

## The Imposition of FCR in Gilgit Baltistan and Its Impacts on the Region

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### Abstract

Gilgit Baltistan (GB) a region of strategic importance bordering China, Afghanistan, and Indian-administered Ladakh, has been a subject of contention since its annexation by Pakistan in 1947. This paper scrutinizes the imposition of the Frontier Crimes Regulation (FCR) in GB and its overwhelming impacts on governance, social conditions, and political identity. Primarily under self-rule, GB promptly shifted to Pakistani control, marked by the imposition of FCR—a colonial-era law concentrating administrative, judicial, and political authority under a Pakistani appointed political agent. This centralization disregarded local governance structures and worsened socio-economic disparities, continuing a feudal system and limiting development. The region's complex status in relation to the Kashmir issue further confuses its political identity, as GB proclaims a distinct cultural heritage despite historical links. Insights from interviews with locals underscore inherent complaints and aspirations for autonomy and development. This study contributes to understanding GB's historical path, the legacy of FCR, and its consequences on governance reforms and socio-economic development in the region.

**Keywords:** Frontier crimes Regulation (FCR), Dogra Rule, Gilgit Baltistan, Kashmir Issue.

### Introduction

Gilgit Baltistan also known as northern areas is considered as the jugular vein of Pakistan. Its geostrategic location further increases its importance especially for the two dominions of Pakistan and India. Since, its independence on 1<sup>st</sup> of November, 1947 it remained the bone of contention between the two rivals Pakistan and India till date. After its independence Gilgit Baltistan remained under self-rule of the people for 16 days and then it annexed to the state of Pakistan. Subsequently, the region is struggling for political integration and affiliation. Though the people of this region are not considering and associating themselves with Kashmir as they have liberated themselves from the Dogra rule with the help of their local army Gilgit Scouts. But, in 1949 under Karachi agreement inked between the government of Pakistan and AJK Gilgit Baltistan was kept under the administrative control of Pakistan.

Throughout the administrative journey this region especially the inhabitants living there had faced multiple faceted control policies by the state of Pakistan. In the initial mornings the region was kept under the Draconian colonial law Frontier Crimes Regulation (FCR) which primarily focused on no appeal no wakil and no dalil. From here after the political crisis knocked at the door of the region. The imposition of FCR in G-B simply incapacitated the political identity and representation of the people at national level. During the period of FCR this whole region was run by a political agent appointed by the state and

all the powers (administrative, political and judiciary) were exercised from the office of political agent.

The despotic rajgiri (principality) and jagirdari (feudal) system was intact and was not abolished in the region but the influence of Mir and Raja was limited to internal affairs e.g., for tax collection and begar (forced labor) from the peasants. In a nutshell the local functioning model was shut down and the sovereignty of local population in the region was paralyzed under these merciless policies by the state. The primary aim of this paper is to ensemble the reasons behind imposition of FCR in G-B and to answer multiple queries related to the topic. As the law was designed for tribal areas from where the British were facing resistances but, the grounds in G-B were otherwise then why there was a need to impose the colonial law (FCR)? Under FCR the freedom of self-rule was not given to the natives and were treated as subjects were they still colonized and slaves? At last, to what extent the imposition of FCR effected the lives of people in the region politically and economically?

### **Statement of the problem**

There are scholarships available on the topic in the form of journals, articles and research papers. Various writers have discussed and debated the very topic in different perspectives. Most of the debate is on general basis the writers have discussed the multiple impacts collectively and are not so detailed and “The Imposition of FCR in Gilgit Baltistan and its Impacts on the Region” with regards to the masses needs the focus of researchers to shed light on it. In this paper the researcher has shed light on the whole picture and has extracted detailed stuff about the topic from different sources.

### **Research Questions**

- Under what circumstances and reasons FCR was imposed in the territory of Gilgit Baltistan?
- What were the repercussions of FCR in framing the fate of the people in Gilgit Baltistan?

### **Literature Review**

There is a tendency of literature and treatises is produced on this topic but every writer has portrayed and explained a single portion of the topic. In this research paper the researcher has highlighted the very crucial and pivotal facets of the topic including, under what circumstances FCR was imposed in the region and what were the after effects of the colonial law in the region. After annexation of Gilgit Baltistan Pakistan appointed political agent and controlled the territory from the center. Government of Pakistan did not abolish the feudal system and the local rajas continued to rule in their respective areas. Subsequently, linked G-B with Kashmir in anticipation to get more vote in UN plebiscite for resolution of Kashmir Issue. G-B is not a disputed territory in the sense that its people opted to join Pakistan in 1947.

FCR was imposed in the region which gave political agent a civil servant supreme authority with executive, legislative and judicial powers.

FCR is colonial law which was imposed in FATA it deprived people from right to fair trial, collective punishment on entire tribe against the crime of single person and concentrating judicial and executive powers in the office of political agent. All the departments were under the charge of political agent. He was in charge of the whole region. After Pakistan's annexation of Gilgit Agency, the despotic rajgiri (principality) and jagirdari (feudal) system was not abolished. The exploitative practices of taxation and begar (forced labour) were continued by the rajas and mirs. Although the local feudal system was still in place but gradually powers were transferred from rajas to Sardar Alam. Later, rajas and mirs were not consulted on important matters. For example, in the negotiations of Sino-Pakistan boundary agreement of 1963, a territory of Hunza - Tashkurgan - was given to China and Mir of Hunza was not consulted by President Ayub Khan.

In April 1948, the governor general of Pakistan issued an order which placed the political agent of Gilgit Agency under the administrative control of the political agent of N.W.F.P. In 1950, a federal ministry of Kashmir Affairs and Northern Areas (KANA) was established to deal with policy matters, administration, development and law making of Kashmir and G-B. The charge of Gilgit Agency was transferred from NWFP to the ministry of KANA. (Ahmad, *The Gilgit Baltistan Conundrum*, 2020). Further Ershad Mahmud has discussed in his article that the Northern Areas, historically part of the princely state of Jammu and Kashmir, became part of Pakistan after the partition of British India in 1947. However, their status remained ambiguous, neither fully integrated into Pakistan nor part of Azad Jammu and Kashmir (AJK). Initially, the administrative control of the Northern Areas was handed over to Pakistan by the government of AJK on an interim basis, which gradually became permanent. However, the region did not enjoy the same rights and representation as other provinces of Pakistan.

While political systems were established in other regions like Indian-administered Kashmir and AJK, the Northern Areas remained under the Frontier Crime Regulations (FCR) without a democratic setup. This lack of political representation deprived the local populace of basic rights and privileges. The opening of the Karakoram Highway in 1984 increased the strategic and political importance of the Northern Areas, facilitating trade and connectivity with China. This led to a rise in political awareness and the emergence of stronger political movements in the region. Efforts by organizations like the Aga Khan Foundation Network and improved communication facilities contributed to socio-economic development in the

Northern Areas. Education opportunities, migration, and support for small businesses played significant roles in the region's development. The recent petition filed with the Supreme Court by Habibul Khairi Advocate highlights the ongoing struggle for determining the legal status of the Northern Areas and advocating for basic human and political rights for its inhabitants. (Mahmud, 2008).

Further Najeeb Alam and his co-authors in their article have discussed soon after the accession Gilgit Baltistan was bring under political agent who was the one and only power exerciser in the whole region (administrative, political and judiciary). Frontier Crimes Regulation (FCR) was imposed in the region it was a draconian and merciless set of laws under which bona fide rights of the people were slaughtered by the state. In 1948 an agreement was inked between the government of Pakistan and the government of AJK according to which the administration of Gilgit Baltistan was given to Pakistan. (Najeeb Alam, 2023). As article 1 of the international covenant on civil and political rights (ICCPR) guarantees the right of self-determination to all people. And this concept has further interpretations like in the constitution of 1973 it is stated that “the state shall exercise its power and authority through the chosen representatives of the people”. Same like that article 32 of the constitution focuses on to encourage local government institutions composed of elected representatives. On the basis of these given rights the people of FATA are not enjoying the authority of self-determination rather they are being subjugated under certain laws e.g., FCR and the parliamentarians of FATA as part of the parliament have no power of legislation for the people and region of FATA. The whole tribal areas lack all mentioned civil and political rights mentioned in ICCPR under the draconian FCR. The imposition of FCR was more violent towards women because it doesn't hold any section in favor of women agency. For example, parliament has passed multiple set of laws regarding the violence and harassment committed against women in the region, unfortunately none these laws were applied in FATA. (Noor Hamid Khan Mahsud, 2016).

Subsequently, after independence the situation in FATA remained intact and political agents were elected by the head of Punjab. Further, after independence the jurisdiction of FCR was further extended to several parts of Baluchistan particularly areas of Punjab and Sindh. In May, 2017 under the 31<sup>st</sup> amendment of constitution FATA was merged to KP province. Under the reform FCR was abolished in the region. Local population was given the authority to elect members of KP assembly for their direct representation in provincial level. (Michael Callen, 2019). According to R Chandrashekhar when the region of Northern Areas came under the control of Pakistan the British law of Frontier Crimes Regulation (FCR) was enacted here and

all other agencies including FATA. In 1949 an agreement was signed between government of Pakistan and government of AJK which authorized the government of Pakistan to control the region on temporary basis. Thence after all affairs of Gilgit and Baltistan were assimilated under political agent appointed by the state. Erstwhile the political agent of Northern Areas was kept under the political resident of N.W.F.P but after the establishment of ministry of Kashmir Affairs and Northern areas (KANA) in 1950 the administrative control of the region was bring under KANA. (Chandrashekhar, 2018).

### **Contribution**

Through this research project the researcher is optimistic to fill up the gap in research which is still hidden and undone by the scholars. Because after reviewing the available treatises the writer has found a bad research gap in the form of this topic” The Imposition of FCR in Gilgit Baltistan and its Impacts on the Region” Throughout the research he has focused on reliable data which will be worth reading for the audience.

### **Research Method**

The method used to conduct this research project is descriptive in nature. In this study the researcher has described the very topic in qualitative way. To collect data the researcher, relied on secondary sources (books, journals and articles) and primary sources are also preferred while conducting the study by incorporating the voices of native inhabitants of G-B and intelligentsia through interviews. Multiple informal interviews are also be feed to this paper. Furthermore, to make the information more reliable the investigator has consulted various trustworthy sources, probe and has squeezed out robust and relevant data on the topic.

### **Geostrategic Importance and Geographic Gains**

Formerly known as Northern Areas Gilgit Baltistan is geo-strategically overwhelmingly sensitive region especially in the context of Pakistan. The region shares boundaries with Peoples Republic of China, Wakhan corridor of Afghanistan, Ladakh of Indian occupied Jammu and Kashmir and Khyber Pakhtunkhwa of Pakistan. Because of its geo-strategic significance G-B remained the focus of states in its vicinity. In 1984 when the Karakorum Highway became functional and the new mornings were opened for the people of Gilgit Baltistan in the form of business opportunities that further increased the importance of the region.



Gilgit Baltistan possesses huge significance from the British era because of multiple reasons, of them the most important and prominent one is its geopolitical importance in the region. Studies shows that the British defeated Sikhs in the Anglo-Sikh war of 1945-46. The objective behind Anglo-Sikh war backed two bold reasons; the first one was to break the Sikh Emperor's strength and the second one was to construct the new state as a buffer region against the emerging powers Russia and China. (Dr. Israr hussain, 2020). Eventually, the British became successful to achieve their target and made Jammu and Kashmir as a buffer state against the Northern powers. Then Gilgit region was composed of six princely states Gilgit, Yasin, Chilas, Hunza, Nagar and Baltistan. By keeping the geographical importance of Gilgit in consideration the British government wants to use it as an additional buffer zone. Because Russia wants to reach Indian hot water through the land of Gilgit and Chitral. Afterward the departure of British from Gilgit Russia started moving towards Afghanistan and in 1885 they captured Pinjra. By keeping the dynamics in concern Gilgit agency was restored in 1889 and Col Durand was appointed as political agent of the region.

The unfortunate and unfair treatment with Gilgit Baltistan remained intact after independence. But this time British influence was replaced by the Pakistani state and her unending subjugation is observed till date. Gilgit Baltistan since its genesis was treated as a colony by the state of Pakistan by imposing the colonial designed draconian law FCR in the region. As the region was not apparently part of Pakistan movement till 1947 but, soon after the independence of Pakistan the people G-B liberated themselves from Dogra Raj on 1<sup>st</sup>, Nov, 1947 and annexed to the state of Pakistan after remaining independent state for 16 days. Though Pakistan was not prepared to administer the region and there was no any pre designed constitutional model to control the region. Because then she was also a new born state, there was a political turmoil in the country and meanwhile there was a struggle for constitution

making for the new state. In that chaotic situation and political instability in the country FCR was opted for the region and presented as a surprising gift to the inhabitants of Gilgit Baltistan. Under FCR which is also called the black law sovereignty of the locals and the region was demolished and all the powers (Judicial, administrative and political) was exercised by the political agent who was appointed by the state of Pakistan. By keeping the geographical significance of the region in consideration Pakistani government had imposed FCR in G-B to monitor the region and to deal all affairs internationally by herself. Because till 1963 there was an issue with China regarding demarcation of Boundaries and India which is still intact these vulnerable conditions compelled Pakistan to impose the draconian law in respect to save herself from any kind of geographical loss.

### **Kashmir Issue**

Historically Gilgit Baltistan is linked with Kashmir and still it is associated with Kashmir issue but, people of G-B consider themselves alienated from the region and define themselves distinct historically and culturally even their languages are totally different. Afzal Ali Shigri in his article “A constitutional black hole” has argued that treating this region as part of Kashmir was a flawed notion, as forcible occupation cannot overrule historical truths. The people of GB are not Kashmiris they have a diverse and distinct race culture with a long history of independent existence. According to Sajjad Ahmad G-B is part of the Kashmir dispute but is not in itself a disputed territory in the sense that its people opted for Pakistan in 1947 and Pakistan does not contest this fact (Ahmad, *The Gilgit Baltistan Conundrum: Dilemmas of political integration*, 2020). After analyzing the available sources produced by the scholars it becomes clear that Pakistan has manipulated and exploited G-B for her gains in return she provides sufferings for the people of Gilgit Baltistan.

As G-B was not the constitutional part of Pakistan like the four provinces (Punjab, KPK, Sindh and Baluchistan). When FCR was imposed in the region then the local people were kept away from the mainstream politics and decision making at international level. As Sajjad Ahmad argues in his book “the Gilgit Baltistan Conundrum” after imposition of FCR in G-B the Rajgiri and Jagirdari system was not abolished but the power of local Mirs and rajas was made limited to their particular territories for Begar and tax collection and were not consulted on important matters. For example in 1963 China-Pakistan boundary agreement a territory of Hunza Tashkurgan was given to China without consulting Mir of Hunza. The biggest oppression and scary event in the history of Gilgit Baltistan is her affiliation to the

Kashmir issue under Karachi agreement in 1949. In his MPhil dissertation, Sajid Ali argues that the infamous Karachi Agreement is the first and most unfortunate attempt by the Pakistani state to associate GB with the Kashmir Issue, for which the people of Gilgit Baltistan fought the war and were liberated from Dogra troops on 1 November 1947.

The agreement is still unclear and controversial which was inked between the governments of Kashmir and Pakistan here it is very interesting to configure that no member of G-B was included in that symposium. Even that one of the signatories of that agreement Muhammad Ibrahim Khan refused his presence in that agreement (Haider, 2024). Without the consent of the people G-B was linked to Kashmir issue. The whole scenario was played under the canopy of FCR a colonial law that was used as a cage for the inhabitants of Gilgit Baltistan and their future and fate was decided without their presence. Scholars have portrayed that G-B is linked with Kashmir issue for the sake of securing more votes in the UN, s plebiscite for the resolution of Kashmir Issue.

Nosheen Ali argues in her book “Delusional States” that the government of Pakistan linked G-B with Kashmir file to grab more votes in the case of the UN’s plebiscite for the resolution of the Kashmir dispute (Ali, 2019). Sajjad Ahmad also stated that government of Pakistan linked Gilgit Baltistan with Kashmir issue in anticipation of grabbing more votes in a possible United Nations plebiscite for the resolution of Kashmir issue. In another scholarly produced literature, it is mentioned that, there was no any formal declaration made by Pakistani state to own Gilgit Baltistan after her accession except Karachi agreement which was done by executives of Pakistan and representatives of Kashmir. Surprisingly there was no representation from G-B in that session (Ahmed, 2022).

#### **Repercussions of FCR on the local population**

After got liberated from the Dogra rule one-sidedly acceded to Pakistan with an anticipation that the state will bestow all the legitimate constitutional rights to the citizens of Gilgit Baltistan. But, subsequently the episode of annexation situation tilted and becomes otherwise for the people of the region as Pakistan decided to send the brutal and merciless FCR as a gift in the region. The hopes of inhabitants attached to Pakistan were shuttered down and pin drop silence was maintained in the region. The foremost stab by the state was in compromising about the identity of the people by merging them with Kashmir issue. As per the words of



Afzal Ali Shigri about the people of G-B their hopes were lost, instead of incorporating the region within Pakistan their fate was merged to Kashmir Issue without consulting the local leadership. The people of Gilgit Baltistan are not Kashmiris they have their own diverse ranged and distinct culture and race with a prolonged chronicle of independent existence (Shigri, 2018).

### **Locals Voices about FCR**

The local population was optimistic when they got liberated from the authoritarian and tyrant Dogra rule, which was imposed in the region for decades. Here they knocked the door of Pakistani state but once again the coin flipped against them when the state thrown a package of colonial FCR over them. Their grievances remained intact instead of get fading. While collecting data for this paper the researcher has interviewed multiple participants hailing from different districts of Gilgit Baltistan. Their words were full of pangs because some of them had experienced the period of FCR. According the information gathered during FCR era the locals were still treated as slaves by the Rajas and mirs as they were treated before FCR. Because imposition of this black law does not abolish the despotic rajgiri and jagirdari system from the region. Under the authoritarian rule people were subservient to pay taxes in the form of commodities for example after harvesting a specific quantity of the production was given to the raja and the person was responsible to take his tax to the palace of raja which was at a great distance for many segments. They were used to travel for multiple days to carry their taxes otherwise in case of procrastination they were brutally punished (Khan, 2024). Some information was hidden by the participants because of ethical concerns. Other political experts consider the whole scenario as political crisis in Gilgit Baltistan. Till 1974 when FCR was lifted by Z.A Bhutto from the region it was politically paralyzed. Political representation was almost absent in the region which created lack of political culture and resulted in political vacuum that further effected G-B subsequently. Educational grounds were also so vulnerable. In a nutshell the region was completely state captured and still the conditions are same but the ruling model is changed.

### **Conclusion**

Gilgit Baltistan's historical journey reflects its strategic significance and the complex geopolitical dynamics of the region. Originally part of princely states during British rule, the area became pivotal due to its proximity to China, Afghanistan, and Indian-administered Kashmir. After independence the region was kept under different administrative models by the state of Pakistan. Amongst them the era of FCR was of great importance that totally created identity dilemma in the region by pressing the voices of the local people. The

imposition of the Frontier Crimes Regulation (FCR) in Gilgit Baltistan has implanted political and socio-economic challenges. Notwithstanding being an integral part of Pakistan, the region has faced deprivation and limited political representation. The FCR deprived the people of Gilgit Baltistan of basic rights and propagated feudal systems, creating constraints for development and advancing unhappiness. The region was kept under socio-political challenges by the state throughout the administrative history and kept tyrant behavior towards the region. In a nutshell the era of 1947 to 1974 was the dark era in the history of Gilgit Baltistan which had marked and laid very bad experience for the people that is not less than a scar for them. In political grounds there was a pin drop silence. There remained the dilemma of political integration since 1947 which is still existing with zero progress.

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