GB but across Pakistan but both organizations were banned by authorities. In January 1971, an incident unfolded in Gilgit when the district commissioner dismissed a school principal for refusing to favor the child of a non-local officer then the large-scale protests spread across GB for the first time. These large-scale protests led by Tanzeem-i-Millat peaceful protests soon turned into violent riots. In response, Governments detained and imprisoned by Tanzeem's top leadership they fired and killed a few protesters. But the people broke the jail and freed their leader's government could not ignore the growing discontent and grievances of the locals. Then, Zulfikar Ali announced a general amnesty regarding the incident. Z.A Bhutto as the prime minister made significant structural reforms in GB. Bhutto's government abolished FCR, feudal rule and the status of political agency.<sup>33</sup> The Pakistan People's Party can be credited with kickstarting the reforms in GB. After Z.A. Bhutto, Benazir Bhutto introduced party-based elections in 1994,<sup>34</sup> further institutionalizing political reforms in the region. In 2009, the PPP introduced the Gilgit-Baltistan Empowerment and Self-Governance Order, which was a comprehensive reform package. Though the reform package failed to meet locals' expectations, it did succeed in establishing a distinct identity for the region and knowingly sparked debate among locals about their political and constitutional rights.<sup>35</sup>

### **Formation of Ministry of Kashmir 1950**

The GB Affairs was taken over by the federal government and put under the Ministry of Kashmir Affairs in 1950. The ministry changed the title of the leader position from Political Agent to Political Resident. In 1952, the Ministry of Kashmir Affairs appointed the Resident for the NA (now GB). However, the people of GB were not thrilled because locals wanted political representation and participation and the power still stayed centralized which caused discontent among the local population.<sup>36</sup>

### **Some of the notable reactions and developments are as follows:**

- Colonel Mirza Hasan Khan war of independence hero formed a party called the Gilgit League in 1957. It was the first local political party that spread political awakening among people when Ayub Khan imposed martial law in 1958 it was banned.
- During the 60s Gilgit Baltistan Jamhoori Mahaz" was established the organization members mostly belonged to educated backgrounds which is why they used newspapers, and books as tools to advocate the political and constitutional rights of the people. As a result of this organization, the AJK assembly requested the people of GB to join AJK.<sup>37</sup>
- Tanzeem-i-Millat was established in 970 this organization played a pivotal role in political awakening across GB. The formation of the GB Students Federation was occurred during this period this organization formed by those students who were pursuing their Education in Karachi. It raised awareness about the rights of GB.
- In 1967, a few reforms were introduced by the ministry KA. They appointed a resident in place of a political resident based in Gilgit. The resident handles the high court, district magistrate, IGP, District council, revenue, etc. The resident assigned two Political Agents

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<sup>33</sup> Ibid,32

<sup>34</sup> Sajjad Ahmed, "GB's Historic Polls", DAWN, November 9, 2020.

<sup>35</sup> Zakir Hussain. "Geo-Strategic Significance of Gilgit Baltistan: Political, Economic and Security Interests of Pakistan, India and China (1947-2013)." (PhD diss., University of the Punjab, Lahore, 2018),

<sup>36</sup> Ibid.35,

<sup>37</sup> Sajjad Ahmed, "GB's long struggle" DAWN, October 21, 2020.

for each agency Gilgit and Baltistan. Once again, these reforms were also centralized based on one person having much power.<sup>38</sup>

### **Northern Area Advisory Council (NAAC) 1970**

General Yahya Khan instituted reforms in 1970. The first elections were held in GB in 1970. The 16 members were elected and they were the representative body of the GB. The NAAC had powers in development schemes but was largely ineffectual in all other Areas. In the beginning commissioner headed over the councils later, the Federal Minister for KA became the chairman and headed NAAC.<sup>39</sup> An incident occurred in Gilgit when district commissioner dismissed a school principal for refusing to favor the child of a nonlocal officer then the massive protests spread across GB. These protests led by Tanzeem-i-Millat peaceful protests soon turned into violent riots. In response, the Government detained and imprisoned Tanzeem's top leadership they fired and killed a few protesters. But the people broke the jail and freed their Leader's Government could not ignore the growing discontent and grievances of the Locals so Zulfikar Ali announced a general amnesty regarding the incident Z.A Bhutto as a prime minister made significant structural reforms in GB like Bhutto's government abolished black law (FCR), SSR, Rajgee Nizam (feudal rule) and the status of political agency.<sup>40</sup>

### **Zulfiqar Ali Bhutto's period Reforms**

After the fall of Dhaka, a swift political shift occurred in Pakistan. These major changes also influenced the political landscape of Gilgit Baltistan. During this period, political and constitutional demands and political awakening were raised among the people. Z.A Bhutto as a prime minister made significant structural reforms in GB like Bhutto's government abolished black law (FCR), SSR, Rajgee Nizam (feudal rule) and the status of political agency.<sup>41</sup> Prime Minister Zulfikar Ali Bhutto's significant visit to the region in 1972 where he revealed the repeal of black law (FCR), Rajgee Nizam (feudal rule), and the status of political Agency. The Bhutto government abolished the State of Hunza and Nagar and terminated the State Subject Rule. He also abolished the Gilgit and Baltistan Agency status and granted districts status and Diamer made a new District and changed the titles of resident to commissioner and political agent deputy commissioner. When he visited in 1974, he announced the creation of two more districts Ghizer and Ghanche at the same time the NAAC was replaced by the Northern Areas Council (NAC). He moved fast to construct the Indus Valley Road, which later became the Karakoram Highway facilitating these reforms and integration efforts GB into Pakistan. He announced Subsidies for essential items like Wheat, Oil, Sugar, and PIA tickets. known as "Bhutto subsidies".<sup>42</sup> NAC was adopted with the Northern Areas Legal Framework Order (NALFO)1974, served as a de facto based constitution, and powers and perks remained in the hands of the Capital and Ministry of KA.

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<sup>38</sup> Sajjad Ahmed, "Core-Periphery Relationship: The Post-1973 State of Pakistan and Nationalism in Gilgit-Baltistan." *Pakistan Perspectives* 20, no. 2 (2015): 99-113, <https://search.proquest.com/openview/314f8e92f457b1998a170620ae99fefe/1?pq-origsite=gscholar&cbl616532>.

<sup>39</sup> Ibid.

<sup>40</sup> Sajid Ali. "Gilgit Baltistan: identity crisis and a constitutional limbo." *International Journal of Human Rights and Constitutional Studies* 9, no. 3 (2022): 294-306, <https://www.inderscienceonline.com/doi/abs/10.1504/IJHRCS.2022.123695>.

<sup>41</sup> Sajjad Ahmed, "GB long Struggle" *DAWN*, October 21, 2020, <https://www.dawn.com/news/1586185/gbs-long-struggle>

<sup>42</sup> Ibid.42.

These reforms and administrative changes were aimed at joining Gilgit Baltistan into Pakistan however these efforts are de facto based because all Authorities, Powers, Perks, and privileges remained under the control of the Capital and Ministry of KA.<sup>43</sup>

### **Zia Ul Haq Reforms for GB**

The Third Military coup was experienced on 5<sup>th</sup> July 1977. Gilgit Baltistan's fall with "Martial Law Zone-E." This decision was significant from the viewpoints of the people of GB because this important decision good step and moved for constitutional status to GB. President Zia's statements, "Stated that Gilgit, Skardu, and Hunza were integral parts of Pakistan, not "disputed" territories like Kashmir".<sup>44</sup> President Zia ul Haq also named three members from the GB as observers for the Majlis-e-Shura<sup>45</sup>. During the 2<sup>nd</sup> commencement of Majlis-e-Shura, he expressed his happiness at the presence of GB representatives. President Zia-ul Haq once again stated on that He would be granted GB representation in the National Assembly. He also announced that elections for NA seats in Gilgit, Diamer, and Skardu districts. The directive to the Ministry of Justice all barriers and obstacles that hinder GB representation in the National Assembly. After assessing all matters, GB will be granted representation in the NA and Senate via notification. But despite these assurances, no notification was issued. A top brass committee was formed in 1985 to decide the prospects of the GB. The committee comprised Secretaries from Ministries such as Law, Finance, Defense, Foreign, Interior, Planning, Education, and also the Ministry of Kashmir Affairs. the committee quickly presented its report. However, it was neither executed nor made public.<sup>46</sup>

### **Benazir Bhutto Reforms for GB**

Benazir Bhutto came into power in 1988 she also continued her father's legacy and tried to do some reforms for GB. Mr. Qurban Ali from GB was selected as an Advisor to PM B Bhutto he represents NAC (Northern Area Council) and his status was equal to the state Minister portfolio. After two years in Government B Bhutto dissolved but no reforms in GB on the proper way. When Islamic Jamhoori Ithad (IJI) came into power in 1990 Nawaz Sharif became the PM but his tenure at GB was neglected not any kind of reform package was entertained to GB for self-government.<sup>47</sup> Once again PPP seized power in the 1993 elections Benazir Bhutto became the second time's PM and she also restrained her party's legacy towards GB On April 25, 1994, PPP introduced a reform package" for the GB. The reforms have features.

- ❖ The Northern Areas Council's members were increased from eighteen to twenty-six and election will be held through adult franchise on a party basis.
- ❖ The NAC elects a Deputy Chief Executive to assist the Chief Executive.
- ❖ The Chief Executive will appoint 3 or 5 council members as advisors.
- ❖ The Minister of KANA will be the Chief executive, and head and supervise all Administration affairs of the GB.
- ❖ The 3 to 5 appointed as provincial ministers with Chief Executive's choice.

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<sup>43</sup> Ullah, Azmat Ullah , *Dr. Muhammad Azhar, and Muhammad Raza. "History Of Reforms In Gilgit-Baltistan And Struggle Of Its People For A Non-Kashmiri Separate Identity."* Webology (ISSN: 1735-188X) 18, no. 4 (2021):1-12, [https://www.academia.edu/download/104166080/webology\\_18\\_4\\_155\\_pdf.pdf](https://www.academia.edu/download/104166080/webology_18_4_155_pdf.pdf).

<sup>44</sup> Zia ul Haq, "Gilgit, Skardu or Hunza Pakistan ka Aham Hissa ha" Nawae Waqt, April 13, 1982.

<sup>45</sup> Majlis al-Shura is a commonly used term for elected or co-opted assemblies with advisory or legislative powers.

<sup>46</sup> Zia Ul Haq, "Shumali Elaquo ko Asembly m mukaml Hissa Danga" Nawae Waqt, April 15, 1985.

<sup>47</sup> Ibid.45.

- ❖ The Judicial Commissioner position is abolished and a Chief Court will be formed with three members and a retired Judge will serve as the chairman. A senior judicial officer either from the Federal or Province, The High Court will appoint as Chief Court and the District Session Judge from the GB. The Court will not entertain the writ petition.<sup>48</sup>

The "package" made GB into a de facto province. The government appointed four secretaries and a chief secretary for the first time. The elections were conducted on a party based in 1994 under the LFO. PPP won a majority of seats and was elected Deputy Chief Executive. PPP chose two advisors, Two from Tahrik-i-Jafaria and one from the Muslim League (Junejo group). These advisors are positioned to govern governmental affairs. all five Advisors, including the Deputy CE, expressed dissatisfaction with their lack of power and perks and privileges in governmental affairs. On the other hand, the bureaucracy kept hold of the powers. The reforms granted more power to a non-representative chief executive but power Deputy Chief Executive less but voted by the public. The Chief Executive exercised power over all governing fields Thus, it became clear that the Advisors and the Deputy Chief Executive lacked powers.<sup>49</sup>

### **Supreme Court of Pakistan's Ruling in 1999**

The determine the constitutional status of Gilgit Baltistan and protect basic human rights, two constitutional petitions were filed in the Supreme Court of Pakistan in 1994. On May 28, 1999, a five Judge bench headed by Chief Justice Ajmal Mian and issued the judgment of this case. This case is reported as Al-Jihad Trust v. Federation of Pakistan.<sup>50</sup> The chief court demanded that the people of Gilgit Baltistan be provided with basic human rights and access to justice through an independent judiciary. The Supreme Court ordered the government of Pakistan to implement the decision of this case within six months, but so far, the decision has not been implemented.

The silent feature of the Supreme Court order

- ❖ To restore the inhabitants of the northern regions (Gilgit-Baltistan) 's right of governance, their representation in the Parliament should be arranged, and necessary Amendments to Article 1 should be made.
- ❖ The Federal Government should not be charged any kind of tax, levy, or duty in Northern Areas, etc. until their elected representatives have governed the affairs without interference from the federal government.
- ❖ If the Northern Areas are not included in the boundaries of Pakistan, then the customs check post should be removed from Sost and established on the border of Pakistan and the northern areas should be used for commercial or other goods related to the needs of life from China should not be interfered nor should customs duty be levied.
- ❖ The so-called laws, orders, measures, and notifications should cancel and implemented by the Government of Pakistan except for defense purposes.
- ❖ Except for the Armed forces, All the Pakistani authorities should be called back and the affairs of administration should be handed over to the residents of the area. <sup>51</sup>

<sup>48</sup> Ibid.46

<sup>49</sup> <https://gbtribune.blogspot.com/>

<sup>50</sup> Prateek Joshi, "Supreme Court ruling on Gilgit Baltistan: A legacy of unfulfilled promises." National Security 2, no. 1 (2019):1-8.

<sup>51</sup> Ibid.

The second Constitutional Petition answer given by the Supreme Court requested that the fundamental rights under Article 184 (3) <sup>52</sup> of the Constitution of Pakistan should be implemented in consideration of the Declaration of Human Rights and the constitutional status of the residents of the Northern Areas should be declared as Pakistani citizens. The full representation should be given in all institutions and the status province should be given to the northern regions. In light of the supreme court ruling the government put up a package for the NA, Retired General Abdul Majeed Malik (R) was the Minister for KANA at the time then he visited GB and met key figures. He said on October 2, 1999, that the government would shortly announce a reform package for constitutional measures that would transform the Northern Areas Council into the Northern Areas Legislative Council. The government soon announced local body elections in GB then General Musharraf took over on October 12 1999 and the government discussed GB's Status.<sup>53</sup>

### **General Parvaiz Musharraf Reforms**

General Parvaiz Musharraf toppled the civilian government in 1999 and assumed power then his government amended LFO 1994. The basic amendments are as follows

- ❖ NAC renamed NALC (Northern Area Legislative Council) and granted laws on 40 items.
- ❖ NALC members increased by 29, and five seats were reserved for women via indirect election.
- ❖ The Chief Executive cannot be a Council member majority council member chosen by the speaker.

Powers would be distributed by the expectation that the "package" would result in the establishment of local government. Yet, it soon became evident that the new, paradoxical package has a strong bureaucracy as usual. Deputy Chief Executives have administrative and financial power they would not be able to demonstrate effective performance in public service.<sup>54</sup> The reform did appear to set up a formal framework for the highest authority, but the elected council did not have the power to make proper decisions for the interests of their people. Like other packages, this package also has unfavorable features. General Pervez Musharraf visited Gilgit Baltistan on October 23, 2007, where he announced the new GB constitutional reforms 2007 and bought a colossal administrative setup for GB. The reform package replaces the legislative council with the legislative assembly and also enhances the power of the legislative assembly can legislate 52 items. Additionally, "Deputy Chief Executive designation was made is Chief Executive and the minister for Kashmir Affairs was granted as the Chairman of the Legislative Assembly." Northern Areas Legislative Council (NALC) was a previous name. interestingly all Kashmiris leaders whether they are from AJK or Indian-occupied Kashmir embraced these reforms but before they considered GB with the Kashmir issue.<sup>55</sup>

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<sup>52</sup> 184 (3) Without prejudice to the provisions of Article 199, the Supreme Court shall, if it considers that a question of public importance about the enforcement of any of the Fundamental Rights conferred by Chapter I of Part II is involved, have the power to make an order of the nature mentioned in the said Article.

<sup>53</sup> Livia Holden, "Law, governance, and culture in Gilgit-Baltistan: introduction." South Asian History and Culture 10, no. 1 (2019): 1-13, <https://www.tandfonline.com/doi/abs/10.1080/19472498.2019.1576300>.

<sup>54</sup> Ibid,53.

<sup>55</sup> Ershad Mahmud, "The Gilgit-Baltistan reforms package 2007: Background, phases and analysis." Policy Perspectives 5, no. 1 (2008): 23-40, <https://www.jstor.org/stable/42909184>.

## **PPP Third Term**

### **Gilgit Baltistan Empowerment and Self Governance Order 2009 (GBESGO)**

For the first time in the history of GB, a full-fledged package for self-governance was announced by the PPP regime in 2009 at that time President Asif Ali Zardari signed the GBESGO to provide the region of GB with provincial autonomy in Political, financial, and judiciary domains.<sup>56</sup> At that time the spins doctor of President Babar Sattar talking to the media about the GB Empowerment and Self-governance Order. He said in his talk GB would now elect their own Chief Minister through the Order. The president would appoint the governor of GB on the recommendation of the PM and the minister of Kashmir and GB affairs will assume the charge of governor until elections are held in the region. He further said the PPP regime would provide maximum administrative autonomy and empowerment to GB.<sup>57</sup> According to this order, the Northern Areas' name changed to Gilgit Baltistan. According to this order, GB assembly formed the procedural order in their jurisdiction. The Assembly and elected Members legislate all internal matters.<sup>58</sup>

### **The Gilgit Baltistan Legislative Assembly**

Gilgit-Baltistan Legislative Assembly consists of 33 members

- ❖ 24 Members would be elected directly through the adult franchise.
- ❖ 6<sup>th</sup> reserved seats for Women according to winning proportion.
- ❖ Six seats are reserved for Professionals and Technocrats.
- ❖ The GBLA members elect the Chief Minister, Speaker, and Deputy Speaker, with majority votes. The members of the assembly were given power legislation for 61 Subjects. The Assembly would present its budget and pass it as per in other provinces of Pakistan. <sup>59</sup>

### **GB Council**

The GB Council consists following members.

- ❖ The chairman would be the Prime Minister of Pakistan.
- ❖ The vice chairman would be The Governor of Gilgit Baltistan.
- ❖ Six members selected by the PM from the Parliament.
- ❖ The minister for Kashmir Affairs and Gilgit-Baltistan (KAGB) is an ex-office member and Minister in charge of the council.
- ❖ The Chief Minister of GB.
- ❖ The GBA elects six members following the proportional representation means by single transferable vote.
- ❖ The Minister KAGB is an ex officio non-voting member of the council.
- ❖ The GB council is given power to constitute Fifty-five subjects which are mentioned in the third schedule of the order.

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid.56.

<sup>58</sup> "GBESO 2009: constitutional package seems to fail in meeting long-standing demands" Business Recorder, accessed August 31, 2009, <https://www.brecorder.com/news/3674439/>.

<sup>59</sup> Altaf Hussain. "The Gilgit-Baltistan Reforms 2009," December 2009.

## The Constitutional Structure

There are three tiers to the constitutional structure.

- ❖ The first tier is that the federation has full Legislative and Executive authority over matters about Foreign Policy, Commerce, Currency, and Defense, including carrying out UNCIP resolutions.
- ❖ The GB Council constituted the second tier. They were the only ones with the authority to make decisions and enact laws on the things on the Legislative Council List.
- ❖ The GB government and legislative assembly constitute the third tier. The Gilgit-Baltistan Assembly is in charge of the Assembly Legislative List, and the Pakistani government has all remaining power.<sup>60</sup>

The Council was officially granted both legislative and executive authority over the Council of Legislative List. However, the GBESGO 2009 specifically mentioned that the Chairman PM has the authority to elect six of the Fifteen members of the GB Council, who are elected from among Federal Ministers and members of the parliament. Under the GBESGO 2009, none of them takes the oath. As a result, they were not accountable to the Parliament or the Council and Legislative Assembly of GB. The GBESGO 2009 specifies how the Government of Gilgit-Baltistan will exercise its jurisdiction, and the powers were granted to the Capital government both directly and indirectly via the Council. Practically speaking, the 6<sup>th</sup> members chosen by the GBLA had no say over any decisions made, matters on the Council Legislative List, or policy. Islamabad handled the Council and its staff, which consisted of the Federal Government bureaucracy. According to Schedule 2 Rule 9 (4) of the Govt of Pakistan's 1973 Rules of Business, the Minister of Kashmir Affairs was granted the authority. Direct control and regulation over the territory's administration is exercised by that Ministry should the issue come under the purview of the Government of GB, the Chief Secretary, Additional Chief Secretary, Secretary Health, Secretary Finance, DIG Police, Auditor and Accountant General, and other senior members of the Civil Services will exercise effective power in that regard.<sup>61</sup>

## PMLN Period

### GB Reforms Report by Sartaj Aziz Committee

Prime Minister Mian Muhammad Nawaz Sharif formed a committee under Sartaj Aziz's chairmanship in October 2015 to examine the constitutional and administrative status of Gilgit-Baltistan. The Committee members were Attorney General Ishtar Usaf, Khawaja Zaheer Ahmed (SAPM), Hafiz Hafeezur Rahman (Chief Minister Gilgit-Baltistan), Foreign Secretary Aizaz Ahmed, Abid Saeed (Secretary KA, GB) Tahir Hussain. (CSGB) and Major General Shamshaad, while Dr. M. Faisal (DG South Asian) acted as the secretary of the committee.<sup>62</sup> On March 17, 2017, after nearly two years committee submitted a report to PM and the following recommendations were made.

- (i) Gilgit-Baltistan should be temporarily given the status of a province under the Supreme Court's orders of 1999.

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<sup>60</sup> Senge H.Sering "Constitutional Impasse in Gilgit-Baltistan (Jammu and Kashmir): The Fallout." (2010): 354-358.

<sup>61</sup> Muhammad Akram Zaheer, "Constitutional Developments and Challenges to Autonomous and Self-governing System of Gilgit-Baltistan", Journal of Indian Studies 4, no. 2 (2018): 253-261, [http://pu.edu.pk/images/journal/indianStudies/PDF/10\\_v4\\_2\\_18.pdf](http://pu.edu.pk/images/journal/indianStudies/PDF/10_v4_2_18.pdf).

<sup>62</sup> Editorial, "PM Nawaz formed a Committee under Sartaj Aziz," World Times Magazine, October 2015.

- (ii) Amending Article 1, giving representation in the NA and the Senate through constitutional amendments of Articles 51 and 59.
- (iii) GB will be entitled to three reserve seats for three divisions Gilgit, Baltistan, and Diamer.
- (iv) The committee suggested a de facto unification of GB rather than a de jure.
- (v) The committee suggested giving GB additional legislative, administrative, and budgetary authority to increase the sense of engagement among the populace and to improve services.
- (vi) The committee suggested that GBLA on an equal footing with other provincial assemblies, all lawmaking matters aside from those listed in article 142 of the Pakistani constitution and its 4<sup>TH</sup> schedule—might be transferred from the GB Local authority to the GBLA.
- (vii) The committee suggested GB government could be allowed to participate as an observer in constitutional and financial bodies like the NE NEC, NFC, and IRSA.
- (viii) The committee suggested GB has much disparity so the Federal government should increase job prospects for citizens of GB and establish one or even more special industrial sites in GB through CPEC.<sup>63</sup>

The suggestion or advice as per the 18th constitutional amendment's theme, the Ministry of Kashmir Affairs must engaged before notifying any national government actions.<sup>64</sup>

### **Gilgit Baltistan Order 2018**

Federal Cabinet and the National Security Council approved the GB Order 2018 then Prime Minister Shahid Khaqan Abbasi formally announced the Gilgit-Baltistan Order during his address to the joint meeting of the GB Assembly and Council on the occasion of his visit to Gilgit. The government had spent more than three years preparing the reforms, which were expected to gain a lot of public and political approval, but the order's approval and formalization have been delayed. Even before the announcement, public circles took to the streets in full protest against the order. Thus, from the beginning of the work to prepare the reform draft for Gilgit-Baltistan under the leadership of Sartaj Aziz in October 2015 until the formal announcement of this order by the PM in the joint meeting of the GB Assembly and Council on 27 May 2018. The steps were kept completely hidden from the Civil Society and political circles. but the government circles at both the federal and provincial levels kept on assuring the people that GB would grant provisional province and give representation in the NA and the Senate. But despite the government keeping this reform document secret when it became public on social media.<sup>65</sup> The only Opposition Parties, the Awami Action Committee and Anjum-i-Tajran joined the protest movement against this order, which continued against the reforms. The movement intensified. People came to the streets in different districts against these reforms and a series of processions started. A day ago, large meetings of the Action Committee and United Position were also held in Gilgit and Skardu. In Gilgit, the police resorted to lathi charges, tear gas, and aerial firing to disperse the protestors. Leaders of the Action Committee and PTI were injured by Shilling. On which the protestors sat on a sit-in. The next day, on the occasion of the Prime Minister's arrival in Gilgit, a complete

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<sup>63</sup> Ibid.

<sup>64</sup> Sartaj Aziz, "Future Status of Gilgit-Baltistan," Friday Times, September 27, 2020, <https://thefridaytimes.com/27-Sep-2020/future-status-of-gilgit-baltistan>.

<sup>65</sup> "Gilgit Baltistan order 2018" Daily K2, accessed June 10, 2018,

shutter-down strike was conducted in all four districts of Gilgit and Baltistan, and large protest rallies were held. The echoes of the protest were also heard in the Assembly in the presence of the Prime Minister. The opposition members tore up copies of the Order 2018 in front of the Prime Minister and shouted and demanded constitutional rights. The opposition MLAs boycotted the Prime Minister's speech. Efforts to convince the opposition also did not work. In the three-day-long protest rally in Skardu, once again rejecting the Gilgit-Baltistan order, the government has been given a three-day deadline to withdraw the order.<sup>66</sup> Gilgit-Baltistan was given provincial autonomy for the first time under the erstwhile GBSGO 2009 In the Order of 2009, the government meant the provincial government of Gilgit-Baltistan i.e. the Chief Minister and his cabinet. Now in the GB Order 2018, the Prime Minister of Pakistan has been given extraordinary powers in GB Affairs. The Assembly has 62 matters to legislate while the PM has 68 matters to legislate. The Prime Minister can make laws for Gilgit-Baltistan and can impose taxes. A PM has the extra power to all laws made by GBLA can be null and void. The PM can also suspend the imposition of emergency and fundamental rights of the people.<sup>67</sup>

### **PTI Reforms Period**

When Pakistan Tehreek-e-Insaf won the 2018 election and formed the government Like other people of Pakistan, the people of Gilgit-Baltistan also hoped that Imran Khan would include Gilgit-Baltistan in the national stream. Accordingly, on Imran Khan's advice, the PTI government formed a committee for the constitutional and provincial status of GB, headed by the Minister for GB and Kashmir Affairs Ali Amin Gandapur. The committee consisted of Secretaries of the concerned Ministries and representatives of some important institutions. Once again, the committee submitted a report to the PM and recommended making GB a province of Pakistan.<sup>68</sup> According to media reports, PM Imran Khan approved the summary by agreeing to the committee's recommendation to make GB a provisional province of the country. There was a hope of solving the decades-long issue with Gilgit-Baltistan, meanwhile, some so-called political leaders of former Kashmiri came into the fray and bent their backs to stop the reform process in GB they also met important ministers including Minister Foreign Shah Mehmood Qureshi Consequentially these meetings were that the issue of the implementation of reforms in GB was postponed.<sup>69</sup> Then statement by PM Imran Khan was published in the media that all the stakeholders regarding the legal status of GB would be taken into confidence again, then the reforms were delayed. Prime Minister Imran Khan chose Gilgit-Baltistan's Independence Day, November 1, as his first visit. This is the day when the heroes of GB 75 years ago won independence by defeating the Dogras got independence and annexed Pakistan unconditionally. It was a very appropriate day that the Prime Minister acknowledged the Heros and Ghazis of GB's sacrifice during the war of independence and announced constitutional status to Gilgit-Baltistan, but it did not happen. In the Prime Minister's speech, there was so much about the development of Gilgit-Baltistan that tourism will be promoted in Gilgit-Baltistan, skiing will be promoted, processing units will be set up for sweet apricots, and small power plants, the federal government will support the provincial government. The people were expecting that on

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<sup>66</sup> "Gilgit Baltistan Order or Is Ka Assraat," Daily K2, accessed June 10, 2018,

<sup>67</sup> Samina Shah, "Gilgit-Baltistan Order 2018: A Copy-Paste Bureaucratic Endeavor," Pamir Times. June 5, 2018, <https://pamirtimes.net/2018/06/05/gilgit-baltistan-order-2018-a-copy-paste-bureaucratic-endeavor/>.

<sup>68</sup> Ibid.

<sup>69</sup> Ghulam Abbas, "First meeting of the committee on reform in GB scheduled after expiry of timeframe," Friday Times. March 7, 2021,

August 5, just as PM Modi abolished the special status of Kashmir, PM Imran Khan announced that GB was a fifth province of the country, but it did not happen to make Gilgit-Baltistan a new province. The Gilgit-Baltistan Assembly unanimously passed a resolution for the establishment of a province. The resolution demands that Gilgit-Baltistan should be given the status of a province and given proper representation in the NA, Senate, and other federal institutions. The resolution suggests that appropriate amendments to the Constitution of Pakistan representation should be given without amendment in Article 1 and Constitution and amendments should be made in those Articles of the Constitution which mention the number of seats in the NA and Senate.<sup>70</sup> On April 10, 2022, the Pakistan Tehreek-e-Insaf government Fell through a no-confidence motion and once again the constitutional status of GB was delayed. The PDM government came into power after a no-confidence motion but the PDM government did not pay attention to the constitutional status of GB. Once again the Supreme Court echoed the constitutional status of Gilgit-Baltistan during the hearing of the case of appointment of judges in the High Court of Gilgit-Baltistan on 15 February 2024. Chief Justice Qazi Faiz Isa remarked that the people of Gilgit-Baltistan do not know their constitutional status. The Additional Attorney General said that they want to bring Gilgit-Baltistan into the constitutional stream by giving it provincial status, but international conventions are an obstacle. During the hearing, India's illegal occupation of Occupied Kashmir was mentioned. Chief Justice Faiz Isa said that India had occupied Kashmir. It has been usurped, hold a referendum in the part of Kashmir and GB that we have and Gilgit-Baltistan should be included in the national stream.<sup>71</sup> So that's the problem GB's constitutional status has lingered for seven decades nothing bold and concrete steps taken by the governments of Pakistan to GB included in the national stream.

## Conclusion

Gilgit-Baltistan is a region in a high alpine zone of Karakoram, Pamir, Hindu Kush and western Himalayan mountains. It has about 72,496 square kilometers of land and rising above the topography are great mountains, which include K2 and Nanga Parbat. The area is home to approximately 5,100 glaciers and several river basins and plateaus, arid deserts, lakes, and spectacular valleys, along with a great amount of natural resources. It boasts of unique cultural background with numerous ethnicities and historical sites that have over the centuries received various people, invaders, and missionaries. Gilgit-Baltistan is an important geopolitical, economic, and strategic place because it serves as a passageway between Pakistan and China, Afghanistan, and India. Such significance has ensured that the region has been a long term center of concern to most global and regional powers. The available early historiography of Gilgit Baltistan has its roots in the description of travelers and mountaineers who penetrated the mountainous geography of Gilgit Baltistan. Even most of these documents have been lost or are incomplete though they give a good picture of what the physical environment of the region is like. Due to the different theoretical orientations adopted by scholars, there have been divergent facts concerning its past. History Archaeological evidence has shown that the first to settle in the region were the local people who left rock art; later, the Chinese and Persian invaders came seeking a bit dominance in the region. Other cultural influences undone by the Arab migration were the Buddhist traditions. Modern colonial involvement began when the British started entering the

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<sup>70</sup> "Gilgit Baltistan Assembly ma Karadad Manzoor," Daily K2, accessed June 22, 2021,

<sup>71</sup> "Chief Justice Faiz isa ka Gilgit Baltistan K lean KA bara M ahm Bayan," Daily Jang, accessed February 15, 2024,

region in middle of the 18th century. The modern period of the history of Gilgit Baltistan started back in 1840 when the Dogra monarchs of Kashmir conquered parts of the region. The region all fell under the Dogra rule in 1960, following the death of a local monarch called King Gohar Aman. Gilgit Baltistan was shared between Dogras and British to some extent, until 1935 when this was changed into direct leasing by the British. The liberation struggle resulted in the liberation of the region in 1 November 1947 following the partitioning of India. The Gilgit Agency was formally included in Pakistan after 15 days which had never happened in the history of the sub-continent. Considering that other areas in the region were undergoing massive nationalistic address, Gilgit-Baltistan was relatively isolated by its distance and topography. However, on the evening of independence, under the help of local chieftains with the support of volunteers who are Muslim soldiers of the Gilgit Scouts, the territory of about 28,000 square miles was freed, forcing the Dogra troops to retreat and solidifying the right of the territory to belong to the newly established Islamic State. Such occurrences, however, failed to sort out the precarious legal and constitutional position of Gilgit Baltistan; since the period the region has been linked to the Kashmir issue, as well as to the Karachi Agreement of 1949. This accord was a tripartite agreement amid Pakistan, Azad Jammu and Kashmir and All -Jammu and Kashmir Muslims conference, which handed over the governance of Gilgit-Baltistan to the federal government without any local representation. The Gilgit-Baltistan has experienced many reforms concerning constitution and politics since 1947. Most of them were created by subsequent governments in the form of the Frontier Crimes Regulation (FCR) and then the Northern Areas Executive Council and Local Finance Order. In 2009, the region was promised increased political, judicial and economic autonomy and given the status of provincial with the introduction of the GB Self-Governance and Empowerment Order. But the order did not include fundamental aspects of political representation and economic involvement and this cast doubt over the concept of citizenship, constitutional rights, and the future of its estimated 2.5 million residents. This led to identity crisis as the people remained to be deprived of basic rights over a long period of time. This was replaced in 2018 by the “GB Order 2018” that gave significant authority to the office of the Prime Minister. The protest movements which were formed in response to this re-organisation ended up being fruitless and the problem of Kashmir remained a contentious subject to cloud the future of constitutional rights and helped generate a general feeling of political underrepresentation in the region. When the Pakistan Tehreek-e-Insaf (PTI) ascended to the federal power, the party used constitutional status as a political tool in the election campaign of Gilgit-Baltistan, promising to eliminate the political and constitutional disparity upon coming to power. Despite gaining electoral points, PTI then failed to implement strong initiatives in stopping the problem. As a reply, the GBLA enacted a constitutional status bill and Prime Minister Imran Khan had formed a committee on the issue. However, there have not been conclusive measures taken on determining the constitutional status of Gilgit-Baltistan and the issue is still unanswered. The provincial denial of the area since the time of independence is based on the Kashmir dispute. Despite being granted de facto independence over Dogra rule and including in Pakistan, Gilgit Baltistan continued to demand provincial status, and with it the concomitant constitutional and political rights. The Pakistani government adheres to the fact that the status of the region is something that waits a plebiscite of the United Nations in Kashmir. India on the other hand repealed Article 370 and 35A in 2019 abrogate the special status of Jammu and Kashmir; a recent Supreme Court decision supported this, which violated a UN resolution. The modern day paradox of Gilgit -Baltistan issue necessitates the Pakistani state to

extend all political and constitutional rights to the region. This would probably end the longstanding ambiguity and bring peace to this vital strategically important region.

### **Policy Recommendations and Suggestions**

- ❖ Pakistan grants interim provisional status and amendment in the constitution of Pakistan. The representation should be made in Parliaments and national institutions. In this option, five seats would be formed one for each division Gilgit, Diamer Astore, and Baltistan, and two reserved seats for women. All matters should be given to provincial governments except defense and foreign matters. This option highly ensures GB integration with Pakistan politics and all kinds of deprivation would be solved for GB people's wish. India has already done in Jammu Kashmir and Ladakh grant a representation in Indian parliaments without any kind of referendum or plebiscite and also on 5th August 2019 Narendra Modi Government revoked the special status of Kashmir and abrogated article 370 and 35A. So it's a billion-dollar question why Pakistan cannot do in the GB case.?
- ❖ Pakistan can grant GB an AJK-like status it would be better for GB self-government and self-autonomy to address all issues, GB will enjoy a flag, President, PM slots, Assembly, and its constitution, and all grievances may be solved.
- ❖ Political and constitutional should be determined for the willingness of GB.
- ❖ Granting representation in the Senate, National Assembly, and other Financial aid Constitutional bodies like NFC, CCIE, ECP, IRSA and ECC, etc.
- ❖ Government should not interfere with political activism and allow Peaceful and freedom of speech for activists.
- ❖ The government should improve internet Connectivity and protect people's digital rights.
- ❖ The Kashmir issue is the primary hurdle for GB's political and constitutional status. Kashmir dispute between India and Pakistan Since independence, both states fought four bloody wars in Kashmir a million people have been killed and displaced by both India and Pakistan it needs an hour for both states to come forward and resolve the Kashmir dispute.
- ❖ The UN plays an important role and follows her resolution and plebiscite on Kashmir then all grievances will be solved.
- ❖ GB is the hub of the tourism industry due to its numerous picturesque valleys, Glaciers, mighty mountains, lush greenery grounds, fresh water, lakes, natural resources, and historical places but lack of Infrastructures many tourists cannot come to GB, so government work on it to boost tourism in GB then the economy will be a boom so it would be greatly beneficial for GB and Pakistan.
- ❖ The mainstream political parties play a key role in full GB demand so all parties come forward and raise their voices in the Senate and National Assembly for GB political and constitutional rights.
- ❖ GB still faced fundamental needs like Education, Health, and Security so the Islamabad-based government come forward and overcome issues on a priority basis.
- ❖ Local government should be introduced to alienate local issues.
- ❖ Education sectors need to be improved more Schools, Colleges and universities, Media colleges, Engineering Colleges, and vocational training centers must be established.

- ❖ The grants fifth constitutional province of Pakistan according to GB's point of view all political and constitutional reservations and grievances would be addressed Pakistan's stance on Kashmir will be sabotaged.
- ❖ Government Entities should avoid capturing Indigenous lands in the name the Khalisa sakrka.

The bulk of youth have many grievances regarding political constitutional and Job Opportunities State behavior so the government-formed youth committee must solve all grievances.

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