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Constitutional Status of GilgitBaltistan: A Review of Historical, Legal, and Political Trajectories

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Abstract

GilgitBaltistan (GB) has remained a politically ambiguous region within Pakistan's territorial landscape. This review synthesizes scholarly literature, government documents, and historical developments to explore the constitutional void that has governed GB's status since 1947. Major themes discussed include the postcolonial governance model, legal disempowerment, ethnic identity concerns, and strategic economic dynamics. The paper compares governance approaches in GB and Azad Jammu & Kashmir and highlights critical gaps in policy. The review concludes with strategic recommendations aimed at resolving the longstanding constitutional limbo while balancing geopolitical and national integration concerns.

Keywords: GilgitBaltistan, constitutional ambiguity, Kashmir dispute, political integration, governance reforms, CPEC

Introduction

GilgitBaltistan (GB) remains one of the most constitutionally ambiguous



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territories administered by Pakistan. Despite its residents holding Pakistani citizenship and the region being central to infrastructural initiatives like the ChinaPakistan Economic Corridor (CPEC), GB has not been granted full provincial status nor represented in national legislative institutions. The purpose of this review is to critically evaluate the scholarly, historical, and political discourses on GB's legal status and synthesize perspectives on its future integration. The paper draws on decades of scholarship, regional reforms, and legislative proposals to assess why GB remains unrecognized despite functioning under Pakistani administration.

Historical Context of GilgitBaltistan's Status

Gilgit Baltistan (GB) is a disputed territory in which the two main investors, India and Pakistan, have been at odds since 1947. There are currently two conflicting stories about Gilgit Baltistan's legal status in relation to the state of Jammu and Kashmir. Supporters of one narrative regard the entire region as "one unit," because the territory of GB, in their opinion, is an integral part of the state of Jammu and Kashmir. They claim that the area was a part of the state of Kashmir at the time of independence in 1947. The supporters of the other narrative regard Gilgit Baltistan and Jammu & Kashmir as "two separate units" because, in their opinion, the area of Gilgit Baltistan is not part of Kashmir because it is an independent entity with no historical, cultural, or ethnic ties to Kashmir. These contrasting narratives about the GB Kashmir nexus need to be further elaborated and examined in order to comprehend the affiliation with Kashmir. There were widespread political movements in the subcontinent to oppose British colonialism in general and to establish a unified nation. Perhaps there was no visible mass political deployment in GilgitBaltistan due to the remoteness and harshness of the terrain. In contrast, approximately 28000 square miles of territory are liberated as a result of the occasion of independence, which forces the Maharajas of Kashmir to flee, followed by unrestricted succession to the Islamic Republic of Pakistan. For the past six and a half decades, Gilgit and Baltistan's political and legitimate position has remained stagnant. According to its policy, the resolution of Kashmir issues is linked to its future. This province has a unique and special status beneath Pakistan's federation. It was squal to the Karachi agreement in 1949. However, Gilgit and Baltistan was given a regional position in 2009. Apparently in the absence of representation in the Constituent Assemblies and right of vote. However, it verdures a big question mark concerning recognition of citizen, political rights & the fate future of about 1.3 million occupants of Gilgit Baltistan. These all of them lead to identify crisis & sense of the political deprivation

Review Methodology

This paper is based on a qualitative literature review and analysis of secondary sources, including academic journal articles, government policy documents, legislative frameworks, and historical records from 1947 to 2023. The sources were selected based on relevance to GB's constitutional debates, postcolonial governance, and regional integration models. No field data was used. Themes were identified through inductive reading and categorized into governance, identity, resource marginalization, and policy reform.



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Thematic Literature Review

Legal Ambiguity and Constitutional Disenfranchisement

A dominant theme in the literature on GilgitBaltistan (GB) is its legal and constitutional ambiguity within the Pakistani federation. Article 1 of Pakistan's Constitution does not mention GB among the territories constituting the state. Consequently, while the residents of GB are recognized as Pakistani citizens under the Citizenship Act of 1951 and are issued national identity cards and passports, they are not granted representation in the National Assembly or Senate, nor can they appeal to the Supreme Court of Pakistan. This legal void has effectively rendered GB a region under administrative control without constitutional recognition, denying its residents the full spectrum of civil and political rights. Scholars such as Sokefeld (2005) have described this condition as "postcolonial colonialism," emphasizing that GB continues to be governed by structures reminiscent of colonial rule where control is exercised without political inclusion. The absence of constitutional safeguards has also created tension between de jure exclusion and de facto integration, challenging Pakistan's commitment to democratic representation and rule of law.

Colonial Legacies and Governance Structures

The historical evolution of GB's governance reveals a prolonged legacy of colonial administration. Following its accession to Pakistan in 1947, the region was subjected to the Frontier Crimes Regulation (FCR), a draconian colonial era law that vested disproportionate authority in the hands of political agents. These administrators functioned simultaneously as executive, judicial, and revenue officers, reflecting an absence of institutional separation and accountability. Even after the abolition of the FCR in the 1970s by Prime Minister Zulfikar Ali Bhutto, the central control over GB remained largely unchanged. The creation of the Ministry of Kashmir Affairs and Northern Areas (KANA) in the 1950s symbolized a bureaucratic apparatus aimed at maintaining federal dominance rather than promoting local autonomy. Although elected bodies like the Northern Areas Advisory Council (NAAC) and later the GilgitBaltistan Legislative Assembly (GBLA) were formed, their powers remained limited and largely symbolic. The literature suggests that governance in GB has historically been framed through a paternalistic lens, offering administrative convenience to Islamabad while denying genuine self-rule to the region.

Geostrategic Importance and Economic Exclusion

Another recurring theme in the literature is the paradox of GB's immense geostrategic importance and its simultaneous economic marginalization. Strategically located at the intersection of China, India, Afghanistan, and Central Asia, GB is often hailed as Pakistan's gateway to regional connectivity. The launch of the China Pakistan Economic Corridor (CPEC) in particular has amplified GB's geopolitical relevance, as the corridor physically passes through its territory. However, scholarly analyses highlight a glaring omission: GB has been consistently left out of formal CPEC planning documents and Memorandums of Understanding (MoUs), receiving no official development projects or revenue sharing mechanisms under this billion dollar initiative. This exclusion, despite the region's pivotal geographical role, has generated frustration among the local populace and political leadership. The literature



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suggests that GB is treated as a strategic asset but not a development partner, reinforcing a pattern of economic extraction without compensation. This pattern of marginalization undermines both the legitimacy of federal policies and the broader objective of inclusive national development.

Political Identity, Ethnic Pluralism, and Representation

The literature also emphasizes the unique political and ethnic identity of GilgitBaltistan, which complicates its alignment with the broader Kashmir conflict. Unlike Azad Jammu and Kashmir (AJK), GB is home to a diverse ethnoreligious population, including Shias, Sunnis, Ismailis, and Noorbakhshis, many of whom do not identify as ethnic Kashmiris. Historical accounts note that GB's princely states like Hunza and Nagar had autonomous arrangements with the Dogra rulers but were not culturally or linguistically integrated with the Kashmir Valley. Despite this, Pakistan continues to tether GB's status to the unresolved Kashmir dispute, partly to maintain its international legal position. Scholars argue that this misalignment of identity and political strategy has stalled GB's constitutional recognition and deepened a sense of alienation among its residents. Furthermore, the local population's desire for separate recognition distinct from AJK has gained traction, especially in the post CPEC era. The literature reveals a growing rift between the central government's narrative and the grassroots demand for identity based constitutional inclusion.

Reform Packages and Incomplete Integration

Lastly, numerous studies have critiqued Pakistan's historical attempts at integrating GB through a series of reform packages that often fall short of establishing real autonomy or representation. The Legal Framework Order (LFO) of 1994, the 2009 GilgitBaltistan Empowerment and Self Governance Order, and the GB Order 2018 were all framed as milestones in political inclusion. However, these orders were administrative in nature and issued via presidential decree rather than through constitutional amendment, making them legally weak and easily revocable. While they granted symbolic powers to local legislative bodies and renamed the region from "Northern Areas" to "GilgitBaltistan," they did not provide Senate or Assembly representation, nor did they extend the jurisdiction of superior Pakistani courts. Scholars like Ehsan Mehmood Khan (2017) argue that such half measures have not only failed to satisfy the region's political aspirations but have also exposed Islamabad to international criticism for continuing governance without rights. As a result, these reform initiatives are seen as part of a larger pattern of political appeasement rather than genuine structural inclusion.

Pakistan's approach to the constitutional status of Gilgit-Baltistan is riddled with contradictions:

Gilgit-Baltistan has not been granted the status of a province in the Pakistani federation, nor has it been granted a similar semi-autonomous parliamentary setup as AJ&K. However, for all practical purposes, the federation has treated Gilgit-Baltistan as Pakistani territory. While the Pakistani constitution recognizes residents as citizens, their citizenship does not provide full access to Pakistan's legal and political institutions, including the Supreme Court, National Assembly, and Senate. There is uncertainty surrounding their legal identities, as they are no



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longer members of the former princely state, nor are they represented in the Indian Union; their own country, nor are they full citizens of Pakistan. Furthermore, by issuing Pakistani identity cards and passports for non-political purposes, the federation of Pakistan accepts the people of Gilgit Baltistan as "second-class citizens."

Identity card holders do not have the right to vote in the National Assembly; the identity card is only used for security checks and clearance, personal identification, and travel purposes. In addition, the quota for Gilgit-Baltistan has been combined with that of FATA to form a federation quota of 4%. The region's indefinite status restricts GB residents' ability to participate in regional decision-making and policy-making processes. This formal exclusion from legal institutions and law-making processes has serious consequences for the rule of law and access to development opportunities for the local population when it comes to negotiating fair revenue-sharing agreements and managing the region's natural resources, especially 2 Sokefeld.(2005).From Colonialism to Postcolonial Colonialism; Changing Modes of Domination in the Northern Areas of Pakistan. The journal of Asian studies pages 964. since the National Assembly passed the 18th amendment in 2010. For example, the dispute over the Diamer- Basha Dam royalty, tourism and forestry fees, revenue-sharing from minerals and mineral wealth, and revenue-sharing from Sost Dry Port custom duties and taxes. In 1947, Pakistan seized control of Gilgit-Baltistan and enacted British-created Frontier Crimes Regulations (FCR) to administer the territory, as did all other annexed agencies. The law called for a civil servant with judicial and administrative authority. Nonetheless, until November 1947, an independent judicial system, including a right of appeal in the Kashmir high court, was made subservient to the NWFP (current KPK) political residents in an attempt to bring the area under provincial control. Various administrative and political reforms that had been implemented in response to popular demand at the time are listed below. In 1950, The Federal government established the Ministry of Kashmir Affairs and Northern Areas (KANA). In 1952, a resident was appointed to administer the Northern Areas, as was a joint secretary of the ministry. In 1967 the resident powers were expanded, and the Ministry of Kashmir Affairs entrusted the resident with judicial and revenue commissioner powers. The ministry also designated two political agents, one for Gilgit and one for Baltistan. In 1970s Northern Areas advisory Council (NAAC) was given the powers of making developmental schemes. Elections for the NAAC were held to fill the 16 member's cabinet for the first time in 1970. Page 23 of 69 In 1972, the post resident was altered and was made the resident commissioner. Gilgit, Baltistan and Diamer were made districts through presidential order, the district would be governed by deputy Commissioner. In 1974, Z, A Bhutto introduced reforms in Northern areas. Bhutto regime had abolished FCR and status of state of Hunza, Ghizer and Ghanche was made name district. In 1977 General Zia-ul-Haq promulgated Northern area (Current GB) declaring E zones (Economic Zones). In 1985, a committee was set up, including high dignitaries from various federal ministries in collaboration with Kashmir Affairs and Northern Areas (KANA), to introduce reforms in Gilgit-Baltistan. Agha Ahmed Ali Shah was nominated as advisor to Minister Kashmir Affairs by the committee. The Northern areas council's elected representative Mr. Quban Ali was being appointed as Advisor to the Premier of Pakistan with additional power of a State Ministry by the



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government of Ms. Benazir Bhutto. In 1994, Prime Minister Benazir Bhutto introduced reforms in the Northern areas. The Legal Frame Work Order (LFO) of 1994 unfolded a multi-pronged reforms package for Northern Areas (Current GB) including Northern Areas Rules of Business, judicial reforms and established under Chairmanship of a retired judge. In 1990, changes were brought into the LFO. LFO of 1994 was amended by empowering the Northern Areas Legislative Council (NALC). In 2005 the court was established in Northern Areas to hear the appeals. The Apex Court of appeals was established with the help of six reserved seats for technocrats and one additional seats for women in Northern Areas Legislative Council. Page 24 of 69 In 2006, six advisors were appointed from NALC members with upgraded pay packages equal to members of AJ&K Assembly. In 2009 Gilgit Baltistan empowerment and self-governance order was passed. In 2015 Sartaj Aziz Commission on GB In 2018 GB order was passed to give more importance to the Gilgit Baltistan people.

Critical Gaps in the Discourse

Despite an expanding body of literature on Gilgit-Baltistan's legal status and governance evolution, several critical gaps remain unaddressed. First, there is limited academic consensus on how GB's constitutional recognition can be reconciled with Pakistan's stance on the Kashmir dispute. While policy narratives often frame GB's liminality as a strategic necessity, few studies critically explore alternative models of inclusion that preserve diplomatic positioning while ensuring civic empowerment. Second, the literature disproportionately emphasizes federal perspectives, with minimal engagement with grassroots voices from within GB particularly women, youth, and religious minorities who are disproportionately impacted by political exclusion. Third, although economic marginalization is acknowledged especially regarding CPEC and regional resource revenues few empirical studies have quantified the fiscal impact of exclusion or explored fiscal federalism as a remedy. Furthermore, there is little comparative analysis between GB and other conflict afflicted autonomous regions globally, such as Tibet, Catalonia, or Kurdistan, which could offer valuable lessons in asymmetrical governance. Finally, most legal reviews stop short of addressing the psychological toll of political limbo how it shapes identity, generational aspirations, and civil trust. Addressing these knowledge gaps is vital for transitioning from rhetorical integration to meaningful constitutional inclusion.

Theoretical and Policy Recommendations

Based on the synthesized literature and historical context, a multilayered policy framework is necessary to resolve Gilgit-Baltistan's prolonged constitutional ambiguity. At the theoretical level, Pakistan must embrace a model of **asymmetrical federalism**, where regions like GB can enjoy tailored autonomy within a flexible constitutional structure. This would allow Pakistan to maintain its diplomatic stance on Kashmir while providing GB with sufficient legislative, judicial, and economic self-rule. At the policy level, a phased constitutional integration strategy should be implemented, starting with **provisional representation** in the National Assembly and Senate, followed by the full extension of Supreme Court jurisdiction. The existing **Gilgit-Baltistan Assembly** should be empowered with fiscal autonomy, allowing it to legislate on



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natural resource management, taxation, and infrastructure development. Moreover, a **CPEC Royalty and Resource Sharing Commission** should be established to ensure that GB receives a fair share of economic dividends. Transparent budgeting, equitable employment quotas, and preferential development programs should be included. Politically, public dialogue must be institutionalized through **deliberative democratic forums** where GB residents, civil society groups, and policymakers can co create their governance models. International legal advisors should also be engaged to ensure that reforms align with UN obligations while strengthening Pakistan's federal unity. These recommendations are not just a roadmap to integration; they are a necessary response to a region that has been systematically sidelined for over seven decades.

Conclusion

Gilgit-Baltistan's unresolved constitutional status reflects deeper tensions within Pakistan's federal model, where geopolitical caution often overrides democratic inclusion. Since its administrative accession to Pakistan in 1947, the region has undergone numerous legal and political adjustments—ranging from colonial-era governance under the Frontier Crimes Regulations (FCR) to contemporary administrative orders such as the 2009 Gilgit-Baltistan Empowerment and Self-Governance Order. However, these reforms have largely been top-down and executive in nature, lacking the legitimacy and permanence of constitutional amendments. As a result, the people of Gilgit-Baltistan remain caught in a legal gray zone: citizens without full rights, voting without representation, taxed without legislative power, and governed without access to the Supreme Court of Pakistan or national decision-making institutions.

The literature consistently underscores the region's strategic significance, particularly in the context of the China-Pakistan Economic Corridor (CPEC). GB serves as a geographical gateway to China and Central Asia and hosts critical infrastructure projects and natural resources. Yet, despite this central role in economic development and regional connectivity, the region continues to be politically marginalized. This contradiction between economic utility and constitutional exclusion exacerbates feelings of alienation and injustice among its diverse population, weakening national integration and long-term stability.

To move forward, Pakistan must break the inertia of the status quo. Integrative reform rooted in historical context, international legal frameworks, and inclusive civic participation is both a moral imperative and a constitutional necessity. Policymakers must acknowledge the region's unique ethno-political identity and historical trajectory while designing a governance model that upholds democratic values and ensures meaningful autonomy. The creation of a provisional constitutional status, without undermining the country's stance on the Kashmir dispute, could be a viable interim solution that aligns with both domestic aspirations and foreign policy considerations.

Furthermore, Gilgit-Baltistan's political empowerment should not be viewed solely through a legalistic or security lens but as an opportunity for democratic renewal. Offering full representation in the National Assembly and Senate, extending judicial rights, and implementing a participatory framework for resource-sharing and infrastructure planning would establish long-overdue trust between the center and the region. As Pakistan continues to grapple with internal



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regional dynamics and external diplomatic pressures, the full and fair inclusion of Gilgit-Baltistan is no longer optional—it is essential for a cohesive, democratic, and resilient federation.

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