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Editor : K. WARIKOO

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Editor's Page

Whereas Kashmir has been the focus of national and international attention for over seven decades, Pak-occupied Kashmir (POK) and Gilgit-Baltistan (GB) have eluded attention. This is because the 'Other Kashmir' across the LOC has been kept under iron curtain by successive Pakistan governments. Pakistan assumed direct control of Gilgit-Baltistan in 1947-48 and re-designated the area as Northern Areas. At the same time, it called Pak-occupied Kashmir as 'Azad Kashmir', but in actual practice this territory has been *Azad* (free) only in name. There is clear cut discrepancy in Pakistan's policy and its political and constitutional relationship with POK and GB. While claiming that Jammu & Kashmir is disputed territory, GB has been annexed and colonized by Pakistan. It is only as late as in 2009, that Pakistan restored its name Gilgit-Baltistan replacing the term 'Northern Areas'. Now there are moves to formally integrate GB as the fifth province of Pakistan, which would jeopardize Pakistan's stand over the disputed character of Jammu & Kashmir.

Both POK and GB constitute one-third of the total area of undivided Jammu and Kashmir. With an area of 5,134 sq. miles (13,297 sq. kms.), and about four million people, POK has 10 administrative districts (Muzaffarabad, Hattian Bala, Neelum, Bagh, Poonch, Sudhanuti, Mirpur, Kotli, Bhimber and Haveli). GB has an area of 28,000 sq. miles (about 73,000 sq. kms) with a population of about two million people. It has 10 districts-Ghizer, Gilgit, Hunza, Nagar (all in Gilgit Division), Ghanche, Skardu, Shigar and Kharmang (in Baltistan Division) and Astor and Diamer (in Diamer Division).

As regards Pakistan's policy towards POK, it has followed consistent policy over seven decades, be it the suppression of Sudhan revolt in POK in 1950s, separation of Northern Areas from POK and its administration under the Frontier Crimes Regulations till 1974. POK got an elected

Assembly only in 1975 and GB got one in 2009. But in both territories, substantive powers were wielded by Pakistan's Prime Minister. POK witnessed recurrent dismissals of its Presidents over this period. Sardar Ibrahim Khan (of Muslim Conference) and his government in POK were dismissed in 1950, soon after he had founded 'Azad'(Free) Muslim Conference as a reaction to Pak interference in local politics and government. Later on, Sardar Ibrahim denied ever having signed the Karachi Agreement 1949.

There has been dissonance between Pakistan's positions in the UN and its claims/actions in Kashmir. The formation of provisional government of 'Azad Jammu & Kashmir' in October 1947 was not a result of the deliberations of the Muslim Conference but was done by a directive from a middle-rung Pakistani government officer. And the governments of POK were "made and unmade by Pakistan's federal government and not the Muslim Conference", which only acquiesced to Pak dictates. By signing the Karachi Agreement in April 1949, Muslim Conference had ceded Northern Areas to Pakistan in violation of the UNCIP resolution. There is credible evidence provided by Pakistani sources to describe how POK was run by Pakistan's Ministry of Kashmir Affairs and Northern Areas. The "elected legislature and government" of POK were marginalized by the creation of a Council headed by Pakistan's Prime Minister.

While as Pakistan has been harping upon its demand of implementation of the UN resolutions on Kashmir, it did not withdraw its forces from POK, which was a pre-condition for holding of a plebiscite. Pakistan not only consolidated its occupation of POK but also assumed direct control of over 70,000 sq. kms. territory of GB. Pakistan was also not keen for plebiscite as memories of rape and loot by the Pak-sponsored raiders in Kashmir, were fresh in the public memory, and the Sudhan revolt in POK in 1950s.

The people of Sudhan tribe revolted against Pakistan in 1951 in Poonch, following the dismissal of Sardar Ibrahim Khan as President of POK in May 1950. The Sudhans revolted again in 1955 when the Pak army crushed them using mortars against civilians and detaining large

number of protestors. Now Pakistan further tightened its control over POK. An All Parties Conference on Kashmir was convened in Karachi from 26-28 November 1955, which defined the relationship of POK with Pakistan to be based on its accession to Pakistan. This clause was inserted in Article 203 of Pakistan's constitution of 1956, and was repeated in Article 257 of the 1973 constitution. Sudhan revolt and the subsequent tightening of Pak control over POK have generally remained unnoticed.

The 'Azad' Jammu and Kashmir Interim Constitution Act, 1974, is another evidence of the continuity in the policies of the civilian and military rulers of Pakistan towards POK and the Northern Areas. The 1974 Interim Constitution of POK did not emanate from the POK Assembly, but was imposed from Islamabad. It is reported that this constitution was adopted by the POK Legislative Assembly on 14 August 1974 within ten minutes of the introduction of the bill and without any deliberations. And the assembly members remained silent, as they were being watched by a serving brigadier from the Pakistan army sitting in the visitors gallery of the assembly. Article 1.2 of the Interim Constitution while describing the territory of POK, excludes the Northern Areas, which had been taken over by Pakistan in 1948-49.

On the important issue of State Subject, migration and the demographic composition of POK, migration from and into POK was included in the legislative competence of the Council headed by Pakistan's Prime Minister, thereby giving Pakistan exclusive control for determining migration and any change in the composition of the population of POK. And the 'Azad' Jammu and Kashmir State Subject Act, 1980 allowed a domicile certificate to be issued on a five-year stay in POK.

As regards the governance of POK, there have been recurrent dismissals of presidents of POK by Pakistan, with actual control over its governance being wielded by lent officers deputed by Pakistan. Any party or individual who does not accept Jammu and Kashmir's accession to Pakistan is prohibited. So pro-independence outfits like JKLF and APNA (All Parties National Alliance) have been kept out of the electoral process. Whichever party holds power in Islamabad, reigns in POK as well. The 53 member assembly in POK has 12 reserved seats for Kashmiri refugees,

who are scattered across Pakistan. These constituencies are located in a number of districts of Pakistan, often far away from each other. Four such seats are contested from Rawalpindi, Sialkot, Narowal districts of Pakistan which have large concentration of the refugee voters. Any political party winning all or a majority of the 12 refugee seats, has a comfortable position to clinch the position of the POK prime minister. Refugee seats provide sufficient leverage to the federal government to swing the results in its favour. Only 30,000 Kashmiris registered as refugees from Kashmir Valley in 1947-48 have 6 seats reserved for them. And 4,34,000 people registered as refugees from Jammu province have another 6 seats. None of them live in POK, but are scattered wide across Pakistan. This is used as a trump card by federal government of Pakistan to influence the formation of government in POK, after every election there.

Pakistan has right from the beginning been opposing the 'independence' option, even though it has been using the slogan of 'azadi' to stir violence in Indian Kashmir. The Interim Constitution of POK forbids any activity that is "prejudicial or detrimental to the ideology of the State's accession to Pakistan". Same is applied to Gilgit-Baltistan, as per Article 17(2) of the Gilgit-Baltistan Reform Order of 2018. Pakistan resorted to armed aggression by tribal raiders and Pakistan army in 1947-48 to grab Kashmir, launched full scale war on Kashmir in 1965 under its Operation Gibraltar, made an organized armed intrusion into Kargil in 1999, and has been sponsoring terrorism and proxy war in Indian Kashmir since 1989. And in case of POK and Gilgit-Baltistan, the people of these territories have the only choice of accession to Pakistan, as per the constitutions of Pakistan, POK and the Gilgit-Baltistan orders. Pakistan's Kashmir policy is driven by the primacy of strategy and interest over ideology of Islam and accession to Pakistan. Pakistan's policy has been shaped and driven by its army right from the beginning. Pakistan has followed a well calculated and sustained Pakistan's policy and practices in POK and Gilgit-Baltistan, in terms of its firm control over this strategic territory, manipulating local politics and government according to Islamabad's designs, using the region to have long term strategic alliance with China, turning the region into a ground for launching terrorism into Indian

Kashmir and so on.

This issue of *Himalayan and Central Asian Studies* focused on Pak-occupied Kashmir (PoK-'Azad' Jammu and Kashmir) has four main papers, three by the persons from the region. Prof. Mohammad Rafiq Bhatti discusses the language,culture and heritage of Mirpur. Daalat Ali, a Councillor from Rochdale Borough, UK since 2010, had visited his homeland in the earthquake affected region in October 2005 on a relief mission. He stayed there for a few months and is providing his eye-witness report of the situation prevalent there. His observations on the conduct of relief work by various organizations, NGOs, Islamic outfits, Pakistan army, PoK government and others are self explanatory and reveal the precarious situation and sufferings of the local affected Kashmiris. Jamil Maqsood, also belonging to the region and currently Secretary General for Committee on Foreign Affairs, United Kashmir People's National Party (UKPNP), provides local perspective on the state of affairs in PoK . Dr. Priyanka Singh of Institute for Defense Studies and Analyses, New Delhi makes a critical analysis of the electoral politics in the region, in a historical perspective.

K. Warikoo

LANGUAGE, CULTURE AND HERITAGE OF MIRPUR

MUHAMMAD RAFIQ BHATTI

Language, culture and heritage are the cornerstones of civilizations - ancient, medieval and present. It is very difficult to draw the lines of demarcation between languages, cultures and heritage of different regions because these are interwoven and overlapping. Language is a medium of expression of feelings, emotions, reason, prudence, passions and vision. Mankind since time immemorial has evolved different modes of expression, called tongues, dialects or languages. A language is a living organism, which originates, develops and dies. There are so many languages that have died away and are extinct now.

Culture reflects the macro and micro behavioural structure of a society generally accepted. All practices that people undertake, adopt or follow consciously for their economic, social, political, moral, religious or spiritual satisfaction come under the garb of culture. These practices, rites, rituals, customs, traditions, arts, architecture, food and dress etc. become part of their individual and collective life and pass on from generation to generation. It is a process of history and differentiates one community from other, one nation from other and one time span from the other. It is like a tree that has its roots in the past, branches in the present and shades in future.

The concept of heritage refers to the stock of art and science of a society preserved in different forms. It reflects the past, reforms the present and regulates the future behaviour of individuals and societies. Different societies and nations have different stock of heritages. Major part of heritage is attributed to past culture. In other words heritage is past culture

preserved in different forms.

TOPOGRAPHY OF MIRPUR

Geographically, Mirpur is situated on the southern borders of the former State of Jammu and Kashmir. District Mirpur is situated 32.17 to 32.50 degree north and 72.40 to 80.30 degree east on the world map with reference to Kashmir map. Before partition its area was 1,627 sq miles. Its southern and western borders touch Gujrat, Jhelum, Gujjar Khan and Rawalpindi districts of Pakistan. Before partition Jammu province had five districts named, Jammu, Kathua, Udhampur, Riasi and Mirpur. After partition major area of former district of Mirpur fell into Pakistani administered Kashmir and district Mirpur was further divided into two more districts named Kotli and Bhimber.

It is said that old Mirpur city was founded by Ghakhar tribe in 1051 Hijri or in the third decade of 17th century AD. Some believe that a saint Hazrat Miran Shah Ghazi was the founder of this city. The shrine of Miran Shah Ghazi still survives although the water of Mangla Dam keeps it submerged for nine months of the year. As water level falls and shrine appears, people (pilgrims) visit the shrine and hold *Urs* every year with zest and zeal. In 1967, old Mirpur city was evacuated due to construction of Mangla dam. In its place new Mirpur city, just 5 kilometers towards south at Balla Gala, was populated.

The people of district Mirpur inclusive of Kotli and Bhimber speak a language called as Mirpuri or Pahari, which is a blend of Punjabi, Dogri, Pothowari, Lahndi and Gojri. Recent researches show that Pahari Mirpuri language was earlier called as Kharoshti. At present Mirpuri in itself is not recognized as an independent language. It is known as Mirpuri Pahari, Mirpuri Punjabi or Mirpuri Pothowari. But researchers opine that it is Mirpuri Pahari which is close to Prakrit or Pali. Rock carvings of Chitterpari near Mirpur town testify to this relationship. To quote Dr. Mohsin Shakeel, "all the Pahari languages share many common grammatical features and lexical items". The famous Pir Panjal range of mountains demarcates some of the Pahari languages spoken on its Northeast and southwest slopes.

The leading literary work that identifies Mirpuri Pahari is *Saif-ul-Malook* written by famous Sufi poet Mian Muhammad Bakhsh. *Saif-ul-Malook* is universally recognized as a book written in Mirpuri Pahari. The author himself belonged to District Mirpur. *Saif-ul-Malook* is a perfect and complete reflection of Mirpuri language, culture and heritage. Every year the *Urs* of Mian Muhammad Bakhsh is celebrated at Khari Sharif with great religious, spiritual and social festivity. The verses of *Saif-ul-Malook* are recited. People from far flung areas come and attend this *Urs*. It has great cultural significance. On this occasion, many groups come to recite *Saif-ul-Malook* with their musical instruments and pay homage to the saint poet who is also called as "Roomi of Kashir" or "Nightingale of Kashmir". Old mosques, tombs and shrines have recently been renovated by the department of Auqaf. The new expanded and modified buildings along with the grand mosque have made the place attractive for pilgrims, visitors and for cultural congregations.

Briefly we can safely say that Mirpuri language has three dimensions

1. Mirpuri Pahari.
2. Mirpuri Punjabi.
3. Mirpuri Pothowari.

George Grierson, a prominent scholar and author of *Linguistic Survey of India* broadly divides the Himalayan range into three regions: i) Eastern Pahari region, ii) Central Pahari region and iii) Western Pahari region. District Mirpur falls in third region, i.e., Western Pahari region. But geographically it is not true. District Mirpur is the southeast part of the State of Jammu and Kashmir. Prof. Zabair Ahmed Qazi, of Allama Iqbal Open University, Islamabad, who has done research on regional dialects and languages, observes that Grierson ignored the actual location of district Mirpur. Grierson acknowledges that "Western Pahari consists of great number of dialects varying from hill to hill." And one does find a change in language after every 10 miles. But with these varying accents, there is a general homogeneity so far as the over all language of the region is concerned. For example the words mine and thine are spoken *Mahra Twara* in Mirpur. In Kotli it is spoken as *Mera Tera* and at other places it is spoken

as *Asna Tusna*. In Kotli come and go are spoken *Aana Jana*. In Mirpur, the same are spoken as *Anran Janran*. *Chitka* a magazine of Almi Pahari Adbi Sangat, describes the alphabets of Mirpuri Pahari in details. Dr. Nasrullah Khan Nasar has classified Pahari alphabets in two categories, i.e., Primary and Secondary.

It may be noted that the present inhabitants of this district are not aboriginal. They are migrants from adjacent areas of Punjab. But since long they have evolved a form of language which is an amalgamation of different accents and dialects. Majority of population has migrated either from Punjab or has been in socio-economic and cultural touch with Punjab, hence Punjabi accent looks dominant. But one can not call it as Punjabi. The alphabets of Mirpuri Pahari language identified with reference to phonetics recorded in *Chitka* are same as identified by Prof. Dr. Nasruallah Khan Nasar with minor differences.

The areas of Mirpur adjacent to Rawalpindi have Pothowari accent. It may be noted that Mirpuri and Pothowari are closely related. The areas close to Jehlum, Dina and Kharian also differ in accent. But with all these minor dialectical differences, the fact remains that District Mirpur has its distinct language. One may call it as Mirpuri or Pahari language. From the northern and eastern side of Mirpur, say Poonch, Rajouri, Noshera, Riasi and Jammu, Poonchi, Gojri and Dogri accents are also mixed in it. Due to migration of Kashmiris from Indian administrated Kashmir an important change in Mirpuri language has taken place. Moreover, overseas migration from Mirpur to Europe, particularly to England has also influenced the texture of Mirpuri Pahari language. Urdu and English have adversely effected its nativity. Mirpur being the district headquarter and a developing modern city is loosing its old linguistic identity. Due to changing patterns of life, food and dress, Mirpuri language is also changing.

To conclude, Mirpuri is an offshoot of Pahari and Pahari in itself is perverted form of Prakrit, a language which became popular during the Ghandhara civilization. In ancient times it had been written in Guru Mukhi script and at present it is being written in Shah Mukhi. According to David Crystal, the author of *Encyclopedia on Languages*, Pahari is a group of

languages belonging to northwest group of Indo-Aryan spoken in lower Himalayas. Prof. Nazir Tabassum, an expert of Pahari/Mirpuri language states that there are 60 sounds in Mirpuri language comprising of 38 consonants and 22 monothongs vowels. *Chitka*, a journal of Almi Pahari Adbi Sangat reflects good research work on Mirpuri Language. On the Pakistani side of Jammu and Kashmir, Jammu and Kashmir Cultural Academy, Gojri Adbi Sangat and literary society *Adbika* are working to perceive and promote Mirpuri language, literature and culture. *Tehzeeb*, a magazine of AJK Cultural Academy also played a significant role in this respect.

MIRPURI PAHARI WRITERS AND WRITINGS

So far as the writing in Mirpuri Pahari language is concerned, there is no record of any ancient or subsequent research work. But we find some rock and stone carvings which show that people here have been using a script close to *Sharda*. One sample was found from a water tank (*Baoli*).

Since the use of Shah Mukhi script, one can classify the literary work of this district in three phases; classical, neo-classical and modern. The work of the writers of these groups is mostly poetry. In the classical group, a number of writers and writings could be included. Most of them were poets and their poetry was over shadowed by Punjabi. Here I mention only three as representative of first phase.

1. *Pir De Heer* by Syed Muhammad Shah of Khnayara Sharif Dadyal.
2. *Ishiq Prem Dian Sattan* by Syed Haider Shah Qalandar of Panag Sharif Kotli
3. *Qissa Shah Behram* by Imam Bakhsh of Banah Khoiratta Kotli.

In neo-classical phase, the following names are popular.

1. *Se Harfi Hai Mubarka* by Pir Syed Naik Alam.
2. Hazrat Mian Muhammad Bakhsh of Khari Sharif Mirpur has authored more than a dozen books. His famous book *Saif-ul-Malook* has been recognized as the authentic record of Mirpuri Pahari language, culture and heritage. It is the master piece of Mirpuri

Pahari literature.

3. Mian Muhammad Zaman of Baratla Kotli, popularly known as Zaman Channa (Channa was his beloved) was a romantic poet. His poetry is not fully published yet. But he is still popular among commoners, elders and youngsters.
4. Muhammad Ashraf Asghar of Bannah Khoiratta Kotli; his poetic collection is named *Phullan Bhari Changair*.
5. Al-Haj Nawab Din Bhatti of Saj Rajouri; his book published in Mirpur entitled *Ishiq Na Puchda Zatan* is a fine piece of literature in Mirpuri Pahari.
6. Khawaja Ali Bahadur of Machiary Mirpur. His book *Dukkan Dey Pandh* is also a representative of Mirpuri Pahari. The present author's book *Qarz-e-Hasna* is a critical analysis of his poetic work.
7. Munshi Muhammad Ismail of Panjeri Mirpur is believed to have authored about one hundred books, the famous being *Saif-ul-Malook*.
8. Muhammad Khalil Saqib of Khari Mirpur is author of half a dozen books in poetry and prose, the famous one being *Khusbo-e-Faqar*.

Besides the above mentioned writers, Qazi Muhammad Jan of Sehautha Mirpur, Ghulam Qadir famous as Mian Kaka of Samahni, Muhammad Alam Sozi of Dadyal, Haji Muhammad Hanif Soz of Boa Kalan Mirpur, Ch. Muhammad Siddique of Islamgarh Mirpur, Mian Zaman of Khari and Maqbool Ahmed Azad of Palak also deserve special mention here for their research work. It may be noted that the writings of classical and neo-classical writers are dominated by Punjabi. But one can not ignore their Mirpuri Pahari content as all these writers belong to this district and they have their own linguistic identity.

Due to increasing awareness about regional languages, culture and heritage, a number of young writers, both men and women, are inclined now towards their mother tongues, dialects and languages. Along with poetry, these modern writers of these districts also write prose. Ustad Saleem Rafiqi, Mrs. Shakh-i-Nibat, Haji Rana Fazal Hussain, Myself, Mazhar Javed Hassan, Rana Ghulam Sarwar Sehrai, Masoom Hussain Zinda, Muhammad Farooq Aseer, Muhammad Farooq Jarral, Jamil Ahmed

Jamil, Qadeer Ahmed Qadeer, Dr. Mohsin Shakeel, Prof. Saeed Saqib, Mushtaq Shad, Zulfiqar Asad and Dr. Zahida Qasim are regular writers of poetry in Mirpuri Pahari. In prose, Ali Adalat, Dr. Sardar Haleem Khan, Prof. Zubair Ahmed Qazi, Liaqat Ali Khan, Tariq Mahmood, myself and Shamas-ur-Rehman have been making their contributions. *Chitka 2003*, a magazine of AAPS represents these contributions made by modern writers of Mirpuri Pahari both in poetry and prose.

ORGANIZATIONS PROMOTING MIRPURI LANGUAGE

Though not properly registered, the following organizations are actively working for the promotion of language, culture and heritage in Mirpur.

1. Almi Pahari Adbi Sangat.
2. National Institute of Kashmir Studies
3. The Saif-ul-Malook Arts Academy.
4. The Jammu and Kashmir Writers Forum.
5. Adbika Azad Kashmir.
6. The Citizen Forum.
7. Mian Muhammad Bukhsh Society.
8. Tourism Department, AJK Government, Mirpur.
9. Radio Azad Kashmir, Mirpur.

Due to the efforts of these organizations, Mirpuri Pahari language is being released of Punjabi dominance, and it is becoming popular among new writers. Even those who favoured Urdu and Panjabi medium are now writing in Mirpuri Pahari. The poetic taste of public is also receptive to this trend. Needless to add that regional and local dialects and languages are seed beds for national languages, as these are the springs, streams, rivulets and rivers to join the seas and oceans of national languages. Hence every effort should be made to promote these regional and local dialects and languages.

Since the inception of Radio Mirpur, popular Mirpuri Pahari programmes such as *Mahari Tehrt*, *Payara Desh* and *Karman Ni Chan* have been aired. The advertisement in Mirpuri Pahari has more attraction for trade, commerce and industries of this district as different institutions

prefer their advertisements in Mirpuri. A private TV Channel, *Aap* also telecasts a programme *Bazam-i-Sakhun* in Mirpuri. Outside Mirpur, particularly in UK, the migrants from Mirpur take keen interest in promoting Mirpuri language there. Few years ago they started a campaign in UK to get Mirpuri language recognized at Council level and now in some areas of UK. Mirpuri Pahari is accepted as a language. Ali Adalat, Shamas-ur-Rehman and their friends have been at the forefront for this successful struggle.

MIRPURI CULTURE

The cultural side of Mirpur is rich enough. Living patterns, food and dress, in particular are different from Punjab and Kashmir Valley. But a constant change is silently taking place in this context. About four decades ago most men wore shirts and turbans with a *chadar* on shoulders. Women attired themselves in *shalwar*, *qameez* and *chadar* over heads. They also wore traditional ornaments. But now we see a deviation in the dress of both genders. Since 1970 onwards there has been a shift in dress, foot wear and ornaments. Due to local, regional and international migration, mobility and interaction, both men and women look different. Although, *shalwar qameez* is still popular among both the genders, yet shirts, pants and even jeans are being used openly. In towns, *pyjama* has replaced *shalwar*. But rural areas are even today tied to conventional dress. Turban that was a symbol of grace and dignity is no longer in vogue. Due to improved means of transport, camels, mules, horses and donkeys are used rarely.

GYPSIES OR NOMADS

The gypsies or nomads (Bakarwals and Pashtoons) are also residing in district Mirpur, and they have a separate language, culture and heritage in this area. They still keep herds, like goats, sheep, horses and mules. They still wear their traditional dress, i.e., long shirts, loose *shalwars* and black turbans. The women also dress likewise with embroidered headgear (*topi*) and *chadars*. But they are poverty stricken and are giving up their nomadic life. In coming few years, these nomad Bakarwals will no more

be seen with their herds in Mirpur.

There is another group of nomads in Mirpur, which consists of Pashtoons and Afghans. This group is economically very sound and some of them live in towns. But a large number of these nomads live in tents and straw huts close to vicinities. They have still preserved their own traditions. They are very hard working people. Instead of camels and donkeys, they now use tractors and other mechanical tools to earn their livelihood.

MIGRATION FROM MIRPUR

A large number of people from Mirpur have migrated to other countries, especially to UK for employment. About one million Mirpuris are settled in UK. It has helped them to improve their life style, houses and buildings. Old designed houses made of mud, stones and wooden logs have become rare. In their place, beautiful concrete, spacious, decorated and furnished houses with new styles of furniture have been built. The use of electronic machines has also changed domestic life style. Mirpur city is now called a mini-England. Even in rural areas of Mirpur, the old pattern of living has undergone a change. Agriculture is now a secondary profession. People do not keep animals. Rather they buy their vegetables, milk and edibles from stores and general stores. Agriculture has slowly given way to commercial and industrial enterprises. In place of oxen, yokes and ploughs, people now use tractors, threshers, graders and other mechanical tools in farming. In place of wells, there are tube wells and bored pumps to get water. Water supply schemes have made pitchers and fetching spring water a story of past. Now women have not to go to deep wells to pull out water, where they would exchange their joys and sorrows sitting close on the walls of wells.

MANGLA DAM AND HERITAGE

The construction and upraising of Mangla Dam has adversely affected the historical monuments like temples, monasteries, forts, mosques, gurdwaras, tombs, tanks and graveyards. No steps have been taken to

preserve or protect this architectural heritage. The fort of Burjun has no remains. The forts of Mangla, Ram Kot, Hari Pur, Bagh Sar and Thuroochi are decaying. No effort in public or private sector is being made to save these treasures of Mirpur. The monuments at Choumukh, a historical site of Mirpur (once a capital city) are nearing extinction. The *Sarai* of Saad Abad in Samahni is withering.

Bhimber, now a separate district, has rich cultural heritage which deserves our immediate attention. Historically the cultural heritage of Bhimber dates older than Mirpur. Besides the inn of "Saad Abad" and Fort of "Bagh Sar", lake of Bagh Sar and water reservoir (*Baoli*) at Mohalla Bawali, Hathi Gate and Shah Jehan Mosque in Bhimber city are breathing their last. The temple of Sangri and Banian along with Gurdwara Ali Beg call for urgent steps to preserve them. Similarly, the decaying structure of a beautiful *Baoli* at Sokasan needs attention. The fact is that so far we have consciously or unconsciously damaged a major part of precious heritage of Mirpur. But there is still a lot to save.

GAMES AND HOBBIES

The people of Mirpur were very fond of wrestling, kabadi, weight lifting, dog fighting, bull races, wrist holding, cock and button quail fighting. The camel and horse races were also held. Horse and cattle shows were held almost in all major places of this district. In these shows people of all ages and groups participated with fervour. Now these games are on the decline. It is the responsibility of the ministry of tourism, sports and culture to revive and promote them. These social activities on special festivals had great socio-economic value. These developed social relations, tolerance and spirit of competition. Harmony, cooperation, mutual co-existence, friendship and tolerance were promoted by such sports and festivals. But now these social activities are on the wane in Mirpur.

Similarly, social gatherings at the tombs of mystics and saints were very popular and were held regularly with faith and fervour. There are many such tombs and mystic centres in district Mirpur. The *Urs* of Pira Shah Ghazi Qalander, Mian Muhammad Bukhsh, Syed Naik Alam, Syed

Lal Badshah, Mian Shah Badshah, Panj Pir, Dhular Shahab, Mai Toti, Mohra Shrif, Panag Sharif and some others have significant social and cultural value, as these provide opportunities to the people to mix together and improve their social and cultural contacts. Before partition social activities at these places were prominent. After partition religious rites and rituals have been in the forefront while relegating the social activities to the background, which has depreciated the cultural growth of a balanced social order.

FESTIVITIES

The rites and traditions of marriages in rural areas of Mirpur are in tact to some extent, though in cities and towns new modern practices have crept in. The construction of marriage halls, use of cars in place of horses and bridal cots for bridegroom and brides have become rare now, particularly in cities and towns. In place of folklore songs sung in marriage ceremonies, cassettes, videos and other musical instruments are played now. One finds that social value and significance of marriages has been decreasing. Due to inflation and increasing cost of food stuffs, ornaments and other accessories, the old grace of marriage ceremonies is declining. Instead a new social set up is under way. Folk dances, bhangra, wrist holding and weight lifting with drum beating during the marriage procession are fading day by day. Holding of marriage processions for a night was very common a few decades ago. But now such festivities are not to be witnessed.

People of Mirpur district have always been fond of two social melodies – music and dance. Single and double pipe flutes, tongs, *Ik Tara* and *Shehnai* were the common musical instruments used in Mirpur here since early days. Bhangra, *ludi* and sword playing were also common a few decades ago. Folk love stories like *Namoo and Mitha* along with *Mahya* and *Tappa* have been important folklore of Mirpur. Women of the district also danced and sang in marriage ceremonies. Particularly, *Mehndi* is a very special festivity of marriage in which women wear colourful costly dresses and ornaments which make the ceremony very attractive. The fashion of *Sari* is on the increase now.

Shair Khwani (reciting verses from mystic poetry) was a very popular social practice in Mirpur. Reciters from Pothohar and Pindi were invited to display their art. Harmonium, Tabla and Chimta were used by people in such performances. These classical, musical instruments are very rare now. Radio and particularly TVs have sucked them from open air into tight studios.

To conclude, the following steps need to be taken to promote the cultural heritage of the Karakoram Himalayan region:

1. The government of India and Pakistan must take confidence building measures and create an atmosphere of peace, tranquility and cooperation. Mutual confidence, trust and tolerance are the foundation stones for achieving these objectives.
2. Mistrust and hostility must be discouraged in both public and private spheres.
3. People to people contacts must be encouraged at all levels. There should be free and easy exchanges of intellectuals, writers, artists and scholars between the two countries.
4. The educational, cultural and research institutions in both the countries should undertake joint research programmes.
5. Print and electronic media in the two countries should help in normalizing the bilateral relations.
6. The universities in both countries should introduce the subjects of archaeology, museology and heritage management at college and university levels so as to promote greater awareness and understanding of the ancient historical heritage of the Karakoram Himalayas.
7. During the construction of dams, roads and other mega projects in the region, care must be taken that archaeological monuments and sites are not destroyed. The ministries of tourism, culture and heritage along with department of archaeology and archaeological experts must be taken into confidence before undertaking such projects.

ELECTORAL POLITICS IN THE SO-CALLED
AZAD JAMMU AND KASHMIR:
*Historical Evolution, Contemporary
Realities and Challenges*

PRIYANKA SINGH

Pakistan occupied Kashmir (POK) comprising the so-called Azad Jammu and Kashmir (AJK) and Gilgit Baltistan are parts of the erstwhile princely State of Jammu and Kashmir (J&K) claimed by India, that continue to remain under Pakistan's control since 1947. India's claim on PoK is steadfastly tied to the Instrument of Accession that was signed in India's favour by the Maharaja of Kashmir on 26 October 1947. The so-called AJK is a slice of territory that was seized after regulars of the Pakistan army aided and participated in tribal raids unleashing violence and bloodshed in several parts of the princely State.

The so-called AJK consists of the Mirpur - Muzaffarabad region and, has been under Pakistan's illegitimate control despite India asserting its claim on the region all these decades. As per Article 2 (clause 1) of the so-called AJK Interim Constitution 1974, the region "consists of territories of the State of Jammu and Kashmir which have been liberated by the people of that State and are for the time being under the administration of the Government and such other territories as may hereafter come under its administration."¹ Even the United Nations Resolution which lies at the centre of Pakistan's Kashmir pitch, does not recognise the so-called AJK and considers it "a local authority to administer the area assigned to it."² According to the particular UNSC Resolution: "Pending a final solution,

the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the commission.”³The “local authority” referred to those among people of the so-called Azad Kashmir.⁴

The so-called AJK is a farcical enigma that represents Pakistan’s ill-founded but obstinate/ headstrong revisionist approach towards a territory over which it has no *locus standi*. Despite trappings of an independent country, it is now incrementally apparent that the society and politics in the so-called AJK is grossly undermined by Islamabad’s high-handedness. The region continues to witness large scale human rights situation. There are stringent curbs on freedom of press and opinion. Rampant killing of political activists, dissident groups etc. has been a perpetual characteristic of the so-called AJK’s political landscape and processes.

In this backdrop, the paper attempts to unravel the evolution of politics in the so-called AJK capturing the introduction of electoral politics in the region later. It delves into how the existing political practices in the so-called AJK are marred by absolute domination of Pakistan, exploitation of the region as a pawn in Pakistan’s larger game on Kashmir before crystal gazing the possibilities for the political future of the region.

CARDINAL FEATURES OF AJK’S POLITICAL FRAMEWORK

The so-called AJK is currently ruled under the aegis of the Interim Constitution enforced in 1974. Within this interim constitution, there are inbuilt references and provisions that weaken the so-called AJK’s political paraphernalia and render it toothless before the establishment of Pakistan. Therefore, before understanding the political processes in the region, it is important to understand these inherent features that constrain the region’s politics and political freedom of the people living there.

False/illusionary trappings of individuality

The most striking aspect of the so-called AJK are the cosmetic structures that have been raised to exude a sense of an independent entity.

Under the present political set-up in the region, there is a President along with a Prime Minister who heads a Council of Ministers with various administrative portfolios. The so-called AJK has a separate constitution and a flag. Apart from the legislative assembly, there is an apex body in the form of the so-called AJK Council that, as of today, possesses all the virtual powers and is headed by the Prime Minister of Pakistan.

Irrespective of the trappings of an independent state, it is a reality that the so-called AJK lies in the strict confines of the politics and structures of powers that exist in Pakistan. Successive governments of the so-called AJK could under no circumstances had an option to act against the will and wishes of the government of Pakistan.

The judicial set-up in the so-called AJK has been ineffectual on important matters over the years. In 1993, the so-called AJK High Court delivered a judgment for the government of so-called AJK to resume control over what was then the Northern Areas. Gilgit Baltistan, formerly referred to as Northern Areas by the government of Pakistan, was under the administrative control of the so-called AJK for some time after India's independence and subsequent usurpation of the territories from the former princely State by Pakistani forces what is now Pakistan occupied Kashmir. The verdict was challenged and an appeal was made in Pakistan Supreme Court. In this process, what became increasingly clear was that the verdict of the AJK High Court was not binding upon the government of Pakistan.⁵ This was also because the so-called AJK is not part of the constitution of Pakistan as is also the case with Gilgit-Baltistan.

Similarly, during the 2021 elections, the so-called AJK Election Commission failed to take action and enforce its ruling when federal minister of Kashmir Affairs, Ali Amin Gandapur, who was guilty of having violated the rules of conduct and found distributing cash in one of the election meetings. Despite facing a ban, Gandapur was seen alongside Prime Minister Imran Khan in subsequent rallies that were held in the run up to the polls in the so-called AJK. The AJK Election Commission could not take any meaningful or concrete action against the minister as the Commission's writ fell short of taking action against someone who

was not a member of the so-called AJK legislature.⁶

Submissive political leadership

The political leadership in the so-called AJK has been grossly submissive to successive governments at Islamabad. Due to a strict clampdown on a farthest possibility of emergence of anti-Pakistan ideology or sentiments, over the decades, the leadership in the so-called AJK region is custom-nurtured to be obedient, unquestioning and pliant. It is conspicuously strange but at times gone largely unnoticed that governments in the so-called AJK, have systematically laboured and assiduously worked in favour of Pakistan. The so-called popularly elected governments in the so-called AJK have invariably devoted their time and resources to keep the political bosses in Islamabad in good humour, win their favours and support them even if the latter comes at the expense of larger interests and wellbeing of the people who are residents of the region.

Subservient rules

The interim constitution of the so-called AJK promulgated in 1974 contains subservient provisions that seek to entrench and perpetuate Islamabad's subordination over the region's politics and institutional structures. Article 7(3) proclaims: "No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, [this] ideology".⁷ Anyone in the region who wishes to participate in political activities or contest elections or hold a public office must declare via an affidavit that he or she shall adhere to the principle of Kashmir including the so-called AJK eventually acceding to Pakistan and not choose to remain independent or for that matter unite with India. Discriminatory and exclusionary provisions in the interim constitution of the so-called AJK exist under the overarching aegis of Article 257 of the Constitution of Pakistan that pre-holds notionally that "when the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State."⁸

This is a bizarre/inexplicable statement in the constitution of Pakistan—one that presumes parts of the former princely State will choose to accede to Pakistan and forego rest of the options available to them. The usage of “when” instead of an “if” or an alternate non-conclusive term reflects clearly upon Pakistan’s dubious agenda all these years.⁹ Under the bandwagon garb of supporting the cause of the Kashmiris and fighting to restore/establish the wishes of the Kashmiri people, Pakistan’s sole purpose has been to usurp the entire territory of Kashmir.

There are inbuilt provisions in the political system of the so-called AJK that help to persist Pakistan’s dominance. A glaring example is the refugee seats that have been constituted to represent refugees who came into Pakistan from Jammu and Kashmir either during the 1948 or 1965 wars between India and Pakistan. These refugee seats have been instrumental in electorally empowering Pakistan mainstream parties and have more than often been “misused them to gain influence in the Azad Kashmir assembly.”¹⁰ The refugee seats distributed in parts of Pakistan are vulnerable to potential manipulation by state machinery in Islamabad. It has been observed that “Pakistan’s political parties use their influence and resources to win the polls in AJK through these seats.”¹¹ For instance in the 2021 polls for the so-called AJK assembly, the PTI won 16 of 33 seats but it was the 9 refugee seats out of 12 that helped Imran Khan’s party, the *Pakistan Tehrik Insaf*(PTI), to cobble a simple majority and later form a government.¹²

Absent political assertion

In a federal set-up like in India and Pakistan, and the way Pakistan has in its strategically conceived machination, co-opted the so-called AJK in its federal set-up by making the Prime Minister of Pakistan the head of the so-called AJK Council, the government of the region is expected to be assertive of its interests and hard bargain from the federal government over resources and benefits for the region. On the contrary, as the situation in the so-called AJK exists, a word against the government in Islamabad can cost the local politicians dearly. Not long ago, when things were building up around politically absorbing Gilgit-Baltistan as a province of

Pakistan, there was some unease in the so-called AJK political circles. But that did not translate into meaningful/stringent criticism of the proposal made by Islamabad on Gilgit-Baltistan's statehood. Similarly, in the wake of the Panama Papers controversy, and the judgement of Pakistan's Supreme Court indicting Nawaz Sharif, Raja Farooq Haider, the then so-called AJK Prime Minister heading the PML-N (*Pakistan Muslim League-Nawaz*) government there noted that the region may have to rethink about accession to Pakistan. Haider was subjected to a barrage of criticism and there were clamour calls for sacking him for raising a point/question on what Pakistan considers an unequivocal accession to Pakistan. The PTI submitted a resolution against Haider's stance citing the "First Schedule, Section 13(4), of the AJK Interim Constitution Act" by which the Prime Minister of the so-called AJK must "swear allegiance to the ideology of (Kashmir's) accession to Pakistan."¹³

In the backdrop of Article 31 of the interim constitution 1974 that delineates the so-called AJK Council, it has been argued that despite the nomenclature of Prime Minister, the head of the region's assembly is only as powerful and influential as any other chief minister in a federal set-up. It is an established fact that in the years since the interim constitution came into force, the so-called AJK council exercises all virtual powers with Pakistan Prime Minister at the helm and all decisions being undertaken at the Ministry of Kashmir Affairs Secretariat in Islamabad.¹⁴

In contrast to the so-called AJK's political spectrum, in Jammu and Kashmir in India, there has been predominance of the regional political parties namely the National Conference (NC) and the Peoples Democratic Party (PDP) with the mainstream Indian national parties only confined to supportive roles. The regional parties in J&K have their own agendas and cater to their respective constituencies that are neither schooled nor governed by New Delhi unlike the case in the so-called AJK or in Gilgit-Baltistan, the other part of PoK. In both parts of PoK, the mainstream political parties have become progressively predominant "with little or no focus on the region's future."¹⁵ With the rapid decline in the Muslim Conference's political fortunes, the mainstream political parties of Pakistan have called the shots and have refused to cede space to regional political

groups/parties in the so-called AJK.¹⁶ This is despite the official portal of the government of so-called AJK listing as many as 38 political parties in the region.¹⁷ There is literally absent space for parties and groups adhering to pro-freedom ideology and they have recurrently been subjected to virulent state high-handedness by Pakistani authorities and agencies. These pro-freedom groups have “limited political relevance” and due to strict curbs and state vigilantism over decades, their support base could neither prosper nor strengthen.¹⁸

EVOLUTION OF POLITICS SINCE 1947: A TUMULTUOUS JOURNEY

Soon after the tribal raids in October 1947, an interim set up was installed in the usurped territory that claimed itself to be a “war council” tasked with freeing the rest of J&K from India’s control.¹⁹ Sardar Mohammad Ibrahim Khan of the Muslim Conference was appointed the President of the interim set-up.²⁰ After the ceasefire agreement of January 1, 1949, the Rules of Business were formulated to administer the region.²¹ The President exercised both legislative and executive powers.²² The Courts were established in 1948- laws from the former princely state of J&K and Punjab were blended to create the region’s judicial code.²³

However, the bitter rivalry between Sardar Ibrahim and Ghulam Abbas after the latter’s migration from the Indian part of J&K upset the prevailing equilibrium. Ghulam Abbas’s elevation as the Supreme leader of the Muslim Conference and his espousal/embrace by Pakistan led to the sacking of Sardar Ibrahim in 1950.²⁴ Henceforth, began a sequential unfolding of the divisive/devious political landscape of the so-called AJK. The Ministry of Kashmir Affairs set up in 1949 was the overarching body overseeing the affairs of the so-called AJK. It later became KANA to include Northern Areas- more recently rechristened as KAGB once the government of Pakistan decided to restore the original nomenclature of the Northern Areas in 2009.

The Rules of Business as drafted in December 1950 entrusted powers in the Supreme Head of the Muslim Conference. However, in 1952 these

rules were revised to downgrade the Muslim Conference's powers and empower the Ministry of Kashmir Affairs.²⁵ Later in November 1958, there was a re-revision empowering the Chief Secretary selected by the Kashmir Ministry without the so-called AJK's role in it.²⁶

Under President Ayub Khan, after putting a ban on the electoral political activity in the so-called AJK- the principle of Basic Democracies was extended to the region through the Azad J&K Basic Democracies Act in 1960.²⁷ Under this system, an electoral college of basic democrats and Kashmiri refugees elected the President. K.H Khurshid was elected as the President under this rule only to be dismissed a little later.²⁸ By this time Sardar Ibrahim and Ghulam Abbas had fallen out of favour of Pakistan- both being disqualified on charges of corruption.²⁹ During all these years of political tumult and uncertainty, the Ministry of Kashmir Affairs emerged to be powerful and its whims in the political affairs of PoK reigned supreme. The ministry continued to sway the appointment of Presidents exercising greater influence and discretion.

Zulfiqar Ali Bhutto's rise to power in the political echelons of Pakistan was instrumental as a harbinger of electoral politics in the so-called AJK. Prior to the Interim Constitution, the Presidential Election Bill of August 25, 1974 was amended to vest executive powers in the Prime Minister.³⁰ With the promulgation of the AJK Interim Constitution Act in 1974, electoral politics of the region gained some shape and structure. The interim constitution in the so-called AJK was brought about in the aftermath of the Simla Pact that reduced Kashmir as a bilateral issue between India and Pakistan. The interim constitution act, nevertheless, furthered Pakistan's authority to control the so-called AJK legally and politically via the so-called AJK Council that progressively "besmirched the representative character of the AJK government by divesting it of many powers that it enjoyed."³¹

MAPPING THE TRAJECTORY OF ELECTORAL POLITICS: FRYAED AND DIVISIVE

It was probably for the tremendous goodwill that Zulfiqar Ali Bhutto

generated for his role in getting the so-called AJK an interim constitution, that his party, the *Pakistan Peoples Party* (PPP) won the polls held in 1975 polls.³²The incumbent PPP government was dismissed after the imposition of the Martial law in 1977- political activities in the region remained suspended till mid-1980s. It is such acts of whimsical dismissals of the government in the so-called AJK by Pakistani establishment that has been termed as “complete denial of democracy.”³³ In 1985, elections were held from which PPP was disqualified. Till the Musharraf coup in 1999, the seat of power in the so-called AJK swung between the *Muslim Conference* and the PPP corresponding to the respective prime ministerial tenures of Nawaz Sharif and Benazir Bhutto. The 2001 and 2006 elections are regarded hugely controversial as several pro-independence groups were debarred from contesting the polls owing to the condition of submitting an affidavit of allegiance to the cause/ideology of so-called AJK’s accession to Pakistan.³⁴In 2001- the *Muslim Conference* clinched power with Major General Sardar Muhammad Anwar Khan as President who had retired barely days before his political appointment.

2006

The 2006 elections were held during the Pervez Musharraf regime when democracy in Pakistan was in throes and there was extreme political unrest brewing up against the dictatorship. These elections in the so-called AJK brought to power ruling party *Muslim Conference* with the alleged support of President Musharraf. Though a government was formed by the *Muslim Conference*, there was great deal of uproar over the veracity of the election output.³⁵Even prior to the polls, the PPP leadership in the so-called AJK noted: “The election won’t be free and fair because the Pakistan government is openly interfering in it.”³⁶ The demand for holding fresh elections were made thereafter and the president of PPP-AJK Chaudhry Abdul Majeed noted: “We may again sit on the opposition benches but we cannot accept the outcome of July 2006 elections wherein the opinion of people was bulldozed by an individual.”³⁷

2011

The 2011 elections witnessed the PPP chapter of the so-called AJK winning the majority number of seats.³⁸ These elections also saw the *Pakistan Muslim League* (PML-N) contesting the polls independently as opposed to previously being confining itself to a supporting role for the *Muslim Conference*.³⁹ Sardar Abdul Qayyum's (leader of the *Muslim Conference*) purported support to the military take-over by Pervez Musharraf that dislodged the PML-N government in Islamabad is said to be the known reason behind this controversial political split.⁴⁰ The bitter spat/rivalry between the PML-N and *Muslim Conference* damaged the prospects of the PML-N who managed only a few seats with the Kashmiri diaspora seats in Punjab included. The PPP is said to have gained from their electoral cross-purposes of the PML-N and the *Muslim Conference*.⁴¹

2016

The 2016 elections in the so-called AJK were held under the shadow of the crisis in J&K emanating from the killing of the *Hizbul Mujahideen* commander Burhan Wani in the Indian state of J&K. July 19, 2016 two days before the vote in the so-called AJK was declared a Black Day. The issue became a poll clincher for Nawaz Sharif whose campaign rode high on the propaganda against Burhan Wani's killing calling him a martyr. The election results abided by the established pattern of party in Islamabad winning the polls in the so-called AJK. The PML-N won 31 seats in total, while their arch rival the PTI (despite aggressive campaigning by Imran Khan) could manage to win only 2 seats.⁴² The win in the so-called AJK elections was a breather to the PML-N which was already facing mounting challenges domestically in Pakistan owing serious charges of corruption and bad governance.

The 2021 elections

The 2021 so-called AJK elections were the first one held after Government of India's August 5, 2019 decision to annul Article 370 from its former State of J&K. The move came about after decades of contemplation on the necessity of the measure but it is the swiftness with which it happened, took the entire world including Pakistan by surprise.

Obviously, the elections in the so-called AJK were held under the shadow of an ongoing churn in Pakistan's Kashmir strategy where it still seemed to be grappling with the after-effects of India's decision to discontinue the special status of J&K, making milestone administrative changes in the region and bifurcating the state into twin Union Territories- J&K and Ladakh. The 2021 elections in the so-called AJK mirrored the larger interplay of politicking that has been taking place in Pakistan ever since the PTI government headed by Imran Khan came to power. In this context, the perennial slugfest between the PTI and the PML-N over alleged embezzlement of public funds and widespread corruption by the Nawaz Sharif family particularly by his daughter, Maryam Nawaz, during their tenure was something that resonated hugely during the 2021 electoral campaign in the so-called AJK. The PTI's popular pitch was targeting the PPP and PML-N levelling serious charges against both these political parties and how the current crop of the leadership in these parties are likely to follow suit and continue the corrupt practices, their predecessors were hugely embroiled in.

One of the major controversies emerged when federal minister for Kashmir Affairs Ali Amin Gandapur was prohibited from campaigning after being seen distributing cash in one of his campaign meetings.⁴³ Despite the ban, Gandapur was seen accompanying Imran Khan in defiance of the order.⁴⁴ Besides, there was exchange of personal barbs when Imran Khan questioned the ultra-rich lifestyles of the Sharifs over visuals of Maryam Nawaz's son Junaid playing polo at his university in England.⁴⁵ Prime Minister Khan called polo a sport that was prerogative of the rich. Responding to Khan's comments, Maryam Nawaz hit back by raising the Jewish upbringing of Imran Khan's sons with his first wife.⁴⁶

It is important to note that local issues of the so-called AJK were rather eclipsed by the high-voltage political slugfest between the mainstream political parties of Pakistan. The leaders of Pakistan's main political parties "brought their animosity and mutual loathing into the AJK arena and polluted the air with their toxic brand of politics" without "qualms about relegating the issues of Kashmir into the background."⁴⁷ Though Maryam Sharif did make a pitch against the

possibility that Imran Khan-led government could make the so-called AJK a province of Pakistan.

At the end of the shambolic elections, the so-called AJK lived up to the long-established patterns of choosing the party in power in Islamabad for the next government- something that has been referred to as the “survival instincts”.⁴⁸ It has been argued that the “winning party is usually the ruling party in Islamabad, and the losing side usually makes the allegation that the “agencies” — a reference to Pakistani intelligence agencies — gave the winners a helping hand”.⁴⁹

The fact remains that since both parts of PoK have been involved in a constant struggle for identity and recognition, they have developed an inherent sense of uncertainty about their future and well being whereby thinking of voting the party in power may help them with resources and assistance. The visible irony has, however, in turn rendered politics in entire PoK spineless significantly undermining the maturing of political aptitudes and culture in the region.

SITUATING AZADI IN THE SO CALLED AJK'S POLITICAL DISCOURSE

The annotation of *Azadi* in the nomenclature of the region is misleading for several reasons that have been covered in the previous sections of the paper. However, over the years, the notional term of *Azadi* in the region's identity has had its role in buffering Pakistan's dubious Kashmir policy from the scrutiny of the international community. During the cusp period of India and Pakistan emerging as independent nations and the deceitful tribal raid against the princely state of J&K, Pakistan was perhaps left with no better option. Pakistan greatly feared it may have to withdraw from the swathes of territory, it occupied as the matter was referred to the United Nations.

The political evolution of the so-called AJK has been around the twin pillars- of sloganeering/lip service of *Azadi* on the one side while cementing allegiance towards Islamabad on the other. Even as *Azadi* is of nominal face value, the politics of the so-called AJK has revolved around what

could be referred to as the political economy of the concept and propaganda around *Azadi* of what constituted the princely state of J&K in 1947. More than being designated as the region deceitfully usurped by Pakistan in violation of the Standstill Agreement signed with the Maharaja of Kashmir and later the Instrument of Accession concluded in India's favour, the so-called AJK has been falsely projected as 'the freed Kashmir', whereas the J&K under India's control is referred to as the 'maqbooza Kashmir' by Pakistan. The local political narrative has been along these lines and decades of persistence and pursuance of the same farcical agenda has created an industry of this political *Azadi*. As a result, today, no one in the local political landscape of the so-called AJK now wants to part with this pretence under any circumstances.

So tied is the so-called AJK's local politics with the chimerical impending *Azadi*, that the political leadership has often expressed resentment over the possibility of Gilgit-Baltistan being absorbed as a province of Pakistan. There has been a perennial tussle between Islamabad and the so-called AJK over exercise of power over Gilgit-Baltistan given that latter was indeed under so-called AJK's administrative control for some period in the aftermath of GB's controversial and dubious accession to Pakistan. Ever since, there has been considerable heartburn/angst amongst the people and political leadership in the so-called AJK against Pakistan forcing the so-called AJK leadership to relinquish control over Gilgit Baltistan- a region which is perceived to have been "virtually swallowed by the Pakistan Army."⁵⁰

Besides, there is generally unhappiness in the political circles of the so-called AJK about the change in status of Gilgit Baltistan fearing this may somewhat dent or undermine the larger designs that have politically been woven over a period of seven decades. This false construct of *Azadi* is something that has been retained as a quintessential factor-one that benefits the prevalent politicians, political parties and their decades-prevailing agendas. What is quite apparent is that there is a certain equilibrium or a political economy in the chimera concerning *Azadi*. Despite realising it may never be fulfilled, there is a tacit understanding amongst the local political parties and their proponents that this imaginary

phenomena howsoever unproductive for the people of the so-called AJK at large, is something that must be preserved to safeguard their own survival and their narrow selfish interests. This is ironical for the future of the people of the so-called AJK but there is hardly any doubt that the particular approach or the situation would ever change course in near future.

Due to lack of strong leadership, there is no concrete, impactful unifying/mobilizing force in the so-called AJK. Large scale displacement occurred in the wake of the construction of the Mangla dam in the region and people especially from Mirpur were forced to flee to the United Kingdom.⁵¹ Even at the peak of the unrest, the leadership in the so-called AJK seemed unable to capitalize on popular sentiments to change the mind of the government in Islamabad.

Despite Pakistan's unflinching control over the region, there have been undercurrents of yearning for more empowerment in terms of political rights and power for the popularly elected government set-up. In this regard, the long awaited reforms to the constitutional provisions in the so-called AJK were introduced in a limited measure in the year 2018. These reforms purportedly sought to clip the powers of the all-powerful so-called AJK Council. In reality, the reforms entrusted and concentrated all such powers directly in the Prime Minister of Pakistan (who was already the head of the so-called AJK Council) and converting the Council into an advisory body.⁵²

The 2013 constitutional reforms in the so-called AJK is a classic example of the more things changed, the more they remained the same. As a result of these constitutional modifications, Islamabad will exercise the right to directly legislate on important subjects that were until now under the purview of the Council. There has been some staunch criticism of the shambolic reforms and leader of the PPP-AJK Choudhry Latif Akbar called the act of transferring legislation rights to the government in Islamabad "a great anomaly".⁵³

The saga of political subjugation did not end there and soon a draft proposal for a 14th amendment was forwarded to the so-called AJK government- one that sought to retrieve the fiscal and other powers of the

Council. The amendment draft proposal was prepared by the Federal Law Ministry and the Ministry of Kashmir Affairs purportedly at the behest of the so-called AJK Council Secretariat which after the implementation of the 13th amendment increasingly felt powerless with resources and other instruments of power drying up. An extraordinary meeting of the so-called AJK cabinet in the wake of these proposals, presided over by the then Prime Minister of the so-called AJK Raja Farooq Haider, (PML-N) decided to turn down the draft proposal “in totality”.⁵⁴

THE SO CALLED AJK IN PAKISTAN’S LEGACY : A PIVOT OR PAWN

It is important to analyse in hindsight the import of the so-called AJK in the structure of Pakistan’s broader Kashmir policy. Notwithstanding, Pakistan has vied to keep the focus away from parts of the former princely State under its illegitimate control (and to a great extent has succeeded to do so due to a skewed/biased approach of the international community in the previous decades), it is noteworthy that calling the illegally occupied part as *azad* may have been the pivot of Pakistan’s untiring ambition to dislodge India’s control over its territory of Jammu and Kashmir. At the same time, to avert/suppress the manifest of *Azadi* sentiment in the actual sense while maintaining a camouflage of *Azadi*, Pakistan has unleashed every possible tool to exercise absolute control over the so-called AJK making a mere pawn in the larger chessboard of geopolitics vis a vis rivalry with India on Kashmir and influencing international opinion.

The treatment meted out to the other part of PoK, i.e., Gilgit-Baltistan is reminiscent as well of this manipulative approach of Pakistan that it has had over parts of the former princely State under its control in an attempt to bolster its Kashmir strategy vis a vis India. Gilgit Baltistan is part of the erstwhile princely state of J&K and it was under the Maharaja of Kashmir’s rule on August 15, 1947 after the revocation of the British lease. Despite this, Pakistan adjoined Gilgit Baltistan first with what was the so-called Azad government only to later subtract the territory from under the so-called AJK’s administrative control as it wanted to leave out

the expansive territory out of the impending negotiations on Kashmir.

A closer examination of the provisions in the political framework of the so-called AJK as discussed in the aforementioned sections brings forth serious deficiencies in terms of political rights and freedom. It must be understood that the term so-called AJK has been used merely by Pakistan to shield its unwarranted seizure of territory by force and deceit that was part of the former princely State. Pakistan which has traditionally cried foul about the non-implementation of the UN Security Council resolutions on Kashmir was perhaps the first to defy the directions of the UNSC resolutions- the fundamental premise of which included withdrawal of Pakistani forces from the territories it illegitimately occupied. Pakistan's sole objective on Kashmir has been to gain control over the entire region of what was in 1947 the princely State of J&K. This was also necessary for Pakistan to uphold and bolster its flawed rationale that Muslim majority population in the J&K state made it incumbent for it to become a part of Pakistan and, therefore, justify the rationale behind the creation of Pakistan.

Pakistan's revisionist attitude on Kashmir was best reflected in Prime Minister Imran Khan's February 5 Kashmir Day speech in 2021. In his speech Khan quite flagrantly noted: *"Inshallah jab ye Kashmir ke logon ko ye haq milega ki- Azad Kashmir aur maqbooza Kashmir ki jab aap apne mustaqbil ka faisla karenge aur Kashmir ke log inshallah jab Pakistan ke haq mei faisla karenge, main ye bhi aaj kahna chahta hun ki us ke baad Pakistan Kashmir ke logon ko wo haq dega, ki unko wo right dega ki aap Azad rehna chahte hain yan aap Pakistan ka hissa banana chahte hain ye aap ka haq hoga"*.⁵⁵ Khan's assertion implied that before Pakistan bestows the people the right of choice to remain independent or become a part of Pakistan, people of Kashmir must first accede to Pakistan. However, it must be noted that PM Imran Khan's argument only resonated what has been the real game plan in Pakistan's pursuits over Kashmir. The underlying desire and strategy has been to usurp the rest of J&K from India to satisfy its long pending territorial ambitions. Secondly, Pakistan's idea has been to mislead the world community and put pressure on India trying to present itself as the saviour of Kashmiri rights and maintaining an independent set-up to exist as a

forerunner of what would one day be an independent Kashmir.

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HUMAN RIGHTS SITUATION IN PAKISTAN CONTROLLED KASHMIR (AJK)

JAMIL MAQSOOD

HISTORICAL PERSPECTIVE

The State of Jammu & Kashmir was officially founded on 16th March 1846 under the Treaty of Amritsar between Maharajah Gulab Singh and the British East India Company. This treaty was the continuation of the Treaty of Lahore of 9th March 1846. The State of Jammu & Kashmir evolved in its contemporary political and constitutional position, particularly during the reign of Maharajah Ranbir Singh (1856-1885). By the end of 1860s, he had annexed Gilgit and small states like Hunza and Nagar. During his reign, modern judicial system was established, civil and criminal laws were enacted and consolidated into Ranbir Panel Code (RPC), which had great impact on the society and polity of the erstwhile State in later years. He also founded separate departments for foreign affairs, home affairs, civil affairs and army. He founded a silk factory in the State and promoted trade. The famous shawl industry flourished much during his reign, which provided employment and basic income to the state subjects. *Begar* or forced labour was abolished and child marriage was also outlawed during his reign. As part of his reforms, one degree college each was established at Jammu (Prince of Wales College, 1907) and Srinagar (Sri Pratap College, 1905). Besides, Amar Singh Technical Institute at Srinagar (1914) and Sri Pratap Technical School at Jammu (1924) were set up to meet the demands of higher education. By 1938, Sri Pratap College, Srinagar achieved the

distinction of being second largest college affiliated to Punjab University. Modern hospitals were also established at Srinagar and Jammu. In other towns and important villages, medical dispensaries under the charge of qualified doctors were opened. These establishments went a long way in improving the health of the people. Smallpox used to take a very heavy toll of life in the Valley. Vaccination on an extensive scale was introduced in 1894 to prevent the disease.

Maharaja Ranbir Singh was opposed to the appointment of British Resident in Kashmir, arguing that there was no such provision in the Treaty of Amritsar. Upon his death on 12th September 1885, a British Resident officer was appointed in Jammu & Kashmir by Lord Ripon, the British Governor General soon after the ascension of Maharaja Partap Singh to succeed Maharajah Ranbir Singh. After the death of Pratap Singh, Maharajah Hari Singh ascended the throne in 1925, in Jammu & Kashmir. During the reign of Maharajah Hari Singh, historic State Subject Rule was introduced on 20th April 1927. Under that law, land rights of the people were protected. That law has had historical impact on the political, socio-cultural and ethno-linguistic diversity of the erstwhile state of Jammu & Kashmir. Maharaja Hari Singh introduced several social, legal, educational, economic and agrarian reforms for the wholesome development of the people of the State. These reforms had far reaching impact on the society and common man. On many occasions, the Maharaja would reiterate that justice was his religion and he was bound to dispense it without any prejudice of caste, color, ethnic, racial, social or religious orientation of the people of the State.

Jammu and Kashmir was one of the largest princely States outside of British India. Unfortunately, soon after the creation of Pakistan in 1947, it started a military expedition called Operation Gulmarg in Jammu Kashmir and Operation Datta Khel in Gilgit- Baltistan. Pakistani tribesmen equipped, trained and transported by the Pakistani military invaded Jammu & Kashmir on 22nd October 1947 and started indiscriminate killing of innocent people. Muzaffarabad town was razed to the ground and thousands of non- Muslims were killed in Mirpur, Poonch and Bagh areas, with most of the young girls kidnapped and later sold to the brothels of

Peshawar in Khyber Pakhtoonkhwa (former North Western Frontier Province of Pakistan). The tribal invaders who had the backing of Pakistani military reached Baramulla and left a trail of death and destruction. Master Abdul Aziz, a local leader in Muzaffarabad and Maqbool Shervani in Baramulla were brutally killed by these savages. It was in this devastating situation that Maharaja Hari Singh of Jammu & Kashmir requested India to save his State from this armed aggression. He signed Treaty of Accession with India on 26 October 1947, following which Indian forces landed in Srinagar and pushed back the invaders who were busy in loot, rape, death and destruction of property. Christian Missionary hospital was burnt and the nurses were raped and killed. Even the Muslim women were not spared in Baramulla town. Under those unfavorable circumstances, Government of India lodged a formal complaint against Pakistan's armed aggression in Jammu & Kashmir to the United Nations Security Council on 1st January 1948. Pakistan responded by denying her involvement in the events that were unfolding in Jammu & Kashmir. However, the historical documents, cables and telegrams between all the actors, which are now available, show that it was all orchestrated by the British officers and their aides in Pakistan. The United Nations Security Council (UNSC), adopted its first Resolution on 17th January 1948, followed by a second one on 20th January 1948 and 3rd on 21st April 1948. The UNSC Resolutions stressed upon both India and Pakistan to stop further hostilities under their jurisdiction in Jammu & Kashmir. On 3rd June 1948 the UNSC directed the United Nations Commission for India and Pakistan (UNCIP) to proceed without delay to the areas of dispute with a view to accomplishing in priority the duties assigned to it by the resolution 47 (1948). The UNCIP concluded a Truce Agreement on 13th August 1948. However, Pakistan mischievously played delaying tactics and did not act upon the stipulations imposed on her by the UNCIP. Part 11 A- 2 & 3 of UNCIP proposals stated that "(1) As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State. (2) The Government of Pakistan will use its best endeavour to secure the

withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting. (3) Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission". And in Part (3) the free expression of the people was guaranteed. Ironically the proxy war that was launched soon after the creation of Pakistan, never ended. Few years later another covert Operation Gibraltar was launched in 1965 to create unrest in Jammu Kashmir. The people of the state of Jammu and Kashmir not only did not cooperate with the Pak armed intruders but also handed them over to Indian forces, thus foiling the Pak designs. But this led to a full fledged war between Pakistan and India, which ended after both countries signed Tashkent Accord in January 1966. On 2nd March 1963, Pakistan signed a border agreement with China and surrendered Shaksgam Valley to China. Legally Pakistan has no such *locus standi* to alter regional geography. Article 6 of the Sino- Pakistan Agreement states that, "The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China, on the boundary as described in Article Two of the present Agreement, so as to sign a formal Boundary Treaty to replace the present agreement". The Pak policy of hunting innocent people of Jammu & Kashmir has been going on under Operation Topac since 1986-87, which has been threatening the security of the State and regional and international peace.

POLITICAL DISEMPOWERMENT IN 'AZAD' KASHMIR

Fundamental human rights and political freedoms have been curtailed in the so called 'Azad' Jammu and Kashmir. The interim constitution of 1974, instead of guaranteeing political, democratic, cultural, constitutional or human rights, snatches all such rights. Under Article 3-D, "The State shall encourage local Government institutions composed of elected

representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women." But this legal obligation is yet to be observed for the past three decades. The local Government has showed no endeavours to hold local bodies elections to delegate powers at the grass roots level. Article 3F states that "Steps shall be taken to ensure full participation of women in all spheres of life". But the participation of the women in decision making bodies including in the legislature remain at the mercy of their male counterparts to nominate them. Article 7 (3) subdues dissenting voices by imposing restrictions. It states that "No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan". Article 257 of the constitution of Pakistan states that "When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State". The same constitutional provisions related to the office of the President put a bar on non-Muslim state subject to become President of Azad Jammu & Kashmir. Similarly the Prime Minister should also be a Muslim. The Legislative Assembly can't omit or amend any law without the consultation and approval of the Chairman of Kashmir Council, who happens to be the Prime Minister of Pakistan. The oath of all public office holders is another mockery. Azad Jammu & Kashmir has no authority to unilaterally accede to Pakistan, yet an oath of allegiance has been imposed on all political parties and office holders to be complied with under the so called interim constitution of 1974. Under Third schedule, Pakistan has taken self-assumed responsibilities and describes the following matters as under the jurisdiction of Government of Pakistan : "(2) Defense and security of Azad Jammu and Kashmir. (3) The current coin or the issue of bills, notes or other paper currency. (4) The External affairs of Azad Jammu and Kashmir including foreign trade and foreign aid. (5) Post and Telegraphs, including Telephones, Wireless, Broadcasting and other like forms of communications; post office saving Bank. (6) 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. (7) Aircraft and air navigation; the provision of aerodromes; regulation and organization of air traffic and of aerodromes. (8) Beacons and other provisions for safety of aircraft. (9) Carriage of passengers and goods by air. (10) Copyright, inventions, designs, trademarks and merchandise marks. (11) Opium so far as regards sale for export. (12) State Bank of Pakistan; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by Azad Jammu and Kashmir and carrying on business only within the Azad Jammu and Kashmir. (13) The law of insurance, except as respects insurance undertaken by Azad Jammu and Kashmir and the regulation of the conduct of insurance business, except as respects business undertaken by Azad Jammu and Kashmir. (14) Stock exchanges and future markets with objects and business not confined to Azad Jammu and Kashmir. (15) 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 Azad Jammu and Kashmir or cooperative societies, and of corporations, whether trading or not, with objects not confined to Azad Jammu and Kashmir, but not including universities. (16) Planning for economic coordination including planning and coordination of scientific and technological research. (17) Highways, continuing beyond the territory of Azad Jammu and Kashmir and also roads declared by the Government of Pakistan to be of strategic importance. (18) External affairs; the implementing of treaties and agreements, including educational and cultural pacts and agreements, with other countries; extradition, including the surrender of criminals and accused persons to Governments outside Pakistan. (19) Foreign exchange; cheques, bills of exchange, promissory notes and other like instruments. (20) Administrative Courts and Tribunals for subjects under this Part. (21) Libraries, museums, and similar institutions controlled or financed by the Government of Pakistan. (22) Government of Pakistan agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies. (23) Education in respect of Azad Jammu and Kashmir students in foreign countries and

foreign students in Azad Jammu and Kashmir. (24) Import and export across customs frontiers as defined by the Government of Pakistan. (25) International treaties, conventions, agreements and international arbitration. (26) Surveys including geological surveys and meteorological organizations. (27) Establishment of standards of weights and measures. (28) Duties of customs, including export duties. (29) Taxes on corporations. (30) Offences against laws with respect to any of the matters in this Part. (31) Inquiries and statistics for the purposes of any of the matters in this Part. (32) Matters incidental or ancillary to any matter enumerated in this Part.

'Part-B' 1: Railways, (2) Mineral oil and natural gas; liquids and substances declared by Government of Pakistan to be dangerously inflammable. (3) National planning and national economic coordination, including planning and coordination of scientific and technological research. (4) Supervision and management of public debt. (5) Boilers. (6) Census. (7) State Property until transfer to the Government of AJK. (8) Electricity except the power generation planned and made by Government of AJK. (9) Terminal taxes on goods or passengers carried by railway or air, taxes on their fares and freights. (10) Extension of the powers and jurisdiction of members of a police force belonging to Azad Jammu and Kashmir, or any Province of Pakistan to any area in such province or the Azad Jammu and Kashmir but not so as to enable the police of Azad Jammu and Kashmir or such province to exercise power and jurisdiction in such province or Azad Jammu and Kashmir and without the consent of the Government of that province or the Azad Jammu and Kashmir. (11) Measures to combat certain offences committed in connection with matters concerning the subjects included in this list. However, the story is not over yet. Under Article (31.3) the government of Pakistan has assumed exclusive power to make laws with respect to any matter enumerated in 'Part-A' of the Third Schedule.

VIOLETION OF HUMAN RIGHTS

Human Rights Watch in its 2006 Report titled *With Friends Like These* has comprehensively dealt with the state of human rights in Pakistani

Administered Azad Jammu and Kashmir and Gilgit-Baltistan. (https://www.hrw.org/reports/pakistan0906webwcover_1.pdf). The European Parliament Resolution adopted on 24th May 2007 in its introduction draws attention to the fact that India is the world's largest secular democracy and has developed democratic structures at all levels, whereas Pakistan still lacks full implementation of democracy in Azad Jammu & Kashmir (AJK), and has yet to take steps towards democracy in Gilgit and Baltistan. The same Resolution in its article 18 regrets that Pakistan has consistently failed to fulfil its obligations to introduce meaningful and representative democratic structures in AJK. It notes, in particular, the continuing absence of Kashmiri representation in the Pakistan National Assembly, the fact that AJK is governed through the Ministry of Kashmir Affairs in Islamabad, that Pakistan officials dominate the Kashmir Council and that the Chief Secretary, the Inspector-General of Police, the Accountant-General and the Finance Secretary are all from Pakistan. The resolution disapproves the provision in the 1974 Interim Constitution which forbids any political activity that is not in accordance with the doctrine of Jammu and Kashmir being part of Pakistan and obliges upon any candidate for a parliamentary seat in AJK to sign a declaration of loyalty to that effect. It is concerned that the Gilgit-Baltistan region enjoys no form of democratic representation whatsoever. Furthermore, it draws attention to the fact that the Government of Pakistan's 1961 Jammu and Kashmir (Administration of Property) Ordinance transferred the land controlled by Pakistan and which belonged to the State of Jammu and Kashmir on 15 August 1947 to the Federal Government. The 78 points EU resolution brings out clearly the current situation in Jammu & Kashmir.

The United Nations Human Rights Council, (<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>) in its 14th June 2018 report (pages 41 to 46, Part V11) explains the situation in Pakistani Administered Kashmir. It states that while AJK officially has a parliamentary system with a Prime Minister, an autonomous government, and a President as the constitutional head of state, but it has been effectively controlled by the Government of Pakistan throughout its entire history. The "Azad Jammu and Kashmir Adaptation

of Laws Act, 1988” adapts and enforces several Pakistani laws in AJK. Although most Pakistani laws are applied in AJK, AJK sends no delegates to the National Assembly of Pakistan. This position was denounced in the 2007 Resolution of the European Parliament Committee on Foreign Affairs, which noted Pakistan’s failure to fulfil its obligations to introduce meaningful and representative democratic structures in AJK. (<http://hrcpweb.org/hrcpweb/wp-content/uploads/2021/05/State-of-Human-Rights-in-2020-20210503-REPORT.pdf>).

The annual report of the Human Rights Commission of Pakistan (HRCP) (pages 147- 165) has exposed Pakistani policies in Azad Kashmir and Gilgit- Baltistan. It recognised the fact that both peripheries have been camouflaged from the outer world where the concept of fundamental human rights and political freedoms is far beyond understanding of the civilised world. In its introductory remarks the HRCP says that “(1) The AJK Legislative Assembly enacted the AJK Human Rights Commission Act 2020 to constitute a commission designated to document the human rights situation in the region. The commission’s structure remains questionable, and it has not yet begun functioning. (2) No formal data is available to gauge the intensity of human rights violations in AJK, as the region has no designated human rights groups or individuals to monitor and record violations. (3) Numerous human rights violations took place during the year 2020, including suppression of the right to freedom of expression and assembly, and access to infrastructure and the internet. (4)The AJK government de-registered 424 civil society organisations working in the region”.

Another year has passed without local body polls being held in AJK. The last local body elections were held in 1991. The elections of the local Legislative Assembly have always been rigged and manipulated by the secret agencies of Pakistan and by the Lent Officers deputed from Islamabad to the region since 1947. The most recent elections held on 25th July 2021 were the worst of all kinds and have broken all records of political and electoral engineering. Mr. Ali Amin Gandapur, Pakistan’s Minister of Kashmir Affairs was openly distributing money and making proclamations that his Government in Islamabad shall repay to the people

for every vote they shall entrust in favour of his political party, the ruling *Pakistan Tehrik e Insaf* (PTI). Silmilar annoucementS were also been made by Pak Prime Minister Imran Khan during his addresses to the election rallies in various constituencies in Pakistani Administered Kashmir. Irony of the situation is that the people voted, but Islamabad decides who would be the Prime Minister, President or the member of the cabinet.

Our Party UKPNP has been constantly demanding that fundamental freedoms and human rights be ensured in both peripheries, i.e, so called Azad Kashmir and Gilgit- Baltistan, but so far no measures have been taken by the Government of Pakistan. We do oppose a culture of proxy wars and covert operations in our State. We do oppose extremist organizations like LeT, JeM, Hizb ul Mujhadeen, TTP, TLP, and others who engage in terrorism with the help of deep state in Pakistan. We are pro-people and pro-democracy political Party that believes in the universality of human rights and respect the religious, cultural, lingual, ethnic or racial identities of the people within Jammu & Kashmir .We believe that the ethno-linguistic or ethno religious diversity is a big strength of the erstwhile State of Jammu & Kashmir.

REPORT OF VISIT TO EARTHQUAKE ZONE IN 'AZAD' KASHMIR, OCTOBER-NOVEMBER 2005

DAALAT ALI

The report is about the visit to the earthquake zone in Kashmir. The visit was endorsed (though paid by the author himself) by Kashmir Youth Project (KYP) Rochdale and facilitated by Almi Pahari Adabi Sangat (APAS), Kashmiri Journalists Forum (KJF) and Kashmir Charitable Trust. This was continuation of trips made earlier by Talat Butt from Sweden and Asad Zia from Bradford, followed by Mohammed Mushtaq from Rochdale. The report is by no means an indepth research, but it is the author's observations. I have written this for the next batch of people visiting the area to pick up on some of my experiences and make useful contributions in rebuilding the area and the affected people's lives, who had very little in the first place and lived under sixty years of continuous oppression, this oppression and neo-colonialism which somehow escaped any meaningful attention both domestically and internationally.

According to a UN report, 70% people of the districts of Muzaffrabad, Neelam and Bagh (which bore the brunt of the disaster) were suffering from malnutrition before the earthquake. In a couple of his press conferences the, Prime Minister of 'Azad' Kashmir, Sardar Sikandar Hayat Khan, said: "God has punished these people because they got used to Zakat". What does he think they were expected to do?

70% people suffered from malnutrition, did they have a choice? Is that why sixty years of continuous corruption has killed their next generation? Who is responsible for that? Sardar Mohammad Abdul Qayum

and his son, President of ruling Muslim Conference, Sardar Attique Khan, along with Choudhary Shujat, an ex-Prime Minister of Pakistan blamed this on peoples' sins. This is also reiterated by right wing Islamic Parties' graffiti in Muzaffarabad and Bagh. I can not recall in the history of mankind, if any of the peoples' representatives, especially the democratic ones have had so much contempt for their people, which seems to be the case at the time of this tragedy.

In this crisis, these resilient people with very proud history and traditions need the support of world community in general and Kashmiri brothers and sisters in specific at this hour of need. The world community and Kashmiri diaspora have turned a blind eye for too long. Now is the time to make up for it. In Chinese proverb, crisis and opportunity means the same thing, this crisis provides us with an excellent opportunity to help those 70% malnourished people and make sure that their children who survived the government's wrath do not go to bed on an empty stomach, their women do not fear rape, their sons are not killed in the name of sectarianism or branded spies and traitors. This disaster has left orphans, widows, helpless elderly and frail who need our help; let us not leave them helpless.

It is for this reason that I have written my observations in a critical manner. I hope it is not dubbed as political just for the sake of discrediting it and is seen in its proper context and also it is used as a guide to go out there and form one's own informed opinion, which goes some way to alleviate the effectees suffering.

BACKGROUND

8th October 2005 witnessed one of the worst earthquakes in South Asia during the last hundred years. Though its epicentre was in Kashmir just 60 kilometres from Pakistan's capital Islamabad, it affected areas of the North West Frontier Province (NWFP) and one building in Islamabad, which remained the centre of attention of Pakistan government for several days. For some unknown reasons, it took Pakistan authorities three whole days to admit partial severity of the disaster. However, all credit goes to

the Pakistan's independent and international media including Geo TV, BBC and CNN for highlighting the graveness of the situation while as Pakistani authorities were living in denial mode. The earthquake measured at magnitude of 7.6 caused major destruction in 'Azad' Kashmir, with over 70,000 casualties and over 70,000 injured.

I was gob smacked to see a young man from Oldham in Muzzafrabad trying to provide relief on the second day. I use the word gob smacked because the authorities stated that all routes were closed, due to which help could not be provided. This was followed by scores of individuals and organisations of Kashmiris from abroad and rest of the Pakistani controlled Kashmir especially Mirpur, Bhimber and Kotli as well as Pakistan itself. But there was still no sign of Pakistani authorities or the mighty army itself.

Kashmir Youth Project, (KYP) Management Committee held an emergency meeting to discuss the situation. An ad hoc committee was formed; other organisations from the North West were invited to this group. Within days we were in a position to send aid via chartered aeroplanes. We had to charter planes because despite promises there was no way that Pakistan International Airline was in a position to cope with the volume of goods being sent from all over the world.

One of the members of KYP committee (Mohammed Mushtaq) went with the cargo of goods which included tents, medicines and warm clothing; Kashmir Charitable Trust people were already operating in the area. Along with relief, they also recruited volunteers to dig up trapped bodies and perform other duties as and when needed. Mushtaq forged partnerships with organisations like Kashmir Development Foundation (KDF) and Kashmir Charitable Trust (KCT), Rotary Club Pakistan and others working on the ground. This was something new for KYP management committee and we learnt lessons from the first consignment. It was reported that Pakistani authorities tried to discourage people like Mushtaq to deliver aid direct. After some difficulty and lot of persistence, 30% of chartered relief goods got through. Later consignments were C/O Islamic relief, a leading member of Disaster Emergency Committee (DEC) who we found being incorporated as the Pakistani Army itself. In fact

they went a step further and charged KDF the sum of Rs. 50,000.00 for our own goods,

We had established bases in the field within weeks which were still operational. The storming phase seemed to be over and the normal phase was setting in. KYP experience showed that there was lack of coordination, cross cutting information for charities like ours, individuals, organisations, local authorities and many other bodies. Hence, KYP sent its senior members to carry out audits as well as environmental scanning.

In Pakistani controlled Kashmir, which I was asked to visit by KYP and KCT to look at the situation on the ground, I travelled the length and breadth of the disaster zone from Neelam to Hajira and all the valleys including remote Leepa, urban Bagh and Muzaffrabad, valleys of Jhelum and Neelam, mountain passes of Moji, Lasdana, Mahmood Ghali, Sudhan Galli, Toli Pir and Chikar, border areas of Titwal, Athmaquam, Chakothe, Forward Khahota, Bandi Abbasspur and Titrinote. I also visited hospitals and camps in Pakistan especially Islamabad. This report concentrates on what was witnessed by me on the ground. This would help us make informed decisions in relation to any future development, or highlight gap areas once the redevelopment programme is drawn up.

RESPONSES

After talking to people which included: politicians of all persuasions, volunteers, civil and public servants involved in aid efforts including the army both local and international, NGOs operating in the field, 'Azad' Kashmir Government, members of Legislative assembly (MLAs), opposition MLAs, Members of Kashmir Council, people effected in hospitals, camps, in their villages, homes, in Islamabad camps, on the road, in shops, in aid distribution queues and wherever they could be found, businessmen, citizens of the State from unaffected areas like Mirpur and Kotli, for five weeks across the length and breadth of the affected area as well as doctors, nurses and NGO workers. Following are some of the common reactions about various agencies involved:

AJK Government

The general public was unanimous that the Government had abandoned them in the hour of need. One journalist said, "The Prime Minister, at the time of the earthquake was in Rawalpindi with his long time girlfriend. When Pakistani authorities located him to inform him, they found him drunk and disinterested. They had to persuade him to come to his senses and come on TV. After some considerable time he came on the air and blamed people of the affected area by saying, 'they are paying for their sins because they became recipient of the Zakat fund' (Islamic charity for the poor)." Sardar Qayyum and his son who is president of the ruling party also blamed the victims and they were openly saying to the media that, "The earthquake is the result of people's sins". While every one told me that Raja Qayyum, a senior minister of ruling Muslim Conference was responsible for looting aid trucks. Similar allegations of looting were also repeated in Muzzafrabad, Rawalakote and Bagh. People of Pakistan controlled Kashmir showed nothing but resentment for their government. Most NGO workers had no knowledge of the existence of the AJK Government from the outset.

Pakistan Government

Most people felt let down by the Pakistan government. One young student said, "I can not understand why Pakistan government took more than three days even to recognise that there was a disaster?" Another businessman said: "By the time Pakistanis admitted there was some thing wrong, Kashmiris in the Indian controlled Kashmir had been rescued". Another woman in one of the camps said; "If it was not for Angrez (Western foreigners), we would have rotted in hell and the Pakistani and Kashmiri Governments wouldn't have cared less. I hope these white people would stay in Kashmir, they treat us with care, not contempt like the Pakistani army and Kashmiri authorities". One old man commented; "I have seen Maharaja's rule, Azadi but with Angrez here, it is for the first time I have been treated like a human being and feel like one". He was treated by the Canadian medical doctors in Abbass Medical Institute.

The Army

The army seemed to have come out worst as they remained too busy in getting out their own men and completely abandoned ordinary citizens. One young man in the Jalalabad camp told me: "My parents were trapped in the house which happened to be next to army barracks. There were army personnel doing nothing. When I pleaded with them for help, the commanding officer said that they haven't received orders yet to help civilians". This was widely reported in the western media including BBC and papers like the *Sunday Times*. This trend continues, it is widely believed that tents, medicines and other stuff have been and continued to be sold by the army, good winter tents are stored by them and old ones are given to the affected persons. It is also widely believed that the army top bosses get commission for contracts and procurement of stuff like sanitation (field toilets), steel sheets, construction of shelters etc. which seem to be very sub-standard. What I have seen in the field and far flung areas is that the army genuinely is trying to get into the people's good books; at least it seems that way at the lower rank level and some junior officers do acknowledge most allegations levelled against the army bosses.

I spoke to many Pakistani journalists, they seem to be under very strict orders to promote Pakistan Army and not to write anything at all against them even if it was witnessed by them. No tolerance policy is in operation, that in its self made me suspicious of the army motives. While I was there many reporters were expelled from Kashmir for reporting news which was deemed to be against the army and the ministry of information issued new orders for media reporters, i.e., they have to be cleared and approved by the authorities to operate in Kashmir, which meant body guards and "big brothers" watching you twenty four seven.

The Public

It is widely believed by the people in the affected areas that if it was not for the people in the unaffected parts of Kashmir mainly the districts of Mirpur, Bhimber, Kotli, Kashmiri diaspora and Pakistani public, they would have most certainly perished in the first two weeks of the disaster. It was the public which kept them alive. Some believe that if the roads

were opened immediately by the authorities which was not a big task, only a couple of small slides to get into Muzaffrabad, tens of thousands of people could have been saved by the Kashmiri and Pakistani public . However, some call the road closure a blessing in disguise because in the absence of any government and lawlessness things would have been worse. When the roads opened, it is widely believed that three to five thousand young girls were kidnapped for cheap domestic labour, prostitution and sex trade. Had the road been opened at the outset, more would have gone missing. There are also wide spread allegations of looting by Afghans who lived in the districts of Bagh and Muzaffrabad. They looted jewellery shops, banks and in some cases, corpses. This is where resentment for the army and 'Azad' Kashmir government grew deeper. It seems that because Afghans lived in tents in the first place, the earthquake did not affect them as much and they were able to carry out targeted lootings and flee as quickly as they could.

REACH ISLAMABAD

I arrived at Islamabad on 28th November 2005 where Shokat Malik was waiting for me outside the airport. To my surprise I found almost no beggars asking for pounds at Islamabad airport. My first question to Malik was "Where are the beggars?" He smiled in his usual semi bent lip style which at times makes him look mysterious and said; "In Muzaffrabad". I could not understand, I thought Malik was joking. However, I could not be sure if he was or not and did not pursue this question further for two reasons: (i) I was tired and (ii) I did not know Malik well enough, although I had met him in Brussels previously at a conference where we had major intellectual differences. Besides, I needed his help and did not want to start on a wrong footing. He briefed me on the quake situation on our way to the hotel. However, on the way into Rawalpindi I saw a lot of banners, a kind of appeal for quake aid and advertisements by charities.

After checking in at the Ameer hotel, we visited *Jamat-e-Islami* base camp and warehouse, where we ran into one of their chiefs called Saffi, who was very courteous and had returned from Balakote and

Muzaffrabad. He was too eager to boast about the Jamaat's operations which formed a very useful base for me to move further. I got some basic maps of the effected area and locations of their camp sites, which I intended to visit later. From the activity it was very clear that there was a massive operation going on. Mr Saffi was complaining that they did not have sufficient resources to deal with the situation, may be he was under the impression that I might have some money to donate because that was the norm for the people coming from Britain. I did not realise at the time but asked Mr Saffi innocently, "There are lot of resources pledged by the international community including my own government (U.K) and also I had seen bags of stuff at the airport". He cut me short and said meaningfully, "Well, the aid distribution is under the authority of Pakistan Army"

Later that evening we ventured into Islamabad. I followed up Mushtaq popularly known as Gaza's lead. First we went into the Marriott hotel where we saw people from Islamic Relief acting as Charity lords surrounded by army people, civil servants and other Jihadi and militant organisations operating in the field. There were some very expensive vehicles with Islamic relief emblems and extravagant circumstances. The Islamic relief seemed to be in a very strong position as sole representative of the DEC and were received and was acting so too. Then we went to Holiday Inn and other posh and expensive places where we found Muslim Hands, Helping Hands and other British charities dishing out employment, share of goods to small organisations and their advertisement strategies including doing deals with Urdu media for fund raising back in Britain. This perhaps explained their extravagant administrative costs.

1st day in Muzaffrabad

On 30th November 2005, we were joined by Dr Mohsin Shakeel in Rawalpindi who returned from Mirpur where he had been working with some families who had moved from the disaster zone. We set off for Muzaffrabad, as we climbed up Muree tops from where we could see the hills of Mong and Throrar in Sudhnuti district of Pakistani controlled Kashmir. I was expecting some signs of destruction but to my amazement

and hidden delight the whole area seemed intact. Soon we descended towards the river Jhelum and Pakistan/Kashmir border. As we crossed over to the other side, it just hit me, the houses flattened, land slides, roads broken, tents every where. I looked back across into the Pakistani side where everything seemed fine. I could not understand what a significant difference a river makes. It was later on that I realised the whole of the western ridge, which, after few miles ran into Kashmir was fine. This trend continued throughout the region, one side of the mountain seemed fine while the other being completely destroyed.

The first organised camp we encountered was in Rara, the sign board said; "Al Khidmat", which is a wing of *Jamaat-e-Islami*. We stopped and saw the tents were donated by various agencies and restamped by *Al-Khidmat*. On the roads, trees, rocks the graffiti was unbelievable, every organisation advertising its work, just like the general election in this country or an industrial exhibition, but it was a charity's catwalk, which was really shocking. Thriving on people's misery. Some distance further towards Muzaffarabad another very well organised tent city came in to view which said, "Dewan Industries" with more banners and less tents, so it looked like that at a glance.

As we travelled we saw odd tents, the road was fine, I asked the doctor "we were led to believe all roads were blocked?" He replied, "only two places were blocked". As soon as he finished the sentence we approached a little tunnel which I had seen on TV. From there to the city there were hardly any tent cities as such, but the graffiti was unbelievable, mind-boggling really and embarrassing to say the least (it reminded me of Goodness Gracious Me: My charity is better than yours!).

At last we came to a place called Abbass Institute of Medical Sciences (AIMS) which was one of the hospitals that survived. Doctor Mohsin worked there but today he was looking after us, for next couple of hours anyway. We came to a place called lower Chattar. For some reason both lower and upper Chattar with parliament building, Supreme Court, hostels, offices, bus stand all survived. In fact the whole of Chattar (lower and upper) survived excepting the schools. It is for this reason, American Compound, AJK Government (some civil servants working with NGOs

on relief) operations, Red Crescent, NATO and some other NGOs were based in this area. It looked like Baghdad (green zones and compounds), the only difference being that people in Kashmir saw them as saviours and prayed for their continuous presence. One official of AJK government told me in secret, "Thank God for NATO and UN presence, otherwise we were doomed". Frankly this was shocking for me; I never thought I would live to hear this.

Here the road takes a sharp bend towards the city centre, before which is the gateway to Jhelum Valley. This place is called Domail (this is where two rivers Jhelum and Neelum merge) and this seems to be the combined and separate gateway to the valleys of Neelum and Jhelum. This place was absolutely littered with advertisements of camps and Pakistan army had their banners in their support supposedly put up by Kashmiri citizens and some right wing organisations. When asked no body admitted to hanging the banners which supported the armed forces. A politician told me that, " It was quite common for them (Army) to do it themselves." We went past the hotel Abbass, Domail and Neelum half standing but still operational. A couple of hundred yards up, I probably saw mother of all banners, "salute to friendly police who saved 15 people." This was ascribed to the citizens of Muzaffarabad.

All old secretariat buildings including the headquarters of government building department was absolutely flattened. President's house was partially gone, national library in the posh Jalalabad park was grounded but some private buildings were still standing, one of which was Kashmir Charitable Trust office. Ironically this was one of the three buildings in Muzaffarabad which I used to stay in and all three survived.

Though very tired, I was eager for getting information. I was briefed by the office manager Aisan and other volunteers about their work, future plans and general KCT sponsored operations. It was quite late in the afternoon, I spent rest of the day talking to people in the office which seemed very disorganised. Frankly I was worried about Doctor Mohsin's state of physical and mental health for he had lost many friends in the disaster and he had been there since 15th October 2005 constantly working almost sixteen hours a day.

GENERAL OBSERVATIONS

Many people visited us at night, many were new faces and some were my old friends or relatives of my friends whom I had lost. It was very painful, but I found these people extremely brave and adaptable. It had not struck them yet, because they were in constant crisis, from quake to death and destruction to survival of the fittest, tents, food, caring for survivors and worried and uncertain about the future. However, every one of them had a story to tell, there were stories of cowardice, heroism, sadness, happiness, friendship, loyalty, betrayal. Though everyone had a story to tell, but there was hardly anybody to listen. At times I almost got jealous of their experiences and wished I was there at the time of the quake. There were stories of bravery, for example, Saddif, a seven year old boy had saved his parents, and then there was Muneer who had fended off looters from his boss's shop for three whole days. Raja Nassurallah Khan, Director of Khurshid National Library had been away in Mirpur for three weeks and on his return he found all his servants had abandoned him. But his little dog was guarding his house, in ruins, and now he does not let it out of his sight.

I spent the second day organising the office, bringing clarity in volunteer's roles, message board and use of internet. Later that day I visited bereaved families of my friends, including my dearest and best friend Gulnawaz Butt. And also had a meeting with the joint relief commissioner for Muzaffrabad. Late in the evening we headed for Islamabad to receive Dennis from Denmark.

Dennis in Islamabad

Dennis was introduced to me by Mike Duffy who is Chair of Directors at Kashmir Youth Project. Dennis's arrival was very welcoming news for me because I am not very good at Information Technology or photography for that matter. Dennis arrived in early morning, we went to the hotel and later that day we visited tent city in Islamabad again (a different one), which seemed better than the camp cities in Muzaffrabad. This was not the reason for their moving to Islamabad, they would rather be at

home most people said. However, most people followed their injured relatives in to Pakistan and became quake refugees. Most of them wanted to go back but did not know how and were not sure if they would be supported back home. However, some enjoyed the attention, as they were the first point of protocol for most donor, individuals, agencies and media. There were worried parents of young children especially girls because there had been cases of abductions and voluntary run aways. Opposite the tent city were mud houses of Afghan refugees from 35 years ago, which told its own story and should be a lesson to these Kashmiri newcomers.

Politicians in Islamabad

There seemed to be individuals from mosques, businessmen and other community leaders from Britain arriving in droves. At the storming stage in the first few weeks, they played a vital role in saving lives. However, politicians in Britain, Pakistan and Kashmir, who initially played no role whatsoever, in fact ignored and abandoned people, washed their hands off any meaningful contribution, took no responsibility and played no role at all at any level.

They as usual have found these quake sufferers vulnerable and they prey on their naivety as they have been doing so for the last sixty years. For example I was invited by Aziz Mahammad of *Jang* newspaper (Pindi) to a press conference held in Islamabad by Lord Ahmed of Rotherham. I asked "What is this in aid of?" Shokat Malik, deputy editor of the daily *Jang*, Kashmir edition smiled in his usual mysterious style and replied, "Lord Sahab and Sardar Anwar, President of Kashmir had been distributing money in Islamabad and parts of Kashmir." I could not understand and asked, "What money?" He then explained, "Some business people from Birmingham and the president of a mosque from London (Director of Villa Properties) came with Lord Sahab, they were then taken to various places in helicopter by the President accompanied by Geo TV, where Lord and President were shown as distributing the money and this is followed up by a press conference." I could not understand spending public donations in this manner, but Malik said, "This practice is very

wide spread. The army officers, politicians, media people, private flights companies, posh hotels, political representatives who set up the shows in the field, benefit from this devious exercise. The only losers are the individual donors in England and earth quake victims.”

I was horrified, I wanted to attend this press conference to ask the right questions, but I was advised against it, because it would jeopardise our work and could affect Dennis’s work and entry into Kashmir. Anyway I did not risk being arrested because every one was part of the scam, the media, the army, security forces, Pakistani and Kashmiri politicians. However, I rang Lord Ahmed and our conversation was as follows:

Myself: “Hello, can I speak to Lord Saab?”

Lord Ahmed: “Speaking”

I: “Shall we meet?”

Lord: “Yes of course, how much money have you brought with you?”

Myself: “Not much, but I am here to do some community development work”

Lord: “We need money to distribute, what community work, I am dinning with some very important people, have no time for people without money” and he put the phone down.

Later on that evening I witnessed those businessmen - mosque Chairman, couple of councillors and other donors harassing Malik and other media people for their photos in the paper so that they could justify to their contributors what they had done with their funds.

In fact the businessman from Birmingham was furious with Lord Sahab for completely failing to mention him during the press conference and also he said that: “Malik Sahab, this is my own and my partner’s money, Lord took me to Balakote first with Pakistani politicians and dished out my money as if I was not there. I complained and said this money was for my fellow Kashmiris. He said we have to be seen to be fair. I am a Lord, I have arranged for us to go to Kashmir too. Then he contacted Sardar Anwar, and we went on helicopter to Sardar Anwar’s village which was not that much effected. Anyway, we were walking on the road in a place called Datote, with Anwar in front greeting people, Lord dishing out money and myself holding the money bag. After some time,

the money ran out. I stopped to talk to an old lady victim of the earthquake. I looked back to see the helicopter leaving with Lord Sahab on it. He left me there. I returned to Islamabad by public transport only to find out that he had left for earthquake to distribute money with some Sufi Sahab from London”

I was horrified but stories like this are daily occurrences. Instead of providing leadership, information and organisation to channel help, these con merchants are dwelling on cheap publicity and probably profiteering in one form or another.

Second Visit to Jamaat Office

We went to Jamaat’s central stores where we went looking for Mr. Saffi, but he was on another field trip. I was quite disgusted with some of my pre-conceived assumptions about the Jamaat and Kashmiri politicians both abroad and at home. To me the earthquake had exposed many devils who turned out to be saints and many saints who in fact were devils in disguise. Saffi an old man, was always in the field of action. Kashmiri and British Kashmiri politicians stayed in posh hotels, seeking publicity and making money.

We were taken to Jamaat’s operations office which was being run by Mr. Saghir, who came across a very efficient young man and dealt with requests with authority, efficiency and confidence. Saghir gave us an overview of the situation. He then introduced us to another senior person in the Jamaat’s hierarchy, whom I will (on his request) henceforth refer to as Mr X. Then Saghir got busy in his daily field logistic orders and supplies. Mr X gave us a comprehensive *Haddis* lecture and later on told us that, “The Jamaat people in Norway had sent 200,000 worth of supplies, which the army wanted to take away, but Jamaat fought for their stuff and claimed most of it”. I intervened by saying, “We were led to believe that the Army had done a good job”. He retorted, “What good job? They only care for their kind, while people were crying for help buried under rubble; the army turned a blind eye”. “Oh my God”, said Dennis.

Mr X added, “One thing has come clear through the earth quake crisis, that the army has never done anything for them, this calamity has

really exposed Pakistan and Kashmir governments". I said, "Pakistan yes but Kashmir government has no power, no recognition internationally, how have they been exposed." Mr X replied, "Most people were killed by the collapse of government buildings, all patients, schools, colleges, university children and other hospital government staff. Who was responsible for building these buildings?" It came across to us that Mr X was absolutely right, then he very emotionally went on to say, "the Jamaat will go to people and start a move for NGOs to be given responsibility of the rebuilding programme instead of the government". Then he said, "The people are stopped from becoming empowered". "Why?" we asked. Mr X replied, "Profit, power and corruption are the motives". At this point we could really see tears in his eyes; clearly he was moved by witnessing the people's plight during the field trips.

I wanted to probe further and said, "Government must have done some thing." Mr X replied, "Yes, they abandoned people, all ministers did a runner and some started looting the aid, it was only Islamic and pro-independence organisations and other Kashmiris from Mirpur, Kotli who did the work and saved and dug up people". Then he gave an example of a Norwegian medical team which travelled in the same aeroplane as some Jamaat people, Doctors had their rack sacks on their shoulders ready to go as soon as they landed. One of the Jamaat men told them, "It is few hours before we land relax, take your bags off". They replied, "We are going to a disaster, we should not relax, we should be ready as we land to get to work" According to Mr X they were held by Pakistani army for three days at Islamabad airport and even then they were released after paying bribe, He went on to say, "we salute all the foreigners and Pakistani people for their help."

On the question of Muhajar Quomi Movement (MQM) he said, "MQM is Musharaf's friend who does not want to give *Jamaat-e-Islami* due recognition and Pakistan TV has really promoted and projected MQM. The army has stolen our tents and other NGO tents. We are keeping all records, and we will bring the government to public domain when the time is right." This really was a surprise for me because I always thought the army and Jamaat worked hand in hand. May be Mr X's true Kashmiriat

was woken up by this big tragedy. After all he seemed a very respected God fearing person.

Dennis in Kashmir

Next morning we set off for Rawalakote, the most southern quake hit district. The shortest route seemed to be through Azad Patan, to get to the border we had to go through Khahota which was no go area for the foreigners. We were redirected through Kotli Satian which added four hours to our journey. We stopped at a small hut for some food. As Dennis was white he attracted attention and was soon surrounded by locals. An ex-army person who had an extraordinary moustache came forward with broken English and introduced himself to Dennis and me. He asked if we were from some NGO which could give some water pipes. Dennis said, "No we were there to work in earthquake area," pointing at the hills opposite across the border which lay across river Jhelum, he swore in Pahari, "Every bastard wants to work in Kashmir." I got very annoyed but carried on pretending I was European. However, an old man sitting next to the tandoor, where bread was being baked, countered the army man in a most vigorous fashion. "Fear God. Can you not see what our Muslim brothers are going through across the border? Ask God for forgiveness you cruel beast". Generally every one reacted in disgust to army man's comments.

Soon we came to the wooden bridge which formed the fragile link between Pakistan and Kashmir. Photographs were not allowed. We were stopped on the Pakistani side of the bridge where a policeman in civil clothes asked for a No Objection certificate (NOC) for Dennis. "No objection, what do you mean, NOC, we have just been to Muzaffarabad, which is inundated by NATO, United Nations and NGOs from every country in the world and Dennis is part of Kashmir Youth Project (KYP) based in UK." After some questioning he let us go, but we were stopped across the bridge by Pakistani military police, An officer informed us that this law had been introduced for foreigners, hours ago. I argued with him, but shut up when he asked me for my papers. Technically I was a foreigner too (because I am British by naturalisation and a Pakistani by

force, this is what my passport said), but so was the army officer asking for papers for he was a Pakistani in Kashmir. I was very tempted to ask him but that would surely have landed us in trouble. At that time I was only concerned about Dennis's safety and entry in to Kashmir.

Shokat Malik asked me to "button up" and stay in the vehicle, which I did. Finally the vehicle driver negotiated our entry in to Kashmir. I just could not believe it, I am Kashmiri, Malik is Kashmiri, the army man is Pakistani, the driver is Pakistani, and we have to depend on their generosity to enter in to our own country.

Enter we did. I was really nervous but could not show it to Dennis. Anyway, soon we were climbing up towards Rawalakote and started witnessing destruction by the road side. However, it was easier to see across the Bagh Nala (river) towards Dheerkote, and tents from a distance told their own story. We came to Datote home place of President Anwar, as we were told by the locals. One old man told us, "Aid what aid? We got tents and food initially from people of unaffected part of Kashmir especially from Mirpur and Punjab. Anwar was nowhere to be seen, but now he comes up with some donors to distribute money and the beneficiaries are his clan and party people." A lot of people mentioned Lord Ahmed's visits and were very disappointed in that they thought he was not interested in people and did not come here for humanitarian or Kashmiri reasons but self promotion. One young man said, "It is just a drama, some charities and politicians are turning our misfortune in to their profiteering and are using us as a pawn". Another old retired army person said, "If they carry on like this, the whole nation will become bunch of beggars". However, Western aid was much appreciated.

The broken, bending road revealed new twists after every few hundred yards but we could not stop to observe properly. Because we had Dennis with us and people generally expected something of us. It was difficult for us to stop for any length of time, before we drew crowds. We got on top of the ridge going to Rawlakote from where we had full view of much written about and media covered Arja. The *Sunday Times* articles flashed through my mind, an army doctor ringing his brother offering him a lonely young girl and an Islamabad prostitute buying a little girl both from Arja.

That seemed a distant memory now. Arja seemed to be the only flat place in the region, and it was NATO headquarters, as I was told by the driver. There were dark green tents at the bottom on the edge of the Bagh nala, then big compound surrounded by a wall with helicopter landing facilities. In fact there were a few flying machines parked there, so were dozens of army and civilian vehicles. Right behind that compound it seemed were Pakistan army tents and vehicles. Outside that towards the big hill were white tents, civilians sitting outside them and kids playing. We stopped to photograph farmers ploughing with donkeys; while Dennis and Malik were busy photographing, I started talking to some old men and I asked them about NATO presence. I was surprised by their reply, " fifty odd years too late they said". One of them remarked, "I hope they stay and help reunite Kashmir". Another was talking about demilitarisation. However, one young man seemed to be very suspicious of NATO presence.

It was getting late as we drove towards Rawalakote where we were visiting Dr. Saghir, a lecturer, a friend of mine for at least ten years. I had lot of friends in Rawalakote about whom I had no information dead or alive. On my previous visits home I often visited Rawalakote alone and with family, my initial visit was in conjunction with my Pahari writing. It is through Pahari that I came in contact with Dr. Saghir. As we were nearing Rawalakote, my heart was thumping harder and faster. I knew Saghir was OK because other friends had spoken to him and told me. When, we got to Rawalakote with a little day light to spare, we headed for Chinar rest house where I usually used to stay and they always knew the whereabouts of Saghir. Also my cousin travelling from Rajdhani, my village who was going to be our driver for the next few days was to meet us here. We went to Chinar rest house. It was only slightly damaged and fully operational, but the staff was very uncompromising. Unless we stayed there, they were not interested in helping us, Manzoor, my cousin, joined us there within half an hour of us reaching the rest house.

Next three hours we spent locating Dr Saghir, we located and met him at night. At this point electricity had gone and Rawalakote became fairly scary place for us especially when Dennis was with us, every one looked at us with a degree of suspicion. I was not worried about Kashmiri

people, it was the Pakistani intelligence that was worrying me. When we met Dr Saghir, he told us about their permanent extendable shelter scheme and its criteria, community involvement and other agencies' partnerships. While talking to him it became apparent that the areas on the peripheries were deprived of aid from all sides, the spotlight of cat walk being on Muzaffarabad and Bagh. After couple of hours meeting and dinner in the darkness of Gulf Hotel, we left for Muzaffarabad and made it in the early hours to Kashmir Charitable Trust office in Jalalabad. This was Dennis's induction to Kashmir.

VISITS TO DIFFERENT CAMPS

Next morning we got a briefing from Dr Mohsin Shakeel who was our host in Muzaffarabad. He told us that he was in England at the time of the earth quake and he went back six days later on 15th October 2005 and had been there ever since. Apart from working in the Abbass institute, he had worked on many projects including recruiting and managing a fleet of local volunteers for digging up bodies, securing early footage/video diaries, helping the injured especially post-operations in the hospitals, erecting tents and providing food for the elderly and the frail and many such areas. He was also working on the data base and camps health and safety as well as journal of local people especially children's daily experiences, saving the books in the national library which was near our camp/office and was completely grounded as well as campaigning for NGOs to recruit local youngsters. He also did counselling .

It became apparent that the second set of targets was behind the Doctor's volunteers capability, so Dennis, Malik, Doctor and I set about to discuss how database and other objectives could be achieved. Database was the main priority and other initiative's needs was not clear to us. As we were not in a position to present a case with evidence, so we set about for environmental scanning and scoping by venturing in to different camps.

Jalalabad Camp

Jalalabad tent city was situated in the Khurshid national park between

President's house and Prime Minister's residency. Khurshid National Library which was in the middle of the park was completely flattened. Once a beautiful site now littered with shabby and some good tents. Opposite our office was a school in a tent which was sponsored by Chairman of Chamber of Commerce, Choudhary Saed from Mirpur. I was told by the school staff that he had invested in hundreds of such schools and was paying their salaries. School was a beautiful advertisement for co education both for students and teachers. It looked well in the circumstances and students and teachers seemed so humble and graceful.

The living tents were in organised lines along the paved footpaths which existed in the park before the quake. There were common UNICEF toilets, water supply and generally it looked clean along with the park. The tents were at various levels and park's lower end had a kindergarten which was very well used. There were other schools at the lower end; Turkish Red Crescent was in this park especially for kids.

In this camp there were people mostly from urban Muzaffarabad and most of them knew each other. However, there were some from the Neelum valley too. After talking to individuals, I was absolutely surprised at their resilience because most had lost a few members of their family in most horrendous circumstances. They were trapped calling for help for days, nobody came to their rescue, the government had abandoned them and the army ignored their pleas and kept looking for VIP and other targeted rescue missions. Seeing the spirit of the people in the camp, the humbleness, smiles and drive for future, one could not really tell what they had suffered. After talking to families, they considered themselves lucky even if they had lost couple of members of their family.

Unlike other camps called tent dwellings, Jalalabad was not given food, medical help or other facilities by anybody. We took this up with World Food Programme people, and they said that the Government (AJK) had asked them to stop supplies to six camps, Jalalabad being one of them. I could not understand why? It is at this point we learnt that there had been attempts to move Jalalabad camp residents to other sites, on their refusal they were batton charged by the Punjab Constabulary. However, in the presence of international media, Jalalabadians stayed put and the

police backed off and now new tactics like starving them off food and other aid was being used

Jalalabad is situated in a prime position. Probably the government wants to create their offices there, because the government offices are in the American compound. However, other five camps, which have been targeted, also house local city folks, because they are not as submissive as the village folks and ask questions of the authorities. They want to break and disintegrate them. Since in the presence of international community, they can not exercise excessive force, now they are resorting to other tactics. One woman who had lost nine members of her family whispered in my ear, "When we needed them, they ignored us, left us, abandoned us, now that white people are here to help us, they do not like it, they are looking for any excuse to make us feel that they are in charge but we know they do not care about us, they hate us. At this point she started sobbing and mourning her daughter in a typical Pahari fashion by very mildly singing, "Where were they when my Jeenna needed them?" Then she brought her hands together and started rubbing them in front of her chest, calling the names of her dead family members. The scene was unbearable, so we moved on.

University Ground

That afternoon we ventured in to Muzaffarabad town centre which was only partially standing and life was returning to normal if you can say that, through very busy and heavily guarded town centre. I say heavily guarded because every other vehicle was NATO, UN or foreign NGO's. The scene was such that for every NATO vehicle there were at least four Pakistan army vehicles guarding it. I wanted to see upper Adha, which used to be hub of independence activity. There are two haulage points in Muzaffarabad, one lower Adha which is based in Chattar and handles goods for Jhelum valley, the upper Adha opposite the University handles goods for Neelum Valley. As we went up from the Neelum cross, I was horrified to see CMH absolutely flattened, University flattened, some hostels standing but shattered. The surprising thing was that the shops opposite were standing, houses behind were damaged but hanging on,

K.H.Khurshid and Mir Waiz tombs standing.

We went to university ground, which was housing a tent camp called "Al Rehmat". My mind flashed back many years in fact to 1980s when I used to play and watch cricket in the field and from today I was watching another kind of game, The game of human misery. There was another camp behind the wall towards the Pir Chinasi mountain called "MQM camp". Dividing the two camps were police guards with guns. I was told that Al-Rehmat was very right wing *Jaish-Mohammad's* PR group. *Jaish-Mohammad* was the militant group which killed European tourists including one from Bolton. Because I am Lancastrian too, I could not hide my disgust at them being allowed to operate. What was worst was that they had acquired tents from German and British NGOs and restamped them as Al-Rehmat.

The guards were there to keep peace between MQM and Al-Rehmat, because the right wing parties saw MQM intruding their space and there had been an open warfare between the factions earlier with one MQM person abducted and later shot dead. The right wing organisations were united against MQM and felt that MQM had no place being in Kashmir, even though whole of the international community was there.

Anyway the camps had very basic, no leisure or other facilities. However, children were allowed to play and people were allowed to visit, come and go as they wished. In this camp were people from Neelam Valley and some refugees from Indian occupied Kashmir. Both parties paid more attention to political slogans often antagonising each other. For example Al-Rehmat clearly had a large banner saying "Love of one's country is fifty percent of one's Islamic duty", meaning that MQM leader was anti-Pakistan hence a traitor. MQM had their leader's massive portrait saying, "brother Altaf is every one's brother especially in this hour of need". The tension and intentions were very clear and poor homeless and helpless Kashmiris were a pawn in the middle. However, some enjoyed the attention and were spoilt for choice, because both camps were desperate to retain their inhabitants, who at times threatened to change sites.

Opposite the camps across the road was Jammu Kashmir Liberation Front (JKLF) operational headquarters. They were based inside the K.H.

Khurshid Library, their operation was mainly in far fetched villages of Neelam valley and it revolved round shelters and food. One Haji Abdul Khaliq from Manchester was staying with the JKLF outfit and was operating on behalf of the Manchester Kashmiri Forum. He had been there from very early days and was distributing steel sheets, supervised by him personally. He said, "JKLF was mainly funded by expatriates from Britain including the largest single donor, a Councillor from Luton. (Quraban Hussain who happened to be my cousin).

I prayed at the grave of my long standing friend Gull Nawas Butt, who died in the quake and was buried at the back of the K.H. Khrushid's tomb under the Chinar trees. While we were saying prayers, one of the JKLF field commanders Mr Choudhary, who returned from assessing the needs of the quake victims in the Neelam Valley, came looking for me. He showed much warmth and keenness. He was too busy and looked shattered .So I moved on to our next camp.

I could not help noticing the fallen Muzzffrabad fort walls, situated just before the bridge which takes one to Neelam road. It is a well known legend that Akbar built this fort in one night, but God destroyed it in thirty seconds. Below the fort on left hand side lay Neelam hotel flat on its belly. I had been in this hotel on my previous visits. An impressive site, it had been on TV too because its owners - members of Assembly the Khans died and their son travelled all the way from Manchester to get them out, dead of course. Any way we drove across the bridge and turned left few yards and there was a *Lashkar-e-Toiba* camp on the right hand side of the road, if one is going towards Adha. The place was called Seri Kote.

The Lashkar Camp

I was quite nervous going in to the Lashkar camp. We were greeted at the gate by a *mujahid* armed with a state of art fighting stick, it looked as though one blow and you are no more. I had seen some footage on TV about the Lashkar *mujahideen* and their heroics in digging up, saving and supplying aid to the places no one would dare go. Their mobile x-ray unit was much publicised.

We were taken on top of a building, where the tent was erected.

Here we met a young man in traditional Arabian Islamic gear. He was from Lahore, and I introduced myself, Dennis and Shokat Malik. Though we could not take any photographs, he briefed us on Lashkar's relief operations, their *madrassas*, where they were educating the earthquake survivor children. He informed that they had suffered heavy losses too. I asked him about their much publicized mobile x-ray unit. At this point he smiled and escorted us to the x-ray unit. It was state of the art. Here we met few doctors, the senior doctor had been there since inception. He gave us figures of people they treated and boasted about how many amputations they had carried out, "more than any one else".

The camp seemed very organised on the medical side, however, on the residential side it seemed very grim, no activities at all, no women in sight all tent entrances covered. It seemed like a concentration camp rather than earthquake relief outfit. The food organisation was excellent, it seemed so frighteningly mechanised but where were the children? We dared not ask, but I did drop a hint with the doctor. "We have got some toys for children whom we would like to donate". "Toys are not allowed here", he replied. "Where are the children", I inquired. "Only very little ones are here, children five years and above are in our *madrassas* up in the mountains", he said. Malik nudged me in his usual manner to shut up, which I did and said bye to the doctor and moved on.

Jamaat-e-Islami camp

This was situated virtually in the flood affected area of Neelam river directly opposite the fort across the river Neelam on the left side of the road going towards Neelam stadium. The place was called Bailla Noor Shah and it was on the way to the UN compound. The information and reception rooms were excellent. Then there was a gradual drop of about ten feet and tents started. Unlike the reputation of Jamaat, this camp was much disorganised, dirty and rather very open without any privacy. The camp's store and mosques were in the centre, dirty water engulfed the tents, with used water bottles and rice bags dumped everywhere. Kids were playing in their own muck, even the store had really bad smell. I could not understand why they chose to make a camp here? I asked the

camp incharge about the plight of the camp and he replied, "We are doing everything we can for these Kashmiris". I asked, "What about involving these idol men, women and young men and women in clean up operations." He kept saying, "we do everything for them". "Do you employ any Kashmiris", I asked. "We do everything for them", he kept repeating .

I learnt that there was not even a single local volunteer and young children were taken to Jamaat *madrasas*. It seemed that is all they were interested in. I gave up and moved across the road to the medical hospital which was funded by PIMA, Jamaat's medical wing. There I met a young Doctor from Bhawalpur called Hafeez Nawaz. He had been there since 9th October 2005, the very next day to the earthquake. He had seen everything and was very critical of the authorities, especially the army. He reiterated everything Saffi and Mr X had said in Pindi. He was telling us how many amputations carried out by him. All camp doctors were competing for the amputations.

One other thing I had noticed was that some older women who were at the Lashkar medical camp were waiting outside the Jamaat medical tent too. When I brought this to the doctor's attention, he smiled and said, "Have you read United Nation's health report on the region?" "No", I replied. He said: "The report indicates that 70% of the people of Kashmir were suffering from malnutrition before the quake. With no real health measures in place, is it a wonder that these women are enjoying the medical attention". At this point couple of doctors from Balakot entered the room and the conversation changed. At this point we left for the office.

Ansar Burni Camp

Couple of hundred yards down the river, we came across about six tents with no body in sight and I could not imagine anybody living in them, for they were erected in very wet sand amongst big rough river rocks. There was a gigantic banner advertising Ansar Burni Trust. That said it all. I wanted to investigate but others showed disapproval, in any case it was difficult to get down. We came across three more Burni tents further down even in worst position. I must admit, in all camps the tents

were provided by the UN and foreign agencies and had been restamped by local organisations with their glowing banners.

Relief Joint Commission Meeting

In the evening, we went to Joint Relief Commission's briefing and I could not help raise questions about health and safety, tensions between charities, exclusion of Kashmiris both at consultation and employment levels. The questions were very well received, but there were issues of resources as well as information sharing and information flow. In the light of the discussion, we volunteered on behalf of Kashmir Youth Project and Pahari Adabi Sangat to help centralise data collected by all relevant agencies. This was received very warmly. However, unlike North West Frontier Province government, the Azad Kashmir government was not performing its duties; hence most issues were out of the hands of this committee.

Next few days

Next few days were spent in trying to organise raw data collection, creating methods by which it could be centralised and shared widely, this meant meetings with various NGOs, visiting UN compounds both in Muzaffarabad and Bagh, camp commissioning body, 'Azad' Kashmir secretaries and commissioners in various districts, Joint Army and AJK Government damage assessment and initial payment authority. This took considerable time. However, it informed us of some operations which we otherwise could not have learnt about. For example, employment and procurement was carried out by the central government in Islamabad. Hence, local youngsters and businessmen were completely overlooked. Most western charities like Rotary Club, Red Crescent etc. had offices in Pakistan and not Kashmir, hence every thing came through Pakistan. This included employment, hence Kashmiris were nowhere to be seen. Most Islamic political and jihadi parties had their bases in Pakistan and Kashmiri nationalist parties were their traditional competitors or soft enemies. Because everything came through Pakistan authorities, these Pakistan based jihadis became the delivery agents of western NGOs in

Kashmir and Pakistani media highlighted their efforts abroad especially in Britain, where around one million Kashmiris live. This then resulted in all donations going to these right wing fundamentalists, which meant more resources and stronger grip in the area for future activities. We also found out that British charities like Islamic Relief, Muslim etc. only operated through these Pakistani fundamentalist organisations operating in the area.

Primary data of these organisations in the field showed that this situation was used to widen individual organisations power base in certain areas and this is exactly how they have operated. For example, where there was *Jamaat-e-Islami* following Jamaat gave preference to that area. Same goes for the rest. Probably MQM is an exception in this regard because they had no obvious organised following in the area before the quake. Hence they provided relief free of any prejudice .

Neelam Stadium Camp

One of our volunteers asked me to accompany him to a meeting in the Neelam campus camp. This was called tent village no.1. I went there with Abid Riaz, who was a former National Liberation Front militant and was from Pahalgam district in the Indian occupied Kashmir. He had crossed the border many times, but had denounced militancy many years ago. When we arrived in the camp, the meeting was informally going on in a tent, with people from the camp, world food programme representatives present. One was called Zainab who was from Karachi and another young lady called Rozy was from Uzbekistan. They both worked for UNHCR in the community services. They were trying to do their best to calm the situation. At first I could not understand the term used in the argument Kashmiri and Locals. Apparently there was a feud between refugees from the Valley and local people. It was the first time that both parties were on level playing field and the locals could not compete with the refugees who were experienced in crisis management. But the fact was that the authorities wanted to move this camp too. The Uzbek lady told me that the government wanted them to stop supplying food to six camps.

Lower Plate

There were smaller tent sectors without anybody's ownership and no one supplied food or other services. People told me that initially they got help from the government and Islamic charities. Because they refused to hoist flags of any allegiance, their food and other support was frozen and no one was giving support.

This then formed a pattern in that the local nationalist people were being victimised and were being bullied by all to submission and the six camps on the dismantle list were in fact of ex-NSF people. It seemed that there was very little skill amongst the NSF people to put their view point across to UNICEF, world food or other international NGOs. As usual they were very good at pointing the finger and playing as victims, which gave authorities perfect excuse to brush them aside as a troublesome lot.

However, Kashmir Charitable Trust, Kashmir Youth Project and Kashmiri Journalists Forum helped them in organising the camp, supplying electric heaters and food supply was organised by the *Jang* news paper, Mir Khalil-u-Rehman trust via Aziz Mehammed and Malik Shokat. A new project of clearing debris was launched by Kashmir Charitable Trust to keep young men busy. It gave a sense of purpose and also this would allow people to move back in to their homes, may it be tent in their own yards.

Christian Community

One evening while visiting lower Plate near the fort we came across some Christian young men, who were known to Dr Mohsan and some of our volunteers. They had no tents, no food, basically nothing. The reason being they were employed and were expected to pay for their own way and live in rented accommodations. They had not been paid for two months, worked almost sixteen hours a day throughout the crisis. The houses they rented had been demolished. However, they had not suffered any fatalities or injuries. Nadeem popularly known as Bubby, headed this task funded by KCT and between all of us we were able to get them tents, food, books and clothing for children and a little tent site with a tent church which was opened on Christmas.

Hospital Visits

There were hospitals everywhere, the Cubans, Canadians, Edi, Abbass Institute and many more. I visited most of them. There seemed a competition for amputations. However, the elderly and frail had suffered the most. There were many reasons for it. Initially because the elderly were slow, they found it difficult to move out, hence suffered above average injuries. Also people from the villages and even from the city they found it very difficult to make it in to the medical centres and their amputation rate was higher.

Currently the food centres at most times were situated away from most villages and lot of elderly burdened with looking after their grand children, in lot of cases both parents of children having perished. Therefore, I found the elderly and the frail as a group of humans in the most disadvantageous situation. Most injured had a story to tell. One young lady who was first year student had her pelvis broken while sitting on the veranda. When asked why she did not get out, she replied "I did not run because I always was told by the elders that when earth quake strikes, do not run, if you do you will suffer from fits all your life". Most old men were suffering from back injuries. Two of them told me, "We went in to *sajada*, (the position in prayer where one is on his knees with one's head on the floor). Because we were told by our mosque Imam that at the time of dooms day if one is in *Saju*, one would surely end up in heaven". Another said, "I believed one should give Azan at top of one's voice." As a result instead of helping his family, he stood in the yard performing Azan and lost his loved ones, which he could probably have saved or at least he could have made an effort.

Charities Cat Walk

At this point it presented a sketchy picture of the operations and motives of the right wing local and Pakistan based Charities. Rather than carrying out charitable functions in a dignifying way, the city was littered with advertisement posters at every junction and prominent position. For example any charities function would be miles away in a remote village providing steel sheets, which had nothing to do with the city folks. But

the information would appear on a cloth poster nevertheless at some prominent site. The Chinese Cultural Revolution had less posters than Muzaffarabad charities. They even had restamped tents in their names.

UN Compound Visits

We visited UN compounds both in Bagh and Shokat lane Muzaffarabad, in Muzaffarabad and Bagh. I asked the UN people, "Why are Kashmiris excluded at every level? You are foreign to the language, culture, way of life and geography, how can you then provide an effective aid programme?" They replied, "We operate through the government of Pakistan". We persisted despite a lot of dirty looks from some Pakistani workers and asked, "The Pakistanis are as foreign to Kashmir as you are and so is the army". One Pakistani lady working for UNICEF said, "Where is the Kashmiri government; Kashmiri organisations have also not come forward, what can we do". At this point a list of local NGOs was produced, it was true that none of the nationalists working in the field were registered with the UN. It was very clear that 'Azad' Kashmir government had let people down and that the nationalists had no aid skills and worked in isolation.

In answer to employment policy and engagement of local Kashmiri youngsters, it became clear that the head quarters of all NGOs were in Pakistan. Hence all recruitment was carried out by them in Pakistan, and a lot of nepotism was in evidence. In Bagh we were told that Kashmiris lacked skills in English. The person telling me was from Lahore and he could not speak proper English and neither could some of the people working for German and Italian charities in Bagh.

We met some Kashmiri young men and women with MBA and other post graduate degrees with excellent English language command, who had been turned down for jobs. Most interviews were held in Islamabad, further excluding Kashmiris from the affected areas. Pakistani middle class was 100 times more likely to succeed in obtaining jobs than Kashmiris; there were many reasons for it but the main one being nepotism.

Consultation

Everyone seemed to be an expert on Kashmiris, but no one bothered consulting them or asking them. In a meeting in Neelam camp I pointed to obvious communication gaps. For example all women spoke Pahari language. Shaira Rozybaeva lady from UN spoke in English. Her interpreter Zainab from Karachi who spoke Urdu, though she really tried very hard to speak English but could not do so. They were talking about important health, safety, camp management committee and women's issues. After they had left, I asked the women what had been said. The reply was, "They are right after all they are here to help us and give us rice". I was frustrated but what could I do and it was more frustrating that there were young girls in that camp who were former university students and fluent in English and Pahari and they had not been involved at any level.

Information

There seemed to be no information mechanisms at all in place either between camps or NGOs for that matter. Three months on, it was still operation at crisis end. For example we visited Red Crescent offices in upper Chattar, they had everything at their disposal but had no idea what to do with it. They had dumped 100 tons of supplies in the middle of nowhere which were likely to be looted in the absence of any security. This was the case with most agencies. Yet Red Crescent was locally managed and better organised.

Ongoing Relief

Three months on, storming phase should be over, but still there seemed no planning in place. The NWFP government had, it seemed got their act together. I met some people from Abbatabad who told us that they got paid Rs. 25,000 per family. For example, if there were four brothers married living in their father's house, they would all get Rs. 25,000 each which would amount to Rs. 125,000 including the father, while in Kashmir it would be Rs. 25,000 per roof. A very big difference in initial hand out. People in Kashmir seemed to blame army but it was not the army, it is

their government they should be blamed because the policy for both regions was the same. The NWFP government took a stand and Kashmir government remained invisible.

Tent Camps

During the camp visits it became clear that people wanted to go back to home and did not like living in the tents, especially in Islamabad. But they had no information or confidence in the authorities of continuous support, if they left their tents. One woman asked me, "How is Muzaffarabad, have they got tents or food." Given the choice she would go back. Similarly, people from villages in Muzaffarabad city's tent camps wanted to go back, if they were supported properly.

Shelters

There are daily exhibitions of shelter schemes in Muzaffarabad, there seems to be no consultation or consideration of local people or conditions. Many local victims told us, "It has been three months, if they gave us money and supported us properly we would have made our own shelters, but there was no money in that for the generals and authorities. These shelters are rubbish, who is going to live in them but international community is conned out of money and we are forced to accept animal living conditions and are forced to be thankful. They wasted full three months, they are very experienced in making money out of people's misery like the Afghan refugees, and we are in it for a long haul, it seems".

Sanitation

Sanitation was not a priority for most organisations. Older men and women found it very difficult to use make shift toilets, there seemed to be no educational or training programme in place for the camp dwellers. Privacy, dignity or cultural sensitivity was not any body's agenda.

Education

Education entirely depended on the individual camp management. For example, in MQM, independent and some other progressive camps there

seemed to be schools, leisure facilities, kindergartens which involved parents but in Jamaat, Al- Rehmat, Lashkar camps, only Islamic education was provided, No leisure facilities, toys or games were permitted. There was some evidence that children eight and above were moved in to their existing *madrassas* (training camps). It seems as though (“God forbid”) western experience with Taliban is about to be repeated in Kashmir, under the very noses of UN and NATO.

Counselling

Turkish Red Crescent seemed to be the leading NGO on this subject. They told us that they had been denied entry to the right wing religious camps. Though every body had suffered loss of life but hardly any body was talking about it. One suspects that an epidemic of mental health was awaiting, which probably would need attention for years to come. Though the Turkish Red Crescent had started this work, their counsellors either operated through interpreters or in other languages including Urdu, which meant it did not have the desired effect.

Payments

All payments and data collection was carried out by the army. The very politicians who have let people down and killed people including children through corruption in building materials, are working alongside the army in locating, nominating and facilitating payments. Ordinary people are made to oblige these politicians and in return army gets glowing press releases from these politicians.

Data base

The data used was of that record created by NADRA, national registration authority. However, everyone is not registered especially the mountain folks who did not need an identity card and very seldom came down from the mountains. There were queues every day near Neelam hotel to register for an identity card. I met many people in the queues, who were not necessarily from Kashmir. There were two reasons for registering: (a) disaster payment, i.e., for house damage and injuries

suffered, (b) the Canadian government had opened up immigration for the affected persons. Hence people from Pakistan were queuing every day for ID cards.

When we came out of the compound I was warned by my colleagues to be careful in what I say. They were almost sure that there were some intelligence people present during our discussions. The whole operation seemed to be of colonial type. We got the impression from the UN compound that they were restricted in their operations and were aware of the situation. But for people's sake they did not want to rock the boat, in case they were accused of meddling with politics and were asked to leave.

VISITS TO VALLEYS

I had been in Muzaffrabad for over two weeks, we had acclimatized in and around the city. On 14th December 2005, we decided to get out of the city ruins and venture in to the rural areas. First valley we chose was Neelam. As we passed Chaila Bandi, the scale of destruction was immense, everything grounded. A mile or so further up, many call it gateway to Neelam valley, was a scene from outer space, mountains had been skinned alive. It is here the slide blocked the path of mighty river Neelam for a day and the slides had blocked access to Neelam. The road had been closed for many days hence prohibiting any aid to devastated Pathika and behind. We stopped many times on the road to talk to people. They had very little sympathy for the AJK government and the Army and nothing but praise for Lashkar and other right wing *mujahideen* outfits.

The fact is that the Neelam valley witnessed last 20 years insurgency and most camps are situated in this area. Hence these organisations had trained, committed, tough people at their disposal who performed heroics in this hour of need when army abandoned people, therefore, local people who might have hated them in the past had nothing but praise for them, post earthquake. I spoke to a young Lieutenant from the engineering core, who was at the head of the slide clearing operation. He said, " I can understand *mujahideen* doing well in this area but what was surprising

for us that everywhere we went somehow MQM volunteers were there before us.”

Further on we crossed the bridge towards Kahori. There were cars, buses, tractors, jeeps still coming out of slides. Original road was nowhere to be seen. Few miles further we came to a place called Pathika, a lot of army, tent camps were set up, and steel sheets were being distributed by Mirpuri people from England. This Valley was littered with NGOs graffiti, whether they were there or not. Wherever there was army, there were posters praising army’s bravery. However, when people asked, they had nothing good to say about the army. This trend continued through villages of Panj Granh (five villages).

Then we came to Nosari army post and grid station which was unharmed. We crossed the bridge there; it is here that Neelam Valley starts. There used to be a way from Nosari to Leepa valley which has remained closed for the last 20 odd years. After some moderate rise we turned by the river Neelam. The road was just a scratch in the middle of a very high rock, with river half a mile down and mountain top on other mile up. This went on and there were rough treeless mountains. Dennis and I were fascinated but Malik seemed bored with the expedition.

Then we came to Titwal. I had read a very famous short story by a very famous writer Sadhat Hassan Manto, (*Titwal ka kutta*). Looking at the terrain, I could tell that Manto had never seen this place. There is no mention of the river in his story or the dog crossing that river. It was here, that a crossing point was opened recently. It is said that people from both sides here used to sit all day on rocks on both sides of the river talking to each other, which encouraged the authorities to soften borders. The road is along the river and the population is deep in mountains on both sides of Kashmir.

After this point the Valley started opening up, with some agricultural land, small bazaars on the road. Finally we came to Kundal Shahi, which is on both sides of the Shoonter river. This was a busy little town; it had no visible damage, though we were told there was a lot of damage in the mountains. But the real damage was closer to the roads. This is the season before snow falls and storage for winter. Food became so short that people

faced starvation for weeks. Few kilometres further was the district head quarter called Athmuqam. This is the area which had suffered direct firing from Indian forces across the river and lawlessness from the *mujahideen* groups on this side. The economy and way of life had suffered savagely. We were shown houses which were still occupied by the militants. Athmuqam was waiting to come to life once again in the wake of the peace moves.

A bit further up was Keran where across the river Indians were building rest houses. In fact we saw some Indian soldiers. The remarked difference between both sides was that Indian side was lush green and Pakistani side was dead brown for all the trees had been cut. We went as far up as Nala Nakadar, where we saw a house damaged by the quake. I was very tempted to venture to Sharda but circumstances would not allow it. We were accompanied by a PNP person who was a reporter for Jinnah newspaper. We said goodbyes and travelled in the most beautiful moon shine ever, back to Muzaffarabad.

General observations were that no NGO seemed interested in the Neelam Valley and people after years of suffering and oppression were very humble and did not expect anything. However, Islamic Relief had been operating there for years and had close links with pro-Islamic organisations.

Jhelum Valley

Jhelum Valley started right at Domail bridge in Muzaffarabad. This is the main route to the Kashmir Valley and it seemed much wider and flatter. There was destruction every where, equally every NGO seemed to have a tent camp. If you did not have a camp site here, you were not an effective NGO. We came across Qadianis,

Ismaili and other minority camps

We came upon a tent site which had Saudi Arabia flag and slogans. When we stopped and did photography, we noticed there was no one living in it. It was an abandoned site. Very surprising, obviously some one was profiting from it. Few kilometres further up the Valley, we encountered

loads of graffiti supporting army, and we stopped again and saw there was no population centre in the site, only army garrisons were beating their own trumpets.

There were many camps on both sides of the river. We came to a small prominent site between two well established camps with water supply and electricity. I asked the head man in this ten tents camp which had no electricity or other facilities, "why do not you move to a better camp". He whispered, "They would not let us, they watch us all the time", a kind of prisoners which made good advertisement for the NGO in question. We went all the way to Chakothe. To my surprise it was not as long and pretty as I had always imagined and believed, however, it had lot of population.

On our way back, we gave lift to an old man. I asked him about empty tent camp and other questions. He laughed and said, "Most of these are for the video films to obtain funding". He then told us, "some of these camps are only there to attract hand outs, especially from England and Mirpur, no body lives in them at night, they all go home before sun set but return before sun rise". Few other people told us similar stories too.

In both valleys we noticed army distributing goods and rations in a very disciplined way. The interaction between army and people was frequent. We saw army going into tents without hesitation. One man told us rather jokingly, "The army delivers better aid in tents after sun set".

Leepa Valley

Jhelum valley trip was rather quick, full of graffiti, empty tents, and marvellous example of NGO advertisements (Cat Walk), army trying to regain some respect and camp prisoners. We saw sign for Leepa 55 kilometres. Earlier I had tried but never actually made it to Leepa, as it was on the other route through Nosari (Neelam Valley). I had been up to Rashian, where we had a holiday hut a kind of shared common hut. I loved staying there in summer, the glacier in front, big sloping mountains at the back and sides, walking tracks and caves not to mention sweet water springs and absolutely friendly neighbours. The only draw back

was that there was too much Pakistan army based there, which spoilt it. I just wondered if the place was still in tact.

We crossed the river Jhelum by a wooden bridge and started climbing very sharply. Soon we were at a considerable height, we stopped to see the Jhelum Valley, because it gave dreamingly commanding view of the full Valley as well as it being opposite Chikar, one could see all the valleys up to Chikar. Whole houses and small villages had either vanished or rolled down hills, whole forests had moved down and some trees half sunk.

This gave us some insight of the devastation which could not be judged or at best imagined from the road down below. We moved on to first little bazaar called Sain Bagh on the way to Leepa. This is the point where the road turned inwards and Jhelum Valley started vanishing and new Valley started emerging. The destruction beside the road was unbelievable. It seemed that the secure flatter places and more stronger construction withstood the quake but mountain top shabby constructions and government buildings like schools in the city, towns and villages alike proved to be killing zones and everywhere people were mourning their dead children.

We reached Rashian in the afternoon. Though I had lot of memories there, we did not want to stop but the driver just stopped the jeep and said, "I am having a cup of tea even the slaves get a break". He was right, we had not stopped even for a cup of tea all day. I grabbed this opportunity to visit our common hut where we some time used to stay. The hut was near the mosque, up about two hundred yards from the main road. In front was a snowy mountain, at the back was the village of Rashian with mountains on both sides, a truly tranquil place especially in summer. I used to love it. The only drawback was too much army presence. Anyway the hut, the village, everything were destroyed.

We had been to the Neelam Valley, Jhelum Valley and now here, what I had started noticing was that, the people who had not left their villages started reconstructing. In fact they had completed reconstruction of shelters. These were user friendly, made from local materials and fire proof. It struck me then who needs tent cities most? The affected persons

or the money swindling authorities? I came to believe at this point that it was the earthquake administrator's Christmas. They were in it for a long term profit and same could be said of some charities like Islamic Relief and Muslim Hands. So I started raising these questions on this journey with the victims. We also noticed that unlike the tent camps, the tents in the valleys and above snow line were fantastic, proper winter tents. The difference was there to see between NATO and UN work and these happy charities and unorganised individuals.

One old man said, "the shelters proposed are rubbish, you can't raise chickens in them, they expect us to live in them, they don't understand our needs and way of life". Another said, "People who have gone to the city after their injured relatives and quick aid are trapped, they would be there for years at charities' mercies. They are doomed." That summed it up for us, some one was there to make profit on their back. Anyway, we passed Lamanian, the road started becoming narrow dirt track and soon we were above snow line. Though it was a clear sunny day, we could feel cold and dew, any little shade had frozen patches even the road, brown hidden ice. We kept climbing in uncertainty and excitement. Finally we were on the top, "the Moji Pass". Moji probably could be translated as free spirit pass, free spirit it was. Dennis was probably feeling the same, all he repeatedly said was "amazing, amazing, bloody amazing, thank you Daalat for bringing me here, absolutely amazing." I could see he had lost it, so had all of us.

Malik was saying, "How could I have been so ignorant, stupid why have I not been here before? What a sight, marvellous, marvellous". Amazing and marvellous it was, the pass top was about fifty yards flat at the top, on the east was snowy peak and that ridge formed a wall on the east side all the way to Leepa Valley. On the west were Kafar Khund continuous peaks higher than the east snowy peaks, amazingly no trees or snow on them, brown like a bear, the contrast could not be more different between the peaks. From the pass gap, Chakar, Sudhan Galli, Rawalakote and Pallandri peaks could be seen clearly, going down in giant steps and in the north Leepa valley like a badly made wonky white cup for it was covered in snow. Mighty Shamas Bary at the back

and other snowy peaks were looking towards the mighty glacier with Leepa providing life to appreciate the beauty of the peaks. We did not want to move but it had to be done. The slopes towards Leepa were snow covered, frost was setting in, and we ventured towards Leepa for couple of kilometres but decided to turn back with Leepa 11 kilometres. It seemed as though it was a wise decision because we got stuck on the way back and were rescued by the locals. We all promised to return to Leepa, it is a must visit place, completely different world.

OTHER WORK

Next week or so we did some work on the kids journal in conjunction with the Turkish Red Crescent, Health and Safety pilot project in Jalalabad, especially electricity along with Taufeeq and Muneer who had electric whole sale shop in Muzaffrabad. Dennis being a former fireman performed duties of health and safety trainer including first aid. Others like Linda from Norway and Mike Duffy came to deliver leadership course. Dennis did most of its organisation and Malik and myself provided some useful contacts for the delivery of the course and its participants.

Exhibition

MQM head quarters were in Sain Sohali Sarkar shrine, Dr Mohsan organised an exhibition of photographs, 'Muzaffarabad before and after the Earthquake'. The Exhibition was arranged by the Almi Pahari Adabi Sangat and I had the honour to cut the ribbon in presence of former Sindh governor and current MQM members of Pakistan National Assembly and other dignitaries. I was truly proud and at the same time thankful to Pahari Sangat for the honour. Finally it was time for me to leave for England, but I had to visit my uncle in Rajdhani which is in the south. Also I had not visited rural Poonch area. So I set for that final Journey leaving Dennis, who was now acclimatised.

I left with Malik for Bagh via Chikar, we started climbing up very steeply, and this ridge was opposite to the ridge on the way to Leepa. It was devastated. The tents were good and people were busy making

traditional shelters, (*Bandis*). Soon we came to Chakar. Northern side of the Chakar bazaar had been turned upside down, trees, houses, debris and mud all mixed in one and the original road was about two hundred yards below the new one. The area between Chakar and Sudhan Galli was very rough and badly damaged, but people were busy rebuilding. There were no tent camps, individual tents and there seemed to be very little graffiti too. Half way between Chakar and Sudhan Galli we witnessed a whole mountain sliding into a small nala . Another mountain had formed in the middle blocking the water and creating a new lake.

Sudhan Galli is the border between Jammu and Kashmir provinces; this ridge runs all the way towards Uri. Bagh Valley is situated between this ridge and Rawalakote ridge. This side of the ridge (Bagh) was most affected, with whole villages turned upside down. From Sudhan Galli it is down hill all the way to Bagh. There was not a house standing but people were fast rebuilding and I saw graffiti reappearing. Muslim Hands, KRIF, Islamic Relief seemed in competition here, but there were hardly any tent camps. On the way down was one of my favourite Bawlis, where I used to always stop on my previous visits and fill my drinking water bottle. That Bawli was damaged too and water was not stored in it, which really upset me for a while.

Finally we came to Bagh in late afternoon, early evening. There seemed to be some tent camps. We drove through the town. Unlike in Muzaffarabad, to my delight most of the town buildings were standing. Soon it was dark. We met Master Ishtiaq of Peoples National Party (PNP), who looked after our food and sleeping arrangements. At night we met some workers of various foreign NGOs from Pakistan, they were employed in Lahore and Islamabad .As usual locals were nowhere to be seen.

In the morning we went to UN compound and saw that no government building in the city was standing, The story was same as in Muzaffarabad, locals excluded. Stories about looting of aid by Muslim conference people, missing young girls were the same. however, I was quite surprised to learn that in this area charities had delivered aid on the Baradari basis. For example, KRIF was delivering aid to only seven Rajput

villages and some Gujar organisations were delivering only to Gujars and Sudhans to Sudhans.

Gujars it seemed throughout the area suffered the most. They live mostly in jungles and mountains, essentially above the snow line. Their livelihood is herding cattle. It seemed that most of their livestock was destroyed. Also they lead a semi-nomadic life and hardly any Gujar had a burning need for an identity card. Hence they are likely to miss out on the government hand outs. Also politically, they seem to be disinterested and very weak with almost no voice, very proud but economically poor people. Talk of urban tents would be death for them. Foreign NGOs including Pakistanis have little knowledge of Gujar way of life. If any thing they are always victimised and stigmatised at the best of times with suspicion all around them. They are always treated with contempt by even the local middle class and army alike. So it is the Gujars/Bakarwals who are in need of most help and it is these tribes whose culture, way of life and in fact very existence is under threat. The other difference was that there were very little tent camps in the Bagh area. Maybe the government knows when you get Sudhans together what happens- agitation and demonstrations, hence Sudhans were kept deliberately scattered.

In the morning, we travelled east through Bagh valley, up to Lasdana pass. It was above the snow line and the whole Valley of Bagh down to Arja was visible. Here we started descending towards Bandi Abbasspur, another troubled border town. From the road it could be seen that mountains towards Rawalakote were full of tents and fallen houses. Bandi seemed intact but the mountains around were devastated, there seemed no concentration of NGOs here at all and as in Neelam Valley people were not complaining. Sudhans, Gujars and Jats are very proud, though very suspicious of each other.

From there we crossed the dry Nala which incidentally was another famous crossing point for the insurgents in to the Indian Kashmir. We travelled to Hajira. The town itself was intact, but villages around on the mountains were devastated all the same. This area was completely ignored initially. The only aid they received was from Kotli and Mirpur people. I was told Indians offered help which was accepted by Kashmiris, but turned

down by Pakistan authorities.

CONCLUSIONS

- People were happy for NATO and UN presence, but were very annoyed with Kashmiri and Pakistan governments and Pak Army,
- The affected people were very much obliged to Kashmiri brothers and sisters from Mirpur, Kotli and abroad especially Britain and people of Pakistan, However, they complained that though people had given lot of aid, they had treated them as aliens and had not spent time to share their grief.
- The other thing I noticed was that the quake destruction was like a lottery, as the quake picked and chose. For example, one side of the mountain might be completely destroyed and the other side was intact, it seemed it came in waves.
- People seemed very aware of politics, for example, they wanted freedom of movement across LOC without any restriction leading to independence and now that UN and NATO was there, they felt optimistic. Also they were aware, how Pakistan army abused and used Afghan refugees to line their pockets. Many felt that same was being designed for Kashmiris.
- People of Kashmir do not want the rebuilding carried out by Pakistani or Kashmiri governments; they want UN and NATO involvement.
- There seemed to be no advocacy on behalf of the people of Kashmir, hence no consultation or involvement in decision making,
- Individuals did a marvellous job at the stormy stage. However, now they are being taken for a ride by the Kashmiri politicians, army and other conmen like religious leaders and sectarian mafias in a much organised manner.
- It is clear that people at best of times were suffering from oppression, neglect, lack of medical and education facilities. This is reflected in the 70% malnutrition report of the UN agencies.
- Tent cities have a history of permanent poverty, giving way to life

of crime, drugs and prostitution, not to mention problems of health and education. Living examples are mud huts across the road from the earthquake victim's tent city in Islamabad.

- Thousands of children have been stolen, abducted or orphans were bought from relatives, for domestic labour, fundamental training, prostitution and sex trafficking. There seemed to be no government drive to find or recover them.
- The elderly and the frail, along with orphans and widows remain the most venerable group for years to come.
- Gujars especially living above the snow line and nomadic Bakarwals without any identity cards are likely to suffer poverty, hardship and are likely to lose their way of life, identity, language and centuries old cultural heritage.
- The government knew about the possibility of an earthquake for years, but did not bother to include it in building regulations or educational curriculum and turned a blind eye to it.
- AJK successive governments are responsible for killing thousands of people through sixty years of corruption and abandoning them at the hour of need.
- There seems to be no central information point for charities, organisations or individuals trying to work in Kashmir.
- Information, consultation and inclusion of Kashmiris is ignored at its peril.

RECOMMENDATIONS

- Storming phase is over, normalcy is setting in and soon the rebuilding stage will set in. Kashmiri diaspora and world community needs to make sure, that funds are spent equally in NWFP and Kashmir and that the same standards are applied.
- Continuous corruption for the past sixty years has wiped out a generation and people responsible, i.e. AJK government, should not be made incharge of rebuilding.
- People of Kashmir deserve to breathe an air of independence and

border (LOC) controls should be made a thing of the past.

- Tent cities should be closed as soon as the weather allows and people should be helped to rebuild their lives at the place of their origin.
- Every effort should be made to recover missing Kashmiri and Pakistani children and a joint commission should be set up for its investigation.
- Government of Azad Kashmir should be brought to justice for corruption, for killing its own people. At least a UN or EU inquiry commission should be set up and the victims adequately compensated.
- The elderly and the frail, orphans, widows and other venerable groups should be included, consulted and seriously considered in the planning stages of rehabilitation and reconstruction .
- Gujars should be compensated for the loss of their live stock immediately and every effort should be made to preserve their way of life by supporting them from the planning stages.
- Addition of earthquake education is a must and all buildings should be made earthquake resistant in future.
- Publication of an earthquake journal/newspaper is important. A central information or point of contact is essential for British Kashmiris and charities.

KARACHI AGREEMENT

Dated 28 April 1949

Heads of agreement between Hon'ble Minister without Portfolio, The President of All Jammu and Kashmir Muslim Conference and the President of the Azad Kashmir Government.

Civil Administration and Azad Kashmir Areas

- (i) The Azad Kashmir Cabinet shall formulate policy and generally supervise administration in Azad Kashmir area. Day to day administration shall however, be entrusted to executive officers viz. the Heads of Departments who shall also be secretaries to government for their respective Departments.
- (ii) Besides the Heads of Departments, the Azad Kashmir Government will have only the following two secretaries:

1. Secretary, Finance Department, and 2. Cabinet Secretary.

The Cabinet Secretary besides maintaining records of Cabinet proceedings will be directly responsible to keep the Cabinet well-posted with all matters connected with the plebiscite and for all correspondence with the Plebiscite Administrator.

- (iii) The details of the set up will be as follows:

<i>Subjects</i>	<i>Head of Deptt.-cum-Secretary</i>	<i>Minister Incharge</i>
1. Law and Order including Jails and Police	Commissioner-cum-Chief-Secretary	Hon'ble President
2. Food and Civil Supplies	Director of Food and Civil Supplies and Secretary to Government, Civil Supplies Dept	Minister for Civil Supplies
3. Revenues (including Forests, Customs) and Public Works	Commissioner-cum-Chief Chief Secretary	Revenue & Finance Minister

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4. Finance Minister	Finance Secretary	Revenue & Finance
5. Rehabilitation & Secretary Rehabilitation Deptt.	Director of Rehabilitation	Minister for Rehabilitation
6. Medical & Health Secretary	Director of Health Services & Health Services	Minister for Health and Education
7. Education Secretary	Director of Education	Minister of Health and Education
8. Cabinet & Plebiscite Works	Cabinet Secretary	Hon'ble President

- (iv) No one below the rank of Head of Department/Secretary shall have access to the Ministers and orders to lower staff shall always be communicated through the head of Department/Secretary
- (v) Heads of Department/Secretaries shall submit all important cases to their Ministers and shall generally keep them fully informed of developments in their respective Departments.
- (vi) Heads of Department/Secretaries who are at present located outside Azad Kashmir area may continue to be so located. But they would meet their Ministers once or twice a week and put up cases on which orders of Ministers have to be obtained.
- (vii) Whenever a Head of Department feels that an order passed by an Hon'ble Minister needs revision, he would bring the case to the notice of the Commissioner who in capacity as Chief Secretary to the Azad Kashmir Government, will endeavour to have the matter satisfactory settled, if necessary, in consultation with the Chief Plebiscite Adviser to the Pakistan Government, who will also be notified by the Azad Kashmir Government as their Chief Advisor.
- (viii) Officers loaned to Azad Kashmir Government will formally appointed as Officers-on-Specific Duty with the Chief Plebiscite Adviser and their services will informally be placed at the disposal of Azad Kashmir Government who would formally appoint them to office by notification in their own Gazette. All correspondence of the Azad Kashmir Government with the Secretariat of the Minister without Portfolio, Government of Pakistan, will be through the Chief Plebiscite Adviser.
- (ix) Pending the appointment of a Public Service Commission for Azad Kashmir an ad hoc Committee consisting of the following may be appointed to recommend future recruitment and promotions in

services in Azad Kashmir Government.

1. Commissioner (Chairman).
2. Judge of Azad Kashmir High Court.
3. The Head of the Department concerned.
4. Cabinet Secretary as Member-Secretary.

II. Financial Arrangements

- (i) Monies advanced to the A.K. Government for specific purposes shall be spent for those purposes and no other. The Pakistan Government shall satisfy themselves that they have been properly spent.
- (ii) Moneys advanced to the A.K. Government as general grants-in-aid shall be given only after the A.K. Government has produced a budget statement for the Government as a whole. In the case of these funds, the Government of Pakistan shall satisfy themselves that A.K. Government spend according to the budget proposals. For this purpose, they may ask for periodical statement of account from that Government.
- (iii) The Pakistan Government shall loan the services of an Accounts Officer for employment as Accountant General of the Azad Kashmir Government.

III. Division of functions between the Government of Pakistan, The Azad Kashmir Government and the Muslim Conference.

A. Matters within the Purview of Pakistan Government

- (i) Defence, (Complete Control over A.K. Government).
- (ii) Negotiations with U.N.C.I.P.
- (iii) Foreign Policy of A.K. Government.
- (iv) Publicity in Pakistan and Foreign Countries.
- (v) Coordination of arrangements for relief and rehabilitation of refugees.
- (vi) All activities within Pakistan itself with regard to Kashmir such as procurement of food and civil supplies transport, running of refugee camps, medical arrangements etc.

- (vii) All affairs of the Gilgit and Ladakh areas under the control of Political Agent at Gilgit.

B. Matters within the Purview of A.K. Government

- (i) Policy with regard to administration in Azad Kashmir.
- (ii) General Supervision of administration in Azad Kashmir.
- (iii) Publicity with regard to activities of the A.K. Government and its administration.
- (iv) Advise to H.M. without portfolio with regard to negotiations with U.N.C.I.P.
- (v) Development of economic resources of A.K. area.

C. Matters within the Purview of Muslim Conference

- (i) Publicity with regard to plebiscite in A.K. Government.
- (ii) Field work and publicity in the Indian occupied area of the State.
- (iii) Organisation of political activities in the A.K. and the Indian occupied areas of the State.
- (iv) Preliminary arrangements in connection with plebiscite.
- (v) Organisation for contesting the plebiscite.
- (vi) Political work and publicity among Kashmir refugees in Pakistan.
- (vii) General guidance of the A.K. Government.
- (viii) Advice to H.M. without portfolio with regard to negotiations with U.N.C.I.P.

Sd/-

(Mohammad Ibrahim)
President Azad Kashmir Govt

Sd/-

(Ghulam Abbas)
President All Jammu and Muslim Conference

Sd/-

(M.A. Gurmani).
Minister without Portfolio, Govt. of Pakistan.
28/4/1949

JULY 25 AJK ELECTIONS: CONSTITUENCIES OF KASHMIRI REFUGEES SPREAD ACROSS PAKISTAN

TARIQ BUTT

(Courtesy: *The News*, July 21, 2021)

ISLAMABAD: The constituencies for Kashmiri refugees, who will elect 12 members of the Azad Jammu & Kashmir Legislative Assembly (AJKLA) on July 25, are scattered far and wide across Pakistan.

No election has such geographically scattered constituencies. One constituency is spread over all the four provinces while another two are scattered in two different federating units. Some other constituencies are located in a large number of districts of Pakistan, often far away from each other.

Any political party winning all or a majority of the 12 seats of the refugees settled in Pakistan is going to be in a comfortable position to clinch the slot of the AJK prime minister. It will require just 23 of the 45 directly contested seats of the AJKLA to secure a simple majority.

Since the entire polling staff, including the district returning officers (DROs) and ROs for the refugees' seats belong to the Election Commission of Pakistan (ECP), it is the ECP's responsibility to ensure that the electoral exercise is fair, free and transparent. ECP personnel working in the provincial headquarters and districts have been deputed to supervise the election for the refugees' seats according to previous practice.

Past results of elections to the refugees' seats in Pakistan had favoured parties that had been in power in the provinces. The Rawalpindi, Sialkot and Narowal districts have the largest concentration of the refugee voters

as four seats will be contested in these areas.

LA-XXXIV Jammu-1 is the largest constituency area-wise as the voters are scattered over Punjab, Sindh and Balochistan. Polling for this seat will be held in 48 districts including Quetta, Mastung, Naseerabad, Sibi, Barkhan, Sukkur, Ghotki, Khairpur, Shaheed Benazirabad, Naushero Feroze, Hyderabad, Mirpurkhas, Tando Allahyar, Jamshoro, Badin, Sanghar, Larkana, Umerkot, Karachi West, South, East, Central, Malir, Korangi, Bahawalpur, Bahawalnagar, Rahimyar Khan, Multan, Pakpattan, Vehari, Layyah, Okara, Muzaffargarh, Faisalabad, Jhang, Chiniot, Toba Tek Singh, Sargodha, Bhakkar, Khushab, Mianwali, Lahore, Sheikhpura, Nankana Sahib, Kasur, Sahiwal, Rajanpur and Khanewal.

Similarly, voting will take place in 27 districts of Sindh and Balochistan for the LA-XL Kashmir Valley-1 constituency. They include Quetta, Kalat, Kech, Lasbela, Sibi, Killa Saifullah, Jamshoro, Sukkur, Ghotki, Khairpur, Dadu, Shikarpur, Shaheed Benazirabad, Hyderabad, Mirpurkhas, Umerkot, Karachi West, Karachi South, Karachi East, Karachi Central, Malir, Korangi, Tando Allah Yar, Badin, Thatta, Noshero Feroze and Sanghar.

Likewise, the Kashmiri refugees living in 28 districts of Punjab will cast their votes for LA-XLII Kashmir Valley-III. They include Bahawalpur, Bahawalnagar, Sahiwal, Pakpattan, Okara, Bhakkar, Sargodha, Rahimyar Khan, Multan, Vehari, Khushab, Rajanpur, Gujranwala, Hafizabad, Khanewal, Muzaffargarh, Mianwali, Mandi Bahuddin, Sialkot, Narowal, Faisalabad, Jhang, Chiniot, Toba Tek Singh, Jhelum and Chakwal.

The LA-XXXIX Jammu-VI seat will be elected by voters from 23 districts in two provinces including Rawalpindi, Islamabad, Attock, Jhelum, Chakwal, Peshawar, Nowshera, Mardan, Kohat, Buner, Charsadda, Karak, Kohistan, Mohmand, Abbottabad, Haripur, Mansehra, Dera Ismail Khan, Bannu, Swat, Swabi, Upper Dir and Chitral.

Twenty-one districts of Khyber Pakhtunkhwa (KP) will vote for the LA-XLV Kashmir Valley-VI seat. They are Peshawar, Nowshera, Mardan, Abbottabad, Haripur, Mansehra, Dera Ismail Khan, Bannu, South Waziristan, Swat, Batgram, Buner, Tank, Charsadda, Chitral, Shangla, Swabi, Kohat, Kohistan, Lakki Marwat, Lower Dir and Mohmand.

The refugees living in the districts of Gujranwala (except Wazirabad Tehsil) and Hafizabad, and Tehsils of Daska, Pasrur and Sambrial of District Sialkot will vote for the LA-XXXV Jammu-II seat.

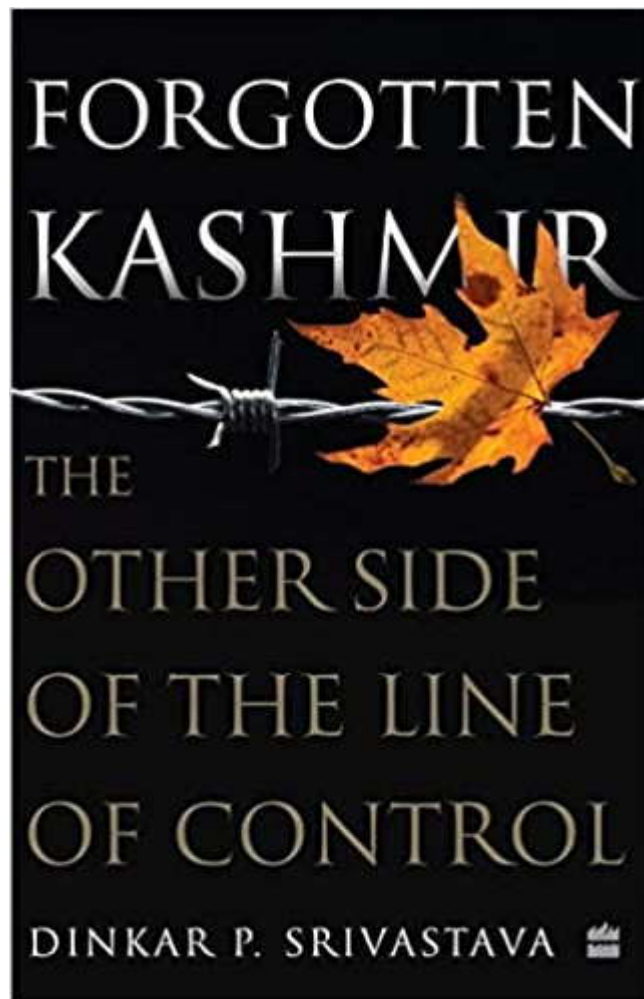
The voters registered in Wazirabad Tehsil and districts of Gujrat and Mandi Bahauddin will cast their ballots in LA-XXXV-II Jammu-IV constituency. The refugees of districts Lahore, Sheikhpura, Nankana Sahib and Kasur will elect the LA-XLI Kashmir Valley seat.

The LA-XLIII Kashmir Valley-IV seat was elected by voters registered in ward numbers 15 to 50 within the limits of Rawalpindi Municipal Corporation (RMC), as they existed in 1985.

Similarly, the voters living in ward numbers 1 to 14 within the limits of RMC as they existed in 1985; Rawalpindi cantonment wards numbers 1 to 10; Rawalpindi district outside the limits of RMC; Islamabad Capital Territory and Attock district will cast their ballots for the LA-XLIV Kashmir Valley-V seat.

BOOK REVIEW

D.P. Srivastava, *Forgotten Kashmir: The Other Side of the Line of Control*.
Noida, Harper Collins, 2021. 439pp.



Whereas Kashmir has been the focus of national and international attention for over seven decades, Pak-occupied Kashmir (POK) and Gilgit-Baltistan (GB) have eluded attention. This is because the 'Other Kashmir' across the LOC has been kept under iron curtain by successive Pakistan governments. Pakistan assumed direct control of Gilgit-Baltistan in 1947-48 and re-designated the area as Northern Areas. At the same time, it called Pak-occupied Kashmir as 'Azad Kashmir', but in actual practice this territory has been *Azad* (free) only in name. There is clear cut discrepancy in Pakistan's policy and its political and constitutional relationship with POK and GB. While claiming that Jammu & Kashmir is disputed territory, GB has been annexed and colonized by Pakistan. It is only as late as in 2009, that Pakistan restored its name Gilgit-Baltistan replacing the term 'Northern Areas'. Now there are moves to formally integrate GB as the fifth province of Pakistan, which would jeopardize Pakistan's stand over the disputed character of Jammu & Kashmir.

Both POK and GB constitute one-third of the total area of undivided Jammu and Kashmir. With an area of 5,134 sq. miles (13,297 sq. kms.), and about four million people, POK has 10 administrative districts (Muzaffarabad, Hattian Bala, Neelum, Bagh, Poonch, Sudhanuti, Mirpur, Kotli, Bhimber and Haveli). GB has an area of 28,000 sq. miles (about 73,000 sq. kms) with a population of about two million people. It has 10 districts-Ghizer, Gilgit, Hunza, Nagar (all in Gilgit Division), Ghanche, Skardu, Shigar and Kharmang (in Baltistan Division) and Astor and Diamer (in Diamer Division). The book under review is divided into seven sections, all having 23 chapters. It provides a comprehensive insight into Pakistan's policy in POK and GB and internal political dynamics in the region. As the author states, "it looks at POK in terms of the aspirations of its people and the policies of Pakistan".

First section 'The Beginning' has three chapters – Invasion ; Pakistan-occupied Kashmir Government; The Jammu and Kashmir Issue in the UN. Pakistan has followed "remarkably consistent policy over seven decades", be it the suppression of Sudhan revolt in POK in 1950s, separation of Northern Areas from POK and its administration under the Frontier Crimes Regulations till 1974. POK got an elected Assembly only

in 1975 and GB got one in 2009. But in both territories, substantive powers were wielded by Pakistan's Prime Minister. POK witnessed recurrent dismissals of its Presidents over this period. Sardar Ibrahim Khan (of Muslim Conference) and his government in POK were dismissed in 1950, soon after he had founded 'Azad'(Free) Muslim Conference as a reaction to Pak interference in local politics and government. Later on, Sardar Ibrahim denied ever having signed the Karachi Agreement 1949.

First chapter exposes the direct role of Pakistan in the invasion of Kashmir in 1947, as described by Gen. Akbar Khan in his book *Raiders in Kashmir*. The author quotes Justice M.Y.Saraf (then a Kashmiri Muslim Conference activist) as lamenting that "no Kashmiri speaking leader or worker was taken into confidence" and invited to the meeting organized by Pak prime minister Liaquat Ali Khan at Lahore to discuss the plans of attack on Kashmir in 1947, even though senior Muslim Conference leaders including Mirwaiz Yusuf Shah and Chaudhary Hamidullah Khan were then present in Lahore. Sardar Ibrahim was also not invited to Liaquat Ali Khan's meeting, which decided about the tribal invasion of Kashmir. The book has explained well the British officer Major Brown's role in the occupation of Gilgit in the coup d'état against Maharaja of Kashmir codenamed Operation Datta Khel, relying upon the account of Major Brown himself. So it becomes imperative to have an introspection of the causes of Indian indifference to the crucial developments taking place at the strategic frontier in Gilgit, which provides direct land access to Afghanistan and China.

Chapter two exposes the "dissonance between Pakistan's positions in the UN and its actions" in Kashmir. The formation of provisional government of 'Azad Jammu & Kashmir' in October 1947 "was not a result of the deliberations of the Muslim Conference but was done by a directive from a middle-rung Pakistani government officer". And the governments of POK were "made and unmade by Pakistan's federal government and not the Muslim Conference", which only acquiesced to Pak dictates. By signing the Karachi Agreement in April 1949, Muslim Conference had ceded Northern Areas to Pakistan in violation of the UNCIP resolution. The book cites credible evidence provided by Pakistani

sources to describe how POK was run by Pakistan's Ministry of Kashmir Affairs and Northern Areas. The "elected legislature and government" of POK were marginalized by the creation of a Council headed by Pakistan's Prime Minister.

Third chapter 'The Jammu and Kashmir Issue in the UN' explains how Pakistan while harping upon its demand of implementation of the UN resolutions on Kashmir, did not withdraw its forces from the territory, which was a pre-condition for holding of a plebiscite. Pakistan not only consolidated its occupation of POK but also assumed direct control of over 70,000 sq. kms. territory of GB. Pakistan was also not keen for plebiscite particularly due to the "trail of rape and loot left behind by the Pak-sponsored raiders in Kashmir", and the Sudhan revolt in POK in 1950s.

Section II 'Revolt and Pacification' has three chapters – Early Years and the Sudhan Revolt; The Ayub Era ; China in POK. Fourth chapter sheds important light on the clashes between the Sudhan tribe and Pakistan army in 1951 in Poonch, following the dismissal of Sardar Ibrahim Khan as President of POK in May 1950. The Sudhans revolted again in 1955 when the Pak army crushed them using mortars against civilians and detaining large number of protestors. Now Pakistan further tightened its control over POK. An All Parties Conference on Kashmir was convened in Karachi from 26-28 November 1955, which defined the relationship of POK with Pakistan to be based on "its accession to Pakistan". This clause was inserted in Article 203 of Pakistan's constitution of 1956, and was repeated in Article 257 of the 1973 constitution. Sudhan revolt and the subsequent tightening of Pak control over POK have generally remained unnoticed.

Chapter five deals with 'The Ayub Era', which witnessed the conclusion of Indus Waters Treaty between India and Pakistan in 1960, Sino-Pakistan Treaty of 2 March 1963 by which Pakistan ceded 5,180 sq. kms. of the territory of Gilgit to China, and the launch of armed Pak aggression 'Operation Gibraltar' on Kashmir in 1965. Sixth chapter 'China in POK' briefly discusses the 1963 Sino-Pak treaty, construction of Karakoram Highway. More importantly, it refers to the Duncan Sandys-Averall Harriman Mission which visited the Indian sub-continent after

the Sino-Indian war of 1962, as a joint UK-US initiative to push India to make concessions both to Pakistan as well as to China. Pakistan sought to use this opportunity “to block or limit US military assistance to India to a minimum”, which was just 120 million US dollars. The six rounds of talks between India and Pakistan under US-UK pressure did not yield anything.

Section III ‘The Simla Agreement, the Interim Constitution and Islamabad’s rule by Proxy’ has four chapters – The Simla Agreement; The ‘Azad Jammu and Kashmir Interim Constitution Act, 1974; The Zia Period; Governance in POK: Election or Selection. Under the Simla Agreement of 1972, both India and Pakistan committed themselves to resolve Kashmir issue bilaterally and to respect the LOC. The Agreement also did not mention the UN resolutions, nor the right of self-determination of Kashmiris. Yet Z.A.Bhutto had reserved Pakistan’s option to support the ‘liberation struggle’ in Jammu and Kashmir. Replying to the debate on the Simla Agreement in the Pakistan National Assembly on 14 July 1972, Bhutto stated: “How can we not be with the people’s struggle for liberation if the people of Jammu and Kashmir are prepared to make sacrifices for their inherent rights”. Bhutto had not forsaken the “policy of confrontation with India”. And this idea was later implemented by Zia-ul-Haq in 1980s by launching Operation Topac/proxy war in Kashmir.

Eighth chapter which delves into the ‘Azad’ Jammu and Kashmir Interim Constitution Act, 1974, points to the continuity in the policies of the civilian and military rulers of Pakistan towards POK and the Northern Areas. The 1974 Interim Constitution of POK did not emanate from the POK Assembly, but was imposed from Islamabad. The book reveals that this constitution was adopted by the POK Legislative Assembly on 14 August 1974 within ten minutes of the introduction of the bill and “without any constitutional deliberations on any aspect or clause of this Act”. And the assembly members remained silent, as they were being “watched by a serving brigadier from the Pakistan army sitting in the visitors gallery of the assembly”. Article 1.2 of the Interim Constitution while describing the territory of POK, excludes the Northern Areas, which had been taken over by Pakistan in 1948-49.

As regards the important issue of State Subject, migration and the

demographic composition of POK, "migration from and into POK was included in the legislative competence of the Council headed by Pakistan's Prime Minister", thereby giving Pakistan exclusive control for determining migration and any change in the composition of the population of POK. And the 'Azad' Jammu and Kashmir State Subject Act, 1980 allowed a domicile certificate to be issued on a five-year stay in POK.

Ninth chapter deals with 'The Zia Period', which witnessed Afghan jihad, Islamization of Pakistan, dissolution of the elected POK assembly and dismissal of POK prime minister and his cabinet, Shia-Sunni conflict in Northern Areas and sponsoring terrorism in Indian Kashmir. Chapter ten deciphers the flaws in the governance of POK, referring to the recurrent dismissals of presidents of POK by Pakistan, with actual control over its governance being wielded by 'lent officers' deputed by Pakistan. Any party or individual who does not accept Jammu and Kashmir's accession to Pakistan is prohibited. So pro-independence outfits like JKLF and APNA (All Parties National Alliance) have been kept out of the electoral process. Whichever party holds power in Islamabad, reigns in POK as well. The 53 member assembly in POK has 12 reserved seats for Kashmiri refugees, who are scattered across Pakistan. These constituencies are located in a number of districts of Pakistan, often far away from each other. Four such seats are contested from Rawalpindi, Sialkot, Narowal districts of Pakistan which have large concentration of the refugee voters. Any political party winning all or a majority of the 12 refugee seats, has a comfortable position to clinch the position of the POK prime minister. Refugee seats provide sufficient leverage to the federal government to swing the results in its favour.

Section IV 'Judicial Intervention' has four chapters – Judicial Intervention and Diminished Interventions; The POK High Court Judgement, 1993; Pakistan Supreme Court's Judgement; Al-Jehad Trust vs Federation of Pakistan, 1999; The Gilgit-Baltistan Order, 2009. POK High Court judgement of 1993 was historic as it brought to light the separation of Gilgit-Baltistan from POK in the secret Karachi Agreement of April 1949 signed between Pakistan government, the Muslim Conference chairman and POK president Sardar Ibrahim. The High Court declared

that separation of the Northern Areas from POK was a violation of the UNSC resolutions, allowing the plaint for restoration of the area to POK. The judgement caused great embarrassment to Pakistan government, which was then busy trumpeting support for its stand on Kashmir in the UN forums. So Pakistan government filed an appeal with the POK Supreme Court, which overturned the High Court's verdict on "purely jurisdictional grounds". In 1999 Al-Jehad Trust petitioned Pakistan's Supreme Court demanding fundamental rights for the people of Northern Areas under the Pakistan constitution. The Supreme Court in its judgement of May 1999 extended its writ and Pakistan's constitution to the Northern Areas. Pakistan Supreme Court in another judgement of January 2019 asked Pakistan government to promulgate the Gilgit-Baltistan Governance Reform, 2019. On 1 May 2020, Pakistan Supreme Court extended the Pakistan Election Act of 2017 to the Northern Areas, thus further integrating Gilgit-Baltistan with Pakistan.

Section V 'A New Order' follows up with the analyses of 13th Amendment to the Azad Jammu and Kashmir Interim Constitution Act, 2018; the Government of Gilgit-Baltistan Order, 2018; Pakistan Supreme Court Judgement, January 2019; Terrorism, Extremism and Imran Khan's Naya Pakistan; Water, Natural Resources and Underdevelopment. The 13th Amendment created the Council of Islamic Ideology on the pattern existent in Pakistan, leading to greater Islamization of POK. It also increased the control of federal government over POK. The 13th Amendment retains the clause restraining the exercise of self-determination, and any activity "prejudicial or detrimental to the ideology of State's accession to Pakistan". Gilgit-Baltistan Order, 2018 integrates the territory "in all but name with Pakistan", with Pakistan's prime minister directly assuming important legislative functions. The Order also allows "any Pakistani to claim citizenship of GB on the basis of residence", having no reference to the State Subject Rule (SSR) "which limits citizenship to the original inhabitants before 1947 and their progeny". In 1974, Z.A. Bhutto had abolished the State Subject Rule and allowed residents from other provinces to buy land in Gilgit-Baltistan. The 2018 Order has increased federal control over GB, diminishing the role of GB government and also weakened the judiciary

of the territory. The Gilgit-Baltistan Order of 2018 was challenged in the Supreme Appellate Court of GB, which set it aside in its judgment of 11 July 2018. Pakistan government appealed to Pakistan's Supreme Court, which overturned the Supreme Appellate Court's decision, ruling in favour of Pakistan by declaring it 'sovereign over Gilgit-Baltistan'. The Supreme Court ordered that the Gilgit-Baltistan Governance Reform Order, 2019 be promulgated.

POK and Gilgit-Baltistan have abundant water resources and strategic highways, both being controlled and exploited by Pakistan. Though Mangla Dam on Indus river was completed in 1967, POK did not receive any payment or royalty for the hydropower generated, till 2003. While Punjab and Khyber-Pakhtunkhwa received Net Hydel Profit (NHP) of Rs. 1.10 per KWh for power generation, POK has been receiving only 0.15 KWh as water usage charges, that too after 2003.

Section VI 'The China Factor' deals with the China-Pakistan Economic Corridor (CPEC). Under CPEC, Karot and Kohala hydropower projects are being executed in POK with an investment of 5.946 billion US dollars, and road building and fibre-optic cable laying projects in Gilgit-Baltistan at the cost of about 2.13 billion US dollars.

Section VII 'Wishes of the People, Interest of Pakistan State and the Future of POK' has three chapters - Independence Option: Pakistan's Position; Wishes of the People; Ideology, Strategy and Future of POK. Pakistan has right from the beginning been opposing the 'independence' option, even though it has been using the slogan of 'azadi' to stir violence in Indian Kashmir. The Interim Constitution of POK forbids any activity that is "prejudicial or detrimental to the ideology of the State's accession to Pakistan". Same is applied to Gilgit-Baltistan, as per Article 17(2) of the Gilgit-Baltistan Reform Order of 2018. As regards the application of the principle of self-determination, Article 2(7) of the UN Charter precludes the UN from intervening in the domestic jurisdiction of Member States. There is international consensus that the "right of self-determination cannot be used to undermine the territorial integrity or political unity of sovereign and independent States as long as there was a representative government that treated the people without discrimination". Pakistan

resorted to armed aggression by tribal raiders and Pakistan army in 1947-48 to grab Kashmir, launched full scale war on Kashmir in 1965 under its Operation Gibraltar, made an organized armed intrusion into Kargil in 1999, and has been sponsoring terrorism and proxy war in Indian Kashmir since 1989. And in case of POK and Gilgit-Baltistan, the people of these territories have the only choice of accession to Pakistan, as per the constitutions of Pakistan, POK and the Gilgit-Baltistan orders. The author rightly says that “Pakistan’s Kashmir policy is driven by the primacy of strategy and interest over ideology” of Islam and accession to Pakistan. Pakistan’s policy has been shaped and driven by its army right from the beginning.

The book is well researched and based on primary sources particularly from Pakistan and POK itself, which lends authenticity to the study. It provides detailed analyses of the political developments in POK and Gilgit-Baltistan, underscoring consistency in Pakistan’s policy of tight control over this territory from their strategic point of view, suppressing the legitimate wishes and aspirations of its people. Indian policy makers, practitioners, academia, media and public opinion need to understand the facets of well calculated and sustained Pakistan’s policy and practices in POK and Gilgit-Baltistan, in terms of its firm control over this strategic territory, manipulating local politics and government according to Islamabad’s designs, using the region to have long term strategic alliance with China, turning the region into a ground for launching terrorism into Indian Kashmir and so on.

In India we have been hearing about the rhetoric of Indian claims over POK and GB being the integral parts of undivided Jammu and Kashmir. It was only on 22 February 1994 that Indian parliament passed a unanimous resolution laying down the basis for retrieving the lost territory of POK and GB. And recently on 5 August 2019 Indian parliament passed the J&K Reorganisation Bill, 2019 creating two separate Union Territories of Ladakh and Jammu & Kashmir. That the Pak-occupied territory of Gilgit Baltistan has been included in the Union Territory of Ladakh, is a recognition of the historical reality and a course correction in Indian policy. Now India needs to follow up by taking tangible steps by consolidating

and strengthening its firm presence in the society, politics and governance in Ladakh as well as in Jammu and Kashmir . The abolition of Article 370 and Article 35 A in Jammu and Kashmir are the initial steps in this regard. The Union Territory of Jammu and Kashmir needs to fulfill the legitimate political aspirations of the hitherto deprived and neglected sections of society, particularly the refugees from POK and West Pakistan who have had no right to vote in the State elections for the last seventy years. The newly constituted Delimitation Commission can do this by reserving / allocating at least 4 to 5 seats in the J&K Assembly for about half a million such refugees. Similarly about half a million Kashmiri Pandit Displaced Persons, who were forced out of the Valley by terrorists in 1989-90, and are dispersed across India, need to be provided 4 to 5 seats/constituencies. Pakistan's practice of reserving 12 assembly constituencies on POK assembly for Kashmiri refugees who migrated to Pakistan in 1947-48, provides concrete example .Only 30,000 Kashmiris registered as refugees from Kashmir Valley in 1947-48 have 6 seats reserved for them. And 4,34,000 people registered as refugees from Jammu province have another 6 seats. None of them live in POK, but are scattered wide across Pakistan. This is used as a trump card by federal government of Pakistan to influence the formation of government in POK, after every election there. Indian State of Jammu and Kashmir has 24 reserved seats for POK and Gilgit-Baltistan, but it is only in theory. In practice these have not been utilized. Time has come for India to take a strategic decision to call the bluff of Valley based political blackmail and create a fresh political narrative by giving political space to pro-Indian and nationalist forces in the UT of Jammu and Kashmir.

Prof. K. Warikoo

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