



Caught in a new great game?

Report of an HRCP fact-finding mission to Gilgit Baltistan

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Introduction

Gilgit-Baltistan, known until 2009 as the Northern Areas, is located in the northernmost corner of Pakistan. The mountainous region spread over approximately 28,000 square miles borders China, Afghanistan and the Indian-administered Kashmir.

The area is essentially made up of a confederation of valleys. Until the mid-19th century, the areas now making up Gilgit-Baltistan were mostly independent territories which were then invaded by the Dogra rulers of Kashmir and annexed to the state of Kashmir. When the subcontinent gained independence, the British colonial rulers ceded the area to the Maharaja of Kashmir. This triggered a struggle against the Maharaja's rule, which resulted in the liberation on November 1, 1947 of what is today known as Gilgit-Baltistan. The ruling council of the people of the area decided to accede to Pakistan. The government of Pakistan subsequently sent a political agent to govern the area. It was initially governed under the Frontier Crimes Regulation (FCR).

Gilgit-Baltistan has been treated as part of the disputed Jammu and Kashmir for 66 years even though the local population insists that through the history their region has had a status that has been completely distinct from Kashmir. The populace has demanded, constantly and vociferously, for inclusion of Gilgit-Baltistan in Pakistan as a constitutionally acknowledged unit of the federation and for them to be given the same political and other rights that the citizens of Pakistan enjoy. Even as provincial status within Pakistan has remained the predominant demand, many from the region have questioned that if Gilgit-Baltistan is considered part of the Kashmir dispute, why has it not been given an autonomous status similar to Azad Jammu and Kashmir (AJK).

The people of this region consider that the prolonged denial of a constitutional identity for Gilgit-Baltistan has been on account of the region being bracketed with the Kashmir dispute and insist that the lingering dispute should not be invoked as a reason to deny them equal rights as Pakistanis.

In 1994, the government of Pakistan introduced the Legal Framework Order, 1994, which served as the constitution of the Northern Areas and acknowledged fundamental rights of the people of this region. In mid-2009, the government of Pakistan introduced Gilgit-Baltistan Empowerment and Self Governance Order, 2009.¹ The 2009 Order was flaunted as bestowing on Gilgit-Baltistan a self-governing status, akin somewhat to the provinces in Pakistan.²

Gilgit-Baltistan comprises seven districts; Gilgit and Skardu are the main political centres and the most populous towns. The two districts of Skardu and Ghanche form the Baltistan Division, and the Gilgit Division comprises Diamer, Ghizer, Gilgit, Astore and Hunza-Nagar districts. The population of the region is estimated to be around 1.8 million and is made up of a diversity of ethnic and lingual groups. The major ethnic groups are Sheen, Yashkun, Brusho and Balti, and the major religious sects are Shia, Sunni, Ismaili and Noor Bakhshi.

Gilgit-Baltistan stands out from the rest of Pakistan in many respects. It is the only Shia-majority region in the Sunni-majority country. In addition to the prolonged pursuit of a legal identity for this region and overwhelming demands for acknowledging it as part of Pakistan, much of Gilgit-Baltistan's recent woes emanate from sectarian violence. The most recent sectarian bloodshed has included execution of scores of Shia men and boys travelling in public transport buses on the road connecting the region to the rest of Pakistan.

¹ See Annex-X for text of Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009.

² See Annex-V for key incidents of violence affecting Gilgit-Baltistan.

The region's remoteness from the rest of Pakistan is compounded by the fact that it is connected to the country only through the Karakorum Highway (KKH), the highest paved international road in the world, built with China's cooperation in the 1960s and '70s. The KKH passes through a high concentration of soaring peaks and huge glaciers. Because of the intractable nature of the terrain and the harsh weather, the road is susceptible to landslides and blockages. The other connection between Gilgit-Baltistan and the rest of Pakistan are the near-daily Rawalpindi-Skardu and Rawalpindi-Gilgit flights, which are highly weather-dependent. Only the more affluent can afford the return airfare which is nearly double the minimum monthly wage.

Some of the highest mountain ranges in the world, the Karakoram, Himalayas, Pamir and Hindukush, meet in Gilgit-Baltistan. The region is home to five of the world's 14 so-called eight-thousanders, peaks that rise more than 8,000 meters. These include K2 (Mount Godwin-Austen), the second highest peak in the world, and Nanga Parbat, the ninth highest which is acknowledged as a notoriously difficult climb. There are over 50 peaks above 7,000 meters in Gilgit-Baltistan.

This region's strategic value has been understood for centuries as the crossroads between east and west. Gilgit, the capital of Gilgit-Baltistan, lies on the ancient Silk Route. Gilgit-Baltistan provides the critical land route for the under-construction China-Pakistan Economic Corridor that plans to connect Gwadar Port in southern Pakistan to China's northwestern Xinjiang region. The corridor is expected to generate tremendous economic opportunities for Gilgit-Baltistan.

The economy relies largely on tourism and agriculture, besides trade through the KKH. A sizeable part of the population lives and works in various parts of Pakistan. The income from foreign tourists and trekking and mountaineering expeditions in Gilgit-Baltistan was dealt a severe blow in June 2013 when 10 foreign climbers were killed in an attack on a base camp of Nanga Parbat in Diamer district. A Taliban-affiliated group claimed responsibility for the attack. The flow of foreign tourists and mountaineering expeditions which was only just beginning to gather pace after sectarian killings in the previous years evaporated after the murder of the climbers.

The serious environmental challenges faced by Gilgit-Baltistan are epitomised by the creation of Attabad Lake, formed after a massive landslide at Attabad village in Gojal valley in Hunza on January 4, 2010. The landslide killed 20 people and created thousands of internally displaced persons. On April 7, 2012, an avalanche struck a Pakistan Army base, at Gayari, near the Siachen glacier, burying alive 140 soldiers and civilian employees. Avalanches are uncommon in the area of Gayari. Climate change was cited as a possible cause for the disaster.

Gilgit-Baltistan is a land of many identity markers, if not divisions. There are the Sheen and Yashkun divisions, having roots in Baltistan and elsewhere in the region is another division, there are people from Gilgit-Baltistan and the so-called 'down area' and then there are divisions based on language. It has been argued that the heightened economic stress on the people has also created and accentuated divisions and other grievances.

Although Gilgit-Baltistan is a region rich in natural resources, it can do with greater commitment to economic development and tapping the potential of this resource-rich landscape of multiple ethno-linguistic heritages.

—Najam U Din

Focus on Gilgit-Baltistan

Since it was founded in 1986, the Human Rights Commission of Pakistan (HRCP) has kept a close eye on the legal status of Gilgit-Baltistan and the rights and political representation of the people of this region as issues of utmost significance.

In 1988, HRCP sent a fact-finding mission to the Northern Areas, as Gilgit-Baltistan was called at the time, to probe violent sectarian clashes.

Another HRCP team, with a more extensive mandate,³ visited the Northern Areas in 1993 in order to assess the set-up of legislation, judiciary, the legal system, the reasons for sectarian violence and what was being proposed or done to address the problems. In 1997, HRCP sent another fact-finding team to the Northern Areas to gauge the changes made there after the reforms following the introduction of the Legal Framework Order, 1994 and its effect.

In 2005, an HRCP fact-finding mission visited the Northern Areas to assess the situation regarding the region's constitutional status and its impact on people's rights, the sectarian situation and the administrative set-up, and to elicit the views of various sections of society on these issues.⁴

After the Gilgit-Baltistan Empowerment and Self Governance Order, 2009 was introduced, HRCP sent a mission to the region to observe the November 2009 elections held under the new dispensation.⁵

In 2009, HRCP opened a permanent task force office for the region in Gilgit and also engaged and trained correspondents in all seven districts of Gilgit-Baltistan to be able to better monitor human rights issues there.

The 2013 fact-finding mission

One of the two main fact-finding missions in HRCP's programme for 2013, the visit to Gilgit-Baltistan was aimed at ascertaining the status of implementation and impact of the system introduced under the 2009 Order; to document major human rights issues; to record the views and concerns of various sections of the population and the measures that they considered necessary to improve the situation.

It also planned to elicit views on the performance of the government and on lack of representation for Gilgit-Baltistan in the federal parliament, its effect and steps needed to remedy the situation. The mission also endeavoured to determine the people's experience of the 2009 elections under the new law and their views regarding the elections when the legislative assembly completes its five-year term towards the end of 2014. Measuring the impact of natural disasters and recent instances of sectarian violence and terrorism on the population and the response to these challenges by the authorities were also part of the mission's mandate.⁶

The team

The fact-finding mission consisted of HRCP executive council members Ghazi Salahuddin and Roland

³ The report of the 1993 HRCP mission is annexed as Annex-VII.

⁴ Northern Areas of Pakistan: a strong yearning for autonomy, report of an HRCP mission, 2005, Human Rights Commission of Pakistan (HRCP).

⁵ Gilgit-Baltistan Elections 2009: report of the HRCP Observers' mission, 2010, HRCP.

⁶ See Annex-I, TORs of HRCP's 2013 mission to Gilgit-Baltistan.

D'Souza. They were accompanied by Hussain Naqi and Najam U Din from HRCP Secretariat. The HRCP task-force office, led by its coordinator Israruddin, and HRCP correspondents and volunteers in all seven districts of Gilgit-Baltistan helped arrange meetings with a cross-section of society and facilitated a thorough understanding of the key issues in the region.

HRCP is grateful to all the individuals and organisations that took out the time to meet the mission members and particularly wishes to acknowledge the contribution of both council members who enthusiastically agreed to visit to the region despite their prior travel plans and, in the case of Mr. Salahuddin, despite being unwell at the time.

The fact-finding team arrived in Skardu on October 26, 2013 and after visiting various parts of the region left Gilgit for Islamabad on October 30, 2013. HRCP was cognizant of the fact that a five-day visit would not be enough to grasp the many issues affecting a region that comprises such diversity and complexities. However, an effort was made to hold as extensive deliberations as possible to get the various viewpoints and to understand the challenges and the ways that in the opinion of the people of this region could help overcome the challenges.

The meetings

The HRCP mission arrived in Skardu on October 26 where it met journalists, women's rights activists, Shia clerics and families of victims of sectarian violence, lawyers, representatives of Pakistan Peoples' Party, Pakistan Muslim League-Nawaz, nationalists, Tanzeem Ahl-e-Sunnat Baltistan, Tanzeem Ahl-e-Hadees Baltistan, students of Karakorum International University's Skardu campus, transporters, representatives of All Pakistan Gems and Minerals Association Baltistan and police officers including the senior superintendent of police (SSP) in Skardu. The mission members later proceeded to Gilgit where after an overnight stop they traveled to Attabad in Gojal valley in Upper Hunza where a massive landslide in January 2010 had blocked the Hunza River, caused displacement of thousands of people and submerged a number of villages. The mission members met affectees of the natural disaster at Gulmit village before visiting a camp for displaced persons to document their concerns.

In Gilgit, the mission met Gilgit-Baltistan Governor Pir Syed Karam Ali Shah and several senior members of the Gilgit-Baltistan administration including Chief Secretary Muhammad Younus Dhaga and Home Secretary Dr Attaur Rehman. The mission could not meet the chief minister, Syed Mehdi Shah, as he was abroad at the time.

In Gilgit, the fact-finding mission also met women's rights activists, representatives of political parties, including Muttahida Qaumi Movement, Pakistan Peoples' Party and nationalists and progressive parties, Supreme Appellate Court Bar Association Gilgit-Baltistan, Tanzeem Ahl-e-Sunnat Wal Jamat Gilgit-Baltistan and Kohistan, and Visually Impaired Persons Rehabilitation Association (VIPRA). It held meetings with poets and writers, members of the Masajid Board, Wahdatul Muslimeen, chairman of Pakistan Red Crescent Society Gilgit-Baltistan, manager of a Citizen's Voice project on power. The mission was also informed about the concerns of ad-hoc employees of Civil Secretariat Gilgit and their demands for making their services permanent. The mission also visited the Aga Khan Rural Support Programme office and Jamia Imamia Masjid in Gilgit.

The fact-finding mission's travel by road from Skardu to Gilgit, on to Hunza and then from Gilgit to Islamabad after cancellation of their flight due to inclement weather enabled them to better understand the condition of the road and also the many woes of the road users, including those travelling by public transport.

The report

This report is based on the views that senior members of the administration, representatives of religious and political parties and various other groups of citizens including sections of civil society shared with the fact-finding team during various meetings. HRCP volunteers and district coordinators provided valuable information about human rights issues in all seven districts of Gilgit-Baltistan and offered insight to understand the issues of concern for the populace.

The conversation and discussion largely took place in Urdu. Even when the views expressed have been paraphrased and summarised, for the sake of brevity and clarity, a deliberate attempt has been made to convey the ideas in the speakers' own words.

Several meetings that have been mentioned above do not find a detailed account in this report but were instrumental in helping the HRCP team understand the context of important issues.

In order to ensure that the individuals who talked to the HRCP mission are protected from any adverse consequences on account of expressing their views, the identity of the speakers has not been specifically mentioned in most instances. This was considered important to reassure the people that they need not be guarded and cautious in communicating with the mission and should candidly voice their thoughts on the situation in Gilgit-Baltistan.

The accounts of meetings and discussions in Baltistan, Gilgit and Hunza have been given separately to enable the reader to discern any variance in the narratives.

Visit to Skardu

The HRCP mission arrived in Skardu on October 26, 2013 where it held meetings with a cross-section of society over two days.

Views from the political spectrum

Pakistan Peoples' Party (Skardu chapter)

Representatives of the Skardu chapter of Pakistan Peoples' Party (PPP)—the ruling party in Gilgit-Baltistan at the time of the HRCP mission's visit—were rather frank about what they had been able to achieve under the Empowerment and Self Governance Order, 2009, what could not be done and what should have been done. They acknowledged that there might have been shortcomings in the reform and those needed to be highlighted. They said that they had faced difficulties in implementation of the 2009 Order because of lack of experience.

The party leaders and activists said that when the PPP was in power in both Islamabad and Gilgit-Baltistan (before the May 2013 general elections in Pakistan), getting funds released for the region was easier. They said that there would be no limit to the development of this region and Pakistan if the federation supported them. With Islamabad's support, Gilgit-Baltistan could blossom as a regional trade hub as, in addition to links with China and Afghanistan, Ghizer district was a short distance away from Tajikistan, across a sliver of Afghan territory known as the Wakhan Corridor.

Representatives from the ruling party rejected the charge that for the first time in the region's history jobs had been sold in Gilgit-Baltistan. They called it propaganda by the opposition. They said that since the

Good intentions

“Through the 2009 Order we have done something which was not considered possible. There might have been things we did not manage as well as we could have, but we did not make any mistakes intentionally. They were caused by lack of experience. The reform package of which the 2009 Order is a part is not our destination; it is just the pathway to that destination. We strongly advocate representation in the National Assembly and Senate with provincial status as the next step in empowerment of this region. The people of Gilgit-Baltistan should also have the right to petition the Supreme Court of Pakistan. The next elections will give people a chance to judge us on our performance.

Bracketing us with Kashmir is a conspiracy against Pakistan. We are the most patriotic Pakistanis. We won freedom through our own efforts and joined Pakistan unconditionally.”

—A member of the Gilgit-Baltistan Legislative Assembly

chief minister's constituency was in Skardu and most voters were his supporters, many of the people who got jobs there included his supporters. Therefore, the opposition had assumed that jobs had been sold or given to favourites. That was mainly a charge without any proof, they said, adding that people had got jobs in the village of the candidate who ran in the election against the chief minister.

The bouquet in Gilgit-Baltistan

“Skardu with its predominantly Shia population, Ghanche with Noor Bakhshis, Ghizer with Ismailis and Diamer with Ahl-e-Sunnat make the bouquet complete in Gilgit-Baltistan. The diversity of Gilgit-Baltistan is also reflected in the legislative assembly and the government, where there are representatives and ministers from the Shia, Ismaili, Ahl-e-Sunnat and Noor Bakhshi communities.”

—A member of the PPP delegation

They said that Rs 100 million had been distributed among families whose breadwinners had been killed in sectarian violence. The PPP representatives stated:

- The 2009 Order was preceded by a set-up under which a joint secretary of the government of Pakistan controlled the affairs of Gilgit-Baltistan. Now the chief minister was elected by the people of Gilgit-Baltistan. Discussion on all issues and decisions on development were made in Gilgit-Baltistan.
- Elections earlier used to be contested on sectarian basis and political activities also followed sectarian lines. The role of political parties, including mainstream parties in Pakistan, had now come forward.
- The government had created employment opportunities, hired 15,000 people in the public sector, and given service structure for doctors, teachers and paramedics. In the near future, Gilgit-Baltistan could contribute 50 percent to Pakistan's economy. As much as 100,000 megawatts of electricity could be generated in this region, which was considered a 'power corridor' because of the enormous potential for hydro-electric generation. The fruit preservation industry could also be developed.
- Efforts were underway to develop mining. The government had created the Mineral Department with offices in every district of Gilgit-Baltistan.
- Steps had been taken to address internal displacement and attention paid to disaster management.
- Before 2009, there were people who talked about independence and some who even celebrated national days as black days but the secessionist sentiment had retreated after the election and government formation under the new order.

Devastating blows

“The attacks on the Karakorum Highway and targeting of foreign mountaineers on Nanga Parbat have destroyed our area. Even toddlers in their parents' laps have been affected. Everyone depends on the road for travel; education has been affected and every household hit. It is now common for the people of Baltistan coming back from Rawalpindi to travel without informing their families in advance so they do not worry for the entire duration of the 36-hour journey.

In addition to fostering sectarian harmony and tolerance, steps have been taken to overcome security issues on the roads. Check-posts are being established and a separate force led by the army is being raised to ensure safety on the road. We will also seek financial resources, including weapons and vehicles for security, from the federation.”

—A member of the PPP delegation

Mischief, motives and dismay

“The people are frustrated and really disappointed that those involved in massacres on Karakoram Highway (KKH) have not been punished. They believe that they do not have the means to get justice for the killings. These sentiments appear set to grow. There are some problems with bringing perpetrators of violence and acts of terrorism to justice. For instance, the witnesses are scared to go to Chilas [in Diamer district] to appear in court or identify the killers because they fear that they will not come back alive. The case should be transferred to Gilgit.

We have learned that 100,000 rupees were given for killing each person in the massacres on the road. This crisis was created to disturb the KKH. When you consider that from Siachen to Karakorum the reliance is entirely on this solitary road then it makes sense why the enemies of Pakistan are creating mischief here.”

—A PPP representative

- The government of Gilgit-Baltistan had taken up the issue of killing of Shias and of foreign climbers on Nanga Parbat with the Khyber Pakhtunkhwa government.
- The road link with Pakistan was vital to the region's economy and for people working elsewhere in Pakistan and students who visited their homes in Gilgit-Baltistan during vacations at educational institutions. The planned Shigharthing Road from Skardu-Kachura-Astore-Kashmir and a further 10-hour journey to Rawalpindi would diversify the road connections with Pakistan.
- The Kargil-Ladakh road across the Line of Control should be opened for tourists and trade and also for divided families who could go to India via Lahore but not from Gilgit-Baltistan.
- Ismailis in Gilgit-Baltistan were the role models in terms of their pursuit of education.

Pakistan Muslim League-Nawaz

The PML-N representatives claimed that there had been various failings of Gilgit-Baltistan's administration led by the Pakistan Peoples' Party. They flagged in particular alleged corruption, wastage of taxpayers' money on ostentation and poor handling of law and order. They began by saying that the socio-political problems in the area had begun under the British colonial control. They said that the biggest ongoing violation was that the people of the region had been deprived of their fundamental rights and a constitutional status. They made the following observations:

- As far as the region's legal identity was concerned, Gilgit-Baltistan had not been defined in the constitution of Pakistan. Gilgit-Baltistan did not have a constitution of its own or an autonomous set-up like Azad Jammu and Kashmir. If there was a will, nothing stopped Islamabad from making Gilgit-Baltistan the fifth province of Pakistan. The lack of a constitutional status was a hurdle in the completion of an incomplete Pakistan. The 2009 Order was a step towards that destination but lack of competence had prevented progress.
- If there was any complication due to Gilgit-Baltistan being considered part of the Kashmir dispute, the region could be given a provisional provincial status until the Kashmir issue was resolved. However, the Ministry of Foreign Affairs had not done its work in this regard.
- Gilgit-Baltistan should be given immediate representation in the National Assembly and Senate.
- There were countless pertinent issues with regard to the region that had not got attention at the national level. Gilgit-Baltistan was not part of the media discourse in Pakistan. The local population had many grievances with the national media regarding the content and quality of the debate. When TV news channels could engage in ceaseless political discussion, why not talk about geographical issues at least some time? What happened to the glaciers affected all of Asia.

That was just one pressing issue for Pakistan and the wider region. The media had failed to convey the aspirations and sentiments of the people of Gilgit-Baltistan to the people of Pakistan. The local media depended on government advertisements and that seemed to determine which issues they covered.

- There was a budget of 26 billion rupees in Gilgit-Baltistan for a populace that was less than the population of most districts in the Punjab. This was a generous allocation in terms of population but the resources had not reached the people. The administration was wasting federal grants on non-development expenses instead of developing Gilgit-Baltistan's own resources. There had been corruption in non-development expenditure. Previously, 20 percent resources were allocated for the development fund but now the allocation had plummeted.
- Bad governance and corruption had peaked. There was a need to attend to the health and education sectors instead of "selling jobs to favourites". Appointments had been made in violation of merit and over-employment had meant that hirings were made when there was no budget to pay salaries to the employees.
- The law and order issues had attained a dangerous dimension.
- PML-N candidates had won the by-elections in one Ghanche and one Skardu constituency in October (2013), laying bare the claims of popularity by the ruling party.
- Ministers and advisers were being appointed on the basis of party affiliation and not competence. The resources of Gilgit-Baltistan could be used to develop the region and enhance the capabilities of the people. But taxes had been levied on electricity and mining. "What would you say of someone who sits on a goldmine and sleeps hungry?" said a PML-N leader.

Nationalists

In a meeting with HRCP in Skardu, individuals and groups identifying themselves as nationalists complained about the people of Gilgit-Baltistan being second-class citizens of Pakistan. The big issue for them, as indeed for everyone that the mission met in Gilgit-Baltistan, was the question of the region's legal identity.

They wanted their region to be delinked from the Kashmir issue and given a system similar to Azad Jammu and Kashmir (AJK) for the time being. Some said that they considered independence as the final destination. They admitted that they did not have across-the board support but claimed growing support for their stance. They strongly advocated opening of the Kargil route for travel between Gilgit-Baltistan and Indian-administered Kashmir.

The participants in the meeting with the HRCP mission said that they had been unwillingly and unjustifiably made part of the Kashmir issue and subsequently their rights had been denied because they were classified as part of the lingering dispute.

Second-class citizens

"If we are the citizens of Pakistan why can we not vote to elect the president and the prime minister? The National Database Registration Authority had informed us ahead of the May 2013 general elections that we could not vote in the national elections because we were residents of Gilgit-Baltistan. We are counted as citizens neither of Pakistan, nor of Kashmir or India. This region had shown the unmistakable desire to join Pakistan 66 years ago. What would you call not approving our merger with Pakistan? Is this not sedition? This is not a question of Islam or sect. It is a national issue."

—A participant in the meeting with the HRCP mission

- Corruption was certainly present in Gilgit-Baltistan prior to the incumbent government but instead of goats and ghee, after the 2009 elections money had started changing hands; the going rate for an elementary government job was Rs 300,000.
- There was no sectarianism in Gilgit-Baltistan in the 1970s. In 1988, Afghan militants and their patrons not just from Pakistan but from many other countries gave the region that gift. The massacres in Chilas, Kohistan and Lulusar were militants' gifts too.
- The students in Gilgit-Baltistan were not taught this region's geography but that of Pakistan.
- Adding four rooms to the degree college and labeling it as the campus of Karakorum International University was an insult to the word international.
- The people of Gilgit-Baltistan did not even have the status that residents of the Federally Administered Tribal Areas (FATA) had in the federation of Pakistan. The economic quota of Gilgit-Baltistan was linked to FATA.

Religious leaders' point of view

Meeting with Shia clerics

The population of Baltistan subscribes to all sects, but the majority is Shia. The fact-finding team visited the Central Jamia Masjid in Skardu where it met Shia clerics and religious scholars, including family members of victims of sectarian violence.

The participants in the meeting began by underlining their belief that the violence in Gilgit-Baltistan was on account of interest of other countries there because of the region's geostrategic importance and the land access it offered to China.

- Certain outside elements were trying to fan sectarian violence in Baltistan. Efforts had been made to poison the minds in Gilgit in order to destroy the peace in Baltistan. In Kohistan district of Khyber Pakhtunkhwa and Chilas in Diamer, citizens had been butchered in execution-style killings only because the victims were Shia. In the Lulusar massacre (August 16, 2012),⁷ 21 Shias were first identified and then executed. The faces of the killers in Chilas attack (April 3, 2012) were easily recognisable from a video made by a bus passenger's cell phone and yet they had not been caught. Vengeful sentiments rose in all parts of the region where the victims' bodies were brought for burial. A deliberate attempt had been made to pit people against each other on the basis of sectarian belief and on the basis of which area or district they came from.
- There had always been and there still remained an environment of peace and harmony in Baltistan because of the positive role of religious scholars there and their understanding of Islam.

Mischief from outside

“There are outsiders behind the problems in this region. Due to Gilgit-Baltistan’s importance because of the land link with China, regional and international powers that do not want to see Pakistan prospering have their sights set on Gilgit-Baltistan. We have not asked the government for compensation for the killings in the KKH massacres. We only ask them to provide protection to the road users so that the enemies of Pakistan do not succeed. Sectarian hatred is being fanned in proxy wars here. The long delay in giving a legal identity to this region has complicated matters and has the potential to further aggravate the problem.”

—A cleric at Central Jamia Masjid Skardu

⁷ See Annex-V for key incidents of violence affecting Gilgit-Baltistan.

- Ties and marriages across sects had been commonplace.
- Baltistan refused to divide along sectarian lines despite killings of Shia clerics in Gilgit and recent killings of Baltistani Shias. There had been no retaliation. The clerics and leaders urged the people to be patient because the killers were the enemies of Pakistan and of Islam. The clerics had declared retaliatory killing of innocent or punishing any person for another's crime haram (prohibited by religion). The clerics had tried very hard to keep the area calm.
 - If the Shias were pushed to the wall and not provided justice for those killed they could react. The enemy seemed to be seeking that. The bodies that the families received after the massacres on the road were in such a condition that it was difficult to identify the deceased from their faces. There was a lot of tension under the surface. Young children talked about the killings. That worried the clerics. After Shias' killings on the road, slogans had been raised that if the people could not be given safe access to Pakistan they were ready to go to Kargil. There were serious apprehensions that if those involved in Shias' killings in 2012 and 2013 were not punished the vengeful sentiments might get out of control. The clerics feared that if there were more attacks and killings it might become difficult for them to hold back the youth in Baltistan.
 - The region faced very harsh weather for five months. Living in mountainous valleys, there were not too many income opportunities for the people. The only overland access route was the KKH. Much of the infrastructure development in the region had been on account of the military, because of the Siachen conflict, and not because of civilian administration. Part of it was thanks to the KKH providing the land link to China. Some development had occurred on account of the tourists from Pakistan and abroad who came to witness the region's natural beauty. "Tourism had been affected by terrorism in the beloved homeland Pakistan." Lack of tourists had already started causing severe problems for the region's economy before the Nanga Parbat killing in June 2013 compounded the situation.

What's in a name? Identity

"It was because of the efforts of our forefathers that a very large area got rid of Dogra Raj and they unconditionally acceded to Pakistan. We won freedom without Pakistan having to fire a single shot. And yet we do not have constitutional rights. Constant efforts for recognition as a part of the federation have not succeeded so far. What has changed with the 2009 Order is the title of this region, which is important because it acknowledges our identity. The old name, Northern Areas, only gave an indication of our geographical locations with reference to Pakistan."

—A Shia religious leader

- The people had been demanding discount in the cost of air travel but the fare for the state-run PIA flights had been raised by Rs 4,000 in 2012.
- It had never been the policy of the clerics or the Shia community to contest elections on the basis of sectarian identity.
- Despite getting so many dead bodies from 'down area' the people in Baltistan had never responded in the same manner. That was the biggest example of their tolerance.
- Things had improved somewhat on KKH in terms of safety. There had not been killings on the road in some time and the people had started thinking that they were somewhat safer. But the killers had not been caught. Then foreign tourists (Diامر, June 22, 2013) and even a senior police officer and soldiers (Chilas, Diامر, August 5, 2013) had been murdered.⁸ There had been talk of an operation being launched against the killers but no killer had been sentenced. Punishing them would not bring back the dead but it would give victims' families the satisfaction that no one else's home would be destroyed. There had not been any concrete assurance from the government.

⁸ See Annex-V for key incidents of violence affecting Gilgit-Baltistan.

Voices and institutions

“We are being made to feel like second-class Pakistanis. There is a real sense of deprivation. Afghan nationals buy national identity cards and get all the rights under the constitution overnight. Why don't we, who have not spared any sacrifice for Pakistan, get the same privilege? If talks can be offered to those who openly declare rebellion against Pakistan, torch the national flag and disrespect the Quaid-e-Azam, why can the people of Gilgit-Baltistan not be engaged in talks? The FATA residents have representation in parliament, but we do not. We believe that if we have representation there then our voice would also reach Pakistan. Voices are magnified by institutions.”

—A Shia cleric

The chief justice of Pakistan had not taken suo motu notice of the killings on the road even when he was taking notice of “anything and everything”.

- The government, both in Pakistan and in Gilgit-Baltistan, sprung into action only when its own officials got killed.
- Military ruler Ziaul Haq had started a policy of altering this region's demographic. The state-subject rule in place in Kashmir was also present in Gilgit-Baltistan at the time but had been abolished.
- When the border between the two Kashmirs could be opened, why not the Kargil-Ladakh border? The roads went right up to the frontier. Allowing access across the Line of Control via Kargil-Ladakh road would have no adverse impact on Pakistan's economy.
- The burnt out carcasses of buses torched on the KKH during killing of Shias still lay by the roadside, stark reminders of the barbarism that had visited the region.

Conspiracies, extremism and harmony

“There is extremism on both sides. We vehemently reject the Taliban thought. The use of force to reform someone is not something that the religion teaches us. When the Shia were massacred on the road the Tanzeem Ahl-e-Sunnat condemned it unequivocally and called it a conspiracy against Islam and humanity. We believe the conspiracy was hatched by agents of a neighbouring country and a western power. Their henchmen were local. Immediately after news of the Chilas massacre reached us our *ulema* went to Chilas and condemned the killing of Shias. We condoled with the Shias and grieved for their loss. On April 3, religious scholars arranged cars and sent women and men who had survived the attack or were stranded in Chilas after transport stopped on the KKH following the Chilas attack. Good and bad clerics are everywhere. When the massacres occurred on the road, some impact and tension was visible in Skardu too. Some unreasonable persons started harassing people from Khyber Pakhtunkhwa and Punjab. I called up [leading Shia religious leader] Sheikh Muhammad Hassan Jafari and drew his attention to the intimidation. Sheikh Jafari told me that he had already condemned the behaviour in his Friday sermon as *haram*. We have also condemned the killings of mountaineers on Nanga Parbat and government officials in acts of terrorism.”

—A representative of Tanzeem Ahl-e-Sunnat

‘Pakistan’s human face’

“Gilgit-Baltistan is the face of Pakistan which has humanity and non-discrimination. Religious scholars have had a big role in making and preserving this face. What the people face in the region is terrorism and not sectarianism. If it were a sectarian issue, why would foreign tourists have been killed on Nanga Parbat?”

—A relative of a victim of violence on the road to Gilgit-Baltistan

Tanzeem Ahl-e-Sunnat

Representatives of Tanzeem Ahl-e-Sunnat told the fact-finding mission that all sectarian riots in Gilgit-Baltistan were rooted in a desire among various sects to suppress or supersede other communities. Every community shared part of the blame. Gilgit-Baltistan was geographically divided along sectarian lines. Gilgit had perhaps the best mix of Shia, Ahl-e-Sunnat and Ismailis.

- The reform package could not be rejected in its entirety as in terms of representation there had been some improvements. The system would prove to be beneficial if those who had to implement it were themselves capable and competent.
- There had been discrimination against Sunnis in government jobs. They had faced excesses in the name of merit. No educated member of the Ahl-e-Sunnat community had got a government job in Skardu.
- There had never been any clash in Baltistan only because of the positive role of Shia and Sunni clerics. The Shia religious scholars were very well intentioned.

Tanzeem Ahl-e-Hadees

In a meeting with representatives of the Tanzeem Ahl-e-Hadees in Skardu, the HRCP team was informed that the predominant majority in Baltistan did not approve of sectarian killings and riots. Asked if they saw improvement in the sectarian situation or whether they considered that the differences and grievances were growing, the Tanzeem said sectarianism had been brought to Gilgit-Baltistan by those who came from 'down area' in the last decade or so. They had been trying to influence people but Ahl-e-Hadees ulema had foiled these attempts in collaboration with Shia scholars.

- Ulema of both sects met whenever there was some tension and resolved the issue. In 2005 after the murder of a Shia religious scholar, some miscreants torched the entire markaz of Tanzeem Ahl-e-Hadees in Skardu. If that had happened in Gilgit there would have been a strong reaction and retaliation but the Ahl-e-Hadees remained patient and urged tolerance and restraint.
- Intelligence agencies should be aware of the culprits involved in the Chilas killings. Their inability to track down the killers had raised questions.
- Tanzeem Ahl-e-Hadees opposed Lashkar-e-Jhangvi's view that Shias were kafir (infidel).
- Those who felt happy over the killing if the victims were Shia were sinners.
- Tanzeem Ahl-e-Hadees used to get financial assistance from Saudi Arabia, but that had stopped after 9/11.

Civil society and professional bodies

The journalists' story

The journalists in Skardu, including representatives of the local media organisations and

Stance on the Chilas killings

“We had condemned the killing of Shias in Chilas as a crime, and an illegitimate and *haram* act. Whoever did that was an enemy of Pakistan and of Islam. Why do the government and all the intelligence agencies not know who did it? If they do not know then what right do they have to govern and if they know then only they can explain why the killings were not prevented or the killers not proceeded against.”

—*The head of Tanzeem Ahl-e-Hadees in Skardu*

correspondents for Pakistan-based print and electronic media, stated that every time a new government took over it promptly pointed to the previous administration's failure to resolve the perennial question of identity and a constitutional status for this region. But they did not do anything about it themselves.

A range of responses were giving regarding the significance, impact and implementation of the 2009 Order. Some called it “a better journey towards a desirable destination” while others said the order “did nothing except rebranding designations” and “the change had not reached the common citizen”. Deficiencies were pointed out but the new system was said to be an improvement on what was there earlier. However, questions were raised about the ability and commitment of those who were supposed

The integration problems of a province that isn't

“Like the other parts of Pakistan we too should get representation in parliament. If the region is not given representation even in vital national institutions such as the National Finance Commission what is the hope of us getting representation in the civil services, etc?”

Elsewhere in Pakistan you might hear about separatist movements. In Gilgit-Baltistan, almost to the last person we have been waging a movement for participation and inclusion in Pakistan. We have been locked out of representation in the high forums of decision making. They call the Federally Administered Tribal Area (FATA) *illaqa ghayr* (meaning an alien territory), and even the people of *illaqa ghayr* have representation in the Senate and the National Assembly and we do not.

We had no link with India yesterday and have none today. But we have been waiting for a very long time for our rights in the federation of Pakistan. Those must not be denied any longer.

Bracketing Gilgit-Baltistan with the Kashmir issue and saying that the status of our region would be determined after the Kashmir issue is resolved is to disregard our sacrifice and our keen desire to join Pakistan. It also ignores the human problem that we face. If Gilgit-Baltistan is indeed considered a disputed territory in the same manner as Pakistani- and Indian-administered Kashmir are then why is there no consultation with and representation of the region in Pakistan's delegation to the United Nations? We are not Kashmiris. Perhaps it was thought that because we overwhelmingly support merger with Pakistan, clubbing our region with Kashmir would mean that our vote for Pakistan would cancel out any rigging in Indian-controlled Kashmir whenever a plebiscite took place. We are a part of Pakistan and must be acknowledged as such.”

—*A journalist working with an English language newspaper*

to implement the system. "National political parties have failed to give us good individuals that can run the system. There were instances where a well-educated person had applied for the party ticket to contest elections but he was overlooked and an illiterate person awarded the ticket," a journalist stated. Some media persons said that the Gilgit-Baltistan chief minister had much more authority now. Service structures had been developed for doctors, teachers, etc. There was now a commissioner in Baltistan. The common citizen had benefited.

Several journalists highlighted that the 2009 Order was not even an act of parliament, but a mere executive order. "When our court itself is not constitutional, how will it ensure that we have constitutional rights?" one journalist asked. Another referred to the system under the 2009 Order as glorified district government but insisted that that should be persisted with and improved.

As was the case with all the meetings the mission held in Gilgit-Baltistan, the journalists looked at the 2009 Order from a personal perspective. They said that earlier there were only a few newspapers in Gilgit-Baltistan, but the number had now grown to dozens. The nature of the region's economy was such that there was not much private advertisement. It was claimed that the government often gave advertisements to dummy newspapers or to those among the functional ones that were in the government's good books. There was no coherent policy on the media or advertisement by government departments.

Under a recent policy, government advertisements were only being given to newspapers that had their own printing press. Some journalists claimed that pro-government newspapers had been provided funds to buy printing press.

The gist of the Skardu journalists' views was:

- In 1970, the first printing press started operating in Gilgit-Baltistan and the first newspaper was launched in 1987. No wage board award had been announced for practicing journalists. Poor working conditions and exploitation of journalists by newspaper owners were commonplace and many got between Rs 3,000 and Rs 5,000 as monthly salary.
- The local journalists' voice did not go beyond the mountainous area and even the Pakistani media organisation that they worked for gave little coverage to Gilgit-Baltistan's issues. That had resulted in the problems of the region being confined to the mountainous region.
- The TV news channels in Pakistan were not even paying their Gilgit-Baltistan correspondents the meager amounts they paid to such staff in Punjab and Khyber Pakhtunkhwa.
- Access to information was the basic right of journalists and other citizens. Elsewhere in Pakistan this right was acknowledged at least in letter if not in spirit. That right had not been extended to the region. In Gilgit-Baltistan, a circular issued a couple of years ago had directed government officials not to share information with the media. Practicing journalists were not invited to official events. Instead of supporting and training journalists and taking steps for their welfare, journalists and newspaper offices were attacked and when they protested for their rights police were unleashed on them.
- Because of their geographical location, both Kashmir and Gilgit-Baltistan were vitally important for numerous external powers. People in Gilgit-Baltistan apprehended that the fate of this region could not be decided without these powers' wishes. They insisted that it was only the will of the people of Gilgit-Baltistan that should matter.
- The leaders of the political parties in Pakistan did not understand the Gilgit-Baltistan issues. The region was not counted in the constitution of Pakistan as a part of Pakistan and it also did not have a separate constitution of Gilgit-Baltistan.
- Ninety-five percent of Gilgit-Baltistan's population supported the region's merger with Pakistan. If maintaining the status quo in Gilgit-Baltistan was in the national interest earlier, persisting with that now would not only be against national interest, it would also be dangerous. Denial of a legal status in the federation of Pakistan would fuel exasperation and alienation among the youth.

Women's views on rights and empowerment

The mission met a group of women students and working women and asked them if the situation had improved for women and if their voices were being heard more under the new system.

- The 'empowerment order' was welcome as it brought some change. In Skardu, women had growing realization that they had the right to have control over their lives and things had changed for the better in that respect.
- In the Karakorum University campus in Skardu there were more girl students than boys.
- Girls should be awarded scholarships to enable them to realise their potential by getting more education.
- Girls' education had been supported by clerics in Baltistan. There was minimal sectarian tension in Baltistan because of the progressive role of clerics and religious scholars.
- Girls were consulted regarding the decision about their marriage. However, some participants in the discussion said that daughters were reluctant to turn down the prospective spouses suggested by their parents.
- Practices like karo kari were absent.
- There was some disagreement on whether a fatwa (religious edict) had been issued in Baltistan against girls using cell phones. However, there was some mention of references in Friday sermons to the use of cell phones by girls for "improper conversation".

The lawyers' argument

- The Skardu Bar has 52 members. The lawyers in Skardu who met the fact-finding mission stated that under the new system there had been some positive impact in terms of dispensation of justice.
- There used to be two judicial magistrates in Baltistan and dispensation of justice meant nothing more than adjournments on most dates of hearing. With the judges appointed now there was better access and entertainment of cases. However, there was a lack of coordination among the judiciary and other institutions and enforcement was lacking.
- The incidence of crime was not too high in Baltistan. There was also under-reporting, but there was little heinous crime. There had been one murder in Skardu in the whole of 2013. In one police station in Skardu, there had been a total of 137 cases in all year.
- There was one women's police station in Skardu. The only female lawyer in Skardu had left in 2008 because she did not have any briefs.
- As far as Baltistan was concerned police had had a positive role. There was emphasis on informal community policing. The local culture enabled intervention by elders in resolution of disputes in a manner that did not breed enmity for the future. Generally, only the more serious crimes were reported to the police.
- A chief court circuit bench had been established in Skardu but there was only a touring judge for the bench. There had been complaints that the judges got perks and benefits twice. They got pension from chief court when they got inducted to Supreme Appellate Court.
- The 2009 Order was a step forward but full provincial status was still not granted and no representation had been given in the National Assembly and Senate.

Students of an 'international' university

Students of Skardu campus of Karakoram International University complained about non-existence of a proper campus. They highlighted lack of university transport as most of the 450 students had to travel long distances to attend classes. A quarter of the students had left or stopped attending classes because of the difficulties. The problems were greater for women students. There was lack of a science faculty and there was no library. The prime minister had promised that fee would be waived for two semesters

but the university administration had asked the students to pay the supposedly waived-off fee.

Transporters

The mission met representatives of the Baltistan Transporters' Association. The buses, vans and coasters of the association's members were the principle means of travel for the common citizen from Baltistan to Rawalpindi as well as to and from Gilgit and Siachen. They said their occupation was no longer profitable because of the law and order issue. They traced the beginning of their problems to the sectarian attacks in 2005.

- The transporters complained about the convoy system started after the Chilas massacre on April 3, 2012 and that it had increased the travel time to 36 hours (twice the normal travel time) between Skardu and Rawalpindi as well as forced them to hike the fare for the passengers. After the killings on the road to Gilgit-Baltistan, it had been made mandatory for buses to travel in convoys. Buses from Skardu bound for Rawalpindi took four hours to reach a place called Sassi. If they reached Sassi at 10 pm. They had to wait there until 6 in the morning when they were allowed to proceed in a convoy escorted by police vehicles.
- It was very difficult for the buses in the convoy to stop. There were severe difficulties for any bus developed a mechanical fault or had a flat tyre on the way or if a passenger had to stop for medical reasons or to respond to nature's call. Even when the vehicles had to stay back in a town, they had to wait until they could join the next convoy.
- The KKH was one of the key routes in the world. Seven buses were burnt in the Chilas attack but no compensation had been paid. The transportation business had plummeted to 25 percent of what it was before the Chilas attack. From buses running eight different times a day to Rawalpindi they now ran only twice a day, when the convoys departed.
- Rent-a-car service charged Rs 25,000 from Skardu to Rawalpindi for four passengers. The journey was completed in 19 hours because cars were not obliged to travel as parts of convoys. It took a bus 36 hours to make the same journey.
- The transporters proposed patrolling by police and other law enforcement agencies along with check-posts at sensitive spots to provide security for road-users with normal running of public transport vehicles. The new force for securing the KKH could be useful but the transporters apprehended that it was being created only to treat the symptoms.
- The killings on Nanga Parbat were not religiously motivated. That had been done to ruin the economy for which the local people had also been used. The money to cause bloodshed was coming from abroad.

'An international game'

"The transporters consider the area from Chilas to Jaglot as the most dangerous. The security escorts are clearly not enough. What is the point in the security agencies waiting for an attack before they act? Intelligence should be used to track down those who plan and launch these attacks and the puppet-masters exposed. This is not a local crime; it is an international game and demands an appropriate response and preventive action. They create a spark in the hope that that would cause an inferno."

—A transporter

The miners' story

Gilgit is the centre of Pakistan Gemstone Association. The representatives and members of All Pakistan

Gems and Minerals Association Baltistan in Skardu said that few other places in the world were more richly endowed by nature's treasures than Gilgit-Baltistan, but lack of an official policy hindered investment.

- There was a lack of finances / loans for those who wanted to engage in mining.
- In the absence of any official policy, people engaged in mining on their land and fields in the same manner as they would engage in agriculture on their land. There was strong demand for developing and implementing a proper mineral policy.
- Private village committees oversaw mining. Leases of land for mining were not awarded by the government and some speakers stressed that such leases should not be awarded by the government and village committees should retain control.
- Minerals and forests were among the legislative subjects for the Gilgit-Baltistan Council, which had not become functional because the members that the centre was supposed to nominate to the council had not been named. This had delayed policy making and hindered development.

Meetings with police officers

The fact-finding mission met police officers, including a senior superintendent of police (SSP), in Skardu. The mission members shared their pleasant surprise over the positive perception of the police in Baltistan. They learned that there were few serious crimes in Skardu. In the whole year, there had only been 190 first information reports of all manners of crime in all police stations of Skardu. These included the only murder case in Skardu during the year. The region had a culture of non-violence and influence of Buddhism too. The police officers said that Taliban had no influence in Baltistan. However, the police officials said that over time things seemed to be changing for the worse in many respects. Earlier, it was impossible to find hashish in Baltistan but now that and other narcotics were not that difficult to obtain. They called reform of the police service structure up to Grade 20 following the 2009 Order a positive development.

- There was no terrorism in Gilgit-Baltistan before the Kargil war. Baltistan had always been the abode of law-abiding people and even the killings and violence elsewhere in Gilgit-Baltistan had been done by outsiders.
- People had demonstrated great patience even when dead bodies from the Chilas massacre reached Baltistan. Ulema were respected and they said that those who did not commit the crime must not be targeted in revenge. Masjid committees had played a very positive role.
- The 1988 lashkarkashi (attack by lashkar) was the catalyst for extremism in Gilgit-Baltistan. Clerics were involved as were weapons smugglers who wanted the weapons' sales to increase. In the 1950s and '60s households that kept guns were looked down upon with contempt.
- The clerics persuaded the citizens that they had to defend themselves because they said that in the regime of Gen Ziaul Haq in 1988 the lashkar had crossed so many districts to reach several Shia-populated villages of Gilgit district including Jalalabad and Minawar and massacred Shias and burned their houses. They said that that was impossible without the connivance of the rulers and asked the Shias of Gilgit to prepare to defend themselves.
- Some people had been exploited because they respected clerics without realizing if they were well-read or not.
- The rot could be stopped. The road would be secured with a 400-strong force of police, Rangers and Gilgit-Baltistan Scouts.
- It was disappointing that the transporters had refused to pay miniscule sums for passenger insurance. Each passenger could be insured for a mere 22 rupees but the transporters had declined to pay that sum.
- There were some nationalists in Ghizer but people had not gone along with them.
- Some clerics had been using religious crutches with an eye to the next elections. Clerics who

promoted tolerance and harmony in their Friday sermon had been taunted for being cowards. The next elections will be contested by religious scholars of all sects in Gilgit-Baltistan.

- One hundred families had been displaced after the Kargil war. Water had been blocked to the bordering village by the Indians and crops had withered away. Part of the compensation had been paid to the displaced families to rebuild their houses.

Visit to Attabad in Hunza

From Skardu the fact-finding team travelled to Gilgit. After an overnight stay there it proceeded to Gojal valley in Hunza-Nagar district where a massive landslide in January 2010 at Attabad village had killed 20 people. The landslide annihilated three villages, Attabad, Sarat and Ayinabad. It also blocked the Hunza River and created a huge lake which submerged three other villages—Shishkat, Gulmit, Ghulkin—and created nearly 3,000 internally displaced persons. The water body had come to be called the Attabad lake.

The affected villages had a combined population of over 7,400 people. Around 3,000 IDPs continued to live in three temporary camps established for them since January 2010. The water level had decreased somewhat after a spillway was built, allowing discharge of water but it appeared that the lake was there to stay, at least in the near future.

Floating over submerged villages

The rising water had also submerged the KKH and nearly three and a half years after the landslide the road link had not been restored when the fact-finding team went there. The mission members saw work to rebuild the destroyed section of the KKH by burrowing tunnels through the mountain to protect the road from landslides in the future. The team also saw huge amounts of sand that the receding emerald green lake water had deposited on agriculture land.

Part of the displaced population had been housed in a camp in Aliabad in Hunza. The villagers that had stayed behind could only be accessed through boats across the 24-kilometer-long lake.

Proceeding from Attabad, the edge of the lake seemed like a tiny primitive harbour and boats of all sizes ferried people, vehicles and other machinery. The team met members of a body of affected citizens. In a reflection of their priorities, the first concern that the affected people expressed was that they had become unable to pay their children's tuition fees and education expenses on account of the Attabad disaster. They were part of the Ismaili community with a lot of focus on education, so children went to school and college and some studied as far away as Karachi. Some of the main observations of the affected community were:

- Damage from the disaster could have been minimised if the authorities had given accurate information about the extent to which the water could rise after the blockage and the villages that could be affected. More urgent efforts to clear the debris and create a spillway could also have prevented the losses in the summer when the glacial melt swelled the Hunza River.
- Despite very harsh weather, arrangements for evacuation and provision of shelter for the affected communities had been unduly delayed.
- In summer, people paid for the boat rides to cross the lake. The boats stopped operating before nightfall and were also suspended when it got too windy. The lake froze in the winter and helicopters were needed in case of emergency.
- The landslide and the flooding of villages caused by the rising water had affected houses and agriculture land. During a visit to Gilgit-Baltistan, the prime minister had announced a compensation package of Rs 0.63 million per family as far as the houses were concerned. The compensation had been much less than the losses. No compensation had been given for some of the region's finest apricot trees as well as eucalyptus worth billions of rupees. The flow of tourists to the villages had stopped.
- Nearly 30 percent affected people had rebuilt their houses in Gulmit but they were now under debt.
- The media initially covered the Attabad disaster, leading to some interest elsewhere in Pakistan

but later even the local media had lost interest.

- There was a 10-bed hospital building in Gulmit but it neither had machines, nor medicine and doctors.
- The spillway needed to be widened at a fast pace so that the water in Attabad lake could be drained and the owners could reclaim their land, which was the source of their livelihood. No amount from Benazir Income Support Programme had been distributed among the victims of Attabad disaster.

IDPs in Aliabad

On the way back from Gojal, the HRCP team visited a settlement of the displaced persons from Shishkat in Aliabad locality of Hunza. They did not know how much longer they would remain in the camp or what they could do to end their predicament.

- Although the displaced persons were thankful for the shelter at the camp, the weather got so harsh in the summer that they could not stay indoors and it got so cold in the winter that they needed to keep a fire going all night to stay warm.
- The federal government had announced around 0.6 million rupees as compensation for each family but camp residents were not sure who had got the compensation. On August 11, 2011, a few dozen displaced persons had protested on the main road in Aliabad against non-payment of compensation. The protesters were beaten and two displaced persons, a young boy and his father, were shot and killed in police firing. The killing of the two IDPs had scared the displaced persons from raising their voice and they were not sure when they would get the compensation.
- Several citizens, including political activists, were subsequently arrested. Five persons from Shishkat were in jail in Gilgit because of the 2011 protest case. They had been charged under the Anti-Terrorism Act and the families did not have the money to pursue the cases.
- There was no facility for medical treatment of the displaced. If they died there was no land to bury them.
- They were given flour, cooking oil, salt, lentils, and some money through Watan Card.

Sarzameen-e-bay-aayeen

“Ours is a well known region for many reasons. But the biggest distinction of this region now is that it is a *sarzameen-e-bay-aayeen* (land without a constitution).”

—A poet in a meeting in Gilgit

Visit to Gilgit

The mission members returned from Hunza to Gilgit, where they held meetings with religious and political leaders, representatives of civil society and senior administration officials.

Musings of the civil society

Accounts of writers and artists

The HRCP mission met writers and artists, which included several academics. The lack of constitutional status was the first concern they flagged. They appeared convinced that the geostrategic situation of Gilgit-Baltistan and the interest of several nuclear powers there was behind the bloodshed in the region. They said that a western power did not want Pakistan to give land access to China and was therefore promoting sectarianism and intolerance. They said that “one or two Muslim nations” also had influence in Gilgit-Baltistan. Some also believed that elements of the state had a role in promoting sectarian violence.

- The 2009 Order did not meet the demands of the people for a provincial status and representation in the National Assembly and Senate. Students, journalists and businessmen demanded that Gilgit-Baltistan should be clearly mentioned in the constitution and not merely those listed in the 2009 Order. They also wanted to be able to move the Supreme Court of Pakistan. The Gilgit-Baltistan higher courts were inferior in status to the high courts in the provinces of Pakistan.
- The right to live and move freely was restricted and the right to (Pakistani) nationality was not available. There were people who said that it was a mere matter of interpretation of the 2009 Order. The fear was that the ambiguity in words should not become the people's destiny.
- There were no-go areas in Gilgit where people from various sects could not go.
- There was severe dearth of libraries in the whole of Gilgit-Baltistan. The only functioning public library was situated in a no-go area in Gilgit. There was no auditorium for literary and cultural activities. People were isolated in their own shells on account of lack of exchange of views and social interaction and that had given rise to suffocation and frustration.
- The region was facing a deficit of many sorts in the present situation. In some areas the literacy rate was better but in others it was abysmal.
- Sectarianism and terrorism were alien plants which had come to Gilgit-Baltistan from elsewhere and efforts had been made to ensure that they took root here. Communities were being pitted

Missing expressions

“Our poetry does not talk about romance. My romance is the hungry child. All our literary tools, all our metaphors, and expressions of love and devotion are for Pak sarzameen and Gilgit-Baltistan. We have unconditional love for Pakistan. We have placed in Pakistan’s lap this land of untold treasures. We are simple people. We are Pakistanis and are in love with Pakistan. It is in our blood. Why are we still hanging in the balance between India and Pakistan? Why are we not in a tighter clasp with the rest of Pakistan? If there is a hindrance that should be explained to us.”

—A lecturer at an educational institution in Gilgit

against each other in a planned manner.

- Despite much bloodshed, there was little animosity or hatred among the people. Those had been created. People had married across sects. The tragedy was that whenever people grew closer together a massacre occurred.
- A big Silk Route festival was held in late October in Gilgit-Baltistan, and ambassadors from many countries were there. But the local people were kept away from the event. There was no public participation.
- Many people believed that sectarian conflict or “bloodshed tournaments” were state-sponsored. The calendar of events was predetermined. After a short stretch of peace people apprehended that the sectarian bloodletting would resume.
- The 2009 Order gave a protocol, but it had had little impact on people's lives. From Shandur to Kargil no new school had been built since the 2009 elections. Lack of legislation reflected poorly on the legislative assembly.
- The people were pro-democracy but in their experience only the dictators had done any work that benefited them.
- The people would vote in the coming elections but not for the lot in the government. The incumbency factor would also go against them.
- There was no reason why the Kargil-Ladakh border should not be opened.

The excluded ones

“The citizens of Gilgit-Baltistan are treated as third-degree citizens but special persons are not even considered human beings. Animals too should be treated well but we are treated worse than animals.”

—*The president of VIPRA*

Women's rights activists

In a meeting with women's rights activists in Gilgit, the fact-finding team members learned of the difficulties for women in the region. The activists recounted the advantages of places like Hunza where NGOs working on women's rights and health and education for women were not taboos. In narrating extremes, they highlighted that there was no gynecologist in Diamer district, because such a prospect apparently disturbed the clerics in the area. Women in Nagar were being kept backward because of male resistance to their education, but women organisations were working to improve the situation by persuading the parents to ensure education for their daughters too.

- Gilgit-Baltistan was composed of so many communities confined until recently to their respective valleys. There were distances among closed communities, including cultural distances. The two major constituents of the region, Gilgit and Baltistan, were mutually different. Gilgit-Baltistan had

Selling the future

“Jobs are being sold. The going rate for a schoolteacher position in Gilgit-Baltistan is 300,000 rupees per job. They could at least have a merit list even if they have to sell the jobs. How can we expect a healthy new generation when the teachers they get are not the best human material?”

—*A teacher*

a tribal culture and every tribe had its own jirga for conflict resolution. Gilgit was a mix of all those cultures and tribal norms.

- While the extent of women's awakening in Gilgit-Baltistan could not be compared to the same for women from 'down areas', things had improved a great deal over the last few decades because of women's participation in different fields. Women were socially in a weaker position but were getting more aware of their rights because of education.
- Women activism had developed in Gilgit-Baltistan in recent years, with the launch of the Aga Khan Rural Support Programme (AKRSP) activities, particularly due to the emphasis on education and establishment of women's development organisations. The tribal stranglehold over women had relaxed somewhat.
- There was a need for community mobilisation to get a fair deal for women. Reservation of seats for women in the legislature had contributed to women's empowerment. Women must have more political participation including seats reserved for them in the legislative assembly and representation in other positions of decision-making.
- Violence against women, the so-called honour killing and child abuse were the main concerns of women's rights organisations. There were incidents of honour killing, which were in reality sectarian issues. Marriage of minor girls was also often because of sectarian reasons in areas with a cross-sect presence, as there were fears that the girls might get involved with someone from a different sect.
- It was a shortcoming of the civil society in Gilgit-Baltistan that it had failed to appropriately investigate whether the deaths of many women were 'honour killings', accidental drowning or suicide.
- Women could not use a bus in Gilgit without being harassed.
- There had been reports of honour killings in Diamer and denial of medical treatment to women because of fears among men that that would compromise women's pardah.

Challenges for the physically challenged

Representatives of the Visually-impaired Persons' Rehabilitation Association (VIPRA) met the mission to explain the peculiar problems of individuals with impaired vision in Gilgit-Baltistan. President of VIPRA who also had impaired vision said that since he used a white can and sometimes fell while walking on the road, people often mistook him for a beggar and tried to give him money. "How many people can I explain it to that just because I cannot see as well as they can does not make me a beggar," he said.

- Only in Gilgit was there a primary educational institution for special children and that too had no hostel. That meant that in a vast area of great distances like Gilgit-Baltistan anyone living outside Gilgit had no opportunity to benefit from even that primary educational institution.
- There was one percent job quota for the physically challenged during the rule of Gen Ziaul Haq and it had been raised to two percent during the rule of Gen Pervez Musharraf. However, the quota was exhausted in lower grades. A visually-impaired young man with a masters degree in business administration had been hired as a naib qasid (in grade 2) at the accountant general's office.
- Besides access to education, rehabilitation was a big problem for the physically challenged.
- The government should conduct a survey of the number and needs of the physically challenged persons in Gilgit-Baltistan.
- The visually impaired, mentally retarded, hearing impaired and physically handicapped individuals needed different specialised care that was lacking in Gilgit-Baltistan. There was a need for more institutions for physically challenged persons, particularly for visually impaired persons, throughout Gilgit-Baltistan and these institutions should have hostels, transport and other necessary facilities.
- This vulnerable section of society also faced social problems. The parents and families of physically challenged children tried to hide them, considered them a burden, did not attach as

- much importance to their education and gave them little attention.
- The media was also not sensitive to the issues of the physically challenged.
- Millions of rupees had been spent on the polo team in Gilgit and yet they had never managed to beat the team from Chitral. If only a fraction of that money could be used to send the physically challenged residents of Gilgit-Baltistan to Special Olympics and other international events they could gain confidence and win laurels for the region and the country.

Supreme Appellate Court Bar Association

The lawyers began the argument for a constitutional status for the region with the historical background from the days of 13 kingdoms, followed by the conquest of the region by the ruler of Kashmir, the struggle that led to the establishment of 'Islami Jamhoooria-e-Gilgit' in 1947 and the subsequent agreement with Pakistan, which converted it into an agency and appointed a political agent who ruled after imposing Frontier Crimes Regulation here, which were withdrawn only in the 1970s during the government of Zulfikar Ali Bhutto. They made the following observations:

- The constitutional dilemma for Gilgit-Baltistan had continued for over 66 years. In *Al-Jihad Trust versus the Federation of Pakistan*⁹ the Supreme Court of Pakistan had observed that the federal government must take appropriate administrative/legislative measures within six months to make necessary amendments in the Constitution and the relevant statutes to ensure that the people of Gilgit-Baltistan enjoyed their fundamental rights. The 2009 executive order of a ministry was in clear violation of the 1999 Supreme Court order. The Ministry of Kashmir Affairs did not have the authority to make laws and the 2009 Order was an executive order by that ministry.
- The biggest drawback and contradiction of the notion of empowerment was the fact that Gilgit-Baltistan had not been granted the authority to amend the 2009 Order.
- Gilgit-Baltistan faced serious issues regarding dispensation of justice. The chief court was not equal in status to a high court. The people of Gilgit-Baltistan were second-class citizens and the courts given to them were also second class. Unlike the courts in Azad Jammu and Kashmir (AJK), the Gilgit-Baltistan courts were not empowered except for limited matters. The very edifice of the judicial system was flawed; the courts were not constitutional forums of justice but executive courts.
- The lawyers wondered what the label Supreme Appellate Court meant. They suggested that Gilgit-Baltistan should either have a system like AJK or one with ingress into the mainstream Pakistani judicial system.
- There was a big difference between the citizens of Pakistan and of Gilgit-Baltistan. The former could become the prime minister of Pakistan while the latter could not even vote to elect that prime minister.
- In numerous instances, either important laws or appropriate forums were missing in the region. Many laws in Pakistan needed to be extended to Gilgit-Baltistan. There was no codified family law and it took a decade to decide the cases.
- A judge brought from outside had been made in-charge of three courts. The civil judge served both as a family court judge and a judicial magistrate.
- Provision of free legal aid was necessary in the region as the common people lacked financial resources.
- The people and the region of Gilgit-Baltistan were not part of India. They certainly were a part of the Kashmir dispute. The Indian-administered Kashmir had protection under two sets of provisions. It had its own constitution that gave it authority over all except four subjects and it also had a special status and rights under Article 370 of the Indian Constitution. The AJK legislative assembly had framed its constitution in 1956, which provided a bicameral parliament.
- Kashmir was liberated by the tribesmen from FATA and the army, but Gilgit-Baltistan was liberated

⁹ 1999 SCMR 1379 (Supreme Court judgement in *Al-Jehad Trust versus the Federation of Pakistan*). See Annex-VI for the concluding paragraphs of the judgement.

by the local people without any help from anyone.

- The region should at least be given those rights that had been granted to AJK. Opening the border crossing at Kargil was an economic issue, an issue of tourism and of meeting of divided families. AJK had such a link across the Line of Control but Gilgit-Baltistan did not.
- When there was unrest in Balochistan the chief justice and the prime minister had gone there. The people of Gilgit-Baltistan also wanted to be called Pakistan's citizens now. When India could do it in the part of Kashmir it controlled then how could Pakistan doing the same weaken the case for Kashmir? If one wanted to be extra cautious a provisional arrangement could be made and the people of Gilgit-Baltistan given vote as Pakistani citizens.

Aga Khan Rural Support Programme

Members of the mission visited the office of Aga Khan Rural Support Programme (AKRSP) and learned how the organisation had contributed to improving the lives of the people in Gilgit-Baltistan through thousands of link roads and hundreds of micro hydro-electric projects. The programme had always been considered as non-communal and above sectarian biases. Since the beginning of the programme, however, the orthodox point of view in Diamer had kept that district from benefitting from the AKRSP projects. They had stated that they did not want the organisation's staff in Diamer and had created hurdles in development activity. After the floods in 2010, for the first time, some of the Diamer residents had said that they needed help from the organisation.

Political parties' brief

Pakistan Peoples' Party

The HRCP team shared with the PPP representatives in Gilgit the various observations it had made during the mission. They responded in the following manner:

- The PPP had the credit of abolishing both the Rajgi and FCR systems from Gilgit-Baltistan.
- The 2009 Order had given an identity to Gilgit-Baltistan. It had also facilitated representation for women. In a poor region with no industry and little by way of employment opportunities, the government had given 15,000 jobs. There could be a case of some favouritism somewhere, but the jobs had certainly not been sold.
- New districts had also been established by the party's government
- Reforms had been carried out in judiciary and a chief court had been established.
- When the PPP came to power the people in Gilgit-Baltistan were so desperate that there had been some rise in support for nationalist elements amid frustration among the youth. The 2009 Order was a timely measure that addressed people's aspirations. More should be done to give the

Yearning for a level playing field

“When the administration made the mosque strong and promotions and transfers took place on clerics’ phone calls, the Gilgit-Baltistan youth went under that umbrella. Sectarian groups are stronger in Gilgit-Baltistan because of the administration’s support. The progressive elements could demonstrate their impact and role if the government did not interfere.”

—A political activist

region full provincial status. When the PPP came to power in Islamabad again the remaining reform agenda would also be fulfilled.

Muttahida Qaumi Movement

- The 2009 Order was an executive order and not an act of parliament. It had empowered the bureaucracy instead of the Gilgit-Baltistan people.
- If Gilgit-Baltistan was a province then it should have been invested with the power to resolve the issues it faced.
- The people needed to be informed whether they were Pakistanis or not. In all important events or on national occasions the four provincial chief ministers were seen but the Gilgit-Baltistan chief minister was not seen there.
- The main demand of the people was that Gilgit-Baltistan should be made a province constitutionally and given representation in the National Assembly and Senate. The people did not want an Azad Kashmir-like system.
- Most bureaucrats and other officers posted in Gilgit-Baltistan invariably started acting as rulers.
- Corruption was rampant. Jobs in all departments, including police, education and excise and taxation, had been given either against money or on political basis.
- Customs officials in Khyber Pakhtunkhwa were involved in malpractices and checked Chinese goods when they entered the province, although the goods had already checked at the border customs post. The province also charged a levy on the value of goods passing through Khyber Pakhtunkhwa. This was a completely arbitrary levy and akin to extortion.
- The government could do much more and much more promptly to alleviate the problems of the people affected by the Attabad disaster.
- The quota reserved for students from Gilgit-Baltistan in educational institutions of the country should be enhanced.

Progressive and nationalist parties

In its meeting with representatives of progressive and nationalist parties the fact-finding team strived to determine how much consumption there was of progressive thinking, how much recognition and support there was for the same in the next elections and whether that played any role in stopping sectarianism and terrorism. Some participants in the meeting called the 2009 Order ceremonial and said that it was not a constitutional order and lacked legal status. The revenue-generating sources had been kept with the federation in the name of Gilgit-Baltistan Council¹⁰ and the policy for the region was made by non-local bureaucracy. One participant in the meeting claimed that large-scale arrests had taken place on the eve of the 2009 election and those protesting for their rights had been jailed on charges under Anti-Terrorism Act. A representative of a nationalist party said that progressive parties demanded provincial status for Gilgit-Baltistan and nationalists sought elections under UN auspices. The participants said that when people were deprived of something it was only natural that they would raise their voice. The representatives of these parties expressed concern over politics in the name of religion in Gilgit-Baltistan.

- Divisions were being promoted and an environment of fear created which made the work of those pushing the agenda of a market economy easier.
- There were perpetual curbs on public gathering and strong-arm tactics were used against protesters.
- Only some clerics, local elite and contractors had benefited from the 2009 Order. They had won the elections. The common citizen's situation was indescribably precarious.
- The protocol and security escorts for elected representatives were an unjustified burden on the

¹⁰ See Annex-IV for the scope of Gilgit-Baltistan Council's authority.

economy. The legislative assembly did not have much more power than a municipal committee.

- In terms of the energy corridor being promoted by the prime minister, the people did not oppose development but they should be informed what exactly was being developed.
- There was no sectarianism in Gilgit-Baltistan. Parties from outside and from 'down area' were responsible for fanning sectarianism.
- Over 100 cases had been registered against nationalist leaders. How could a case of sedition against Pakistan be registered when Gilgit-Baltistan was not counted as a part of Pakistan by Islamabad?
- The law barring non-locals from buying land and properties, which was in force in Azad Kashmir had not been extended to Gilgit-Baltistan. That was discriminatory and allowed outsiders to grab Gilgit-Baltistan land.
- Merit was not the criteria for hiring for government job, which had been sold for Rs 300,000 or more per job.
- Human rights and civil society organisations in Pakistan, particularly HRCP, should focus more on Gilgit-Baltistan. An independent and unbiased commission should hold the assembly elections.

Considering matters of faith

Meeting with Masajid Board

In 2012, the Gilgit-Baltistan Legislative Assembly passed a law, called the Regulation of Masajid Act.¹¹ The law was aimed at promoting communal harmony and streamlining the functioning of mosques. A Masajid Board comprising respected members of Shia and Sunni sects was notified under the law and the members volunteered to strive for peace through social engagement and promotion of tolerance and peaceful co-existence.

The HRCP mission met members of the Masajid Board to learn about their role in confronting sectarian tensions and hatred. Members of the board said that such hatred was never visible before 1970. By 2005 on account of big attacks the sectarian division had peaked. In the same year, a Grand Aman (peace) Jirga comprising an equal number of Shias and Sunnis (18 each) was formed, which prepared a compromise document that was instrumental in bringing peace to a Gilgit scarred by sectarian bloodletting. Then a Masajid Board and a Parliamentary Aman Committee comprising 10 persons each from the Shia and Sunni communities was formed which contributed to combatting communal animosity and hatred. Members of the committee said they were volunteers even though the government had recognised their role.

- In the form of Regulation of Masajid Act, the Gilgit-Baltistan Assembly had made the first ever law in the history of Pakistan on sectarian harmony. That had been in response to efforts to weaken the nation and strengthen notions of sectarian identity. In the form of this law, there was now a practical arrangement in Gilgit-Baltistan to deal with sectarian unrest and discord and this arrangement was better than in Khyber Pakhtunkhwa, and in fact better than any place in Pakistan.
- The people in Gilgit-Baltistan had always been moderate and wanted peace and prosperity. The word sectarian was used only after the construction of the KKH when all sorts of people came to the region from 'down area' and indulged in creating sectarian hatred. Those who engaged in violence and hate mongering were mainly illiterate and extremist fanatics. The sectarian war had claimed the lives of around 1,000 people. Both the Shia and Sunni communities thought that they must put an end to it and managed to gather good people from both sects. They had managed to control 99 percent of the situation.
- Taliban had reached Kohistan district of Khyber Pakhtunkhwa in some form and had been

¹¹ See Annex-XI for text of the Gilgit-Baltistan Regulation of Masajid Act, 2012.

stopped in Diamer district.

- It was not the people of the region fighting on their own. Someone orchestrated these fights. The government said that it was the work of foreign intelligence agencies. But it was Pakistani intelligence agencies' job to stop them. The people of Gilgit-Baltistan were sincere, to Pakistan and among themselves, even after so many had been killed. It was this sincerity that had prevented suicide bombings in the region. That was the reason that mosques and imambargahs had not been targeted.
- Members of the Aman Committee and Masajid Board went from door to door to motivate people from both sects not to react if any incident happened.
- "Unlike Pakistan, the judiciary was not independent in Gilgit-Baltistan." The judges in Gilgit-Baltistan were honest and competent but they were under pressure. The judiciary was subservient to the bureaucracy when it should have been answerable only to the Supreme Court.
- In the same manner as there were efforts to foil the seaport from becoming functional in Gwadar, and terrorists from all over the world had been brought to sabotage that project, so too was the case with Gilgit-Baltistan where a western power and a neighbouring country were involved and engineering trouble because of the route to China.
- The factories of takfeer had been closed and hatred in sermons stopped through constant efforts of members of the Masajid Board. In October 2013 it had been nine months since the last murder motivated by sectarian hatred had taken place.
- Gilgit-Baltistan was a poor region and a remote one. It lacked electricity and infrastructure. Things that cost 100 rupees elsewhere in Pakistan cost 150 rupees in Gilgit-Baltistan. For one vacancy there were 500 applications. Yet the people tried to get education even if they had to travel to other parts of Pakistan.
- There were no industries in Gilgit-Baltistan and unemployment was acute despite abundance of marble, precious stones, potential for hydro-electricity generation and fruit. The mineral-rich Gilgit-Baltistan should have an advanced mineral industry for providing jobs and multiplying earnings. Dams could be built to capitalise on the abundant water resources.
- Gilgit-Baltistan should at least have an observer in the National Assembly and Senate until the people were granted representation.
- The people felt that they had been left at the mercy of bureaucracy. The performance of the administration in Gilgit-Baltistan depended on the quality of officers, the system improved when sincere officers were appointed.
- The trouble-makers in Gilgit-Baltistan were not even one percent of the population. It was a riddle why they could not be nabbed in an area that was smaller than Shah Aalmi locality of Lahore. If their names were given to the Masajid Board, its members would go to their homes.

Priorities

"Until this region gets constitutional rights, until the people of this region also have the right to elect the prime minister, president and parliament in Pakistan, all the other measures do not matter. The people do not need anything else more urgently. This region has everything. We need a place in the constitution of Pakistan. We are true Pakistanis of great conviction. How long should we put up with this exclusion? How long must our status be kept disputed?"

"We should at least be given a timeframe for when we would be formally recognised as Pakistanis. The people in this region do not fight among themselves; efforts are invested in making us fight. Our region is stuck in the middle of four nuclear powers."

—A leader of the Shia community in Gilgit

- The Tehrik-e-Taliban Pakistan (TTP) had taken root in Diamer because those responsible for the Lulusar and Chilas massacres had not been arrested. That encouraged the killers and led to killing of foreign mountaineers on Nanga Parbat, dealing a severe blow to Pakistan's reputation.
- The area where the Nanga Parbat killings took place was difficult to access and if helicopters had been deployed then the attackers who had walked for hours to reach the base camp and then walked the long way back could have been apprehended or killed. The TTP Diamer had threatened that if the killers were apprehended they would strike again. This madness would end within a month if all government agencies acted with sincerity.
- Members of the Shia and Sunni communities were trying to form a jirga in each of the seven Gilgit-Baltistan districts and a jirga comprising representatives from all seven districts to promote peace.

Tanzeem Ahl-e-Sunnat Wal Jamaat

Measure of desperation

“Gilgit-Baltistan is in desperate need of identity. Unless the government of Pakistan wants to divorce Gilgit-Baltistan they should perform a formal *nikah* with this region.”

—A representative of Tanzeem Ahl-e-Sunnat Wal Jamaat

- Tanzeem Ahl-e-Sunnat Wal Jamaat Gilgit-Baltistan and Kohistan said that it was wrong to call Gilgit-Baltistan a disputed territory as the people of this region had liberated it after rebelling against the occupation of the Dogra rule.
- The sectarian bloodshed violated Gilgit-Baltistan's tolerant tradition and non-sectarian identity.
- Until 1971, no Pakistani political party was operating in Gilgit-Baltistan.
- Resort to violence for enforcement of Shariah was not permissible. Taliban who indulged in terrorism were unacceptable, as were bomb blasts and suicide bombings.
- The failure to nab the culprits involved in sectarian killings had raised questions about the

‘The best of Pakistanis’

“Our grievance is that we have been kept deprived of our fundamental rights. Gilgit-Baltistan desperately wants to be formally made a part of Pakistan but that has not been done to-date. If the Kashmir issue remains unresolved for a thousand years are we supposed to remain in this limbo for that long? Are we not the best of Pakistanis? They say we are a part of Kashmir, if we are then give us at least those rights that are there in AJK. But we do not want that, we are a part of Pakistan and should be formally recognised as such.”

—A Masjid Board member

capacity, role and commitment of intelligence agencies. If the culprits were not arrested it was only natural that suspicion of acquiescence and worse would arise.

Wahdatul Muslimeen

The mission met representatives of Wahdatul Muslimeen, an organisation that had been raising its voice against faith-based violence targetting the Shia community. The main points that they made were:

- This region had been under 700 years of Shia rule with complete harmony. There was no other

When an ant gets upset

“Our forefather won this area for Pakistan and then travelled a great distance on foot to ask the government to come and take control of it.

Our sin is that we live in this region in peace. How many areas are there in Pakistan where they live off Pakistan and still curse the motherland? We can tolerate someone calling our mothers and sisters names but we cannot stand anyone being disrespectful towards Pakistan.

When an ant gets upset, it bites itself. Why should anyone wait for a time when intense loves turns into intense resentment. The so-called nationalists have no influence here. They are an exceptionally tiny fringe group.

If things do not change fast this could become like some parts of Balochistan. Gilgit-Baltistan is the head of Pakistan. If it is crushed what would happen to Pakistan’s integrity? Pakistan’s border would then recede to Balakot. In Gilgit-Baltistan there is resentment. If something positive is done it would be highlighted and send a message. Have mercy on this area and focus on it.”

—A Sunni member of the Masajid Board

place in Pakistan where Shia were in majority. There had been efforts to change the demography. Shias were not being allowed to be economically established and they faced discrimination. Out of 24 judges, six were Shia and none Ismaili. Big contracts were not given to Shia contractors. Leases had been given to Pashtuns but not to Shias.

- The younger generation of Shias was angry about sectarian violence and harboured sentiments of revenge. Shia clerics might not be able to restrain them indefinitely if more incidents took place.
- As soon as the Muslim Gilgit Scouts personnel had heard the name of Pakistan, they had decided to join Pakistan and took a secret oath among themselves. They arrested the Dogra representative and handed him over to Pakistan. From November 1 to 16, 1947 Gilgit-Baltistan remained independent. After that it had not had any identity, neither as an autonomous region, nor Pakistani or Kashmiri.
- Voting could be held now on our preference and the percentage noted for whenever the plebiscite was held.
- The liberators of Gilgit-Baltistan and heroes of the people had not been accorded the recognition they deserved. Even their names had not been highlighted nor any parks or hospitals named after them. Their names were being forgotten.
- If half a dozen people did their job properly the no-go areas in Gilgit would end. Many representatives on the Gilgit-Baltistan Council were local residents. If things were given in the local people's hands the security situation would be rectified. Given the chance, the people could confront and stop the Tehrik-e-Taliban in Diamer.

Not appreciating what they have

“In the form of Bangladesh Pakistan has accepted a severed arm but does not acknowledge what is very much its arm.”

—A leader of Wahdatul Muslimeen

- Gilgit-Baltistan faced the same natural disasters as Pakistan. In addition, there were the man-made disasters. The impact of projects like the Diamer-Bhasha dam on the environment had not been properly assessed. Glaciers formed in dry cold. The lake of the hydroelectric dam would lead to greater humidity, causing more rain and melting of glaciers at a faster rate. With Diamer-Bhasha dam, there was a feeling among the people of the region that they were the ones who were being drowned but the royalty for the Diamer-Bhasha dam was being given to Khyber Pakhtunkhwa.
- Attention was not being paid to the Bunji power project, which could be completed at a much lower cost and in a much shorter time.
- The forest cover that was 25 percent 40 years ago had fallen to 9 percent.
- According to a WAPDA assessment there was 0.15 million megawatt hydroelectricity generation potential in Gilgit-Baltistan. The issue was how that would be transferred to Pakistan.
- Gilgit-Baltistan lacked museums to preserve the region's rich heritage.
- Some institutions considered civilians suspect and only considered themselves loyal and patriotic.
- Even though there was tremendous scope, no law except the law of preemption had been made here.
- Even though Gilgit-Baltistan was not given the status of a province, whenever martial law was declared in the Pakistan it also extended to Gilgit-Baltistan. Martial law had not been imposed in AJK even when Pakistan was under military rule.
- The people of AJK were allowed to meet relatives in Indian-administered Kashmir across the Line of Control, but the people of Gilgit-Baltistan were not allowed to do the same. The Kargil-Ladakh point on the Line of Control (LoC) should also be opened for trade and families' meetings.
- There had been hypocrisy and duality in the administration's policies. Whenever criminal cases were lodged they were lodged only against Shias. The takfiris of Diamer were free and their weapons were free.
- There was great love in Gilgit-Baltistan for Pakistan. That must not be allowed to turn into hatred.
- The people remembered that in 1988 militants from Kohistan and Diamer districts and from FATA had not been prevented from attacking Shia citizens in their hamlets in Gilgit.
- Tourism had not been established as an industry and whatever little tourism had been developed was on the brink of destruction because of acts of violence upon tourists and travellers.

Something that is better than nothing

“The 2009 Order has no constitutional protection. A section officer can abolish it. Something is better than nothing. This assembly does not have a constitutional status. It is in reality nothing more than local government.”

—*A young man representing the Shia community*

Administration's side of the story

Governor's views

Gilgit-Baltistan Governor Pir Syed Karam Ali Shah, who is also the vice-chairperson of the Gilgit-Baltistan Council, lamented that while the world was venturing ever further in space exploration, the argument in Gilgit-Baltistan revolved around trivial matters such as how high should the faithful tie the

string of their shalwar.

- Only one meeting of the Gilgit-Baltistan Council had been held, in March 2011. Nature had given all the resources to make Gilgit-Baltistan prosperous. The prime minister, who headed the council, should convene a meeting of the council every month or two months. He should consider delegating the power to act as the chairperson to someone else if it was difficult for him to attend meetings that frequently.
- The four provinces of Pakistan and Bengal, which later became Bangladesh, were inherited from the partition of the subcontinent. But sons of the soil had liberated Gilgit-Baltistan in November 1947, without any external help. Their leaders had travelled several hundred miles on foot to invite Pakistan to govern this region. They unconditionally joined Pakistan even though China was closer.
- As with all new things, some shortcomings were there in the 2009 Order. There was also lack of understanding about how best to use the system. However, the name, Gilgit-Baltistan, had given the region identity. Even babies were given a name at
- birth but this region had been denied that for over 60 years.
- As a representative of the federation, the governor had conveyed to the federal government all accounts, claims and allegations he received, including claims of jobs being sold.
- Gilgit-Baltistan lauded the agreements between Pakistan and China. They were also in the interest of the region.
- The finance secretary of Gilgit-Baltistan should look into how approved budgeted funds were being utilised.
- Gilgit-Baltistan had sacrificed much for the Kashmir cause.

Five brothers and an epidemic

“We are part of Pakistan and Pakistan alone. Bracketing the region with the Kashmir issue should not be a justification to deny the people their rights. No other part of Pakistan would put up with this kind of treatment even for a day. It is true that we ask for our rights, we complain too but we always say Pakistan *zindabad* (long live Pakistan). We say that in this federation there are not four brothers but five.

The epidemic of sectarian divisions in the world has affected Pakistan too. Gilgit-Baltistan has not been immune to it. In the old days, the region was accessible only in the summer. The KKH provided all-weather access to Gilgit-Baltistan.

The intelligence agencies should identify those responsible for creating sectarian trouble. Gilgit-Baltistan has a non-sectarian tradition. The instigators are from outside the region. Enemies of Pakistan do not want our connection with China and try to find different ways to hurt us.”

—*The governor*

Administration and police officials

The HRCP mission met a number of senior bureaucrats, including Chief Secretary Muhammad Younas Dhaga and Home Secretary Dr Attaur Rehman, and other officials of the region's administration in Gilgit. HRCP requested the officials to share their views about the region in a candid manner and communicated to them that although the mission report would include their views those would not be specifically attributed to them. HRCP is also obliged to not include the information the officials shared

with the mission off-the-record.

- The area was very fragmented geographically and fragmentation in some respects was part of the psyche of the people of Gilgit-Baltistan. There was a history of various communities living exclusively in their own valleys. The more closely one looked the more fragmentation one found. The population had been fragmented along ethnic lines, but before 1988 the division was never along sectarian lines. Gilgit versus Baltistan was one division; differences were rooted in the Sheen, Yashkun and Soniwal ethnicities; and then there were divisions based on language.
- The Soniwals were involved in killing of Shias from both the Sheen and Yashkun communities. A Yashkun Deobandi would not kill a Yashkun Shia and vice versa. Similarly, a Sheen Shia would not kill a Sheen Deobandi.
- Deobandis had established a well-funded madrasa in Ghanche and were converting Noor Bakhshis to their creed. Deobandis were providing money to the locals for dairy farming, developing orchards as well as offering jobs in Saudi Arabia.
- The mullahs in Diامر had refused Aga Khan Rural Support Programme assistance for education and leadership training.
- Some militant groups who were once supported by the intelligence agencies were seen to have gotten out of their control. Taliban, a new monster, had developed their own funding sources. Money was the Taliban ideology now and they were not a monolith but mercenaries who had even killed their own religious leaders, including muftis. There might have been disagreements earlier on among intelligence agencies on how exactly the people engaged in violence were to be tackled. There had been speculation that the intelligence agencies at least looked the other way some time. The killing of the climbers on Nanga Parbat and the assassination of a senior police officer and an army colonel and a captain had changed things even for people who had been in two minds. There had been a security paradigm shift that the culprits must be nabbed. The state apparatus had been fighting them since. All actions of the civilian administration were now being supported by all federal agencies. All of them, including the intelligence agencies, were on the same page.
- It had been concluded that the local community or jirga did not have the capacity to persuade the killers to surrender. There was an agreement that there was no point in risking the lives of jirga members in pursuit of that ambition.
- Seven out of eight killers of the army colonel and captain had been nabbed. Of the 11 terrorists involved in Nanga Parbat, several had been held. Three accused in the Lulusar killings had been arrested. The rest had conveyed several times that they wanted to surrender. With the winter approaching most of the wanted men on the run would have to come down from the mountains.
- It had initially been believed that the people involved in the Nanga Parbat killings were from Khyber Pakhtunkhwa but later on the authorities had learned that all of them were residents of Gilgit-Baltistan. Around 40 individuals had enlisted as Taliban in the area with one ameer (chief), who had been held. They were mercenaries and did not include religious elements nor had any religious motivation. As far as could be ascertained, being part of the Taliban in Diامر had been about money and power and did not have anything to do with ideology. The Yashkun in the local society lacked power and some of them believed that the marginalized could be empowered by

Their doings and ours

“There are speculations about American and Indian involvement because of their perceived dislike for China’s influence in Gilgit-Baltistan. Saudi Arabia and Iran also have a lot of influence. But it is also true that there are several problems that we have created for ourselves and which we would have to fix ourselves.”

—An administration official in Gilgit

associating with the Taliban. The motivation was for the powerless to be empowered.

- The investigators had found that the original plan for the Nanga Parbat attack on foreign climbers had been to take hostage in order to seek ransom and release of detained militants. The Taliban had asked the local militants to do something big, although they had not specifically suggested abduction. Once the mountaineers were abducted, differences emerged among the abductors over killing them. The local people generally were considerate towards the Chinese and once a Chinese mountaineer was killed by one of the abductors then the rest who had opposed the Chinese man's killing shot and killed all the climbers. The mobile phones of the deceased had been recovered from the arrested.
- Gilgit-Baltistan was a vast area, but one with a limited budget. The region was more than twice the size of Belgium but its budget barely matched that of Gujranwala district in Punjab. Even FATA, which was three times smaller than Gilgit-Baltistan in terms of area, had more facilities and resources than Gilgit-Baltistan.
- Although the first word in the name of the 2009 Order was empowerment, there had not been much empowerment. There had been little worthwhile legislation in the last four years. The previous dispensation was hardly landmark either. However, the political dispensation had to be shown some concession. There had been representation of the people under the 2009 Order. But the cake had remained the same while the number of those consuming it had increased.
- Giving the region a name was a big step and one that should have been taken earlier. It had been argued that the dispensation provided under the 2009 Order was not ideal. But it was not something that could not be tinkered with. The order might not have been perfect because it was passed in a hurry. There might have been some things that were done intentionally and others unintentionally. Corrections could be made subsequently. But not a comma had been changed in the 2009 Order.
- The most trivial and insignificant of matters requiring the attention of the Gilgit-Baltistan chief minister wasted time and bigger things where decision making was usually the domain of the chief ministers in the provinces were with the bureaucracy in Gilgit-Baltistan. Despite being a remote area with difficult terrain, there was no helicopter or plane for the chief minister.
- The 2009 scheme of things was contradictory; it gave the people representation at the district level and ignored them at the federal level.
- There were no-go areas in Gilgit. After Shia killings by a lashkar in 1988, people had started considering themselves unsafe and for the sake of safety started living in communities comprising their sectarian group. Once people had been discriminated against they became defensive. At a time of unrest no one wanted to be at a place where there was a risk that they would be killed and their houses burnt in supposed revenge simply because of their sectarian identity. This atmosphere of fear and the no-go areas were limited to Gilgit.
- Looking at the sectarian unrest situation, members of one sect had stated that if there was another incident they would retaliate. This was negative and problematic at two levels: why should there be an incident and why would they act instead of letting the authorities deal with the situation?
- Police were weak and had remained divided on sectarian basis. The last two police chiefs had done a lot of work to repair that. An officer of DSP rank had been made in-charge of training.
- Gilgit-Baltistan still had the lowest crime ratio in the country. There was less crime and more sectarian frictions and violence. Even at the level of jails and hospitals there were divisions along sectarian lines. Elders of both Shia and Sunni communities had been actively engaged for a year and that had led to addressing hatred at the street and local community level.
- In the recent prominent terrorist attacks and acts of violence elsewhere in Pakistan, the culprits had not been arrested. That was not the case in Gilgit-Baltistan. All the accused in the Chilas massacre had been arrested. In Chilas, a superintendent of police (SP) was killed; in Diamer a colonel and a captain were killed. Those involved had been traced and all except one had been arrested. Of the 11 terrorists involved in the Nanga Parbat killings, several had been held. They were also involved in the Lulusar incident.

- The state of prosecution was dismal all over the country. It was even worse in Gilgit-Baltistan.
- The perks and the structure of the judiciary needed to be looked at to see if the number of cases and the disposal rate justified the degree of resources being allocated.
- Under the 2009 Order, there was no role of the national judiciary in the selection of chief judge. If such an arrangement was drawn up today it might be considered scandalous.
- The Kohistan and Lulusar incidents had taken place in Khyber Pakhtunkhwa but some of the people involved were from Gilgit-Baltistan. They had returned to Gilgit-Baltistan after studying at madrassas in the 'down area'. The intolerant militant tendency had grown over time and it would take time to overcome it.
- There was not much by way of employment opportunities in Gilgit-Baltistan. There was work as a contractor or labourer or there were government jobs. Some people engaged in agriculture and self-employment. There was over-employment in terms of percentage in the Gilgit-Baltistan government; government employees were 9 percent instead of the normal ratio of 3% to 4% of the employees. Notifications to make many employees' services permanent and ghost employees were also problem areas.
- The quality and quantity of fruit, especially apricot, in Gilgit-Baltistan was exceptional. Despite the glut of fruit, there was no food processing unit. Suggesting this might not directly be the job of police but that was where the lack of employment and other social problems ended up.
- The region's potential was not being fulfilled partly because new schemes were launched even before old scheme had neared completion or even before the implementation stage began. The amount of effort that needed to be put in was not put in. In new projects, there were also benefits for contractors and those who awarded the contracts.
- The mineral department was a neglected and meek department.
- Not all the issues could be tackled simultaneously. There could be resentment for various reasons. The real issue was governance. There were 34,000 electricity connections and only 4,000 consumers paid electricity dues. Gilgit-Baltistan's potential was such that it could illuminate the whole country. A regional grid should be set up in Gilgit-Baltistan.
- There was corruption and it appeared from various accounts that jobs had been sold.
- Diamer was a city of people of a peculiar bent of mind and they were on the KKH. Several times buses had been stopped and pelted with stones there following some rumours.
- Through the history, this region had not had sectarian issues and many believed that these issues had been intentionally spread on account of the region's special importance. The local people believed there was international involvement in Gilgit-Baltistan because of the Line of Control and the international border. "There is no smoke without a fire."
- Madrassas got money from abroad and in the same manner as in Swat, the practice had been ignored. The pattern in Diamer was not quite as visible as it was in Swat. That was because there were issues of distance. No one could hide among a sparse population and the community had not allowed the killers to penetrate them. There were also geographical advantages because of the natural factor. The international border was mainly snow-bound and sealed.
- In Quetta and Karachi, truckloads of explosive made news. In Gilgit-Baltistan, someone hitting another person could lead to a Shia-Sunni fight.
- Shias had a grievance about non-action against non-Shias. There was great potential for unrest in case of another sectarian attack and the anger of the youth might be difficult to contain. Elders, religious scholars and political leaders would have to push for that. The Friday sermon was being used for that.
- There was a perception of intelligence agencies' role in the sectarian bloodshed. That was because of lack of progress in bringing the killers to justice.
- Non-government organisations were required to have a no-objection certificate to operate in Gilgit-Baltistan.
- Various markers of identity had reared their head amid the vacuum in the absence of governance, empowerment and active political parties.

- Army, intelligence agencies and civil administration had the closest liaison in Gilgit-Baltistan.
- The region had a youth bulge, which, depending on how it was handled, could be an asset or a liability.

Findings and conclusions

From the philosophical to the emotional, members of the fact-finding team came across a wide range of perspectives in Gilgit-Baltistan.

It appeared manifestly clear that nothing short of a constitutional provincial status, even if it were only a provisional arrangement, would be considered to be adequately reciprocating the people's devotion and strong feelings for Pakistan.

They were worried about what they called conspiracies against the region because of the land link it offered to China and about alienation and frustration among the youth. They believed that they were part of a new great game. The running theme in almost all the discussions in Gilgit-Baltistan was the need for a constitutional status for Gilgit-Baltistan. The HRCP mission made the following findings:

1. Not a single group or individual that the fact-finding mission met was completely satisfied with the Empowerment and Self Governance Order, 2009. These also included representatives of the ruling political party that had introduced the measure. The most generous praise of the order that the mission heard called it one good step towards an eventual destination, while critics called it "ceremonial", "glorified district government" and "a municipal committee system". However, the 2009 order was roundly applauded for giving the region a name and identity. Lack of experience of those tasked with implementation was highlighted as a possible reason for the order not achieving all that it could. The biggest drawback and contradiction of the notion of empowerment was the fact that Gilgit-Baltistan had not been granted the authority to amend the 2009 Order. Four years after the elections, no effort had been made to amend the order or to otherwise move forward with reform agenda to empower the region. However, generally it was suggested that the 2009 Order should be persisted with and improved.
2. The overwhelming majority of the people that the HRCP mission met expressed frustration at the region not being merged with Pakistan formally as a constitutionally recognised fifth province of Pakistan. Many said that if that was not immediately possible because of the region being bracketed with the Kashmir dispute, they would settle for a provisional provincial status until the Kashmir issue was resolved. As a last resort, some suggested a governance system similar to Azad Kashmir's.
3. The 2009 Order was criticised for not even being an act of parliament, but a mere executive order and therefore lacking due legal status.
4. There was near complete agreement that the dispensation introduced in 2009 did not give Gilgit-Baltistan the status of a province, although some of the designations had been rebranded and the Gilgit-Baltistan government now had more say than its predecessor under the previous dispensation. The chief minister was now an elected person and a resident of Gilgit-Baltistan. However, the region still did not have representation in the National Assembly or Senate and the people of Gilgit-Baltistan could not vote in Pakistan's general elections. Residents of the region could not move the Supreme Court of Pakistan to challenge a verdict by the Gilgit-Baltistan courts. They could also not benefit from the fundamental rights provided under the 1973 Constitution of Pakistan, which were much more extensive than those provided under the 2009 Order.
5. Lack of a legal or constitutional status did not have a direct bearing on the day-to-day life of the people but made for a collective sense of deprivation, neglect and alienation. The Gilgit-Baltistan people felt that they should be respected for their forefathers' effort to liberate the region but felt disappointed that they did not have a proper Pakistan identity card while Afghan nationals could buy national identity cards in Pakistan and get all the rights under the constitution overnight.
6. Lack of proper governance and widespread corruption were common complaints and it was alleged that government jobs had been sold. It was difficult for HRCP to ascertain the claim without proof. However, it was noted that all those alleging corruption in hiring had mentioned the same figure, Rs

- 300,000, as the cost for getting a job.
7. The people of the region believed that their issues did not get attention at the national level and that the national media had failed to convey their sentiments to the people of Pakistan. They said that the political parties in Pakistan also did not have a clear understanding of issues in Gilgit-Baltistan. Human rights and civil society organisations in Pakistan had also not appropriately focused on Gilgit-Baltistan.
 8. The working environment was not easy for the journalists, who had to contend with exploitation from media house owners and often systematic denial of access to information and harsh treatment by the police when they demanded their rights.
 9. Local newspapers depended on government advertisements which the journalists believed were not given on merit.
 10. Only one meeting of the Gilgit-Baltistan Council had been held in four years, making important decision-making tricky.
 11. For a region rich in natural resources, Gilgit-Baltistan had not done very well in realizing its economic potential. The economy had not been established on sound footing. The government was only beginning to focus on the extractive industry and had a marginal role in regulation. Efforts were underway to develop mining. The government had created the Mineral Department but it was yet to find its feet. The region continued to remain dependent on federal grants instead of developing its own resources.
 12. Lack of finances and bank loans hamstrung private initiatives in mining, etc.
 13. In the absence of industry, unemployment rates were high. Poverty and deprivation had heightened a sense of exploitation among many, possibly contributing to sectarian and other tensions.
 14. Tourism had not been established as an industry and whatever little tourism had been developed was on the brink of destruction because of acts of violence upon tourists and travellers.
 15. Although major incidents of sectarian killings had not occurred in Gilgit-Baltistan for a year the people remained apprehensive that the killings could begin again any time. Shia and Sunni clerics jointly working to minimise tensions and promote communal harmony had had some impact.
 16. The Shia religious leadership appeared to be responsible, more structured and had a progressive touch. If the Shia community was overtaken by the sort of radical and intolerant thought on the fringes it would make the situation much more explosive.
 17. A new force being raised for securing the Karakoram Highway could be useful but the local people feared that rather than going after the cause the step was aimed at treating the symptom alone.
 18. Some police officers had concluded that clerics had been using religious crutches with an eye to the next elections. It was likely that religious scholars from all sects would contest the next elections in Gilgit-Baltistan.
 19. Many stakeholders criticised lack of effective action against those involved in sectarian killings and said that the problem could end within a month if all government agencies acted with sincerity. Many interpreted failure of the security and intelligence agencies to root out sectarian militant elements as a proof of their acquiescence, if not complicity.
 20. The violence by extremist militant groups in Gilgit-Baltistan did not appear to be rooted in a religious ideology or motivation. A few dozen Gilgit-Baltistan residents had joined the Taliban in Diamer, mainly to gain money and power. The Yashkun lacked power in the local society and they saw in extremism an opportunity to be empowered.
 21. The state of prosecution was dismal all over the country. It was worse in Gilgit-Baltistan. There was no witness protection arrangement and witnesses chose not to appear in court against the killers.
 22. There was a general perception that if security and intelligence agencies were committed to fix the situation they had the ability to do that. That gave rise to suspicions that since they were not acting against the killers there was some degree of acquiescence.
 23. Although in almost all meetings HRCP heard that the menace of sectarian violence had not influenced the Gilgit-Baltistan population, police stated that all the main incidents of violence in the region had been perpetrated by residents of Gilgit-Baltistan who had studied at madrassas in the 'down area'. The intolerant militant tendency had grown over time and it would take time to overcome

region had been perpetrated by residents of Gilgit-Baltistan who had studied at madrassas in the 'down area'. The intolerant militant tendency had grown over time and it would take time to overcome it.

24. There was a need for community mobilisation to get a fair deal for women. Reservation of seats for women in the legislature had contributed to their empowerment. There were many areas still in Gilgit-Baltistan where women faced gender-based discrimination, including denial of access to healthcare and education.
25. Physically challenged individuals and children with special needs only had one primary-level educational institution in Gilgit. Even that institution lacked a hostel and transport facilities. The government did not have the data to know for sure the number of physically challenged individuals in Gilgit-Baltistan. The quota reserved in jobs for them was exhausted in lower pay grades.
26. Under the new dispensation there had been some positive impact in terms of dispensation of justice with the rise in the number of judges. However, the circuit court was not equivalent in status to the high courts and the people of Gilgit-Baltistan did not have access to the Supreme Court of Pakistan. Several important laws, including family laws, and other appropriate forums were missing in the region.
27. It had been almost four years since the Attabad disaster and many of the affectees had not been rehabilitated yet. The agriculture land that had reemerged out of the water needed a lot of work before it could become productive again. Some displaced persons in camps had not received the compensation promised by the government.
28. Access to Gilgit-Baltistan remained as uncertain as ever. Travel in security convoys made bus journeys a needless suffering. Work was being done to diversify the road links. Airports had not been upgraded to facilitate all-weather traffic and flights were expensive and highly weather-dependent.
29. There was an acute dearth of libraries in Gilgit-Baltistan. The only functioning public library was situated in Gilgit in a no-go area because of sectarian tensions. Museums to chronicle and preserve the region's rich culture and history were also lacking.
30. Education and skill development programmes seeking to capitalise on the region's natural resources have not been planned. There are few institutions of higher learning. Students of Skardu campus of Karakoram International University complained about non-existence of a proper campus.
31. Through the history, this region had not had sectarian issues and many believed that these issues had been intentionally spread on account of the region's special importance. The local people believed there was international involvement in Gilgit-Baltistan because of its strategic location.

Recommendations

The HRCP fact-finding mission noted that many of the recommendations made by an earlier HRCP mission to Gilgit-Baltistan (See Annex-II) remained largely unimplemented. It, therefore, reiterated all those recommendations. Additionally, the mission made the following recommendations at the conclusion of its visit to Gilgit-Baltistan:

1. The people of Gilgit-Baltistan must be taken into confidence regarding the reasons why their region has not been integrated into Pakistan for over 66 years despite their keen desire. In consultation with the people, all options, including an AJK-like system and a provisional or permanent provincial status should be considered. Being linked to the Kashmir dispute should no longer lead to denial of their rights.
2. The supposed reform process that began in 2009 must not remain a solitary measure and must continue at a brisk pace. Gilgit-Baltistan should be empowered to take decisions to improve the lot of its people. Rather than rooting the reform in an executive order, an act of parliament should be made and steps taken towards extending to this region all human rights guaranteed by the constitution.
3. If properly educated, the youth bulge of Gilgit-Baltistan could be an asset. The quota reserved for students from Gilgit-Baltistan in the educational institutions of Pakistan must be enhanced. Gilgit-Baltistan is in urgent need of new educational institutions and improvements in old ones. Besides schools, institutions of learning are needed to offer education in disciplines that can be beneficial to or are in synch with the local economy and natural resources. Libraries and avenues for literary and cultural activities should be established in all cities and educational institutions of Gilgit-Baltistan.
4. Proper facilities, including transport, should be provided at the Skardu campus of Karakoram International University. They highlighted lack of university transport as most of the 450 students had to travel long distances to attend classes.
5. The people of Gilgit-Baltistan should be given representation in the National Assembly and the Senate at the earliest. The region should at least have one observer each in the National Assembly and Senate until the mechanism for the representation is formalised.
6. Barring the few legislative subjects that federations usually retain, Gilgit-Baltistan should be authorised to make amendments to the 2009 Order or any other subsequent framework.
7. Transparency, particularly in hiring for government jobs, will go a long way in restoring people's confidence in inclusive and good governance.
8. Greater political participation for women must be guaranteed. This should not mean only reserving seats for them in the legislative assembly but also representation in other positions of decision-making. Mechanisms to end sexual harassment of women during travel and at the workplace, and to lodge complaints about the same, should be put in place on priority. Girl students should be awarded scholarships to enable them to realise their potential by gaining greater access to education.
9. The authorities should conduct a survey to assess the number and needs of the physically challenged persons in Gilgit-Baltistan and make a plan to provide adequate facilities for their education and healthcare across Gilgit-Baltistan.
10. The government should make prompt efforts to adequately compensate and rehabilitate the families affected by the Attabad disaster and prepare a framework to prevent internal displacement and also to ensure the rights of the displaced in case they are forced to leave their homes.
11. A clear policy on media advertisements for government departments should be adopted to end any suspicion of favouritism. Journalists' right to information should be honoured and any orders by government officials to keep information from them must be withdrawn.
12. The fact that none of the culprits arrested for sectarian killings had been sentenced so far was causing anxiety and suspicion. The killers should be punished and victim families given adequate compensation. Full protection should be available to all those travelling to and from Gilgit-Baltistan.
13. A new force being raised to secure the Karakoram Highway (KKH) would not work in isolation.

Besides preventing attack on the road, madrassas poisoning minds and promoting communal hatred must be closed and those involved in murders in the name of faith arrested and brought to justice to restore the faith of victims' families in the writ of the state. In the same spirit, no-go areas in Gilgit where people from various sects could not go should be done away with. Weapons in the hands of private actors must be confiscated and security of all citizens ensured by the state security apparatus.

14. There is strong demand for developing and implementing an effective mineral policy in order to establish an advanced mineral industry that can provide jobs and multiply earnings the region. Dams can be built to capitalise on the abundant water resources and provide electricity to the region as well as other parts of Pakistan.
15. Failure to convene meetings of the Gilgit-Baltistan Council should no longer be allowed to hold up important decision making. The prime minister, who heads the council, must convene a meeting of the council every two months. He should also consider delegating the power as the chairperson to someone else if it is difficult for him to attend meetings.
16. A network of roads should be established and worn out roads repaired to diversify the road links to Pakistan. Efforts should be made to bring the cost of travel down through road and by air. Opening the Kargil-Ladakh road across the Line of Control could boost trade and allow a chance for divided families to meet.



Members of families divided by the LoC narrate their problems.



Girl students in Skardu share their views.



Baltistan Transport Association members highlight their concerns in Skardu.



With a delegation of PML-N Baltistan division.



Meeting Shia religious leaders in Skardu.



Meeting with representatives of Skardu Bar Association.



At Attabad: floating over the KKH.



The Attabad affectees worried about how to pay for their children's education.



Rock carvings on the way to Hunza.



Efforts underway to restore the KKH link.



At Gulmit : a mini-habroun 2,400 meters above sea level.



Communities once situated along the KKH are now by the edge of a lake.



Visiting the IDP camp in Aliabad.



Lodgings for the internally displaced at Aliabad, Hunza.



Meeting with the home secretary in Gilgit.



Mission members with the chief secretary.



An exchange with political activists.



Tanzeem Ahl-e-Sunnat Wal Jamaat Gilgit-Baltistan members meet HRCP mission.



HRCP mission with members of civil society and Halqa-e-Arab-e-Zauq in Gilgit.



With office-bearers and members of Supreme Appellate Court Bar Association Gilgit-Baltistan.



Conferring with Masajid Board members in Gilgit.



The mission members meet Governor Pir Karam Ali Shah in Gilgit.



Epitaphs for Shias killed in attacks on buses along the KKH.

Annexures

Annex-I

TORs of HRCP mission to Gilgit-Baltistan

The specific terms of reference of the October 2013 fact-finding mission were:

- To ascertain through meetings with political leaders, parliamentarians, activists, NGOs, concerned citizens and official representatives how the new system under the Gilgit-Baltistan Empowerment and Self-Governance Order 2009 is working and to gather views on the performance of the elected government and to prepare a report.
- To elicit views in particular on the measures necessary to ensure that the promised devolution of power for the region materialises and to assess where efforts towards that aim have received or need support most from. Also, to assess the factors that help or hinder progress towards that goal.
- To gather views on lack of representation for Gilgit-Baltistan in the federal parliament, its effect and steps needed to remedy the situation.
- To determine what the people's experience of the 2009 elections under the new law has been like and to establish their views, expectations and preparations for the new elections, including gathering if they have confidence in the process and if they have any fears.
- To assess the functioning of the judicial machinery under the new system and to gather the views and demands, if any, of lawyers and the people in the region.
- To determine the dominant concerns of the people of the region and their priorities.
- To assess the impact of recent instances of sectarian violence and terrorism on tourism, livelihoods and other rights and responses to those from the authorities and the affected communities and stakeholders.
- To gather the views of representatives of religious/sectarian minorities, women organisations, labour, journalists/media organisations, transporters, students, etc., to get their perspective and record their views on how progress can be made.
- To gather evidence about major law and order and human rights issues such as internal displacement, sectarian conflict, etc., including gathering material for case studies and sketches of victims of human rights violations.

Annex-II

Conclusions and recommendations of HRCP mission to Northern Areas in 2005

The 2005 HRCP mission made the following observations

Constitutional status and democratic government

◆ The majority of the people of the Northern Areas want the region to be merged into Pakistan as the fifth province but agree that if this is not possible, they should be given an autonomous status like Azad Kashmir.

In the short term:

- ◆ The Legislative Council should be given legislative powers.
- ◆ The Chief Executive of the Northern Areas should be an elected member of the Northern Areas Legislative Council and answerable to the Council.
- ◆ The Chief Executive should be based in the Northern Areas.
- ◆ The Chief Executive should be given full executive authority.
- ◆ All laws (except taxation laws) in force in Pakistan should be extended to the Northern Areas. Extension of Laws should not be at the discretion of the KANA Division.

Judiciary and fundamental rights

- ◆ At present the Secretary KANA writes the ACR of the Chairman of the Chief Court. The Judiciary should be made independent of the executive.
- ◆ The Chief Court should be given powers of the High Court under the Constitution, including the superintendence, postings and transfers of the judges of the Subordinate Courts.
- ◆ The judges of the Chief Court should be given security of tenure.
- ◆ The Court of Appeal, as directed by the Supreme Court of Pakistan, should be established without delay.
- ◆ Retired judges should not be appointed on both the Chief Court and the Court of Appeal.
- ◆ The people of the Northern Areas have serious doubts regarding the ability of the present judicial set up for enforcement of the Fundamental Rights, jurisdiction for which was given to the Chief Court by an amendment to the Legal Framework Order in 1999.
- ◆ Instead of a court of appeal, a Circuit Bench of the Supreme Court of Pakistan of judges nominated by the chief justice of Pakistan, should hear appeals from the chief court of the Northern Areas periodically, preferably in the Northern Areas.
- ◆ The government should appoint one additional, or at least one assistant advocate general in each of the five districts of the Northern Areas.

Administration

- ◆ There should be a local administrative set-up, answerable to the Chief Executive. Rule by Islamabad has made the public servants arrogant and inefficient, and denies local people their basic right to govern their own affairs.
- ◆ Absence of a service structure has created frustration amongst the local civil servants.

Police and jails

- ◆ The Police force is seriously understaffed. Therefore, the administration has to rely on the Frontier Constabulary and the Rangers during disturbances.
- ◆ The conditions in the jails are particularly pathetic. The buildings are in a state of disrepair, the jails are overcrowded and they lack even the basic facilities of clean water and sufficient food.

Sectarianism

- ◆ The sectarian violence in the Northern areas is largely rooted in outside interference since the 1970s, and mishandling by the administration, particularly in the case of the most recent riots, created as a result of the controversial content of a school text-book. The situation in Iran and Afghanistan has contributed to this.
- ◆ The leaders of all sects in the Northern Areas demand punishment for the rioters, compensation for the damage and guarantee of future security. These are not unreasonable demands, considering the role of the administration in matter.
- ◆ There is an urgent need for reconciliation of all the sects and for creating consensus on the steps needed for preventing and dealing with such situations in future.

Education

- ◆ The poor educational infrastructure of the Northern Areas, particularly a shortage of schools, institutions of higher learning and technical training institutions, has contributed to the difficulties of people.
- ◆ More institutions of learning and vocational education are urgently required, and the gender disparity in education needs to be tackled by establishing many more schools and colleges for girls.
- ◆ To give the people of the Northern Areas a fair chance to enter colleges and universities in Pakistan, the quota of reserved seats for these areas needs to be separated from the quota reserved for FATA, where greater educational opportunities are available.
- ◆ The government should provide necessary funds and logistical support to make the newly established Karakoram International University fully functional. A proper campus university should be established in Skardu.

Health

- ◆ There is a serious shortage of proper health facilities across the Northern Areas, particularly outside Gilgit and Skardu. Mother and Child Care Centres established under the World Bank loan remain largely non-functional.
- ◆ The government must forthwith tackle the acute shortages of hospitals, dispensaries, testing laboratories, doctors, paramedical staff and other facilities across the Northern Areas. Functional medical centres, gynecological wards and child care centres need to be established on an urgent basis, particularly as during the long winter, sick people are frequently stranded in the Northern Areas.

Communications

- ◆ Being a mountainous area, communication is amongst the major problems of the area. The roads need constant maintenance and are presently in a state of disrepair. There is an urgent need for an improved, all-weather communication network.
- ◆ The flights in and out of Gilgit and Skardu are weather dependent and therefore sporadic. There is an urgent need to upgrade the airports to make flights possible in all weather.
- ◆ At the moment only PIA (Pakistan International Airlines) is operating on the Northern Areas Route, the sky should be opened for other airlines, to operate on the route, which would also have a sobering effect on the PIA operations.
- ◆ The telecom system is presently managed by the Army (SCO). The PTCL needs to take responsibility for the area, to bring in new technology and capital.

Women's rights

- ◆ Family Laws applicable in the rest of the country have not been extended to the Northern Areas. As a result of which women are forced to take family matters to the civil courts under the civil procedure, decisions in which can take at least several years. Pakistan's family laws need to be extended to the Northern Areas.
- ◆ The disparity in education on the basis of gender must be urgently addressed by establishing more schools, colleges and technical training institutions for women.

Kargil conflict victims

◆ Persons displaced due to the shelling from the Indian side of the Line of Control (LoC) and person affected by the Kargil conflict, who have been forced to take shelter in camps in other parts of Northern Areas, need to be adequately compensated and provided assistance in rehabilitation.

Dams and electricity

◆ The acute shortage of electricity in the Northern Areas needs to be addressed, but only by involving people in the process of decision-making.

◆ Fears regarding the proposed Skardu Dam, which local people believe would lead to flooding much of the Skardu Valley as well as the city, need to be put to rest by making public plans for the Dam. Those displaced by the Satpara Dam must be compensated without further delay.

◆ The welfare and needs of the people of the Northern Areas should not be regarded as secondary to the needs of the people of Pakistan.

Bank loans

◆ The federal government and the State Bank of Pakistan must immediately correct its discriminatory policy and issue directions to all scheduled banks, particularly those controlled by the government, to ensure the citizens of the Northern Areas are not denied the facility of commercial, industrial or agricultural loans.

Language and culture

◆ The local languages of the Northern Areas, which are currently not being taught at any school, need to be protected and preserved, and fears that these languages are losing relevance put to rest.

◆ The rich heritage and culture of the Northern Areas, as well as the ancient artefacts found in many locations, need to be preserved by establishing more museums and extending official patronage to the arts and culture of the region. There is, at present, only one museum in the Northern Areas.

Annex-III HRCP Fact-Finding Mission in 2005: Recommendations & Implementation

S.NO	Recommendations of HRCP fact-finding Mission in 2005	Implementation (situation before the mission arrival)
Constitutional status & democratic governance		
1	The majority of the people of Northern Areas want the region to be merged into Pakistan as a fifth province but agreed that if that was not possible, they should be given an autonomous status like Azad Kashmir.	The region has not yet been given status of a constitutional province of Pakistan, or a status similar to the AJK.
2	The Legislative Council should be given legislative powers.	The Legislative Assembly has been given the powers of legislation on 61 subjects.
3	The Chief Executive of the Northern Areas should be an elected member of the Northern Areas Legislative Council and answerable to the council.	The Chief Minister (Chief Executive) is an elected member of Gilgit-Baltistan Legislative Assembly and is answerable to the assembly.
4	The Chief Executive should be based in the Northern Areas.	The CM is based in Gilgit-Baltistan.
5	The Chief Executive should be given full executive authority	The CM claims to exercise full executive authority but is dependent on the centre in many important respects.
6	All laws (except taxation laws) in force in Pakistan should be extended to the Northern Areas. Extension of laws should not be at the discretion of the KANA Division.	The power to extend the laws has been given to the Gilgit-Baltistan Council.
7	The KANA secretary writes the ACR of the Chairman of the Chief Court. The judiciary should be made independent of the executive.	Still the KANA division has influence on the judiciary.
8	The Chief Court should be given powers of the high court under the constitution, including superintendence, posting, and transfers of judges of the subordinate courts.	Chief Court has been exercising the powers of high court in terms of posting, superintendence and transfer of judges of subordinate courts.
9	The judges of the Chief Court should be given security of tenure.	The Judges of Chief Court have been given security of tenure but the Judges of Supreme Appellate Court are still appointed on ad-hoc basis.
10	The court of appeal, as directed by the Supreme Court of Pakistan, should be established without delay.	The Supreme Appellate Court has been established.
11	Retired judges should not be appointed to both the chief court or the court of appeal	With the exception of the sitting chairman of the Supreme Appellate Court, none of the judges of Chief Court and appellate court are retired judges.
12	The people of the Northern Areas have serious doubts regarding the ability of the present judicial set up to enforce the fundamental rights, jurisdiction for which was given to the chief court by an amendment to the Legal Framework Order in 1999.	The people still have serious doubts regarding the ability of the present judicial set up.

13	Instead of a court of appeal, a circuit bench of the Supreme Court of Pakistan of judges nominated by the chief justice of Pakistan should hear appeals from the chief court of the Northern Areas periodically, preferably in the Northern Areas.	No action taken.
14	The government should appoint one additional, or at least one assistant advocate general in each of the five districts of Northern Areas.	No action taken.
Administration		
15	There should be a local administrative setup, answerable to the chief executive. Rule by Islamabad has made the public servants arrogant and inefficient, and denied local people their basic rights to govern their own affairs.	Currently the CM supervises the administrative setup but there is considerable interference from Islamabad.
16	Absence of services structure has created frustration amongst the local civil servants.	A provincial services commission has been established but is not functional. Service structures have been given for doctors, teachers and paramedics.
Police and jails		
17	The police force is seriously understaffed. Therefore, the administration has to rely on the Frontier Constabulary and Rangers during disturbance.	The police force has been doubled since but still the administration relies on Rangers and FC.
18	The conditions in jails are particularly pathetic. The buildings are in a state of disrepair, the jails are overcrowded and lack even the basic facilities of clean water and sufficient food.	The district jail and sub jail in district Gilgit are overcrowded and the prisoners have many difficulties regarding jail menu and medical facilities and delay in hearings. While jails in the other five districts have new building but have other issues like missing medical facilities, juvenile ward, women ward, security, etc.
Sectarianism		
19	The sectarian violence in the Northern Areas is largely rooted in outside interference since the 1970s, and mishandling by the administration, particularly in the case of the most recent riots, created as a result of the controversial contents of a school textbook. The situation in Iran and Afghanistan has contributed to this.	The same situation persists. This remains the burning issue of the area.
20	The leaders of all sects in the Northern Areas demand punishment for the rioters, compensation for the damage and guarantee of future security. These are not unreasonable demands, considering the role of administration in the matter.	Victims of riots have been compensated but people are dismayed that the culprits have not been brought to justice. More than 90 people are wanted by the police, which have failed to arrest them. Five death row prisoners have escaped from jails in last two years.
21	There is an urgent need for reconciliation of all the sects and for creating consensus on the steps	Local communities with the help of administration are striving for reconciliation. Masajid Boards and peace committees are functional. That is part of

Education		
22	The poor educational infrastructure of the Northern Areas particularly shortage of teachers, institutions of higher learning and technical institutions, has contributed to the difficulties of the people.	Karakorum International University is the only institution of higher education in the area but there are no medical, engineering education institutions and colleges of technical education in the area despite demands from the people. Schools and colleges still face shortage of teachers.
23	More institutions of learning and vocational education are urgently required. Gender disparity in education needs to be tackled by establishing many more schools and colleges for girls.	The same situation prevails.
24	To give the people of Northern Areas a fair chance to enter colleges and universities in Pakistan, the quota of reserved seats for these areas needs to be separated from the quota reserved for FATA, where greater educational opportunities are available.	The same situation prevails.
25	The Government should provide necessary funds and logistical support to make the newly established Karakorum International University fully functional. A proper campus of the university should be established in Skardu.	The campus has been established but the students are not satisfied due to lack of several facilities.
Health		
26	There is a serious shortage of proper health facilities across the Northern Areas, particularly outside Gilgit and Skardu. Mother and child care centers established under the World Bank loan remain largely non-functional.	The same situation prevails.
27	The Government must forthwith tackle the acute shortages of hospitals, dispensaries, testing laboratories, doctors, paramedical staff and other facilities across the Northern Areas. Functional medical centers, gynecological wards and child care centers need to be established on an urgent basis, particularly as during the long winter sick people are frequently stranded in the Northern Areas.	The same situation prevails.
Communications		
28	Being a mountainous area, communication is amongst the major problems of Northern Areas. The roads need constant maintenance and are presently in a state of disrepair. There is an urgent need for an improved, all-weather communication network.	The network continues to be very poor.

29	The flights in and out of Gilgit and Skardu are weather dependent and therefore sporadic. There is an urgent need to upgrade the airports to make flights possible in all weather.	The same situation prevails.
30	At the moment only PIA is operating on the Northern Areas routes.	Same situation.
31	The telecom system is presently managed by the army (SCO). The PTCL needs to take responsibility for the area to bring in new technology and capital.	Same situation.
Women's rights		
32	Family laws applicable in the rest of the country have not been extended to the Northern Areas. As a result, women are forced to take family matters to the civil courts under the civil procedure, decisions in which can take several years. Pakistans family laws need to be extended to the Northern Areas.	No steps taken.
33	The disparity in education on the basis of gender must be urgently addressed by establishing more schools, colleges and technical training institutions for women.	No steps taken.
Kargil conflict victims		
34	Persons displaced due to the shelling from the Indian side of the LoC and persons affected by the Kargil conflict, who have been forced to take shelter in camps in other parts of Northern Areas need to be adequately compensated and provided assistance in rehabilitation.	The government claims that they have been compensated.
Dams and electricity		
35	The acute shortage of electricity in the Northern Areas needs to be addressed, but only by involving people in the process of decision making	No steps taken.

36	Fears regarding the proposed Skardu Dam, which local people believe would lead to flooding of much of the Skardu valley as well as the city, need to be put to rest by making public plans for the dam. Those displaced by the Satpara Dam must be compensated without delay.	No steps taken.
37	The welfare and needs of the people of the Northern Areas should not be regarded as secondary to the needs of the people of Pakistan.	No steps taken.
	Bank loans	
38	The Federal Government and the State Bank of Pakistan must correct their discriminatory policy and issue directions to all scheduled banks, particularly those controlled by the government to ensure that the citizens of the Northern Areas are not denied the facility of commercial, industrial or agricultural loans.	No steps taken.
	Language and culture	
39	The local languages of the Northern Areas, which are currently not being taught at any school, need to be protected and preserved, and the fears that these languages are losing relevance must be addressed.	The same situation prevails. However, a new project for promotion of local languages has been started by Karakorum International University, Gilgit-Baltistan
40	The rich heritage and culture of the Northern Areas, as well as the ancient artifacts found in many locations, need to be preserved by establishing more museums and extending official patronage to the arts and culture of the region. There is, at present, only one museum in the Northern Areas.	No steps have been taken.

Annex-IV

Understanding the Legislative Assembly and the Council

Gilgit-Baltistan Legislative Assembly	Gilgit-Baltistan Council
<ul style="list-style-type: none"> ● Gilgit-Baltistan Legislative Assembly is the highest elected forum of Gilgit-Baltistan. Its total strength is 33. It has 24 members elected directly in general elections from 24 constituencies across the Gilgit-Baltistan, five women members on five reserved seats for women selected by political parties as per the ratio of their representation in the assembly, and three technocrats selected by parties as per the ratio of their representation in the assembly. ● The assembly elects a speaker, a deputy speaker and a chief minister. An opposition leader is selected by opposition parties. ● The CM selects his cabinet from among the members of the assembly. ● The assembly has powers of legislation on 61 subjects mentioned in the Gilgit-Baltistan Empowerment and Self-Governance Order 2009. ● The assembly lacks the power to amend the Gilgit-Baltistan Empowerment and Self-Governance Order 2009. 	<ul style="list-style-type: none"> ● Gilgit-Baltistan Council is somewhat similar to an upper house of parliament in the political system of Gilgit-Baltistan. It has 16 members including a chairperson and a vice-chairperson. Six members are elected by the Gilgit-Baltistan assembly who hold the citizenship of Gilgit-Baltistan. Six members are selected by federal government from among the federal cabinet and parliament. The prime minister of Pakistan is the chairperson of Gilgit-Baltistan Council; the Gilgit-Baltistan Governor is the vice-chairman, while the Gilgit-Baltistan Chief Minister and Federal Minister for Kashmir Affairs and Northern Areas are ex-officio members of the Gilgit-Baltistan council. ● The prime minister of Pakistan nominates three advisors from among the members of the council elected by the Gilgit-Baltistan assembly. ● The Gilgit-Baltistan Council has legislative authority over 55 subjects mentioned in Gilgit-Baltistan Empowerment and Self-Governance Order 2009. ● The Council could be seen as a coordinating body between the federation and Gilgit-Baltistan. ● The Gilgit-Baltistan council has the power to extend the laws made by parliament of Pakistan to Gilgit-Baltistan.

Annex-V

Key incidents of violence affecting Gilgit-Baltistan

A brief chronology of the main incidents of violence that has directly affected Gilgit-Baltistan is listed here.

1988: In May 1988, a minor clash over Eidul Fitr celebration in a locality of Gilgit spilled over to other parts of the city and soon after to other parts of Gilgit-Baltistan. Thousands of Sunnis were mobilised in Diamer and Kohistan and a posse (lashkar) was formed. The lashkar attacked 13 suburban Shia villages in Gilgit. Scores of Shias were massacred and their houses torched. The total number of people killed is believed to be between 150 and 200. Sunni sources claimed that the total number of fatalities was 20.

1990: In February two Shia men were killed in Konodas locality of Gilgit while returning after chiragaan (illumination) on the mountain to celebrate a religious day.

1991: Four Shia labourers were killed and their bodies burned at Dalnati village.

1992: On May 31, riots erupted in Gilgit city after the murder of Gayyasuddin, the president of Sipah-e-Sahaba Pakistan. The strife claimed 12 lives and the city remained under curfew for several days.

1992: On August 24, sectarian violence began in the city after the murder of a politician, Muhammad Latif Hassan. At least six persons were killed in the riots and curfew was imposed in the city.

1993: A bus carrying passengers to Gilgit came under fire at Harban Das in Kohistan district of Khyber Pakhtunkhwa, erstwhile NWFP. The attack resulted in the killing of three people. In the same year, riots erupted in the city after a man was believed to have been killed because of his sectarian identity on August 19. Several people were killed in the ensuing sectarian violence.

2004: People belonging to Shia community demanded change in the content of the syllabus of Islamic studies. They threatened to launch widespread agitation against the government if their demands were not met. The government tried to contain the situation by imposing a curfew, which the people defied and took to the streets. One person was killed and several injured in clashes with the security forces. Radio Pakistan installations, a police training centre, the deputy commissioner's office, Northern Areas Legislative Council Hall, a rest-house, a PTDC Motel and the assistant commissioner's office were torched by mobs.

The Shia objected to the prescribed syllabus because Islamic practices, such as prayer, and Islamic history and revered personalities were presented in the manner preferred by the Sunnis. They also complained that revered religious personalities for Shias were either left out or due deference was not shown to them. During the riots, Gilgit experienced the longest curfew, lasting 19 consecutive days. The government arrested Shia leader Agha Ziauddin Rizvi. The subsequent disruption in administrative, commercial and educational activities in Gilgit led to the educational institutions being closed for 10 months.

2005: On January 8, Agha Ziauddin Rizvi was attacked in Gilgit. Soon after the attack, sectarian riots gripped the city and 13 people were killed. Agha Ziauddin succumbed to his injuries on January 13. The ensuing sectarian clashes claimed 18 lives and curfew remained imposed in the city for 10 days. During the year, 80 people were killed in various incidents of sectarian violence in Gilgit.

On October 18, school students in Gilgit city clashed with the Rangers. The riots spread to other parts of the city in which 12 people, including two women and two Rangers personnel, were killed. After violent clashes, curfew was imposed in the city and top leaders of both Shia and Sunni organisations were

apprehended and imprisoned in Adiala Jail, Rawalpindi.

2009: Deputy Speaker of Northern Areas Legislative Assembly (NALA) Syed Asad Zaidi was murdered along with two colleagues in April 2009.

2012: On February 27, armed men killed 18 Shia passengers travelling from Rawalpindi to Gilgit-Baltistan by a bus. Eight Shia passengers were injured as well. The killings took place near the town of Harban, in Kohistan district of Khyber Pakhtunkhwa. Survivors said at least seven gunmen had stopped the bus and forced the passengers out before opening fire on them.

2012: On April 3, following a grenade attack in Gilgit, armed men pulled out at least 10 people out of buses and executed them in Chilas. They also opened fire on passenger buses, injuring several other people. Five buses were also set on fire. Earlier, at least five people were killed and around 50 injured after the grenade was lobbed on a protest rally of Tanzeem Ahl-e-Sunnat Wal Jamat Gilgit-Baltistan.

2012: On August 16, at least 22 people, including one Sunni and 21 Shia bus passengers, were executed by unidentified armed men near Lulusar area in Naran valley of Hazara division (Khyber Pakhtunkhwa). The bus was traveling from Rawalpindi for Astore. Eyewitness stated that the armed men had checked the identity cards of the passengers to select the victims before getting them off the bus and executing them.

2013: On June 22, militants dressed in a paramilitary force's uniform stormed a base camp of Nanga Parbat, the second highest peak in Pakistan, and killed nine foreign mountaineers and their Pakistani guide near Chilas in Diamer district.

2013: On August 5, Diamer Senior Superintendent of Police (SSP) Muhammad Hilal, and two army officers, Colonel Ghulam Mustafa and Captain Ashfaq Aziz were killed when their convoy came under attack in Chilas (Diamer district). Three security officials were severely injured in the attack.

Annex-VI

Supreme Court judgement in Al-Jehad Trust versus the Federation of Pakistan

Only the final three paragraphs of the judgement are being reproduced here. The citation for the judgement is 1999 SCMR 1379

AL-JEHAD TRUST through Habibul Wahab Al-Khairi, Advocate and 9 others ---- Petitioners

versus

FEDERATION OF PAKISTAN through Secretary,

Ministry of Kashmir Affairs, Islamabad

and 3 others – Respondents

26. It may be observed that since the geographical location of the Northern Areas is very sensitive because it is bordering India, China, Tibet and USSR and as the above areas in the past have also been treated differently, this Court cannot decide what type of Government should be provided to ensure the compliance with the above mandate of the Constitution. Nor 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 the auspices of the United Nations is to be held. The above questions are to be decided by the Parliament and the Executive. This Court at the 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.
27. As regards 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 a High Court provided it is manned by the persons of the statute 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 any appeal against orders/judgments of the above Chief Court. The same may require amendments in the aforesaid Notification No. II-2/17/94, dated 1711-1994 referred to hereinabove in para 23, and/or the Constitution/ statute / statutes / order/ orders / rules / notification / notifications.
28. We, therefore, allow the above petitions and direct the respondent Federation as under: "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.

Petitions allowed

Annex-VII

What is wrong in the Northern Areas: HRCP report (1993)

After the Northern Areas (NA, then Gilgit Agency) had liberated itself from Dogra rule it first became a republic. It remained that for 17 days under a provisional government headed by Shah Rats. The provisional government then invited Pakistan to assume control. Pakistan sent in Sardar Mohammad Alam as its first Political Agent in November 1947.

The Frontier Crimes Regulation (FCR) was imposed on the whole of Gilgit Agency, including Baltistan and Sub-Division Astore. The latter had had regular courts from which appeals used to lie to the Kashmir High Court. Before it was leased out in 1935 Gilgit also had regular courts with appeal to the Kashmir High Court.

The entire Baltistan Agency (also known as Little Tibet) was a settled area. Gilgit Sub-Division was also a settled area, the last settlement being in 1917.

When NA acceded to Pakistan, the Foreign Office decided that it should be made part of the disputed area with India so that whenever plebiscite was held in Kashmir the votes of the Gilgit Agency would go in favour of Pakistan. Despite the fact that the disadvantages of the scheme have far outweighed the future advantage the Foreign Office has stuck to its view.

When Government of Pakistan sent its first political agent to Gilgit Agency, Baltistan formed a part of it. The Political Resident in Council for NWFP was directed to act as agent to the governor general for the Gilgit Agency and the states in the Agency. The Political Agent was also placed in the control of the Political Resident, NWFP.

In 1950, the control of Northern Areas was taken from the governor of NWFP and handed over to the Ministry of Kashmir Affairs.

In 1952, the joint secretary of the Kashmir Affairs Division was entrusted with the task of Resident of Northern Areas.

In 1967, a separate post of Resident of Northern Areas based at Gilgit was created.

In 1971 the Tanzeem-e-Millat party was formed in Gilgit. The main reason for its formation was the demand for the abolition of the princely state and award of provincial status to the Northern Areas.

Soon an incident occurred that brought the party into the limelight and had far-reaching effect on the political struggle of NA. It so happened that a daughter of an officer of the Gilgit Scouts studying in a school in Gilgit failed in an examination. The wife of the officer went to the school and abused the headmistress. The headmistress complained to the deputy commissioner, who, knowing which side his bread was buttered, suspended the headmistress from service. A delegation of the newly formed Tanzeem-e-Millat party went to meet the Resident Commissioner to complain about the affair. The Resident Commissioner turned the delegation out.

The humiliation created deep resentment among the people and led to a movement against the FCR and the uncertainty of the region's political status. The movement reached its high watermark when during a jalsa in Gilgit Johar Ali Khan, founder of the Tanzeem-e-Millat Party, declared that the people of the Northern Areas had won their own freedom. Now they wanted their rights (provincial status), and if denied they would look elsewhere for them.

When the agitation increased, the administration panicked. Gilgit Scouts were called in to control the situation. The Scouts had never been involved in a law and order situation before. When the Deputy Commissioner of the time, A.R. Siddiqui, ordered the Scouts to open fire on a crowd they only fired in the air. When this happened thrice the infuriated D.C. took a rifle from a soldier and fired into the crowd himself, killing one and injuring two others.

Johar Ali Khan and fifteen other leaders of the Tanzeem-e-Millat Party were arrested. The crowd broke into the jail that night and brought them out. They were rearrested and sent to Haripur Jail. They were released after Bhutto declared general amnesty. Soon the FCR was also abolished and the Tanzeem-e-Millat Party merged with the Pakistan Peoples Party. Gilgit and Baltistan agencies were also turned into districts, a new district, Diamer, was created, and jagirdari system was abolished.

In September 1974 Mr. Bhutto visited the Northern Areas and announced abolition of all states. New districts of Ghanche and Ghizer were created. Government also remitted land revenue in the region.

Present status

Under the Constitution of Pakistan the Northern Areas are not a part of Pakistan. Article 1 of the Constitution defines the areas included in Pakistan, and the Northern Areas do not figure. They are not even a Federally Administered Tribal Area. Thus the people of the Northern Areas are not citizens within the meaning of the Constitution, they do not enjoy the fundamental rights guaranteed by the Constitution, and there is no representation of the Northern Areas in parliament.

Under the martial law of 1977 the Northern Areas were declared Martial Law Zone E (Zone A-D being the four Provinces of Pakistan), even though martial law was not proclaimed in Azad Jammu and Kashmir State. Under earlier military rules, martial law was not declared in the Northern Areas too.

When Gen. Zia formed his handpicked Majlis-e-Shoora, three members from the Northern Areas had observer status there against which India protested.

The Constitution of India proclaims both the Northern Areas and Kashmir as part of India. The Indian parliament has kept four vacancies for NA in its Lok Sabha and 16 in the State assembly of occupied Jammu and Kashmir.

The Government of Pakistan governs the Northern Areas through the Kashmir and Northern Areas (KANA) Division. Authority behind KANA has remained vague.

The executive head is the chief commissioner appointed by KANA and only answerable to it. The place is totally under bureaucratic rule.

There is no industry in the Northern Areas. A modern brick factory is under construction in Hunza.

Economy is predominantly agricultural. Main products are fruits and vegetables. The Aga Khan Rural Support Programme is active.

Tourist sights and mountaineering attract outsiders.

Some mineral resources are now being exploited.

The region constitutes a hard mountainous terrain, with many people living in virtual isolation.

Literacy rate is extremely low. Religious- leaders have a strong hold over the people and religious sentiments are easy to exploit.

The population of the Northern Areas consists mainly of three Islamic sects — Shia Ithnaashcri, Shia Ismaili, and Sunni.

The judiciary

At the trial court level the hierarchies of civil and criminal courts are as provided under the Criminal Procedure Code and the Civil Courts Ordinance for the rest of Pakistan. The difference is that at the appellate stage, instead of the High Court the Northern Areas have the Court of the Judicial Commissioner which consists of a single judge. This allows the NA people with lesser procedural safeguards than the people in the rest of Pakistan. A death sentence passed by a Sessions Judge elsewhere is confirmed by a division bench consisting of two judges of the High Court, whereas a death sentence in the Northern Areas is confirmed by the Judicial Commissioner of a single judge. Also the Court of the Judicial Commissioner is the final Appellate Court; the people of the Northern Areas have no right of a further appeal to the Supreme Court.

Unlike the High Courts, the Judicial Commissioner does not have any writ jurisdiction and as the people of the Northern Areas do not have any fundamental rights, the Judicial Commissioner does not have any jurisdiction to enforce them.

The judiciary and in particular the Judicial Commissioner is not completely free from the executive. The Judicial Commissioner has no say in the appointments and transfers of the subordinate court judges, which are done by the KANA Division. Also the Secretary KANA Division writes the Annual Confidential Report of the Judicial Commissioner.

In March 1992, the Northern Areas Bar Association, after constant demands for the establishment of a High Court, boycotted the court of the Judicial Commissioner. The boycott ended six months later when Dr. Nasim Hassan Shah, the acting chief justice of the Supreme Court of Pakistan, visited the area and

promised redress.

Dr. Nasim Hassan Shah then recommended that the post of the Judicial Commissioner should be abolished and instead a Court of Judicial Commissioner for Northern Areas consisting of three judges should be set up, described as the Judicial Committee for the Northern Areas. Retired Judges of the High Courts of Pakistan and officers and advocates of the Northern Areas with requisite experience could be offered tenure posts in this court.

Such a course in Dr. Shah's view would 'steer clear of all legal and Constitutional obstacles' that would be associated with establishing a bench of the provincial High Court of Pakistan at Gilgit.

Dr. Shah's proposal however did not state whether such a court would have writ jurisdiction, like High Courts in Pakistan.

After some time the prime minister of the time also visited the Northern Areas and announced establishment of such a Court, but the implementation of it is still awaited.

The people of the Northern Areas have thus no say in what laws should govern them. The KANA Division exercises the powers of the provincial government for the Northern Areas and by notification extends laws of Pakistan and such amendments as it thinks fit to the Northern Areas.

The NA Bar Association complained that almost all the laws of Pakistan have been made applicable in the Northern Areas without the forums provided by those laws. Important omissions were the Muslim Family Laws Ordinance (MFLO) 1962 and the Labour Laws. The civil courts decide family cases under Sharia (as provided by the MFLO). Income Tax laws have also been made applicable, although in practice they are applied only to government servants and government contractors.

Entrusting such absolute legislative powers to a government functionary is not without its share of hardships. Three such recent notifications prove the point. By a notification Order 39 of the Civil Procedure Code was amended, taking away the powers of the civil courts to grant temporary injunctions against the government, thus making most of the cases against the government meaningless.

The Forest Laws were amended, making the District Forest Officer a magistrate of the 1st Class in relation to forestry cases with powers to impose Ks. 20,000 as fine and imprisonment of up to ten years. Appeal against the decision of the District Forest Officer lies to the Chief Commissioner who is also the Chief Conservator of Forests.

The Speedy Trials Courts Act, 1992 was made applicable to the Northern Areas with the amendment that in appeal from the trial court, any difference of opinion between the two judges of the Appellate Court will be settled by the decision of the chairman of the court.

Such arbitrary application of laws is particularly unfair because not only do the people have no forum to protest against or amend these laws but also because the courts have no writ jurisdiction nor the people any fundamental rights. Thus such laws cannot be tested for their legality, reasonableness or violation of fundamental rights.

The Chief Election Commissioner of NA is an executive officer of the rank of assistant commissioner. The DCs are district returning officers in the districts.

NA Council

The Northern Areas Council is headed by the minister of KANA and meets whenever called by the minister. The members cannot convene a meeting. The Legal Framework Order requires that meeting of the Council be called every two and a half months, but in practice the minister at times does not convene one for several months.

The Council in any case has no power. It cannot form a government, cannot legislate, and has no say in the administration, It can suggest development schemes. The main function of the Councillors, as a cynic said, is receiving dignitaries from Pakistan.

Women have a vote in local body election, but they do not use it. There also used to be reserved seats for women in local bodies, but not now. No woman gets elected on the general seat. In the Council there is one reserved seat for women

The police in NA has no prosecution or crime branch, nor a forensic laboratory.

The press laws in force in Pakistan are applicable in the Northern Areas. The cities have local news reporters of one or the other national dailies. But no newspaper is published within the Northern Areas.

There are a few local languages weeklies and monthlies but they are printed elsewhere. One such weekly, Siachin, is published and printed in Rawalpindi, has a circulation of about two thousand and is regarded as fairly independent. A monthly, Baloristan, is published and printed at Karachi.

Sectarianism

The Sunni and Shia communities in Gilgit had lived harmoniously for centuries. They had had differences before, but these never turned to hatred or violence. It is not easy to say when the trouble started, but it reached its climax in the killings of 1988.

The trend started to surface in the 60s and 70s, when religious leaders of both the sects began making speeches against each other. Some people suspect that the administration started it up, after the political upheaval in Pakistan of 1970 and 1971, to take the minds of the people off political issues. But the timing of the two events may be a mere coincidence. What is true is that after the incidents of 1971, government started giving greater importance to the ulema. Indeed some people think that the whole problem lies in the governments' giving too much latitude to the ulema. It has even given rise to the occasional rumour that the government itself pays the Ulema to start the clashes.

With very low literacy, extreme poverty and no organised political activity, it is not surprising that the ulema have acquired such a strong hold over the people. Outside influences have also added to the growth of religious intolerance. The mullahism during Zia's martial law, the Iranian revolution of 1979, and the anxieties of the Arab petro-monarchies no doubt contributed to the increased militancy in both the sects.

The Anjuman-e-Ahl-e-Tashi was established before the creation of Pakistan and was initially registered under the Societies Act to run mosques and madrassas, and to conduct religious rites, etc, but now it looks after the political rights of the Shias as well. It is claimed that almost all members of the Shia community have sympathies with the Anjuman. The membership consists of all the people praying in Ahl-e-Tashi mosques, who indirectly elect their leaders.

The Tehrik-e-Nifaz-e-Fiqah Jafria has adopted the Anjuman as its sister body in the Northern Areas.

The Tanzeem Ahl-e-Sunnat Wal Jamaat is the main Sunni party in the Northern Areas. It was also established as a welfare organisation in the early 1980s to run mosques, madrassas, orphanages etc. It has become more active since the 1988 sectarian clashes.

The Tanzeem has not been registered under the Societies Act. Its membership and organisation are casual. The membership consists of all the people praying in Sunni mosques, who indirectly elect their leaders. The Tanzeem has close links with Anjuman Sipah-i-Sahaba Pakistan (ASSP).

The 1992 sectarian clashes in Gilgit started when a Sunni leader Gayyasuddin was assassinated on May 30. More than 16 people of both the sects died, including three from the Punjab and two from the NWFP. Unable to control the situation the local administration called in the army. Curfew was imposed in the city of Gilgit on May 31 which continued till June 14. It was the longest ever in Gilgit. Even after that the army continued to patrol the city until June 19.

Conciliatory talks between the two sects came to an end when on August 4, 1993 Latif Hassan, a Shia leader and former member of the Northern Areas Council, was shot dead outside his house. In the next 24 hours 14 more people were killed. Again curfew was imposed in Gilgit, but this time it lasted six days.

After the clashes the Anjuman and the Tanzeem reached an accord that each side would refrain from damning the other as kafir in speeches, pamphlets, etc.

During the curfews though no incidence took place, tensions did at times increase. The law enforcing agencies did not resort to the use of any firearms during or after the curfews. No leader was taken in preventive custody and no demonstrations or the carrying of fire arms was allowed.

No judicial enquiry had been held into the clashes of 1992. No compensation was paid to the heirs of the persons killed or for properties damaged. The Edhi Centre had helped the injured and the stranded during the curfew.

The administration took the following steps after 1992 to check sectarian clashes in future:

- ◆ Ulema were made to agree not to make public attacks against each other.
- ◆ Checkpoints manned by frontier Constabulary were to prevent public gathering on the scale of 1988.

- ◆ An early warning system was set up
- ◆ Members of one sect were brought into the lower ranks of the police for areas predominantly populated by the other sect.
- ◆ Conciliation Committees were formed, such as the ex-Servicemen Association of 1992. Consisting of about 40,000 ex-soldiers belonging to all sects and spread throughout the Northern Areas, it was meant to conduct corner meetings, help resolve points of conflict and take measures for reconciliation.

These measures were obviously not enough, as the sectarian clashes of the summer of 1993 proved. The Shias mostly want the Northern Areas to become a fifth province of Pakistan. They claim that historically they were never a part of the Kashmir State and had no cultural links with Kashmir. The people of Northern Areas; they argue, had themselves liberated the territory from the Dogras, and any question of joining Kashmir ended there. Besides, they argue, the people of the Northern Areas will remain backward if they became a part of Kashmir, as the Kashmiris were educationally and in other respects more advanced.

The Sunnis almost throughout the Northern Areas, and particularly in the Diamer District, want the Northern Areas to be joined to Azad Kashmir, as combined with the Sunnis of Kashmir they would then form a majority while separately they would remain a minority. They also claim that the creation of a fifth province at this time would harm the Kashmir issue and joining with Kashmir they would be able to fight in the jihad that is their religious duty. Kashmir would after all become part of Pakistan. Besides, they argue, with its small population and area the Northern Areas would not be viable as a separate province. They were very excited by the recent judgement of the AJK High Court, declaring that the Northern Areas should be joined to Azad Kashmir.

The people of the Baltistan (predominantly Shia) are also in favour of the Northern Areas becoming a separate province of Pakistan, but their more immediate concern is that they should be administratively separated from Gilgit and made a Division in their own right. They believe that the Gilgit region is getting more than its due share in funds and jobs.

Views about future

No person in Northern Areas wants to join India and few people want the option of complete independence, which also seems to them almost a complete impossibility. However, better than the status quo, some sections of people, like the Gilgit Bar Association, do prefer an Azad Kashmir type of government, or a special status as an interim measure, for NA.

The administration is still silent about the political future of these areas. As always they claim reforms are around the corner. The government claims that the Northern Areas is getting more in funds than others for its size and population. For this reason too, it is argued, it cannot become a province, since that would create problems with the other provinces.

To sum up with a few observations:

1. The people of the Northern Areas have no say in who govern them.
2. The democratic rights of the people has been tied to a cause. The majority disapproves of the interim uncertainty.
3. A Pakistan civil servant legislates for the Northern Areas and influences all the executive and judicial acts. This is by no means a satisfactory situation.
4. Sometimes arbitrary laws are applied while important ones are not extended, according to convenience.
5. Northern Areas Council, the highest elective body in the Northern Areas, has no legislative powers at all.
6. The judicial commissioner and subordinate courts are not free.
7. The people have no fundamental rights whatsoever.
8. Executive Acts, however arbitrary, cannot be judicially reviewed.
9. The Election Commissioner is not independent and is vulnerable to executive pressures.
10. The administration has failed to control sectarian clashes due to mismanagement and acquiescence to pressures.

Recommendations

- ◆ The Northern Areas may be declared a Special Area, under an instrument of the federal government, with its own government, legislature and independent judiciary, and guaranteeing the people certain fundamental rights that cannot be taken away by ordinary legislation.
- ◆ Even if the people of the Northern Areas are not given representation in the parliament, the Northern Areas Council, elected on the basis of universal adult suffrage, should be expanded and granted some legislative power to begin with. The people of the area should be offered some share in power, if not complete power.
- ◆ An agent of the federal government can if necessary act as an impartial arbiter.
- ◆ Participation in government would considerably decrease the sense of political deprivation and frustration that is currently fanning sectarian violence. It will broaden the vision of the local leaders and enable them to rise above petty sectarian issues. The man in the street will also get a sense of participation.
- ◆ Also, sectarian clashes are now being dealt with by the administrators who view things differently and are concerned mainly with law and order. A democratically elected or representative authority would be in a better position to settle the issues.
- ◆ A High Court should be established with writ jurisdiction similar to that provided under Art 199 of the Constitution of Pakistan, complete with jurisdiction to enforce fundamental rights provided under the instrument itself. The judges of the High Court should hold tenure posts and should be free from all kinds of executive pressures. The High Court should exercise control and superintendence over all subordinate courts in the Northern Areas.

Annex-VIII

Treaty of Amritsar 1846

Article 1: The British government transfers and makes over, forever, independent possession, to Maharaja 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 westward of the river Ravi, including Chamba and excluding Lahore, being part of the territory ceded to the British government by the Lahore state, according to the provisions of Article 4 of the Treaty of Lahore, dated 9th March 1846.

Article 2: The eastern boundary of the tract transferred by the foregoing article to Maharaja Gulab Singh shall be laid down by commissioners appointed by the British government and Maharaja 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 articles, Maharaja Gulab Singh will pay to the British government the sum of seventy-lacs (seven and half millions) of rupees (Nanakshahi). Fifty lacs to be paid on ratification of this Treaty, and twenty-five lacs on or before the 1st of October of the current year. AD 1846.

Article 4: The limits of the territories of Maharaja Gulab Singh shall not be, at any time, changed without concurrence of the British government.

Article 5: Maharaja Gulab Singh will refer to the arbitration of the British government any disputes or questions that may arise between himself and the government of Lahore, or any other neighbouring state, and will abide by the decision of the British government.

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

Article 7: Maharaja Gulab Singh engages never to take, or 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: Maharaja Gulab Singh engages to respect, in regard to the territory transferred to him, the provisions of Articles 5, 6, 7 of the separate engagement between the British government and the Lahore Darbar, dated 11th March, 1846.

Article 9: The British government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.

Article 10: Maharaja 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 perfect shawl goats of approved breed (six male and six female), and three pairs of Kashmir shawls.*

This treaty consisting of ten articles, has been this day settled by Frederick Currie, Esq. and Brevet-Major Henry Montgomery Lawrence acting under the directions of the right Honorable Sir Henry Hardinge, G.C.B. Governor-General, on the part of the British government, and by Maharaja Gulab Singh in person; and the said treaty has been this day ratified by the seal of the Right Honorable Henry Hardinge, G.C.B. Governor-General.

Done at Amritsar, this 16th day of March, in the year of our Lord 1846, corresponding with the 17th day of Rabi-ul-Awwal, 1252 Hijri.

Gulab Singh (LS)

H. Hardinge (LS)

F. Currie

H.M. Lawrence

* Note: In 1893 it was agreed to drop the gift of "twelve perfect shawl goats."

<http://www.britannica.com/eb/article?tocId=9007274>

Annex-IX

HRCP press statements on key events in Gilgit-Baltistan

HRCP urges fair deal for Attabad displaced, detainees

Lahore, September 22, 2011: The Human Rights Commission of Pakistan (HRCP) has expressed alarm at the arrest of over two dozen political activists in Gilgit Baltistan and reports of maltreatment of some of them in detention.

At least 33 people have been arrested in Gilgit Baltistan following protests against the August 11 killing of two people in police firing. The police had opened fire when nearly 200 people were protesting during the Chief Minister's visit to Aliabad in order to highlight delays in payment of compensation to families displaced by the Attabad landslides.

HRCP said in a statement on Thursday: "The Commission takes serious exception to the manner in which the authorities have chosen to deal with public resentment following the August 11 killings. The policemen accused of the killings have yet to be arrested but many political and civil society activists have been held in a crackdown against the protesters. HRCP has noted with concern reports of mistreatment of some of the activists. Strong-arm tactics must not be used to suppress legitimate protest against the August 11 killings and due process rights of all citizens must be respected without exception. Now that a judicial probe into the incident is underway, the authorities should wait for its findings instead of ordering a crackdown on the people. Furthermore, it is a matter of grave concern that rehabilitation of those displaced by the January 2010 Attabad landslides is yet to be completed and the people feel that their concerns are not being addressed. This obviously is the root cause of public unrest.

HRCP calls upon the government to ensure that violence against political activists is stopped forthwith, due process rights are respected, findings of the judicial inquiry are made public and urgent measures are taken to rehabilitate the displaced and remove their grievances."

Zohra Yusuf
Chairperson

Lahore: March 18, 2012: In a statement released to the media at the conclusion of HRCP's annual general meeting, the Commission voiced alarm over the continued deterioration in the state of human rights across the country and emphasised the need for all actors and institutions to urgently address pressing concerns as well as respect and strengthen the political process.

It stated specifically that it "demands that the government pay immediate attention to early warning signs of serious problems and unrest in Gilgit-Baltistan and urges action to address people's political and socio-economic concerns and put an end to sectarian violence."

HRCP slams Gilgit Baltistan violence, urges promotion of sectarian harmony

Lahore, April 5, 2012: The Human Rights Commission of Pakistan (HRCP) has expressed serious alarm at the continuing loss of life in sectarian strife in Gilgit Baltistan and demanded that the government, political parties and civil society organisations join hands to bring peace to the area at the earliest.

In a statement issued on Thursday, the Commission said: "HRCP has watched with growing concern the reprehensible and lengthening shadow of sectarian bloodshed in Gilgit Baltistan and condemns it unequivocally.

“The relative calm in Gilgit following the imposition of curfew and deployment of troops is a tense one and retaliatory attacks and incidents of hostage taking have been reported amid concerns that the authorities have responded only to some of the more violent incidents and are proceeding in a reactive manner.

“HRCP is very concerned at the people facing great difficulties as provisions and food stocks, even milk for children, have run low. In hospitals medicines are scarce and food is being rationed as curfew has continued without a break. The lives of those who have provided shelter to others irrespective of sect or faith and only out of concern for human life find their own lives are now at risk as a consequence. Everything must be done to ensure safety and protection for their lives and property.

It would be naïve to think that the scars of the events of the last few days in Gilgit Baltistan would go away by imposing curfew and shutting down cellular phone services or by preaching calm. The monumental task of healing the wounds and promoting sectarian harmony must begin at the earliest in consultation with the affected communities and should be persisted with. The political parties must desist from indulging in point scoring and in addition to publicly expressing their unambiguous condemnation for violence they should also share with the people their vision for controlling the situation and preventing recurrence of such senseless violence in the future. They should join hands with the government to help implement that objective.

Those who have fanned the strife in Gilgit Baltistan must be identified and held to account as must those who pulled the trigger in target killings. In fact, there is every reason to pay equally urgent attention to contain the continuing bloodletting based on sectarian identity in Quetta, Karachi and elsewhere in the country and send a clear message to the hate mongers that they will not be allowed to take the people and law and order hostage.”

Zohra Yusuf
Chairperson

‘Sectarian killings won’t stop sans tackling root cause: HRCP

Lahore, April 11, 2012: The continuing spilling of blood in sectarian killings in Quetta and Gilgit Baltistan manifests a blatant failure to address religious intolerance in society, which constitutes one of the biggest threats for the country, the Human Rights Commission of Pakistan (HRCP) said on Wednesday. The Commission said in a statement: “HRCP is alarmed by the continuing sectarian bloodshed in Pakistan, particularly in Quetta and Gilgit Baltistan. The killings demonstrate a disturbing pattern and appear to be part of a well-planned sequence. It has been stated that miscreants from Afghanistan have been involved. That may be one problem but it certainly is not the only one. The mindless bloodshed that we witness day in and day out is rooted in religious intolerance cultivated by the state. Politics in the name of religion has substantially worsened what was already an appalling situation. It is alarming that no one responsible for these killings has been nabbed in years. The people are paying the price of indifference with their lives. Rather than wasting time on addressing mere symptoms, the root cause of the problem must be identified and addressed. Instead of living in denial, we must now identify the policies that strengthen extremism and promote faith-based hatred in society. These constitute the single biggest threat to Pakistan.

In these perilous times, all those who believe in people's rights, human dignity and Pakistan's future must not remain silent. Otherwise the consequences for the country will be unimaginably disastrous. It is

time for the government, all democratic-minded political parties and conscious citizens to join hands to think of a way out of this brutal vortex in order to rescue the state that has been held to ransom by extremism and obscurantism.”

Zohra Yusuf
Chairperson

HRCP slams torture on detained activists in Gilgit

Lahore, May 4, 2012: Reports of alleged torture on at least five political activists in the Gilgit Jail are exceedingly worrying and hint at the authorities' stubborn refusal to learn from past mistake, the Human Rights Commission of Pakistan said in a statement on Friday.

“HRCP notes with concern that the five activists who have been in prison for several months continue to face very harsh treatment for protesting against the poor quality of food and delay in hearing of cases of prisoners at the jail. They have been incarcerated for protesting on behalf of the victims of forced displacement on account of the Attabad landslide in January 2010. On April 28, the five activists were reportedly visited in the jail by police and security agencies and tortured on the dubious charge of leading the protest in prison. One of the activists, Baba Jan, is said to have suffered two broken fingers and injuries to his head and other parts of his body. It is a matter of concern that despite a local court's order he and other activists have not been examined by a doctor and have not been hospitalized in violation of the court's order. Attempts to lodge cases against the security personnel who tortured them have also not been successful. HRCP strongly protest maltreatment of the activists in official custody. It was briefly hoped that the authorities must surely have known the futility of such tactics as well as of creating an aura of impunity for excesses by agents of the state. However, it appears that that has not been the case. HRCP demands that the basic rights and due process must not be denied to the five political activists. Those accused of torturing them must be suspended pending investigation and those found guilty punished under the law. Last but not the least the government must desist from making a terrible situation in Gilgit even worse by stubbornly sticking to its strong-arm tactics.”

Zohra Yusuf
Chairperson

State a spectator as citizens mowed down by fanatics: HRCP

Lahore, August 17, 2012: The Human Rights Commission of Pakistan (HRCP) has strongly condemned Thursday's killing of 25 Shia Muslims pulled out of buses headed for Gilgit Baltistan, as well as target killing of three Shias in Quetta and demanded that the authorities explain why the killers roamed free and how the government planned to ensure security for the citizens targeted because of their religious belief.

The Commission said in a statement: “HRCP is appalled that terrorists have once again succeeded in targeting without any difficulty Shia Muslims on their way to Gilgit Baltistan. Thursday's attack was similar to the one carried out in Kohistan in February in more than one respect. Again buses were stopped on a main road by men in military uniform. Shia passengers were separated from the rest and executed. Many transporters had started using the Mansehra-Naran-Jalkhad route instead of the Karakoram Highway after the February killings, from which the region had yet to recover. Thursday's attack occurred on this changed route. Other than claims of responsibility made by Taliban or other bands of extremist militants, the authorities appear to be clueless about who the attackers were or how to stop them.

Killing of three men belonging to Quetta's long suffering Hazara Shia community on Thursday further underlined the hazards that Shia Muslims face in Pakistan. Such targeted killing of people because of their religious beliefs is unfortunately no longer an anomaly in Pakistan. Those keen on creating new

minorities in Pakistan have made sure of that. However, HRCP has no hesitation in stating that the terrorists managed to strike on Thursday only because those behind earlier target killings in Kohistan and Quetta had not been tracked down.

The killings are doubtless the work of those who want to destroy Pakistan, but a failure to nab and punish the killers is also contributing to the same end. The attack on Kamra airbase on the same day provided evidence, if further evidence was needed, that Taliban were nobody's friends and those who had created this monster had taken Pakistan down the road of annihilation.

The authorities owe an explanation to the people for their inability to crack down on sectarian killers and for the most flagrant failure in protecting the lives of citizens. HRCP would very much like to know what words of solace and reassurance the government can offer to the families of the victims and members of a community that is increasingly certain that terrorists get support from within the security agencies. To them that could be the only explanation why the killers could not be apprehended and disappear into thin air even in areas with only one road in and one out. They must tell the people what steps the government has taken to end impunity for the killers and ensure security for Shia Muslims, including those in Quetta and the citizens travelling to and from Gilgit Baltistan.”

Zohra Yusuf
Chairperson

HRCP slams serious deterioration in Gilgit-Baltistan

Lahore, June 24, 2013: The Human Rights Commission of Pakistan (HRCP) has voiced condemnation and grave concern over the murder of 10 foreign climbers and at least one Pakistani citizen in Gilgit-Baltistan and called it a serious crisis in a region which could do without further aggravation.

In a statement on Monday, the Commission said: “The killing of the foreign mountaineers in Gilgit-Baltistan raises very serious concerns for a number of reasons. It was another incident, after last year's bloodshed of Shias, where the killers appeared out of thin air and disappeared without a trace afterwards. Like the Shia killings of last year in the region, this too was no spur of the moment attack and speaks volumes about the ineptness of the security and intelligence apparatus.

The killings represent a serious deterioration in a region raked by sectarian bloodshed and schisms. Gilgit-Baltistan had thus far been considered one of the safer parts of northern Pakistan for tourists and tourism had been the mainstay of the local economy. It is not too difficult to imagine what these killings would do to that economy.

The Taliban and a linked sectarian militant group have claimed responsibility for the killings, which the interior minister has described as an intolerable attack against Pakistan by those bent on destroying the country. Actions against these elements so far do not demonstrate much commitment to saving the country from the feared destruction. The question now is where do we go from here and how do the authorities and society deal with those whose only skill and passion is killing in the name of whatever takes their fancy? While condemnation of such heinous attacks through parliamentary resolutions and otherwise is vital, taking concrete steps to bring the perpetrators to justice and preventing recurrence is what really counts. Not clamping down on militancy, a failure to challenge growing intolerance in society, and reacting with mere rhetoric after every incident of bloodshed is nothing short of collusion with the enemies of Pakistan.”

Zohra Yusuf
Chairperson

Annex-X

Text of Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009

GOVERNMENT OF PAKISTAN
MINISTRY OF KASHMIR AFFAIRS & NORTHERN AREAS

Islamabad, the 9th September, 2009

AN ORDER

to provide greater political empowerment and better governance to the people of Gilgit-Baltistan;

WHEREAS it is expedient to undertake necessary legislative, executive and judicial reforms for granting self-governance to the people of Gilgit-Baltistan and for matters connected therewith or incidental thereto;

NOW, THEREFORE, the Government of Pakistan is pleased to make the following Order:

1. Short title, extent and commencement.- (1) This Order may be called the Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009.
- (2) It extends to the whole of areas Gilgit-Baltistan.
- (3) It shall come into force on at once.

PART. I - PRELIMINARY

2. Definitions.-

(1) In this Order, unless there is anything repugnant in the subject or context.-

- (a) "Assembly" means the Gilgit-Baltistan Legislative Assembly;
- (b) "Citizen" unless otherwise expressed in this Order "citizen" means a person who has a domicile of Gilgit-Baltistan;
- (c) "Council" means the Gilgit-Baltistan Council constituted under this Order;
- (d) "Chairman" means the Chairman of the Council who shall be the Prime Minister of Pakistan;
- (e) "Financial year" means the year commencing on the first day of July and ending on the thirtieth day of June;
- (f) "Gilgit-Baltistan" means the areas comprising districts of Astore, Diamer, Ghanche, Ghizer, Gilgit, Hunza-Nagar, Skardu and such other districts as may be created from time to time;
- (g) "Governor" means the Governor of Gilgit-Baltistan and includes a person for the time being acting as, or performing the functions of the Governor;
- (h) "Government" means the Government of Gilgit-Baltistan
- (i) "Joint Sitting" means a joint sitting of the Assembly, the Federal Minister in-charge of the Council Secretariat and the members of the Council;
- (j) "Judge" in relation to the Gilgit-Baltistan Supreme Appellate Court or the Gilgit-Baltistan Chief Court, includes the Chief Judge of the Gilgit-Baltistan Supreme Appellate Court and the Chief Court;
- (k) "person" includes any body politic or corporate;
- (l) "prescribed" means prescribed by law or rules made thereunder;
- (m) "Property" includes any right, title or interest in property, movable or immovable, and any means and instruments of production;
- (n) "remuneration" includes salary and pension;
- (o) "Service of Gilgit-Baltistan" means any service, post or office in connection with the affairs of Gilgit-Baltistan including the Council, but does not include service as Chairman of the Council, Governor, Speaker, Deputy Speaker, Chief Minister, Minister, Federal Minister in-charge of the Council Secretariat

or Advisor, Parliamentary Secretary, Advisor to the Minister or a member of the Assembly or member of the Council; and

(p) "Speaker" means Speaker of the Assembly and includes any person acting as the Speaker of the Assembly.

(q) "Vice Chairman of the Council" means the Governor of Gilgit-Baltistan.

PART. II - FUNDAMENTAL RIGHTS

3. Security of person.-

No person shall be deprived of liberty save in accordance with law.

4. Safeguard as to arrest and detention.-

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) Nothing in Clauses (1) and (2) shall apply to any person-

(a) who for the time being is an enemy alien, or

(b) who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorize the detention of a person for a period exceeding three months unless the review board set up by the Government has reported before the expiration of the said period of three months that there is, in its opinion, sufficient cause for such detention.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall as soon as may be, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

5. Slavery and forced labour prohibited.-

(1) No person shall be held in slavery, and no law shall permit or in any way facilitate the introduction into Gilgit-Baltistan of slavery in any form.

(2) All forms of forced labour are prohibited.

(3) Nothing in this clause shall be deemed to affect compulsory service-

(a) by persons undergoing punishment for offences under any law; or

(b) required by any law for a public purpose.

6. Protection against retrospective punishment.-

No law shall authorize the punishment of a person-

(a) for an act or omission that was not punishable by law at the time of the act or omission; or

(b) for an offence by a penalty greater than, or of a kind different form, the penalty prescribed by law for that offence at the time the offence was committed.

7. Freedom of movement.-

Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout the Gilgit-Baltistan and to reside and settle in any part thereof.

8. Freedom of assembly.-

Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of morality or public order.

9. Freedom of association.-

(1) Subject to this Order, every citizen shall have the right to form association or unions, subject to any reasonable restrictions imposed by law in the interest of morality or public order.

(2) No person or political party in the area comprising Gilgit-Baltistan shall propagate against, or take part in activities prejudicial or detrimental to the ideology of Pakistan.

10. Freedom of trade, business or profession.-

Every citizen possessing such qualifications, if any, as may be prescribed by law in relation to his profession or occupation shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

Provided that nothing in this Article shall prevent-

(a) the regulation of any trade or profession by a licensing system; or

(b) the regulation of trade, commerce or industry in the interest of free competition therein; or

(c) the carrying on, by Government or the Council, or by a corporation controlled by Government or the Council, of any trade, business, industry or service, to the exclusion, complete or partial, or other persons.

11. Freedom of speech.-

Every citizen shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by law in the interest of the security of area Gilgit-Baltistan, public order, decency or morality, or in relation to contempt of Court, commission of, or incitement to an offence.

12. Freedom of religion.-

Subject to law, public order and morality-

(a) every citizen has the right to profess and practice his religion; and

(b) every religious denomination and every sect thereof has the right to establish, maintain and manage its places of worship.

13. Safeguard against taxation for purposes of any particular religion.-

No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

14. Safeguard as to educational institutions in respect of religion etc.-

(1) No person attending any educational institution shall be required to receive religious instructions or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

(3) No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

(4) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(5) Nothing in this paragraph shall prevent any public authority from making provision for the advancement of any society or educationally backward class.

15. Provisions as to property.-

Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to acquire, hold and dispose of property.

16. Protection of property.-

(1) No person shall be deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation therefor and either fixes the amount of compensation or specifies the principles on which and the manner in which compensation is to be determined and given.

(3) Nothing in this clause shall, affect the validity of-

(a) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health; or

(b) any law relating to the acquisition, administration or disposal of any property which is or is deemed to be evacuee property under any law; or

(c) any law permitting the taking over of any property which has been acquired by, or come into the possession of, any person by any unfair means, or in any manner, contrary to law ; or

(d) any law providing for the taking over of the management of any property by the Government for a limited period, either in the public interest or in order to secure the proper management of the property, or for the benefit of its owner; or

(e) any law providing for the acquisition of any class of property for the purpose of-

(i) providing education and medical aid to all or any specified class of citizen; or

(ii) providing housing and public facilities and services such as roads, water supply, sewerage, gas and electric power to all or any specified class of citizen; or

(iii) providing maintenance to those who, on account of unemployment, sickness, infirmity or old age, are unable to maintain themselves; or

(f) any law in force immediately before the coming into force of this Order.

Explanation.-

In clauses (2) and (3), the expression 'property' means immovable property, or any commercial or industrial undertaking, or any interest in any undertaking.

17. Equality of citizens.-

All citizens are equal before law and are entitled to equal protection of law.

18. Non-discrimination in respect of access to public places.-

In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex or place of birth, but nothing herein shall be deemed to prevent the making of any special provision for women.

19. Safeguard against discrimination in services.-

No citizen otherwise qualified for appointment in the services of areas comprising Gilgit-Baltistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste or sex:

Provided that, in the interest of the said service, specified posts or services may be reserved for members of either sex.

PART. III - GOVERNOR

20. The Governor.-

(1) There shall be a Governor of the Gilgit-Baltistan who shall be appointed by the President of Pakistan on the advice of the Prime Minister of Pakistan:

(a) Notwithstanding anything contained in this Order, the Federal Minister for Kashmir Affairs and Gilgit-

Baltistan shall act as the Governor of Gilgit-Baltistan till the appointment of the first Governor.

(b) provided that after the first election under this Order, in the absence of Governor, the Speaker of Legislative

Assembly shall act as acting Governor.

(3) A person shall not be appointed as Governor unless he is qualified to be elected as a member of the Assembly or the National Assembly of Pakistan and is not less than thirty five years of age.

(4) The Governor shall hold office during the pleasure of the President and shall be entitled to such salary, allowances and privileges as the President may determine.

(5) The Governor may, by writing under his hand addressed to the President, resign his office.

(6) The President may make such provision as he thinks fit for the discharge of the functions of the Governor in any contingency not provided for in this Order.

(7) Before entering upon office, the Governor shall make before the Chief Judge of the Gilgit-Baltistan Supreme Appellate Court an oath in the form set out in the First Schedule.

(8) The Governor shall not hold any office of profit in the service of Gilgit-Baltistan or of Pakistan nor occupy any other position carrying the right to remuneration for the rendering of services.

(9) The Governor shall not be a candidate for election as a member of the Assembly, and, if a member of the Assembly is appointed as Governor, his seat in the Assembly shall become vacant on the day he enters upon his office.

21. Governor to act on advice, etc.-

(1) Subject to this Order in the performance of his functions, the Governor shall act in accordance with the advice of the Cabinet or the Chief Minister:

Provided that the Governor may require the Cabinet or, as the case may be, the Chief Minister to reconsider such advice, whether generally or otherwise, and the Governor shall act in accordance with the advice tendered after such reconsideration.

(2) The question whether any, and if so what, advice was tendered to the Governor by the Chief Minister or the Cabinet shall not be inquired into in, or by, any court, tribunal or other authority.

PART. IV - THE GOVERNMENT

22. The Government.-

(1) Subject to this Order, the executive authority of Gilgit-Baltistan shall be exercised in the name of the Governor by the Government through Cabinet consisting of the Chief Minister and the Ministers, which shall act through the Chief Minister who shall be the Chief Executive.

(2) In the performance of his functions under this Order, the Chief Minister may act either directly or through the Ministers.

(3) The Chief Minister and the Ministers shall be collectively responsible to the Assembly.

(4) Orders and other instructions made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Government, and the validity of an order or instruction which is so authenticated shall not be questioned in any court on the ground that it is not an order or instruction made or executed by the Governor.

(5) The Governor, in consultation with Chairman of the Council, may regulate the allocation and transaction of its business and may for the convenient transaction of that business delegate any of its functions to officers or authorities subordinate to it.

23. The Chief Minister.-

(1) The Assembly shall meet on the thirtieth day following the day on which a general election to the Assembly is held, unless sooner summoned by the Governor.

(2) After the election of the Speaker, and the Deputy Speaker, the Assembly shall, to the exclusion of any other business, proceed to elect, without debate, one of its members to be the Chief Minister.

(3) The Chief Minister shall be elected by the votes of the majority of the total membership of the Assembly;

Provided that, if no member secures such majority in the first poll, a second poll shall be held between

the members who secure the two highest numbers of votes in the first poll and the member who secures a majority of votes of the members present and voting shall be declared to have been elected as Chief Minister:

Provided further that, if the number of votes secured by two members securing the highest number of votes is equal, further poll shall be held between them until one of them secures a majority of the members present and voting.

(4) The member elected under clause (3) shall be invited by the Governor to assume the office of Chief Minister and he shall, before entering upon the office make before the Governor oath in the form set out in the First Schedule.

24. Ministers.-

(1) The Governor shall appoint Ministers from amongst the members of the Assembly on the advice of Chief Minister

(2) Before entering upon office, a Minister shall make before the Governor oath in the form set out in the First Schedule.

(3) A Minister may, by writing under his hand addressed to the Chief Minister, resign his office or may be removed from office by the Chief Minister.

25. Advisors to Chief Minister.-

The Governor may, on the advice of Chief Minister, appoint not more than two Advisors on such term and conditions, as he may determine.

26. Parliamentary Secretaries.-

(1) The Chief Minister may appoint Parliamentary Secretaries from amongst the members of the Assembly to perform such functions as may be prescribed.

(2) A Parliamentary Secretary may, by writing under his hand addressed to the Chief Minister, resign his office or may be removed from office by the Chief Minister.

27. Resignation of Chief Minister.-

(1) Subject to clause (2) the Chief Minister may, by writing under his hand addressed to the Governor, resign his office and, when the Chief Minister resigns, the Ministers shall cease to hold office.

(2) If the Assembly is in session at the time when the Chief Minister resigns his office, the Assembly shall forthwith proceed to elect a Chief Minister, and if the Assembly is not in session the Governor shall for that purpose summon it to meet within fourteen days of the resignation.

28. Vote of no-Confidence against Chief Minister.-

(1) A resolution for a vote of no-confidence moved by not less than twenty percent of the total membership of the Assembly may be passed against the Chief Minister by the Assembly.

(2) A resolution shall not be moved in the Assembly unless by the same resolution the name of another member of the Assembly is put forward as the successor.

(3) A resolution shall not be moved in the Assembly while the Assembly is considering demands for grants submitted to it in the Annual Budget.

(4) A resolution shall not be voted upon before the expiration of three days, or later than seven days, from the date on which it is moved in the Assembly.

(5) If the resolution is passed by majority of the total membership of the Assembly, the Chief Minister and the Ministers appointed by him shall cease to hold office.

(6) If a resolution is not passed another such resolution shall not be moved until a period of six months has elapsed.

29. Chief Minister Continuing in Office.-

The Governor may ask the Chief Minister to continue to hold office until his successor enters upon the office of the Chief Minister.

30. Minister performing functions of Chief Minister.-

(1) In the event of the death of the Chief Minister or the office of the Chief Minister becoming vacant by reason of his ceasing to be member of the Assembly or he resigns his office, the most senior Minister for the time being shall be called upon by the Governor to perform the functions of that office and the Minister shall continue in office until a new Chief Minister has been elected and has entered upon his office.

(2) If the Assembly is in session at the time when the Chief Minister dies or the office of the Chief Minister becomes vacant, the Assembly shall forthwith proceed to elect a Chief Minister, and if the Assembly is not in session the Governor shall for that purpose summon it to meet within fourteen days of the death of the Chief Minister or, as the case may be, of the office becoming vacant.

(3) When, for any reason, the Chief Minister is unable to perform his functions, the most senior Minister for the time being shall perform functions of Chief Minister until the Chief Minister resumes his functions.

(4) In this Article 'most senior Minister' means the Minister for the time being designated as such by the Chief Minister by notification in the official Gazette.

31. Extent of Executive Authority of Government.-

(1) Subject to this Order, the executive authority of the Government shall extend to the matters with respect to which the Assembly has power to make laws.

(2) The executive authority of the Government shall be so exercised as to secure compliance with the laws made by the Council and Pakistan laws.

(3) Notwithstanding anything contained in this Order, the Government may with the consent of the Council, entrust, either conditionally or unconditionally, to the Council, or to its officers functions in relation to any matter which the executive authority of the Government extends.

32. Advocate General.-

(1) The Governor shall appoint a citizen, being a person qualified to be appointed as Judge of the Gilgit-Baltistan Chief Court, to be the Advocate General for Gilgit-Baltistan.

(2) It shall be the duty of the Advocate General to give advice to Government upon such legal matter, and to perform such other duties of a legal character, as may be referred or assigned to him by the Government.

(3) The Advocate General shall hold office during the pleasure of the Governor.

(4) The Advocate General may, by writing under his hand addressed to the Governor resign his office.

(5) The person holding the office as Advocate General immediately before the commencement of this Order shall be deemed to be the Advocate General, appointed under this Order.

PART. V - GILGIT-BALTISTAN COUNCIL

33. Gilgit-Baltistan Council.-

(1) There shall be a Gilgit-Baltistan Council consisting of.-

(a) the Prime Minister of Pakistan;

(b) the Governor;

(c) six members nominated by the Prime Minister of Pakistan from time to time from amongst Federal Ministers and members of Parliament:

Provided that the Federal Minister for Kashmir Affairs and Gilgit-Baltistan shall be an ex officio member and

Minister Incharge of the Council:

(d) the Chief Minister of Gilgit-Baltistan;

(e) six members to be elected by the Assembly in accordance with the system of proportional representation by means of a single transferable vote.

- (2) The Prime Minister of Pakistan shall be the Chairman of the Council.
- (3) The Governor shall be the Vice-Chairman of the Council.
- (4) The Minister of State for Kashmir Affairs and Gilgit-Baltistan shall be an ex officio non voting member of the Council.
- (5) The qualifications and disqualifications for being elected, as, and for being, a member of the Council shall, in the case of a member referred to in sub-clause (e) of clause (1), be the same as those for being elected as, and for being a member of the Assembly.
- (6) The seat of a member of the Council elected by the Assembly, hereinafter referred to as an elected member, shall become vacant,-
- (a) if he resigns his seat by notice in writing under his hand addressed to the Chairman or, in his absence, to the Secretary of the Council;
- (b) if he is absent, without the leave of the Chairman, from ten consecutive sittings of the Council;
- (c) if he fails to make the oath referred to in clause (11) within a period of ninety days after the date of his election, unless the Chairman, for good cause shown, extends the period; or
- (d) if he ceases to be qualified for being a member under any provision of this Order or any other law for the time being in force.
- (7) If any question arises whether a member has, after his election, become disqualified from being a member of the Council, the Chairman shall refer the question to the Chief Election Commissioner and, if the Chief Election Commissioner is of the opinion that the member has become disqualified, the member shall cease to be member and his seat shall become vacant.
- (8) An election to fill a vacancy in the office of an elected member shall be held not later than thirty days from the occurrence of the vacancy or, if the election cannot be held within that period because the Assembly is dissolved, within thirty days of the general election to the Assembly.
- (9) The manner of election of elected members and filling of a casual vacancy in the office of an elected member shall be such as may be prescribed.
- (10) An elected member shall hold office during term of the Council.
- (11) An elected member shall, before entering upon office, make before the Chairman or the Vice Chairman oath in the form set out in the First Schedule.
- (12) The executive authority of the Council shall extend to all matters with respect to which the Council has power to make laws and shall be exercised, in the name of the Council, by the Chairman who may act either directly or through the Secretariat of the Council of which Federal Minister for Kashmir Affairs and Gilgit-Baltistan shall be incharge.
- Provided that the Council may direct that, in respect of such matters it may specify, its authority shall be exercisable by the Vice-Chairman of the Council, subject to such conditions, if any, as the Council may specify.
- (13) The Chairman may from among the elected members of the Council appoint not more than three Advisors on such terms and conditions as he may determine.
- (14) An advisor shall, before entering upon office, make before the Chairman oath in form set out in the First Schedule.
- (15) An Advisor who is a member of the Assembly shall have the right to speak in, and otherwise take part in the proceedings of the Council, but shall not by virtue of this clause be entitled to vote.
- (16) The Council may make rules for regulating its procedure and the conduct of its business, and shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings of the Council shall not be invalid on the ground that a person who was not entitled to do so sat, voted or otherwise took part in the proceedings.
- (17) Orders and other instruments made and executed in the name of the Council shall be authenticated in such manner as may be specified in rules to be made by the Council and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Council.
- (18) The Chairman may regulate the allocation and transaction of the business of the Council and may, for the convenient transaction of that business, delegate any of its functions to officers and authorities subordinate to it.

Explanation:

In this Article the expression 'Chairman' means Chairman of the Council.

34. Chairman of Council power to pardon and reprieve.-

The Chairman shall have power to grant pardons, reprieves and respites and to remit, suspend or commute any sentence passed by any court, tribunal or other authority.

PART. VI - THE LEGISLATURE

35. Legislative Assembly.-

(1) The Legislative Assembly shall consist of thirty three members of whom-

(a) twenty four members shall be elected directly on the basis of adult franchise;

(b) six women members shall be elected on the pattern as in case of reserved seat in Pakistan.

(c) three technocrats and other professional members shall be elected on the pattern as in case of reserved seat in Pakistan.

Explanation.-

In sub-clause (c) the expression "technocrat or other professional" includes a person who is in possession of such qualification or experience as may be prescribed.

(2) The manner of election of the members of the Assembly and the manner of filling casual vacancies shall be such as may be prescribed.

(3) The Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting.

(4) A general election to the Assembly shall be held within a period of sixty days immediately proceeding the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and result of the election shall be declared not later than fourteen days before that day.

36. Oath of members of the Assembly.-

(1) A person elected as a member of the Assembly shall not take his seat in the Assembly until he makes before such person as is prescribed by rules of the Assembly an oath in the form set out in the First Schedule.

(2) The oath may be made when the Assembly is in session.

(3) If any person sits or votes in the Assembly knowing that he is not qualified to be, or is disqualified from being a member of the Assembly he shall be liable in respect of every day on which he so sits or votes; shall be guilty of an offence punishable for a term which shall not be less than seven years and a fine which shall not be less than two hundred thousand rupees.

37. Qualifications of members of the Assembly.-

(1) A person shall be qualified to be elected as, and to be, a member of the Assembly if-

(a) he is a citizen;

(b) he is not less than twenty-five years of age; and

(c) his name appears on the electoral roll of any constituency in Gilgit-Baltistan..

(2) A person shall be disqualified from being so elected if-

(a) he is of unsound mind and stands so declared by a competent court; or

(b) he is an undischarged insolvent unless a period of ten years has elapsed since his being adjudged as insolvent; or

(c) he has been on conviction for any offence sentenced to transportation for any term or imprisonment for a term of not less than two years unless a period of five years has elapsed since his release; or

(d) he holds any office of profit in the service of Gilgit-Baltistan or in the service of Pakistan other than an office which is not a whole time office remunerated either by salary or by fee other than an office specified in the Second Schedule; or

(e) he has been in the service of Gilgit-Baltistan, Pakistan and AJ&K or of any statutory body or any body which is owned or controlled by the Government of Pakistan, AJ&K and Gilgit-Baltistan or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he

ceased to be in such service; or

(f) he has been dismissed for misconduct from the service of Gilgit-Baltistan or the service of Pakistan unless a period of five years has elapsed since his dismissal; or

(g) he is otherwise disqualified from being a member of the Assembly by this Order or by any other law.

38. Seat in Assembly becomes vacant under certain circumstances.-

(1) The seat of a member of the Assembly shall become vacant if-

(a) he resigns his seat by notice in writing under his hand addressed to the Speaker, in his absence, to the Secretary of the Assembly; or

(b) he is absent from the Assembly without the leave of the Assembly for thirty consecutive sitting days of the Assembly; or

(c) he fails to make the oath referred to in Article 36 within a period of ninety days after the date of his election unless the Speaker for good cause shown extends the period; or

(d) he is elected as member of the Council; or

(e) he ceases to be qualified for being a member under any provision of this Order or any other law.

(2) If the member of the Assembly is elected to more than one seat, he shall within a period of thirty days after the declaration of result for the last such seat, resign all but one of his seats, and if he does not so resign, all the seats to which he has been elected shall become vacant at the expiration of the said period of thirty days except the seat to which he has been last elected or, if he has been elected to more than one seat on the same day, the seat for election to which his nomination was filed last.

(3) If any question arises whether a member of the Assembly has, after his election become disqualified from being a member of the Assembly, the Speaker shall refer the question to the Chief Election Commissioner and, if the Chief Election Commissioner is of the opinion that the member has become disqualified the member shall cease to be a member and his seat shall become vacant.

(4) When except by dissolution of the Assembly, a seat in the Assembly has become vacant not later than one hundred and twenty days before the term of the Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.

39. Right of Governor to address the Assembly.-

(1) The Governor may address the Assembly and may for that purpose require the attendance of the members.

(2) The Advocate General shall have the right to speak and otherwise take part in the proceedings of the Assembly or any Committee thereof of which he may be named a member, but shall not by virtue of this Article be entitled to vote.

40. Meetings of the Assembly.-

(1) The Assembly shall assemble at such times and at such places as the Governor may appoint, and the Governor may prorogue a session of the Assembly except when the Assembly has been summoned by the Speaker.

(2) Any meeting of the Assembly may be adjourned by the Speaker or other person presiding thereat.

(3) There shall be at least three sessions of the Assembly every year, and not more than one hundred and twenty days shall intervene between the last sitting of the Assembly in one session and the date appointed for its first sitting in the next session.

Provided that the Assembly shall meet for not less than one hundred and thirty working days in each parliamentary year.

(4) On a requisition signed by not less than one-third of the total membership of the Assembly, the Speaker shall summon the Assembly to meet, at such time and place as he thinks fit, within fourteen days of the receipt of the requisition, and when the Speaker has summoned the Assembly, only he may prorogue it.

41. Dissolution of the Assembly.-

(1) The Governor shall dissolve the Assembly if so advised by the Chief Minister, and the Assembly shall,

unless sooner dissolved, stands dissolved at the expiration of the forty-eight hours after the Chief Minister has so advised.

Explanation.-

Reference in this Article to Chief Minister shall not be construed to include reference to a Chief Minister against whom a resolution for a vote of no-confidence has been moved in the Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the Assembly or a Minister performing the functions of Chief Minister under clause (1) or clause (3) of Article 30.

(2) When the Assembly is dissolved a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the result of the election shall be declared not later than fourteen days after the conclusion of the polls.

42. Speaker of the Assembly.-

(1) After a general election, the Assembly shall, at its first meeting and to the exclusion of any other business, elect from amongst its members a Speaker and a Deputy Speaker of the Assembly.

Provided that the period intervening between the declaration of the official result of the election to the Assembly and the date for assumption of office of members shall not exceed thirty days.

(2) Before entering upon office, a member of the Assembly elected as Speaker or Deputy Speaker shall make before the Assembly an oath in the form set out in the First Schedule.

(3) All the proceedings of the Assembly shall be conducted in accordance with rules of procedures made by the Assembly and approved by the Governor.

(4) The Speaker shall preside the meetings of the Assembly except when a resolution for his removal from the office is being considered and, when the office of the Speaker is vacant, or the Speaker is absent, or is unable to perform his functions due to any cause, the Deputy Speaker shall act as Speaker and if at that time, the Deputy Speaker is also absent or is unable to act as Speaker due to any cause, such member of the Assembly present as may be determined by the Rules of Procedure of the Assembly shall preside at the meeting of the Assembly.

(5) Soon after as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall elect one of its members to fill the office.

(6) The Speaker may resign from his office by writing under his hand addressed to the Governor.

(7) The Deputy Speaker may resign his office by writing under his hand addressed to the Speaker.

(8) The office of the Speaker or Deputy Speaker shall become vacant if-

(a) except as provided in clause (9) he ceases to be a member of the Assembly; or

(b) he is removed from office by a resolution of the Assembly, of which not less than seven days' notice by not less than one-fourth of the total membership of the Assembly has been given and which is passed by a majority of total membership of the Assembly.

(9) When the Assembly is dissolved, the Speaker shall continue in his office till the person elected to fill the office by the next Assembly enters upon his office.

43. Voting in Assembly and quorum.-

(1) Subject to this Order,-

(a) a decision in the Assembly shall be taken by a majority of the votes of the members present and voting but the Speaker or the person presiding in his absence shall not vote except when there is an equality of votes in which case he shall exercise his casting vote;

(b) the Assembly may act notwithstanding any vacancy in its membership; and

(c) any proceedings in the Assembly shall not be invalid on the ground that some person who was not entitled to do so sit, voted or otherwise took part in the proceedings.

(2) If at any time during the meeting of the Assembly the attention of the person presiding at the meeting is drawn to the fact that number of the members is less than one-third of the total membership of the Assembly, it shall be the duty of the person presiding either to adjourn the meeting or to suspend the meeting till such number of members are present.

44. Restriction on discussion in Assembly, etc.-

No discussion shall take place in the Assembly or the Council or the joint sitting with respect to matters relating to Foreign Affairs, Defence, Internal Security and Fiscal Plans of Government of Pakistan and the conduct of the any Judge of the Gilgit-Baltistan Supreme Appellate Court or the Gilgit-Baltistan Chief Court in the discharge of his duties.

45. Finance Committee.-

(1) The expenditure of the Assembly within authorized appropriation shall be controlled by the Assembly acting on the advice of the Finance Committee.

(2) The Finance Committee shall consist of the Speaker, the Finance Minister and such other members as may be elected thereto by the Assembly.

46. Secretariat of the Assembly.-

(1) The Assembly shall have a separate Secretariat.

(2) The Assembly may by law regulate the recruitment and conditions of service of persons appointed to the Secretariat Staff of the Assembly.

(3) Until provision is made by the Assembly under clause (2) the persons appointed to the Secretariat Staff of the Assembly shall continue to be governed by conditions of service for the time being applicable to them.

PART. VII - DISTRIBUTION OF LEGISLATIVE POWERS

47. Legislative Powers.-

(1) Subject to the succeeding provisions of this Article, both the Council and the Assembly shall have the power to make laws,-

(a) for the territories of Gilgit-Baltistan;

(b) for all citizens of Gilgit-Baltistan; and

(c) for the officers of the Council or as the case may be, the Government, wherever they may be.

(2) Subject to clause (3)-

(a) the Council shall have exclusive power to make laws with respect to any matter in the Council Legislative List set out in the Third Schedule, hereinafter referred to as the Council Legislative List; and

(b) the Assembly shall, and the Council shall not, have power to make laws with respect to any matter enumerated in the Fourth Schedule referred to as the Assembly Legislative List.

(c) The Council shall have the powers to adopt any amendment in the existing Laws or any new Law in force in Pakistan.

(3) The Government of Pakistan shall have exclusive power to make laws in respect of any matter not enumerated in the Council Legislative List or the Assembly Legislative List by Order notified in the official Gazette.

48. Tax to be levied by laws only.-

No tax shall be levied for the purposes of the territories of Gilgit-Baltistan except by or under the authority of an Act of the Council or the Assembly and all taxes and levies competently imposed under an Act of the Assembly or the Council or under any law made by the Government of Pakistan shall remain in force.

PART. VIII – ISLAMIC PROVISIONS

49. No laws against Islamic Injunctions, etc.-

No law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah and all existing laws shall be brought in conformity with the Holy Quran and Sunnah.

50. Reference to Council of Islamic Ideology.-

(1) If one-third of the total number of the members of the Assembly or, as the case may be, the Council so requires, the Assembly or the Council shall refer to the Council of Islamic Ideology constituted under the Constitution of Islamic Republic of Pakistan (hereinafter referred to as the Islamic Council) for advice on

any question as to whether a proposed law is or is not repugnant to the injunctions of Islam.

(2) When a question is referred by the Assembly or the Council, as the case may be, the Council of Islamic Ideology shall, within fifteen days thereof, inform the Assembly or the Council, as the case may be, of the period within which the Council of Islamic Ideology expects to be able to furnish that advice.

(3) Where the Assembly or, as the case may be, the Council considers that in the public interest, the making of the proposed law in relation to which the question arose should not be postponed until the advice of the Council of Islamic Ideology is furnished, the law may be made before the advice is furnished.

Provided that, where a law is referred for advice to the Council of Islamic Ideology and the Council advises that the law is repugnant to the injunctions of Islam, the Assembly or, as the case may be, the Council shall reconsider the law so made.

51. General provisions regarding Council, etc.-

(1) The validity of any proceedings in the Council or the Assembly shall not be questioned in any Court.

(2) An officer or member or an authority in whom powers are vested for regulation of proceedings, conduct of business, maintain order in the Council or the Assembly shall not, in relation to exercise by him of any of those powers, be subject to the jurisdiction of any Court.

(3) A member of, or a person entitled to speak in, the Council or the Assembly, shall not be liable to any proceedings in any Court in respect of anything said by him or any vote given by him in the Council or the Assembly or in any Committee thereof.

(4) A person shall not be liable to any proceedings in any Court in respect of publication by or under the authority of the Council or the Assembly, of any report, paper, vote or proceedings.

(5) No process issued by a Court or other authority shall except with the leave of the Chairman of the Council or the

Speaker be served or executed within the precincts of the place where a meeting of the Council or, as the case may be, the Assembly is being held.

(6) Subject to this Article, the privileges of the Council, the Assembly, the Committees and members of the Council, or the Assembly and of the persons entitled to speak in the Council, or the Assembly, may be determined by law.

52. Authentication of Bills Passed by the Council.-

A Bill passed by the Council shall not require the assent of the Governor and shall, upon its authentication by the Chairman of the Council, become law and be called an Act of the Council.

53. Governor's assent to Bills.-

(1) Subject to this Order, when a Bill has been passed by the Assembly it shall be presented to the Governor for assent.

(2) When a Bill is presented to the Governor for assent, the Governor shall, within thirty days,-

(a) assent to the Bill; or

(b) in the case of a Bill other than a Money Bill, return the Bill to the Assembly with a message requesting that the Bill, or any specified provision thereof, be reconsidered and that any amendment specified in the message be considered.

(3) When the Governor has returned a Bill to the Assembly, it shall be reconsidered by the Assembly and, if it is again passed, with or without amendment, by the Assembly, by the votes of the majority of the members of the Assembly present and voting, and in accordance with the provision of this Order and in not in any manner prejudicial to the security, integrity, solidarity and strategic interest of Pakistan, it shall be again presented to the Governor and Governor shall not withhold assent therefrom.

(4) When the Governor has assented to a Bill, it shall become law and be called an Act of Assembly.

PART. IX - FINANCIAL PROCEDURE

54. Council Consolidated Fund.-

(1) All revenues received by the Council, all loans raised by the Council and all moneys received by it in

payment of any loan shall form a part of Consolidated Fund, to be known as the Council Consolidated Fund.

(2) All other moneys-

(a) received by or on behalf of the Council; or

(b) received by or deposited with the Gilgit-Baltistan Supreme Appellate Court or any other Court established under the authority of this Order shall be credited to the Public Account of the Council.

(3) The Custody of the Council Consolidated Fund, the payment of money into that Fund, the withdrawal of money there from, the custody of other moneys received by or on behalf of the Council, their payment into, and withdrawal from the Public Account of the Council, and all matters connected with or ancillary to the matters aforesaid, shall be regulated by the Act of the Council or, until provision in that behalf is so made, by rules made by the Chairman of the Council.

(4) The Council shall, in respect of every financial year, cause to be prepared, and approve, a statement of estimated receipts and expenditure of the Council for that year.

(5) The Chairman of the Council shall authenticate by his signature the statement approved by the Council under clause (4), and no expenditure from the Council Consolidated Fund shall be deemed to be duly authorized unless it is specified in the statement so authenticated.

(6) If in respect of any financial year it is found:

(a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the statement referred to in clause (4) for that year; or

(b) that any money has been spend on any service during a financial year in excess of the amount granted for that year, the Chairman of the Council shall have the power to authorize expenditure from the Council Consolidated Fund and shall cause to be laid before the Council a supplementary statement or, as the case may be, an excess statement, setting out the amount of that expenditure, and the provision of clause (3) and (4) shall apply to theses statements as they apply to the statement referred to in clause (3).

(7) Notwithstanding anything contained in the foregoing provisions of this Article, the Council shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year, not exceeding four months, pending completion of the procedure prescribed in clause (3) and (4).

55. Gilgit-Baltistan Consolidated Fund.-

(1) All revenues received by the Government, all loans raised by the Government with the approval of Government of Pakistan and all moneys received by it in payment of any loan shall form a part of Consolidated Fund, to be known as the Gilgit-Baltistan Consolidated Fund.

(2) All other moneys-

(a) received by or on behalf of the Government; or (b) received by or deposited with any other Court established under the authority of the Government, shall be credited to the Public Account of the Government.

(3) The custody of the Gilgit-Baltistan Consolidated Fund, the payment of money into that Fund, the withdrawal of money therefrom, the custody of other moneys received by or on behalf of the Government, their payment into, and withdrawal from the Public Account of the Government, and all matters connected with or ancillary to the matters aforesaid, shall be regulated by the Act of the Assembly or, until provision in that behalf is so made, by rules made by the Governor.

56. Budget.-

(1) The Government shall, in respect of every financial year, cause to be laid before the Assembly a statement of estimated receipts and expenditure for that year, to be called the Annual Budget.

(2) The Annual Budget shall be submitted to the Assembly in the form of demands for grant and the Assembly shall have power to assent to, or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Government.

(4) The Annual Budget as passed by the Assembly shall be placed before the Governor who shall

authenticate it by his signature.

(5) If in respect of any financial year it is found_

(a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the Annual Budget for that year; or

(b) that any money has been spend on any service during a financial year in excess of the amount granted for that year, the Government shall have the power to authorize expenditure from the Gilgit-Baltistan Consolidated Fund and shall cause to be laid before the Assembly a Budget or, as the case may be, an excess Budget, setting out the amount of that expenditure, and the provisions of this Article shall apply to those Budgets as they apply to the Annual Budget.

(6) Notwithstanding anything contained in the foregoing provisions of this section, the Assembly shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year, not exceeding four months, pending completion of the procedure prescribed in clause (2) for the voting of such grant and the authentication of the Budget as passed by the Assembly in accordance with the provisions of clause (4) in relation to the expenditure.

57. Special provisions regarding Budget, etc.-

(1) Where the Annual Budget for any financial year cannot be passed by the Assembly by reason of its having been dissolved, the Chief Minister shall cause to be prepared an Annual Budget for that year and, by his signature, authenticate the Budget.

(2) The Annual Budget for any financial year authenticated by the Chief Minister under clause (1) shall, for the purpose of this Act, be deemed to have been passed by the Assembly.

58. Restriction on expenditure.-

No expenditure shall be incurred by the Government except authorized by the Annual or Supplementary Budget as passed or deemed to have been passed by the Assembly.

PART. X - ORDINANCE

59. Power to make Ordinance.-

(1) The Governor may, except when the Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance as the circumstances may require.

(2) An Ordinance promulgated under this Article shall have the same force and effect as an Act of the Assembly and shall be subject to like restrictions as the power of the Assembly to make law, but every such Ordinance;

(a) shall be laid before the Assembly and shall stand repealed at the expiration of four months from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution; and

(b) may be withdrawn at any time by the Governor

(3) Without prejudice to the provisions of clause (2) an Ordinance laid before the Assembly or the Council shall be deemed to be a Bill introduced in the Assembly or the Council, as the case may be.

(4) The Governor shall likewise, except when the Council is in session, if so advised by the Chairman of the Council, make, promulgate and withdraw an Ordinance as the circumstances may require, and the provisions of clause (2) and clause (3) shall apply to an Ordinance so made as if references therein 29 to 'Act of the Assembly and, Assembly were references respectively to' Act of the Council and Council.

PART. XI - THE JUDICATURE

60. Gilgit-Baltistan Supreme Appellate Court.-

(1) There shall be constituted a Gilgit-Baltistan Supreme Appellate Court, referred to as the Supreme Appellate Court to be the highest Court of Appeal.

(2) Subject to the provisions of this Order, the Supreme Appellate Court shall have such jurisdiction as is or may be conferred on it by this Order or by under any law.

(3) The Supreme Appellate Court shall consist of a Chief Judge to be known as Chief Judge of Gilgit-Baltistan and two other Judges:

Provided that the Government of Pakistan may from time to time increase the number of judges.

(4) The person holding office as Chief Judge or other Judge of the Supreme Appellate Court immediately before the commencement of this Order shall be deemed to be the Chief Judge or other Judge as the case may be appointed under this Order.

(5) The Chief Judge of Supreme Appellate Court shall be appointed by the Chairman of the Council on the advice of the Governor and other Judges shall be appointed by the Chairman on the advice of Governor after seeking views of the Chief Judge.

(6) A person shall not be appointed as the Chief Judge or Judge of the Supreme Appellate Court of Gilgit-Baltistan unless he_

(a) has been a judge of Supreme Court of Pakistan or is qualified to be a judge of the Supreme Court of Pakistan; or

(b) has for a period of, or for periods aggregating, not less than five years been a Judge of a Chief Court; or

(c) for a period of or for periods aggregating, not less than fifteen years has been an advocate of a High Court.

Explanation.-

In this sub-clause, the expression 'High Court' includes,-

(a) the Chief Court of Gilgit-Baltistan, or an equivalent Court that existed in Gilgit-Baltistan before the 1st day of August 2009; and

(b) a High Court in Pakistan including a High Court that existed in Pakistan at any time before the 1st day of July, 2009.

(7) Before entering upon office, the Chief Judge of Gilgit-Baltistan shall make before the Governor and any other Judge of the Supreme Appellate Court of Gilgit-Baltistan shall make before the Chief Judge, oath in the form set out in the First Schedule.

(8) The Chief Judge and judges of the Supreme Appellate Court of Gilgit-Baltistan shall be appointed for a term not exceeding three years and may be appointed for such further term as the Government of Pakistan may determine, unless they sooner resign or are removed from office in accordance with law.

(9) At any time when the office of Chief Judge of Gilgit-Baltistan is vacant, or the Chief Judge, is absent or unable to perform the functions of his office due to any other cause, the next senior Judge of the Supreme Appellate Court to act as Chief Judge of Gilgit-Baltistan.

(10) The remuneration and other terms and conditions of service of the Chief Judge and of a Judge of the Gilgit-Baltistan Supreme Appellate Court shall be such as are admissible to the Chief Justice of Pakistan and Judges of the Supreme Court of Pakistan.

(11) Subject to the succeeding provision of this Article, the Supreme Court of Gilgit-Baltistan shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of the Chief Court of Gilgit-Baltistan.

(12) An appeal shall lie to the Supreme Appellate Court of the Gilgit-Baltistan from any judgment, decree, final order or sentence of the Chief Court of Gilgit-Baltistan,-

(a) if the Chief Court has on appeal reversed an order of acquittal of an accused person and sentenced to death or to imprisonment for life; or, on revision, has enhanced a sentence to a sentence as aforesaid; or

(b) if the Chief Court has withdrawn for trial before itself any case from any court subordinate to it and has in such trial convicted the accused person and sentenced him as aforesaid; or

(c) if the Chief Court has imposed any punishment on any person for contempt of the Chief Court; or

(d) if the amount or value of the subject matter of the dispute in the court of first instance was, and also in dispute in appeal is, not less than fifty thousand rupees or such other sum as may be specified in that behalf by Act of the Council and judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the court immediately below; or

(e) if the judgment, decree or final order involved directly or indirectly some claim or question respecting property or the like amount or value and the judgment, decree or final order appealed from has varied or

set aside the judgment, decree or final order of the court immediately below; or

(f) if the Chief Court certifies that the case involves a substantial question of law as to the interpretation of this Order.

(13) An appeal to the Gilgit-Baltistan Supreme Appellate Court of from a judgment, decree, order or sentence of the Chief Court in a case to which clause (11) does not apply shall lie only if the Supreme Appellate Court grants leave to appeal.

(14) (a) an appeal to Gilgit-Baltistan the Supreme Appellate Court shall be heard by a Bench consisting of not less than two judges to be constituted or reconstituted by the Chief Judge;

(b) if the Judges hearing a petition or an appeal are divided in opinion, the opinion of majority shall prevail;

(c) if there is no such majority as aforesaid the petition or appeal, as the case may be, shall be placed for hearing and disposal before another Judge to be nominated by the Chief Judge:

Provided that in case of difference of opinion as aforesaid, the decision of the Supreme Appellate Court shall be expressed in term of opinion of the senior of the two Judges.

(15) The person holding office as Chief Judge of the Gilgit-Baltistan Supreme Appellate Court of Gilgit-Baltistan immediately before the commencement of this Order shall as from such commencement hold office as Chief Judge of Supreme Appellate Court under this Order on terms and conditions prescribed in this Order provided these are not inferior to the terms and conditions applicable to him immediately before such commencement.

(16) All legal proceedings pending in the Gilgit-Baltistan Supreme Appellate Court, immediately before the commencement of this Order, shall on such commencement, stand transferred to, and be deemed to be pending before the Supreme Appellate Court for determination and any judgment or order of the Supreme Appellate Court delivered or made before such commencement shall have the same force and effect as if it had been delivered or made by the Supreme Appellate Court.

61. Original Jurisdiction.-

(1) Without prejudice to the provisions of Article 71, the Supreme Appellate Court, on an application of any aggrieved party, shall if it considers that a question of general public importance with reference to the enforcement of any of the fundamental right conferred by Part II of this Order is involved, have the power to make declaratory order of the nature mentioned in the said Article.

(2) An application made under clause (1) shall be heard by a Bench comprising not less than two Judges to be constituted by the Chief Judge.

62. Issue and execution of processes of Supreme Appellate Court.-

(1) The Supreme Appellate Court shall have powers to issue such directions, orders or decrees as may be necessary for doing complete justice in any case or matter pending before it including an order for the purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction, order or decree shall be enforceable throughout Gilgit-Baltistan as if it has been issued by the Gilgit-Baltistan Chief Court.

(3) All executive and judicial authorities throughout Gilgit-Baltistan shall act in aid of the Supreme Appellate Court.

(4) Subject to this Order and Law, the Supreme Appellate Court may, in consultation with the Council, make rules regulating the practice and procedure of the Court:

Provided that till the new rules are framed, the rules framed by the Supreme Appellate Court shall, so far as they are not inconsistent with this Order and any other law, deemed to have been made by the Supreme Appellate Court until altered or amended and references to the Supreme Appellate Court in these rules shall be construed to be referred to the Supreme Appellate Court.

63. Decisions of Supreme Appellate Court binding on other Courts.-

Any decision of the Supreme Appellate Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in the Gilgit-Baltistan.

64. Seat of the Supreme Appellate Court.-

(1) The Seat of the Supreme Appellate Court shall be at Gilgit.

(2) The Supreme Appellate Court may sit at such other place or places as the Chief Judge of Gilgit-Baltistan, with the approval of the Governor, may appoint.

65. Review of judgment or order by the Supreme Appellate Court.-

The Supreme Appellate Court shall have powers, subject to the provisions of an Act of the Assembly or the Council and of any rules made by the Supreme Appellate Court, to review any judgment pronounced or any order made by it.

66. Supreme Judicial Council.-

(1) There shall be a Supreme Judicial Council of Gilgit-Baltistan.

(2) The Supreme Judicial Council shall consist of,-

(a) the Chief Judge of Gilgit-Baltistan who shall be its Chairman.

(b) the Senior Judge of the Supreme Appellate Court; and

(c) the Chief Judge of the Chief Court.

(3) A Judge of the Supreme Appellate Court or of the Chief Court shall not be removed from office except as provided by this Article.

Explanation: The expression "Judge" includes the Chief Judge of Gilgit-Baltistan and the Chief Judge of Chief Court of Gilgit-Baltistan.

(4) If on information received from the Supreme Judicial Council or from any other source, the Chairman of the Gilgit-Baltistan Council or the Governor is of the opinion that a Judge of the Supreme Appellate Court or of the Chief Court,-

(a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity; or

(b) may have been guilty of misconduct, the Chairman or the Governor, as the case may be, shall direct the Supreme Judicial Council to inquire into the matter.

(5) If, upon any matter inquired into by the Supreme Judicial Council, there is a difference of opinion amongst its members, the opinion of the majority shall prevail, and the report of the Supreme Judicial Council shall be expressed in terms of the view of the majority.

(6) If, after inquiring into the matter, the Supreme Judicial Council reports to the Chairman of the Gilgit-Baltistan Council that it is of the opinion.

(a) that the Judge is incapable of performing the duties of his office or has been guilty of misconduct; and

(b) that he should be removed from office, the Chairman shall advise the Governor to remove the Judge from his office and the Governor shall pass orders accordingly.

(7) The Supreme Judicial Council shall issue a Code of conduct to be observed by Judges of the Gilgit-Baltistan Supreme Appellate Court, and of the Gilgit-Baltistan Chief Court.

(8) If at any time the Supreme Judicial Council is inquiring the conduct of a Judge who is a member of the Supreme Judicial Council, or a member of the Supreme Judicial Council is absent or is unable to act due to illness or any other cause, than;

(a) If such member is the Chief Judge or the Judge of the Supreme Appellate Court the Judge of the Supreme Appellate Court who is next in seniority;

(b) If such member is the Chief Judge of Gilgit-Baltistan Court, the most senior most of the other Judges of the Chief Court, shall, act as a member of the Supreme Judicial Council in his place.

(9) If, upon any matter inquired into by the Supreme Judicial Council, there is a difference of opinion amongst its member, the opinion of the Supreme Judicial Council shall be expressed in terms of the view of the majority.

67. Power of Supreme Judicial Council to enforce attendance of persons, etc.-

(1) for the purpose of inquiring into any matter, the Supreme Judicial Council shall have the same powers as has the Supreme Appellate Court, to issue directions or order for securing the attendance of any person or the discovery or the production of any document and any such direction or order shall be

enforceable as if it has been issued by the Supreme Appellate Court.

(2) The provisions of Article 60, shall, mutatis mutandis apply to the Supreme Judicial Council as they apply to the Gilgit-Baltistan Supreme Appellate Court and the Gilgit-Baltistan Chief Court.

68. Bar of Jurisdiction.-

The proceedings before the Supreme Judicial Council, and the removal of a Judge under Article 66, shall not be called in question in any Court.

69. Gilgit-Baltistan Chief Court.-

(1) There shall be a Gilgit-Baltistan Chief Court, hereinafter called the Chief Court, which shall consist of a Chief Judge and four other judges of whom 60% will be appointed from lawyers community and 40% from subordinate judiciary:

Provided that the Government of Pakistan may from time to time increase the number of judges.

(2) The function of the Chief Court may be performed by a Single Bench, a Division Bench or a Full Bench:, but the Chief Judge may recall a case pending before a Bench and make it over to another Bench or constitute a larger Bench for the purpose.

(3) In case of difference of opinion in a Full Bench, the opinion of the majority shall prevail;

(4) In case of difference of opinion in a Division Bench, the matter shall be referred to a third judge and the decision of the Chief Court shall be expressed in terms of judgment of the majority.

(5) The person holding office as Chief Judge or other Judge of the Chief Court Immediately before the commencement of this Order shall be deemed to be the Chief Judge or other Judge as the case may be appointed under this Order.

(6) The Chief Judge and Judges of the Chief Court shall be appointed by the Chairman of the Council on the advice of the Governor.

(7) A person shall not be appointed as a Judge of the Chief Court unless-

(a) he has for a period, or for periods aggregating, not less than ten years, been an Advocate of the Chief Court or a High Court in Pakistan.

Provided that the expression "High Court" herein shall include a High Court or an equivalent Court that existed at any time before the 1st day of August, 2009; or

(b) he has for a period of not less than ten years held a judicial office out of which not less than three years shall have been as District and Sessions Judge.

(8) Before he enters upon his office, the Chief Judge of the Chief Court shall make before the Governor, and judge of the Chief Court shall make before the Chief Judge, an oath in the form set out in the First Schedule.

(9) The Chief Judge or a Judge of the Chief Court shall hold office until he attains the age of sixty two years, unless he sooner resigns or is removed from office in accordance with law:

Provided that the Chairman of the Gilgit-Baltistan Council may appoint a retired Judge of any High Court of Pakistan to be the Chief Judge or a Judge of the Chief Court for a period not exceeding three years and such person shall hold office till he attains the age of sixty-five years.

(10) If at any time any Judge of the Chief Court is absent or is unable to perform his functions due to illness or some other cause, the Chairman of the Gilgit-Baltistan Council may appoint a person qualified for appointment as a Judge of the Chief Court to be an Additional Judge for the period for which the Judge is absent or unable to perform his functions.

(11) A Judge of the Chief Court shall not,-

(a) hold any other office of profit in the service of the Gilgit-Baltistan if his remuneration is thereby increased; or

(b) occupy any other position carrying the right to remuneration for the rendering of services, but this clause shall not be construed as preventing a Judge from holding or managing private property.

(12) A person who has held office as Judge of the Chief Court shall not hold any office of profit in the service of Gilgit-Baltistan not being a Judicial or quasi-Judicial office or the office of Chief Election Commissioner or of Chairman or member of the Public Service Commission, before the expiration of two

years after he ceased to hold that office.

(13) The remuneration and other terms and conditions of service of the Chief Judge and Judges of Chief Court shall be such as admissible the Chief Justice and the Judges of the High Courts of Pakistan.

70. Acting Chief Judge.-

At any time when-

(a) the Office of Chief Judge of Chief Court is vacant;

(b) the Chief Judge of Chief Court is absent or is unable to perform the functions of his office due to any other cause, the Governor shall appoint the most senior Judge of the Chief Court to act as Chief Judge.

71. Jurisdiction of Chief Court.-

(1) The Chief Court shall have such jurisdiction as is conferred on it by this Order or by any other law.

(2) Subject to this Order, the Chief Court may if it is satisfied that no other adequate remedy is provided by law,-

(a) the Government, exercising any power or performing any function in, or in relation to, Gilgit-Baltistan as may be appropriate for the enforcement of any of the fundamental rights conferred by this Order. on the application of any aggrieved party, make an order,--

(i) directing a person performing functions in connection with the affairs of Gilgit-Baltistan or local authority to refrain from doing that which he is not permitted by law to do, or to do that which he is required by law to do; or

(ii) declaring that any act done or proceeding taken by a person performing functions in connection with the affairs of the Gilgit-Baltistan or a local authority has been done or taken without lawful authority, and is of no legal effect; or

(b) on the application of any person, make an order.-

(i) directing that a person in custody in Gilgit-Baltistan be brought before the Chief Court so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or

(ii) requiring a person holding or purporting to hold a public office in connection with the affairs of Gilgit-Baltistan to show under what authority of law he claims to hold that office; or

(c) on the application of any aggrieved person, make an order giving such directions to the person or authority, including the Council.

(3) An order shall not be made under clause (2) on application made by or in relation to a person in the Armed Forces of Pakistan in respect of his terms and conditions of service, in respect of any matter arising out of his service or in respect of any action in relation to him as a member of the Armed Forces of Pakistan.

(4) Where,-

(a) an application is made to the Chief Court for an order under sub-clause (a) or sub-clause (c) of clause (2); and (b) the Court has reason to believe that the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or otherwise being harmful to the public interest, the Court shall not make an interim order unless the Advocate-General has been given notice of the application and the Court, after the Advocate-General or any officer authorized by him in this behalf has been given an opportunity of being heard, is satisfied that the making of the interim order would not have the effect referred to in sub-clause (b) of this clause.

(5) In this Article unless the context otherwise requires, the expression "person" includes any body politic or corporate, any authority of or under control of the Council or the Government and any court or tribunal other than the Gilgit-Baltistan Supreme Appellate Court, the Chief court or a Court or tribunal establish under a law relating to the Armed Forces of Pakistan.

72. Rules of procedure.-

Subject to this Order and law the Chief Court may in consultation with the Government, make rules regulating practice and procedure of the Court or of any Court subordinate to it.

73. Decision of Chief Court binding on subordinate Courts.-

Subject to Article 47, any decision of Chief Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all Courts subordinate to it.

74. Seat of the Chief Court.-

(1) The permanent seat of the Chief Court shall be at Gilgit.

(2) The Chief Court may, from time to time, sit at such other place as the Chief Judge of the Chief Court, with the approval of the Governor, may appoint.

75. Contempt of Court.-

(1) In this Article the expression "Court" means the Gilgit-Baltistan Supreme Appellate Court or the Chief Court.

(2) A Court shall have power to punish any person who-

(a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court;

(b) scandalizes the Court or otherwise does anything which tends to bring the Court or a judge of the Court into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Court; or

(d) does any other thing which, by law, constitutes contempt of the Court.

(3) The exercise of the power conferred on a Court by this Article may be regulated by law and, subject to law, by rules made by the Court.

76. The Chief Court to superintend and control all courts subordinate to it, etc.-

(1) The Chief Court shall superintend and control all other courts that are subordinate to it.

(2) A Court so established shall have such jurisdiction as conferred on it by law.

(3) No Court shall have any jurisdiction which is not conferred on it by this Order or by or under any other law.

77. Advisory jurisdiction.-

(1) If, at any time, the Chairman of the Council or the Governor desires to obtain the opinion of the Gilgit-Baltistan Supreme Appellate Court on any question of law which he considers of public importance, he may refer the question to the Supreme Appellate Court of Gilgit-Baltistan for consideration.

(2) The Gilgit-Baltistan Supreme Appellate Court shall consider a question so referred and report its opinion on the question to the Chairman of the Council or as the case may be, the Governor.

78. Administrative Courts and Tribunals.-

(1) Notwithstanding any thing herein before contained, the Council in respect of matters to which its executive authority extends, and the Assembly in respect of matters to which the executive authority of the Government extends may by Act provide for the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of,-

(a) matters relating to the terms and conditions of persons who are or have been in the service of Gilgit-Baltistan including disciplinary matters;

(b) matters relating to claims arising from tortuous acts of the Council or the Government or any person in the service of Gilgit-Baltistan or of any local or other authority empowered by law to levy any tax or cess and any servant or such authority acting in the discharge of his duties as such servant; or

(c) matters relating to acquisition, administration and disposal of any property which is deemed to be enemy property under any law.

(2) Notwithstanding anything herein before contained, where any Administrative Court or Tribunal is established under clause (1), no other Court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other court

immediately before the establishment of the Administrative Court or Tribunal shall abate on such establishment.

(3) An appeal to the Gilgit-Baltistan Supreme Appellate Court from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Appellate Court of Gilgit-Baltistan being satisfied, that the case involves a substantial question of law of public importance, grants leave to appeal.

79. Employees of Court.-

The Gilgit-Baltistan Supreme Appellate Court and the Gilgit-Baltistan Chief Court, with the approval of the Governor, may make rules providing for the appointment of employees of the Court and for their terms and conditions of employment.

PART. XII - SERVICES

80. Public Service Commission.-

There shall be a Public Service Commission for Gilgit-Baltistan which shall consist of such number of members, including a Chairman to be appointed by the Chairman of the Council on the advice of Governor, and perform such functions as may be prescribed on such terms and conditions as may be determined by the Governor.

81. Services.-

(1) Subject to this Order, the appointment of persons to, and the terms and conditions of service of persons in the service of Gilgit-Baltistan may be regulated by law.

(2) Until an Act of the Council in respect of persons in the service of Gilgit-Baltistan employed in connection with the affairs of the Council, or an Act of the Assembly in respect of such persons employed in connection with the affairs of the Government, makes provision for the matters referred to in clause (1), all rules and orders in force immediately before the commencement of this Order, shall continue to be in force and may be amended from time to time by the Council or, as the case may be, the Government.

(3) Notwithstanding anything contained in clause (1) or (2) the position or vacancy sharing formula between the Government of Gilgit-Baltistan and the Government of Pakistan, i.e. Gilgit-Baltistan Civil Service and All Pakistan Unified Grades or District Management Group, shall be as specified in the Fifth Schedule.

82. Chief Election Commissioner.-

There shall be a Chief Election Commissioner to be appointed by the Chairman of the Council on the advice of Governor on such terms and conditions as may be prescribed.

83. Auditor-General.-

(1) There shall be an Auditor General of Gilgit-Baltistan who shall be appointed by the Governor on the advice of the Council.

(2) Before entering upon office, the Auditor General shall make before the Chief Judge of Gilgit-Baltistan oath in the form set out in the Schedule

(3) The terms and conditions of service, including the terms of office, of the Auditor-General shall be determined by Act of the Council and, until so determined, by rules made by the Council.

(4) The Auditor-General shall, in relation to-

(a) the accounts of the Council and any authority or body established by the Council; and

(b) the accounts of the Government and any authority or body established by the Government, perform such functions and exercise such powers as may be determined, by or under Act of the Council and, until so determined, by rules made by the Council.

(5) The accounts of the Council and of the Government shall be kept in such form and in accordance with such principles and methods as may be determined by the Auditor-General with the approval of the Council.

(6) The reports of the Auditor-General relating to the accounts of the Council shall be submitted to the Chairman of the Council; who shall cause them to be laid before the Council; and the reports of the Auditor-General relating to the accounts of the Government shall be submitted to the Governor who shall cause them to be laid before the Assembly.

PART. XIII - GENERAL

84. Continuance of existing laws.-

Subject to the provisions of this Order, all laws which immediately before the commencement of this Order, were in force in Gilgit-Baltistan shall continue to be in force until altered, repealed or amended by an Act, of the appropriate authority.

Explanation.-

In this Article.-

(a) The expression 'laws includes Ordinance, Orders, rules, bye-laws, regulations and any notification and other legal instruments having the force of law, and

(b) The expression 'in force' in relation to any law, means having effect as law whether or not the law has been brought into operation.

85. General provision regarding Governor and Ministers.-

(1) The Governor, the Chief Minister, a Minister or an Advisor shall not.-

(a) hold any other office of profit in the service of Gilgit-Baltistan or any other country; or

(b) occupy any other position carrying the right to remuneration for the rendering of services; but this action shall not be construed as preventing the Governor, the Chief Minister, a Minister or an Advisor from holding or managing his private property.

(2) No criminal proceedings whatsoever shall be instituted or continued against the Governor or the Chairman of the Council while he is in office.

(3) No civil proceedings in which relief is claimed against the Governor or the Chairman of the Council shall be instituted while he is in office in respect of anything done or not done, or purporting to have been done or not done, by him in his personal capacity, whether before or after he enters upon his office unless at least sixty days before the proceedings are instituted, notice in writing has been delivered to him, or sent to him, stating the nature of the proceedings, the cause of the action, the name, description and place of residence of the party by whom the proceedings are to be instituted and the relief which he claims.

(4) Except in relation to proceedings referred to in clause (3) no process whatsoever shall be issued from any court or tribunal against the Governor or the Chairman of the Council, whether in a personal capacity or otherwise, while he is in office.

(5) Subject to this Order, the Governor, the Chief Minister, the Chairman of the Council, the Federal Minister who is a member of the Council, a Minister or an Advisor shall not except in respect of anything done or not done by him in contravention of law, be answerable to any court or Tribunal in the exercise of the powers, or the performance of the duties, of his office or for any act done or purporting to be done by him in the exercise of those powers or in the performance of those duties:

Provided that nothing in this clause shall be construed as restricting the right of any person to bring appropriate proceedings against the Council or as the case may be, the Government.

86. Power to acquire property and to make contracts, etc.-

(1) The executive authority of the Government and of the Council shall extend, subject to any Act of the appropriate authority to the grant, sale, disposition or mortgage of any property vested in, and to the purchase or acquisition of property on behalf of, the Government or as the case may be, the Council, and to the making of contracts.

(2) All property acquired for the purpose of the Government or of the Council shall vest in the Government or, as the case may be, in the Council.

(3) All contracts made in the exercise of the executive authority of the Government or of the Council shall be expressed to be made in the name of the Governor, or as the case may be, the Council and all such

contracts and all assurances of property made in the exercise of that authority shall be executed on behalf of the Governor or the Council by such persons and in such manner as the Governor, or as the case may be, the Council may direct or authorize.

(4) Neither the Governor, nor the Chairman of the Council, shall be personally liable in respect of any contract or assurance made or executed in the exercise of the executive authority of the Government or, as the case may be the Council, nor shall any person making or executing any such contract or assurance on behalf of any of them be personally liable in respect thereof.

(5) Transfer of land by the Government or the Council shall be regulated by law.

PART. XIV - EMERGENCY PROVISIONS

87. Power to issue proclamation.-

(1) If the Chairman of the Gilgit-Baltistan Council, on receipt of a report from Governor of Gilgit-Baltistan or otherwise, is satisfied that a grave emergency exists in which the security of Gilgit-Baltistan is threatened by war or external aggression or by internal disturbances, in which the Government of the Gilgit-Baltistan cannot be carried on in accordance with the provisions of this Order, Chairman of the Council shall issue Proclamation of Emergency, hereinafter referred to as the Proclamation.

(2) Assume to himself, or direct the Governor of the Gilgit-Baltistan to assume on behalf of the Chairman of the Council, all or any of the functions of the Government of the Gilgit-Baltistan, and all or any of the powers vested in, or exercisable by, any body or authority in the Gilgit-Baltistan, other than the Assembly;

(3) A Proclamation shall be laid before a Joint Sitting of the Council and the Assembly which shall be summoned by the Chairman of the Council on the advice of Governor to meet within thirty days of the Proclamation being issued and-

(a) shall, cease to be in force at the expiration of two months unless before the expiration of that period it has been approved by a resolution of the Joint Sitting; and

(b) shall, subject to the provisions of sub-clause (a), cease to be in force upon a resolution disapproving the resolution being passed by the votes of the majority of the total membership of the Joint Sitting.

(4) Notwithstanding anything contained in clause (2), if the Assembly stands dissolved at the time when the Proclamation is issued, the Proclamation shall continue in force for a period of four months but, if a general election to the Assembly is not held before the expiration of that period, it shall cease to be in force at the expiration of that period unless it has earlier been approved by a resolution of the Council.

(5) A Proclamation may be made before the actual occurrence of war or external aggression if the Governor is satisfied that there is imminent danger thereof.

88. Power to suspend fundamental rights.-

(1) While a Proclamation is in operation, the Governor may, by order, declare that right to move any Court for the enforcement of such of the rights conferred by Chapter as may be specified in the order, and all proceedings pending in any Court for the enforcement of the rights so specified, shall remain suspended for the period during which the Proclamation is in force.

(2) Every order made under clause (1), shall, as soon as may be, laid before the Assembly.

89. Power to vary or rescind proclamation.-

(1) A Proclamation issued under Article 87 may be varied or revoked by a subsequent Proclamation.

(2) The validity of any Proclamation issued or order made under Article 87 or Article 88 shall not be questioned in any Court.

90. Failure to comply with requirement as to time does not render an act invalid.-

When any act or thing is required by this Order to be done within a particular period and it is not done within that period, the doing of the act or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period.

PART. XV - MISCELLANEOUS

91. Oath of office.-

(1) An oath required to be made by person under this Order shall be made in a language that is understood by that person.

(2) Where, under this Order, an oath is required to be made before a specified person and for any reason, it is impracticable for the oath to be made before that person, it may be made before such other person as may be nominated by that person.

(3) Where, under this Order, a person is required to make an oath before he enters upon an office, he shall be deemed to have entered upon the office on the day on which he makes the oath.

92. Order not to prejudice stance.-

The provision of this Order shall not derogate from, or in any manner prejudice, the declared stand of the Government of Pakistan regarding the right of self-determination for the people of Jammu and Kashmir in accordance with the United Nations Resolutions.

93. Power to amend.-

The Government of Pakistan may, by notified Order, amend the provisions of this Order.

94. Power to make rules.-

The Governor or as the case may be, the Chairman of the Council, may make rules for carrying out the purposes of this Order.

95. Order to override other laws, etc.-

(1) The provision of this Order shall have effect notwithstanding anything contained in the provisions of any law for the time being in force except that in case of conflict between the laws of Pakistan and the laws framed under this Order, the laws of Pakistan shall prevail.

(2) No Court, including the Gilgit-Baltistan Supreme Appellate Court and the Gilgit-Baltistan Chief Court, shall call into question or permit to be called into question, the validity of this Order or an Act to amend it.

96. Repeal and saving.-

(1) The Northern Areas Governance Order, 1994 hereinafter referred to as the said Order, together with the Orders amending it, and the rules made there-under are hereby repealed.

(2) On the commencement of this Order-

(a) the Legislative Assembly in existence shall stand dissolved and General Election shall be held within one hundred and twenty days of such commencement; and

(b) in all documents, proceedings and references, a reference to the expression "Northern Areas" shall mean and be construed as reference to "Gilgit-Baltistan."

97. Effect of repeal.-

Where a law is repealed, or is deemed to have been repealed, by, under, or by virtue of this Order, the repeal shall not, except as otherwise provided in this Order;-

(a) revive anything not in force or existing at the time at which the repeal takes effect;

(b) affect the previous operation of the law or anything duly done or suffered under the law;

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law;

(d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against the law; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law had not been repealed.

FIRST SCHEDULE

(Includes oath of office of governor, chief minister, minister, member, speaker, deputy speaker and member of legislative assembly, member of Gilgit-Baltistan council, chief judge/judge of Gilgit-Baltistan Supreme Appellate Court, oath of chief judge/judge of Gilgit-Baltistan chief court, oath of advisor/auditor general/chief election commissioner)

SECOND SCHEDULE

[See Article 37(2)(d)]

1. An office, which is not a whole time office remunerated either by salary or by fee.
2. The office of Lamberdar, Inamdar, Sufedposh and Zaildar, whether called by this or any other title.
3. The office of the Chairman of any elective body constituted under any law relating to the Local Government.
4. Reserve of the Armed Forces.
5. Any other office which is declared by an Act of the Assembly not to disqualify its holder from being elected as, or from being a member of the Assembly.

THIRD SCHEDULE

COUNCIL LEGISLATIVE LIST

[See Article 47(2)(a)]

1. Post and telegraphs, including telephones, wireless, broad-casting and other like forms of communications; Post Office Saving Bank.
3. Public debt of the Council, including the borrowing of money on the security of the Council Consolidated Fund.
4. Council public services and Council Public Service Commission.
5. Council pensions, that is to say, pensions payable by the Council or out of the Council Consolidated Fund.
6. Administrative courts for Council subjects.
7. Council agencies and institutions for the following purpose, that is to say, for research, for professional or technical training, or for the promotion of special studies.
8. Nuclear energy, including.-
 - (a) mineral resources necessary for the generation of nuclear energy;
 - (b) the production of nuclear fuels and the generation and use of nuclear energy; and
 - (c) ionizing radiations.
9. Aircraft and air navigation; the provision of aerodromes; regulations and organization of air traffic and of aerodrome.
10. Beacons and other provisions for safety of aircraft.
11. Carriage of passengers and goods by air.
12. Copyright, inventions, designs, trade marks and merchandise marks.
13. Opium so far as regards sale for export.
14. Banking, that is to say, the co-ordination with the Government of Pakistan of the conduct of banking business.
15. The law for insurance and the regulation of the conduct of insurance business.
16. Stock-exchange and future markets with object and business not confined to the areas comprising Gilgit-Baltistan.
17. Corporations, that is to say, the incorporation regulation and winding up of trading corporations including banking, insurance and financial corporations, but not including corporations owned or controlled by the Provincial Government of Gilgit-Baltistan and carrying on business, co-operative societies, and of corporations, whether trading or not, with object not confined to the Gilgit-Baltistan, but not including universities.
18. Planning for economic coordination, including planning and coordination of scientific and technological research.
19. Highways, continuing beyond the territory of the Gilgit-Baltistan excluding roads declared by the

Government of Pakistan to be strategic importance.

20. Council surveys including geological surveys and Council meteorological organizations.

21. Works, lands and buildings vested in, or in the possession of the Council, for the purpose of the Council (not being Military, Naval or Air Force works), but as regards property situated in the Gilgit-Baltistan, subject always to law made by the Legislative Assembly, save in so far as law made by the Council otherwise provides.

22. Census.

23. Establishment of standards of weights and measures.

24. Extension of the powers and jurisdiction of members of a police force belonging to the Gilgit-Baltistan or any Province of Pakistan to any area in such Province or the Gilgit-Baltistan, but not so as to enable the police of the Gilgit-Baltistan or such province to exercise powers and jurisdiction in such Province or the Gilgit-Baltistan without the consent of the Government of that Province or the Gilgit-Baltistan; extension of the powers and jurisdiction of members of a police force belonging the Gilgit-Baltistan or a Province of Pakistan to railway areas outside the Gilgit-Baltistan or that Province.

25. Election to the Council.

26. The salaries, allowances and privileges of the members of the Council and Advisors.

27. Railways.

28. Mineral oil natural gas; liquids substances declared by law made by the Council to be dangerously inflammable.

29. Development of industries, where development under Council control is declared by law made by Council to be expedient in the public interest.

30. Removal of prisoners and accused persons from the Gilgit-Baltistan to Pakistan or from Pakistan to the Gilgit-Baltistan.

31. Measures to combat certain offences committed in connection with matters concerning the Council and the Government and the establishment of police force for that purpose or the extension to the Gilgit-Baltistan of the jurisdiction of police force established in Pakistan for the investigation of offences committed in connection, with matters concerning the Government of Pakistan.

32. Prevention of the extension from the Gilgit-Baltistan to Pakistan or from Pakistan to the Gilgit-Baltistan of infections or contagious diseases or pests affecting men, animals or plants.

33. Boilers.

34. Electricity and bulk water storage.

35. Newspapers, books and printing presses.

36. Works, lands and buildings vested, or in the possession of Government for the purpose of Gilgit-Baltistan Council (not being air force, military or navel works) save in so far as the Council Act otherwise provides.

37. Curriculum, syllabus, planning, policy, centers of excellence and standards of education.

38. Sanctioning of cinematography films for exhibition.

39. Tourism.

40. Forest.

41. Minerals and Mineral Wealth.

42. Duties of customs, including export duties.

43. Duties of excise, including duties on salt but not including duties on alcoholic liquors, opium and other narcotics.

44. Taxes on income other than agricultural income.

45. Taxes on corporations.

46. Taxes on the sale and purchases of goods and services imported, exported, produced, manufactured or consumed.

47. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.

48. Taxes and duties on the production capacity of any plant, machinery, under taking, establishment or installation in lieu of the taxes and duties specified in entries 42 and 43 or in lieu of either or both of them.

49. Terminal taxes on goods or passengers carried by railway or air, taxes on their fares and freights.

50. Fees in respect of any of the matters enumerated in this list, but not including fees taken in any court.

51. Jurisdiction and powers of all courts with respect to any of the matters enumerated in this list.
52. Offences against laws with respect to any of the matters enumerated in this list.
53. Inquiries and statistics for the purpose of any of the matters enumerated in this list.
54. Matters which under the Act are within the legislative competence of the Council or relates to the Council.
55. Matter incidental or ancillary to any of the matters enumerated in this list.

FOURTH SCHEDULE ASSEMBLY LEGISLATIVE LIST

[See Article 47(2)(b)]

1. Public order (but not including the use of Naval, Military, Air Force, or any other armed forces of the Federation in aid of the civil power).
2. Preventive detention for reasons in connection with the maintenance of public order; persons subjected to such detention.
3. Prisons, reformatories, borstal institution and other institutions of a like nature and persons detained therein, arrangements with other provinces for the use of prisons and other institutions.
4. Land, that is to say, rights in or over land; land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; land improvement and agricultural loans; colonization.
5. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purpose and records of rights and alienation of revenues.
6. Works, lands and buildings vested in or in the possession of the Gilgit-Baltistan Administration.
7. Compulsory acquisition or requisitioning of property.
8. Agriculture, including agricultural education and research protection against pests and prevention of plant diseases.
9. Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district councils settlement authorities and other local authorities for the purpose of local self-government or village administration.
10. Preservation, protection and improvement of stock, and prevention of animal diseases; veterinary training and practice.
11. Pounds and the prevention of cattle trespass.
12. Drinking water supplies, irrigation and canals, drainage and embankments; flood control.
13. Libraries, museums and ancient and historical monuments.
14. Botanical, zoological and anthropological surveys.
15. Theaters; cinemas; sports; entertainments and amusements.
16. Public health and sanitation; hospitals and dispensaries.
17. Registration of births and deaths.
18. Burials and burial grounds; cremations and cremation grounds.
19. Relief of the disabled and un-employed.
20. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors and other narcotic drugs.
21. Markets and fairs.
22. Money lending and moneylenders; relief of indebtedness.
23. Protection of wild animals and birds.
24. Prevention of cruelty to animals.
25. Adulteration of food-stuff and other goods.
26. Betting and gambling.
27. Fisheries.
28. Professions.
29. Inns and in-keepers.
30. Orphanages and poor houses.
31. Taxes on agricultural income and on the value of agricultural land.

32. Lunacy and mental deficiency including places for reception of treatment of lunatics and mental deficient.
33. Duties in respect of succession to agricultural land.
34. Estate Duty in respect of agricultural land.
35. Taxes on lands and buildings.
36. Taxes on advertisement.
37. Taxes on goods and passengers carried by road or on inland waterways.
38. Taxes on vehicles, whether mechanically propelled or not, suitable for use on a road; on boats, launches and steamers on inland water; on tram cars.
39. Taxes on animals and boats.
40. Tolls.
41. Capitation taxes.
42. Taxes on luxuries, including entertainments and amusements.
43. Taxes on profession, trades, callings and employment.
44. Relief of poor; un-employment.
45. Offences against laws with respect of any of the matters in this list.
46. Inquiries and statistics for the purpose of any of the matters in this list.
47. Cesses on the entry of goods into a local area for consumption, use or sale therein.
48. The salaries, allowances and privileges of the Speaker, Deputy Speaker, Chief Minister, Ministers and Members of the Assembly.
49. Dues on passengers and goods carried on roads or inland water-ways.

Annex-XI
Regulation of Masajid Act, 2012

REGISTERED No. $\frac{M - 302}{L - 7646}$



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, OCTOBER 15, 2012

PART I

Acts, Ordinances, President's Orders and Regulations

GILGIT-BALTISTAN LEGISLATIVE ASSEMBLY SECRETARIAT

Gilgit, the 3rd September, 2012

REGULATION OF MASAJID ACT, 2012

(Act. No. VI OF 2012)

Preamble.—Whereas it is expedient in the larger public interest and for the supreme cause of peace and communal harmony in Gilgit-Baltistan and to streamline functioning of mosque and maintain its sanctity and matters connected therewith and incidental thereto.

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**—

- (a) This Act shall be called Gilgit-Baltistan Regulation of Masajid Act, No. VI of 2012.
- (b) It shall extend to whole of Gilgit-Baltistan
- (c) It shall come into force at once.

(1261)

[3081(2012)/Ex. Gaz.]

Price : Rs.3.00

2. **Definitions.—**

- (a) "Khateeb" shall be a person who agrees to the provisions of this Act and duly nominated by respective Masjid Board.
- (b) "Jama Masjid" means Central Mosques of all sects of each city duly notified by the Government.
- (c) "Government" means Government of Gilgit-Baltistan
- (d) "Naib Khateeb" shall be a person duly nominated by respective Masjid Board.
- (e) "Masjid Board" means a board consisting of ten (10) members duly nominated by respective communities, approved and notified by the Government.
- (f) "Government Servant" means a person who is duly appointed in the service of Government of Gilgit-Baltistan and shall also include employees of autonomous, semi-autonomous bodies and corporations.

3. Khateeb of Ahle Tashce and Ahle Sunnat and their Naib Khateeb as the case may be, shall bound themselves, that they shall not injure the feelings of any Muslim brethren from the Member-e-Rasool, and also make it sure through their words acts that they shall restrain themselves absolutely from uttering any thing against Khulfaai Rashideen (Hazrat Abubakar Siddiq, Hazrat Umer Farooq, Hazrat Usman Ghani, Hazrat Ali Asadullah), Azwaj-e-Mutahirat, Aamma-e-Athaar, (Hazrat Ali, Hazrat Hassan, Hazrat Hussain, Hazrat Zainul Abideen, Hazrat Baqir, Hazrat Jafar-e-Sadiq, Hazrat Musa Kazim, Hazrat Ali Raza, Hazrat Muhammad Taqi, Hazrat Hassan Askari, Hazrat Mehdi Akhir-uz-Zaman), Ahel-e-Bait, Umahat-e-Momineen and Sahaba-e-Kiram. They shall also declare such acts un-Islamic and against the Shariah and declare that both Shia and Sunni sects have joint faith in the Holy Quran as Ghair Muharruf, and declare, believer of Tehreef-e-Quran as Kharij az Islam.

4. Khateeb Jama Masjid Ahl-e-Sunnat shall be bound to propagate that Fiqa-e-Jaffaria is a Sect of Islam, provided they have faith in fundamentals of Islam, (Zaroriyat-e-din), any act of violence against life and property of any Shia Muslim, on the basis of sect, shall be un-Islamic and against Shariah.

5. Khateeb Jama Masjid Ahl-e-Tashce shall be bound to propagate that Ahl-e-Sunnat is a Sect of Islam provided they have faith in fundamentals of

Islam, (Zaroriyat-e-din), any act of violence against life and property of any Suni Muslim on the basis of sect shall be un-Islamic and against the Shariah.

6. (a) Respective Khateebhs of Ahl-e-Sunnat and Ahl-e-Tashee shall refrain from demanding distribution of administrative and other government posts on the basis of Sect. Moreover, they shall refrain from interfering into administrative and other Government affairs. They shall also declare merit as the sole standard.
- (b) Khateebhs of respective Masajid shall refrain from issuing statement and making announcements against law enforcing agencies including Police, Rangers, G-B Scouts and Pak Army.

7. Respective Khateebhs of Ahl-e-Tashee and Ahl-e-Sunnat and other religious scholars of respective sects shall ensure that in case of any act of violence or terrorism, they shall not protect any culprits, nor they shall run a campaign to collect money for the protection of any of aforesaid acts of violence or the culprit committing such acts of violence or terrorism, rather they shall be bound to declare all of aforesaid acts of violence as un-Islamic and against Shariah.

8. Use of loudspeakers shall be confined only to the extent of Azan. Provided that for the purpose of Khutba and Majalis the voice of loudspeaker shall be kept confined only to the extent of premises of respective Masajid and Imambargahs.

9. Neither Shia, nor Sunni shall declare each other as Kafir nor they both shall declare the sister communities as Kafir and the respective Khateebhs shall run a campaign to create awareness in this regard.

10. Masjids are places of worship. Khateebhs of respective Masajid shall maintain the sanctity of Masajid (Mosques) and other places of worship and should not let these to become centers of active, (electoral) politics and in future they shall not announce and implement any protest, strike, wheel-jam, and dharna etc to achieve their political goals.

11. There shall be a complete ban on dissemination of provocative news through news papers SMS, internet and other social media in Gilgit-Baltistan.

12. Khateebis of respective Masajid shall ensure protection of all citizens of Gilgit-Baltistan (Shia, Sunni, Ismaili, Noor Bakhshi and Ahl-e-Hadith) living as sister communities in their respective majority areas.

13. Khateebis of respective Masajid shall refrain from using Government servants to achieve their sectarian gains and shall not oppose or support them on the basis of Sect.

14. Masajid Boards of Ahl-e-Sunnat and Ahl-e-Tashee shall have a mandatory joint session after every three months, wherein Khateebis of respective Masajid shall also participate.

15. The Masajid Boards shall work as a bridge between the public and the Government, in order to harness peace and harmony among the general public.

16. Any violation of provisions of this Act, except Sections-14 and 15, shall be cognizable offences under Section-8 of AT A 1997 and punishable under Section-9 of AT A 1997.

17. The Government shall frame rules from time to time for carrying out the purposes of this Act.

18. The original text of Zabita duly agreed approved and signed by members of Parliamentary Committee for Peace and respective Masjid Boards and their Khateebis is annexed and shall deem to be an integral part of this Act.

WAZIR BAIG
Speaker

PIR SYED KARAM ALI SHAH
Governor

The strategic value of the region known today as Gilgit-Baltistan has been understood for centuries as the crossroads between east and west. Gilgit, the capital of Gilgit-Baltistan, lies on the ancient Silk Route.

The people of Gilgit-Baltistan have long protested against lack of closer integration of their region with Pakistan. They believe that they have been denied that on account of being bracketed with the Kashmir dispute. The populace has demanded, constantly and vociferously, for inclusion of Gilgit-Baltistan in Pakistan as a constitutionally acknowledged unit of the federation and for them to be given the same political and other rights that the other citizens of Pakistan enjoy. Some have suggested a provisional provincial status until the resolution of the Kashmir dispute. However, status quo is something that everyone that the HRCP fact-finding mission has met disapproves of.

In mid-2009, the government of Pakistan introduced Gilgit-Baltistan Empowerment and Self Governance Order, which was flaunted as bestowing on Gilgit-Baltistan a self-governing status, akin somewhat to the provinces in Pakistan.

Both the 2009 Order and the manner of its implementation have fallen short of expectations of the people calling for a constitutional identity for this region.

