



Indian Council  
of World Affairs

**SAPRU HOUSE**  
SOUNDINGS ON AREA STUDIES

# GILGIT-BALTISTAN UNDER PAKISTAN'S OCCUPATION

*Edited by*

**ASHISH SHUKLA**

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ISBN 978-93-83445-52-3 Hardback

Published in India by Kalpana Shukla



KW Publishers Pvt Ltd

4676/21, First Floor, Ansari Road

Daryaganj, New Delhi 110 002

Phone: +91 11 23263498/43528107

Marketing: kw@kwpub.in

Editorial: production@kwpub.in

Website: www.kwpub.in

Printed and bound in India

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### 3. Developments in Gilgit-Baltistan: Interpreting Local Angst

*Ashok K. Behuria*

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During the imperial times, Gilgit-Baltistan (GB) was regarded as an important frontier and that is how the concept of the great game came about. The British started talking about it around the 1840s and it became clearer during and after the 1870s. It is interesting to note the British nervousness about the possible Soviet and Chinese intrusion in this region. The geostrategic importance of GB can be understood just by looking at the political map. The area is surrounded by four different countries. Legally, it is part of erstwhile Indian state of Jammu and Kashmir, which is now a Union Territory, and shares the borders with Afghanistan, China and Pakistan. The territory is viewed by China, India, Pakistan and other Central Asian countries as a strategic locale. The history of the region presents an interesting account. When the Maharaja of Jammu was given back his domain, the first thing he did was to visit Gilgit and conquer the connecting routes. It was a part of the historical Silk Route that connected the world with the rest of India. The commercial route was acquired as it could bring the much-needed revenue to sustain the regime and trading system.

Given the presence of diverse ethnic groups and languages, the area could also be termed as an ethnic boiling pot or melting pot. Basically, there are three divisions—Diamer, Gilgit and Baltistan. Historically, Diamer consisted of about 12 to 13 principalities at one point of time. So were the other areas. The fight between Hunza and Nagar and the conflict they had with the British at one point of time in history is well-known.

Even at the height of their empire, the British could never completely control the area. Their hold over this terrain remained quite tenuous. It was only between 1935 and 1947 that they had some kind of control over it. With the lapse of paramountcy, Major Brown deprived the Maharaja of J&K of any authority over the territory. After Major Brown's revolt, Pakistan took control over the territory. In April 1949, with the Karachi Agreement in place, Pakistan sliced off GB from the illegally occupied J&K and converted it into a stateless entity. Neither then, nor today, is it declared part and parcel of Pakistan. None of the Pakistani constitutions mention it.

From the very beginning, there was a class of perception between Brown's people and the rulers of Pakistan. It was natural for the indigenous people to have an autonomous status and carve a confederal space in the Pakistani political set-up. This was not something Pakistanis would accept, as they wanted to swallow it. Karachi then sent a *tehsildar* to take care of the region. Later, it was managed through a political agent and the Ministry of Kashmir Affairs. From the 1980s till the 1990s, one finds some sort of rudimentary representative system put in place. In 2009, the then Pakistan People's Party (PPP) government introduced the GB Empowerment and Self-Governance Order. The indigenous people, ever since 1947, remained dissatisfied with the way Pakistan handled the issues. They always compared themselves with the people of "Azad Jammu & Kashmir" (AJK) as it is known in Pakistan. The people of the so-called AJK enjoy many more rights than the people of GB because earlier they could secure a better bargain with Pakistan.

From 1974 onwards, an interim constitution was put in place that gave AJK a semi-provincial status. But GB was deprived of any such scheme. Since 2009, after the PPP introduced the GB Empowerment and Self-Governance Order, people have been looking for a better bargain from the Pakistani State. If one sees the statistics, especially the socio-economic data, it gives a sense of how the people of GB were governed and deprived of many rights. There is no uniformity in the data from several Pakistani sources on GB. The Pakistan Institute of Peace Studies (PIPS) has come

up with figures on literacy. According to this, 14 per cent of men in the area were literate, compared to only 3.5 per cent women being literate. However, the Government of GB data puts it very differently. As per their data, about 37.85 per cent of people were literate out of which 52.6 per cent were male and 21.65 per cent female. The federal government's data suggests that the literacy rate is 59.75 per cent. This is something one cannot understand. Therefore, in the three sets of data there is no similarity.

The official data about GB is misleading. If one looks at the condition of the public schools in the area, he/she feels disgusted. The condition on the ground is pathetic. Girls' education is discouraged and with the infiltration of radical elements in society, it has become even more difficult for girls to have access to education. According to the World Bank data, there were about 33 hospitals across GB with only 986 beds. The total population of the terrain is about two million. It means there is one doctor for every six thousand people. However, the federal government's data claim to have one doctor for every 3,814 people in GB. It is far below the national average in Pakistan. As per the World Bank statistics, 85 per cent of the people live on subsistence farming. The Pakistani data highlights that only 23 per cent of people live below the poverty line. But the people of GB tell a very different story.

The unemployment rate is also very high and it is certainly larger than the Pakistani average. That means there are rules that the people of GB have vis-à-vis Pakistan. Soon after introducing the 2009 Order, the PPP government found a way of imposing taxes on the people. Earlier there were no direct taxes. Now direct taxes were levied on the people of GB and that is what has led to some sort of movement against the government. The local activists talk about the blatant discrimination against the people of GB. The people of GB get 25 per cent less salary than the officials who come to GB from other provinces. Almost 90 per cent of indigenous people are engaged in agricultural activities.

There are ecological issues as well. In 1998, about 640,000 hectares of land were under forest cover. Presently, it is estimated to be about 285,000

hectares. There is an unrepentant exploitation of natural resources and the benefits of it are not accruing to the people in the region. Most of the people from GB would argue that it is colonialism at work, and nothing else. So, there is a genuine sense of grievance about it. There is a political aspect to the issues. On May 28, 1999, the Supreme Court of Pakistan came out with a verdict and acknowledged that the Northern Areas constituted part of the state of J&K. This changed the whole dynamics about it. Now, the Pakistanis started saying that the proper administrative and legislative steps would be taken by the government to ensure that the people of the Northern Areas enjoy their rights under the Pakistani Constitution. After this, President Musharraf came out with the Northern Area Legislative Council Act and the representative system was introduced. With PPP's 2009 Order, the name was changed from Northern Areas to GB. It also established an Upper House in the GB Council consisting of 15 members with the Prime Minister of Pakistan as its ex-officio chairperson. Out of these 15 members, 9 were to be from Pakistan and 6 from GB itself. So, instead of giving the GB people self-governance, federal government strengthened its position.

After 2012, when the taxes were imposed, the locals revolted. The GB Legislative Assembly passed a resolution demanding provincial status within Pakistan. The latest round of demonstrations that one notices is because of this very fact. Most of the people want provincial status, so that they have more allocations and would be better cared for by the central government. This initiated a debate after the resolution came about in the GB Legislative Assembly. In April 2014, the Standing Committee of the Senate on Human Rights took notice of the human rights violations in GB. It evidenced the sectarian violence and made a special reference to the constitutional deprivation of the people of GB. The reactions from different quarters were converging to the point that the Pakistani Parliament should take note of the people's distress. Basically, the local people have argued that Pakistan had left them "high and dry". They are asking to be mainstreamed into Pakistan's existing national system.

In 2012, a retired colonel named Imtiaz-ul-Haque, whose father had once served in the Gilgit Scouts and had rebelled against the Maharaja in 1947, came out with a dissertation. The dissertation was titled, *Determining the Political Status of Gilgit-Baltistan: Future Perspective*. Later, Colonel Imtiaz was made one of the members of the committee which was set up by the GB government to make recommendations on the constitutional status of GB. His recommendations were really revealing and very interesting. After the battle for absorbing GB into the Pakistani state, he observed that it might not be possible for the Government of Pakistan to take a U-turn on its principal stand on the subject and integrate GB in its constitutionally defined territories because of its commitments with the people of J&K, United Nations, India, and the international community. However, the provision of interim provincial status could be considered.

If granted an interim provincial status, the people of GB would enjoy the right to vote and would have due representation in the constituent assemblies of Pakistan. This is considered the best viable option to address the issue of the identity crisis amongst the people of GB. The GB Bar Council took this issue and laid several demonstrations to argue that GB had been made a sacrificial goat in the name of J&K. They accused the government of having a malafide intention to keep the area and the people under the clutches of the Pakistani bureaucratic system and deprive the people of their fundamental rights. The GB Bar Council said that the J&K is often compared to us! In reality, that part has an act based governing system at work since 1969 and 1974 even if they do not have a constitutional status and this would be granted to us as well. They also made other interesting statements. They said the pattern of political government system in the "Indian-occupied J&K," as they refer to it, beginning from 1948 and 1957 was the most suitable and viable in this regard as it not only catered to the strategic interests of Pakistan in this region, but also redressed the prolonged sense of deprivation amongst the people of GB.

There is a grudging recognition of the rights granted to people in J&K. So, in 2015 the GB Chief Secretary headed a committee and they also prepared a document in this regard. The committee recommended an

interim provincial status to GB with the right of vote and representation in the Parliament of Pakistan as the best option. These developments created a pressure on the Government of Pakistan, which set up the Sartaj Aziz Committee to look into the possibility of granting provincial status to GB. The committee presented its report in November-December 2017. As it was going on, Yasin Malik wrote a letter to Nawaz Sharif enquiring how he could do it when the resolution of Kashmir issue was still pending. He urged him not to grant provincial status to GB. In his reply, Nawaz Sharif assured him of taking his concerns into account while framing policies. The final report that came out later did allude to interim provincial status but without explicitly mentioning it.

In May 2018, when Nawaz Sharif demitted office, the Khaqan Abbasi government came out with GB Order 2018. It was promulgated on May 21, 2018. Soon after, there was a new PTI government headed by Imran Khan. The new government informed the Supreme Court that the GB Order 2018 could not be implemented, and the apex court took it up from November 16, 2018 and deliberated upon the issue. At that time, there was an activist Chief Justice who was emotionally involved with the Kashmir issue to the extent that he went begging for funds to build the Diamer-Bhasa dam. He was the one who categorically stated that people should not be stopped from enjoying their rights. The January 2019 Supreme Court orders are quite interesting. The Court stated that the May 2018 GB Order should not be amended after due promulgation, except in terms of the procedure provided in Article 124 of the Order. The Court also made it clear that the government should ensure that whatever reservations it had on the May 2018 Order, it should bring about changes in such a manner that this would not be amended again. So, now the Pakistani Supreme Court has a stake in the order and the order can only be amended if the Court is convinced.

Now, the Supreme Court has taken a stand that the Pakistan Government, even if it recognises the problem of the Pakistani Government in granting provincial status to GB, it will find a way of ensuring that the people of GB enjoy the rights as per the Constitution

of Pakistan. Now, the situation has become complicated as the people of GB still do not feel that the Order can satisfy their demands. In all the demonstrations, they are chanting "no taxation without representation". Either Pakistan will have to find a way of not taxing them, not imposing direct taxes on them, or granting them some kind of a representation.

Given the kind of emotional outbursts that are often witnessed from Pakistan on the Kashmir issue now, suggests that Pakistan will not be able to give them full provincial status. They will try to introduce certain changes that would be between a provincial status and the GB Order and this will keep the pot boiling at the popular level. India has left its hold on the terrain from 1947 onwards. It has only taken an episodic interest in the terrain depending on its relationship with Pakistan and issues that come to the fore. For everything else, GB has been left to Pakistan. This is something that India must recognise. Apart from issuing some ritualistic statements from the Ministry of External Affairs, India has not done anything significant that could attract the people of the terrain. If one looks at the population in GB, they are demanding national recognition—recognition based on nationalism. Most of the people want to be a part of Pakistan and they want Pakistan to recognise GB as its fifth province.

The dissatisfaction that is seen within the people of GB emanates from non-fulfilment of this demand. If India wants to build bridges with people in that terrain, it should try to look at GB not as a territory alone, but as a territory with people in it. The next step would be to build contacts with the people there, grant them scholarships, encourage their visits to India, etc. These are some of the ways in which India can reach out to the people to build bridges there. Otherwise, one can only episodically wake up to this reality and put something out on the table, which does not have any basis.