

## Federalism and Provincial Autonomy in Pakistan: A Case of Balochistan

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**Abstract:** *The present study intends to explore the various aspects of the issue of provincial autonomy in the entire federation of Pakistan in general and in Baluchistan in particular and prescribes their possible resolution. Although federal system of government remains essential for diverse societies like Pakistan, it has not been able to lessen the grievances of its various units, particularly Baluchistan, over the period of time due to poor implementation of the policies. The 18th amendment in the constitution discourages the centralization of power and demands political and economic autonomy of the smaller provinces like Baluchistan, but the authoritarian trend of our political system has never permitted it to happen. The study suggests that deprivation of the people of Baluchistan can be ended by strengthening the federation of Pakistan with the help of a few viable steps like Decentralization of power and restoration of democratic values.*

**Key Words:** Federalism, Baluchistan, Provincial Autonomy, Aghaz -e- Haqooq e Baluchistan Package, 7th NFC Award, 18th Amendment

### Introduction

Baluchistan is the largest federating unit of Pakistan in terms of area, which mainly comprises Baloch and Pashtun ethnic groups. It constitutes 43 percent of Pakistan's territory and is the habitat of nearly 7.5 million people. The province is extremely rich in natural resources, be it gas or coal. Baluchistan got the autonomy of a province on first July 1970 because, at the time of the creation of Pakistan, it was a Chief commissioner's province under the domain of the Governor-General. Although the province is very rich in economic resources, the population of Baluchistan lacks all the basic necessities of life. Pakistan started its journey with a federal form of government based on the Western model of democracy. Since the creation of Pakistan, the centralization of resources has been one of the biggest issues. The central government has always tried to occupy as many resources as it can and has never allowed the provinces to be autonomous.

As a result, there has been a deficit of mutual understanding between the central government and the provinces, Baluchistan in particular. It has never been given its due right either politically or economically, knowing that the same kind of deprivation resulted in the separation of East Pakistan in 1971. Keeping in view the past

experiences, the 1973 constitution was formulated in such a way as it provided considerable constitutional and administrative autonomy to all the federal units to lessen their grievances. But as ever before, this constitution was not implemented in its true spirit, and the central government failed to restore the confidence of the provinces, especially Baluchistan, and the result was a dreadful insurgency in the province. Even today, huge promises are made by our leadership, but nothing has changed in reality for the people of Baluchistan.

### Historical Background

With the passage of time, societies around the globe have become much more diverse as compared to the past. This diversity led to the birth of a democratic form of government so that the peaceful existence of multicultural and multilingual societies may be possible. Federalism is a kind of agreement in which two or more governments cooperate with each other for the smooth functioning of the system. Pakistan adopted this type of government from British India, but it has continuously been an obstacle by various challenges, including centralization of power, military interventions and constitutional crises. These very

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challenges led to the division of East Pakistan and the consequent emergence of Bangladesh in 1971. Since the very beginning, there has been a severe interprovincial conflict in the federation of Pakistan. Baluchistan has been levelling allegations against Punjab for its discriminatory attitude towards smaller provinces. It has continuously been demanding greater autonomy, be it politically or economically. A number of nationalist and separatist groups have been pursuing their demands in their own way. Not only Baluchistan is the largest unit and hosts various ethnic groups of Pakistan but also it equally important strategically and economically.

Baluchistan is not given its well deserved economic and financial rights, i.e., they receive only 24% of their due right of the royalties on the supply of gas. They express a similar kind of displeasure over various other projects like Gwadar Port and CPEC and perceive that they are not getting their due rights in these projects. They are deadly opposed to the demographic changes in the Gwadar area and the planned settlement of Panjabis and Sindhis in it. The issues of target killing and missing persons have added insult to injury and created great unrest among the masses. As a result, the insurgency against the federal government has increased significantly. The Federal government tried to pacify them with the help of the Baluchistan package and MFC awards, but even these things have failed to lessen their resentment and anger because of poor implementation. Overall, the federation has been unable to resolve the issues of Baluchistan permanently and bring the people into the mainstream.

### Research Methodology

This research is qualitative and descriptive to critically evaluate the issue of provincial autonomy of Baluchistan based on primary and secondary data such as interviews, articles, books, research papers and questionnaires.

### Sources of Data

A number of sources were utilized to collect data for this research, like the finance department, statistical bureau of Pakistan, historical books and articles. Resources available on the internet, personal interviews and the opinion of political commentators were also included in it.

### Literature Review

The word federation itself has a number of definitions, and quite a few of those are significantly different from one another. Where defines it as "the federal system is a method of sharing power so that regional governments are placed within the

framework of coordination and interdependence. Robert Garran says "federalism is a system of government in which political power is shared between Central government and the provincial units so that they might work independently within their constitutional framework".

Renowned political scholar Watts defines it as a principle of organization whereby a concurrent demand of union achieves a compromise, and for territorial diversity within a society, by the establishment of a single political system within which Federal and regional governments are assigned to coordinate authority in a way that neither level of government is legally or politically subordinate to the other. A federation is usually created to unify some States for one or more common purposes with autonomous status and individuality. Federalism is usually adapted to safeguard political and economic interests such as trade and defence.

[Voigt and Blume \(2012\)](#) argue that considerable residuary power in the hand of provincial governments is the most important feature of this form of government. Their argument is based on the view that the success of federalism means the trust in the competence of provincial governments and the decentralization of the political and economic powers to the lower level. Also, there has been two types of federation first like America where they have a tendency towards authoritarianism, and Central government has maximum powers while on the other hand countries like the UK tend to adopt the theory of the devolution of power to the federating units to cope with the issues of cultural and political diversity.

[Levy \(2007\)](#) prescribes federalism as a remedy to counter the issues of multicultural societies and brings them closer to each other, and their desire to live together peacefully becomes a reality. Federalism does not allow the hegemony of any particular groups, mainly the larger ones. People from different ethnic groups enjoy the liberty to celebrate their cultural festivals and there is no concept of subversion of minority groups in the society. And if there is a conflict between various federating units then this system provides with a system that helps them reach an agreement which is acceptable to all.

[Baracsckay \(2013\)](#) explain the concept of federalism where public policy is formulated with the

mutual corporation of various levels of government. This study makes a comparison between health systems of Pakistan and Venezuela and concludes that both countries have like trends of dictatorship and power centralization which make them incapable of sharing the power to

the lower level and bringing all segments of society into mainstream. This lack of collaboration between various segments of society has led both the countries to severe kind of health crisis like polio, measles and other contagious diseases over the period of time. Whenever these countries have made efforts to delegate the powers to grass root level there has been positive and encouraging results.

[Rubinfeld \(1997\)](#) tries to find out a relationship between federalism and economic prosperity and states that whenever the central government fails to allocate grants-in-aid to the federating units, this system is left out in a situation of complete disarray. If there is an efficient system in place, it would allow the allocation of resources to the local governments and provide them with the liberty to serve at the lowest level, and it will help the federal system to prevent itself from any sort of inadequacies and also to retain institutional balances.

Although federalism is inclusive and cooperative in nature yet in developing countries like Pakistan, the issues of authoritarianism and centralization of power obstruct the smooth functioning of the system at various levels. The province of Baluchistan also lacks this cooperative federalism owing to the reasons given as under.

[Bansal \(2010\)](#) States the history of Rajasthan to show that there had been no central government in Baluchistan before the colonial period as it was a fragmented territory under the regime of different rulers at different places who denied to denounce their power to a single authority. Over the period of time, various armies of the region like Persian, Afghan and Sindhis tried to occupy the region militarily, but none of them succeeded in getting control of the area permanently. It was only the Sixth Khan of Qalat who was able to retain an army of 25000 trained personnel and gain prominence in the region.

Baloch's are undisputedly the oldest of the communities ever lived in this area and they are presumed to have arrived here from Aleppo (Syria) even before the birth of Jesus Christ. They have a net relationship with Kurds and drive their mother language from patiocivilization.

Because of their lifestyle and heartiest devotion to the tribal leaders they are supposed to have come from Arabian background or some ancient races like Dravidian.

Khan of Qalat retained a sovereignty over the area till 1839 before the British arrived and captured area. Denominated Sir Robert sent a man as an agent of the Governor who was capable enough to build peaceful relations with Balochi tribal chiefs to maintain peace and stability in the area.

The British allowed the village to live according to their ancient values and customs and solve their issues the way they desired. They managed a treaty with the Baloch's to secure the supply line with Afghanistan as well as to annex various districts of Baluchistan with British Empire.

Grate (2006) argues that military interventions have been the real cause of conflict and disharmony in Afghanistan as the military rulers did not consider the political resolution of the issues of Baluchistan. The direct mirror military rule over Pakistan for the period of three decades certainly compromised democratic norms and values and showed utter negligence in preserving the regional identity of Baloch's.

Gen Zia Ull Haq tried to diamante the feelings of nationalism and provincialism in Baluchistan by establishing seminaries under the domain of the ministry of religious affairs, which also enabled the religious parties like JUI to prosper in the area and perform successfully in mainstream politics. There is has been a number of regional political parties who claim to be e the representatives of nationalists and demand full or partial autonomy of the province. These parties include Baluchistan National Party, Jamhuri Watan Party and National Party. Whereas there Has been a few militant groups who struggle for free Baluchistan, and these groups got the prominence during the insurgency in 2005.

All these Baloch nationalist parties have been condemning the central government for not providing the benefits of the projects like Gwadar to the local community. Baluchistan Students organization puts forward its demand of job opportunities to the youngsters of the Baluchistan and their well-deserved place in the mainstream. The emergence of CPEC has brought about great opportunities for the prosperity of the people of Pakistan and it is expected that it would prove a game changer for the entire region. But instead of bringing positive impact on the federation of Pakistan, it has rather widen the gap between Baluchistan and Federal government and the inter-provincial relations have deteriorated further. Baluchistan and KPK argue that the economic benefits of this project are headed towards Punjab only and that they have been entirely ignored by the federation. If it continues on the same pattern, it will create further disturbance amongst the people of Baluchistan and KPK and therefore it is the foremost duty of the Center to address their issues and bring a consensus among all the provinces. The council of common interests can play its pivotal role in this regard, particularly after 18th amendment, it's significance with respect to planning and coordination has increased immensely.

## History of Provincial Autonomy in Pakistan

There are two distinct types of government, Federal and unitary. In a federal system of government the power is constitutionally divided between center and the provinces where in a unitary system of government power is totally centralized and nothing is delegated to Provinces. Provincial autonomy can be defined as the independence of provinces from any kind of external influences. In British India, for the first time, provincial autonomy was introduced in the act of 1935 for the protection of sovereignty of the provinces. In Pakistan, Provinces do not enjoy absolute autonomy rather they have to rely on federal government on certain economic and political issues.

## The Constitution of 1956

After the continuous efforts of 9 years Pakistan was able to formulate its first constitution which was enforced on March 23 1956. The federation formed in the consequence of this constitution was called similar to that of India act 1935. The power was divided between federal and provincial governments on the basis of introduction of federal provincial and concurrent lists according to the circumstances. It was stated that in a situation of conflict the provincial and federal governments may negotiate with one another to legislate, and if otherwise, the federal law would have the ultimate power to resolve that particular issue from the concurrent list. The 1956 Constitution permitted the provincial government to legislate on the matters mentioned in those three lists although those matters which were financially significant were in the hands of federal government. More and emergency provision was included in the Constitution so that in the situation like war federal government may have the power to recite the matter on its own without consulting any of the provinces and this very provision of the constitution endangered the inter-provincial relations.

## The Constitution of 1962

As compared to the constitution of 1956 the constitution of 1962 was much more centralized and included only the federal list and left out all subjects related to the provinces. The central government had the authority to legislate for any part of the country related to 3rd schedule of the constitution. In short, this constitution centralized power only in the hands of the President of Pakistan or the Central government as a whole.

## The 1973 Constitution

After the extensive hard work of nearly 2 years, the

constitution was unanimously adopted by the national assembly of Pakistan and enforced on 14 August, 1973. This constitution was truly federal in nature and promise to delegate the power to the federating units. In the constitution, that consisted of 280 articles, 12 words and 6 schedules, bicameral legislator was introduced for the first time in the history of Pakistan. All the federating units got representation in both houses of assembly; on the basis of population in the national assembly whereas on the basis of equality in the senate of Pakistan. The power was divided between center and the provinces on the basis of Federal and concurrent lists. More importantly the residuary powers were conferred upon the provinces to legislate on residuary subjects such as those subjects not listed either in federal or in concurrent lists.

## NFC Award

The introduction of NFC award was made through 1973 constitution to resolve the matters related to financial resources between a federal and provincial governments. It is pertinent to mention that before the introduction of NFC awards the criteria for the division of financial resources was population only and as a result of which Punjab would get maximum of the financial resources and the other provinces would have left in utter disappointment. Factors such as vast territory, trade and commerce, taxation and natural resources were for also included to decide the education of financial resources for the provinces. Although the 1973 Constitution strengthens the federation, the issue of the division of authority between center and provinces remains unsolved even as of today.

## The Issue of the Provincial Autonomy of Baluchistan

The most significant reason of the insurgency and unrest in the province is the issue of the autonomy of the province regarding economic, political and cultural matters

## Saindak Gold Reserves

Baluchistan on is very rich in natural resources such as copper, gold, and aluminum as the reports from 2009 suggests that 2489 million rupees were collected by provincial government from the mining of these resources in one year. The government gave another 09 licenses to different companies for the installation of infrastructure and machinery at Dera Bugti to supply gas to Karachi. But with the discovery of Saindak copper reserves the relations between center and the province aggravated and a number of controversies were

disclosed related to division of revenue generated from the utilization of these reserves. The people and the government of Baluchistan are not happy with the contract of exploration of these assets being given to Chinese company at a very high rate of profit such as 50% As compared to those merely 02% proposed to be given to the province.

### **The Issue of Gas**

The people of Baluchistan are much more deprived as compared to the rest of Pakistan with 48% people living below poverty line. The unequal distribution of the financial resources further aggravated the situation and caused decline in GDP growth in Baluchistan. This unequal distribution can be illustrated with example that Baruch is done guards is US dollars 116 million from the distribution of gas as compared to federal governments revenue of US dollars 1.4 billion. The Baloch nationalist have been continuously blaming federal government for this injustice and demanding their due share from the national exchequer. Such a ridiculous disparity in the allocation of financial resources as cast the exploitation of the message by the enemies of Pakistan. Sui gas, discovered in 1952, has been transmitted to every corner of the country but not to Baluchistan as only five to six percent of the population of the Baluchistan is able to utilize the gas facilities. In fact, if there were no army settlements in Quetta, there definitely would have been no gas available in the city, even today.

### **Lack of Representatives**

The province of Baluchistan has very poor representation in Central as well as provincial governments as there are barely a few Baloch's who hold high ranked ministries and military appointments. Between 1947 and 1977 1 total of 179 persons remained in Federal cabinet out of which only 4 belong to Baluchistan. According to Farmer chief minister of Baluchistan Atta Ullah Mengal, number of Baloch's in Pakistan army is not more than a few hundred and the famous Baloch Regiment has no Baloch's in it. Similarly, Qalat scouts raised by Gen Ayub Khan had only 02 people listed in it and the high ranked officers are generally from Punjab and KPK. Furthermore, most of the recruitments from Baluchistan are from Pathans and not specifically from ethnic group of indigenous Baloch's.

### **Lack of Education**

Another major cause of unrest in the province is lack of education as the area has been criminally neglected. Though, Government of Pakistan recognizes the importance of educated and skilled

youth of Baluchistan and seeks to encourage scholarships for Baloch the students, however nationalists argue that they have been deliberately neglected by the government with respect to education.

### **Regional Inequality**

The Northern parts of Baluchistan, largely inhabited by Pashtuns are relatively more developed than southern area where there is Baloch dominance. This development, mainly achieved in British era is also one of reasons of discontentment of Baloch's.

### **Multiculturalism and Immigration**

Migration of skilled labor to Baluchistan from rest of the country also brings anger in the local community of province as they think that it is a tool to change the demographics of Baluchistan and occupy its resources. Although it remains a fact that the actual reason of migration is the non-availability of skilled labor in the province to run the industrial sector.

### **CPEC**

The importance of Gwadar Port has multiplied with the advent of CPEC in the region. The government of Pakistan signed as many as 114 MOUs to develop the area and materialize the concept of one belt one road initiative. However, the law and order situation of the region remain the biggest stumbling block in the way of the success of this project as well as the prosperity of the people of Baluchistan. Furthermore, people of Baluchistan have been showing great resentment over the unjustified allocation of land resources to civil and military bureaucracy by Central government and as the result of this allocation, thousands of Baloch's are endangered to be left jobless in near future.

### **Baluchistan and International Gas Pipelines**

Geographically, Baluchistan is located at junction of routes of Central Asia, South Asia and Middle East and has an immense potential to serve as transit route to connect these regions. Also, the gas Pipelines which are vital for the economy of the region, pass through it like Iran Pakistan India gas Pipelines. If there is stability in the region and central government succeeds on pacifying the nationalist, it will boost the economy of Pakistan a Baluchistan immensely.

### **Gwadar Port**

Development work at Gwadar started back in 1992 in the era of Nawaz Sharif who desired to

develop a deep seaport that was located very close to Strait of Hormuz. Gen Musharraf's regime also claimed to change the fortune of the area but as the people of Baluchistan were not on board, no remarkable milestone could be achieved. Baloch's have continuously been blaming the Center for its doctrial designs and unlawful activities in the region. Reports suggest that there have been a number of land scams by which civil and military bureaucracy has been involved in grabbing the land at the cheapest of rates. Similarly, most of the population of the area relied on fishing and with the development of deep-sea world their business has almost diminished. Because at the time of the approval of the master plan none of the locals was consulted. So, Gwadar is also one of the reasons of the anger of Baloch's.

### **The Issue of Baluchistan; The Way Forward**

The federation of Pakistan has initiated the process of bringing the people of Baluchistan into mainstream and the following is list of steps taken in this regard.

### **Aghaz e Haqooq Baluchistan**

Yousef Raza Gilani, then prime minister of Pakistan, realizing the deprivations of Baluchistan, announced Aghaz e Haqooq e Baluchistan Package to practically solve the issues of the people even though the nationalists were not too much pleased with it, it got approval from every segment of the society. Senator Raza Rabbani was appointed the head of committee to materialize the concept.

### **7th NFC Award 2009**

For the financial support of Baluchistan, the federal government announced NFC award in 2009, by which the share of the province was increased from 5.1 percent to 9 percent along with the increase in royalty on natural resources. The formula of distribution of resources among the provinces was improved and federal government announced additional resources for Baluchistan.

### **Provision of Job Opportunities**

Contrary to the past, Job Opportunities for the youth of Baluchistan have increased many times. The government not only improved the quota of Jobs

for Baloch's but decided that all the appointments from grade 1 to 16 will be made purely from indigenous people. With the provision of so many job Opportunities, Baluchistan is expected to prosper in near future.

### **The 18th Amendment 2010**

The 18th amendment in the constitution of Pakistan was made in 2010 to restore democracy and federalism of the 1973 Constitution. It was very comprehensive in nature, ranging from abolishment of 58-2-B to provision of considerable autonomy to provinces. It also abolished concurrent list and transferred various items from federal list to provinces. It is landmark achievement for the provinces to retain their autonomy duly vested in them by the constitution, although it gives resolution to the majority of the issues regarding provincial autonomy, it is imperative to materialize these recommendations in true letter and spirit.

### **Conclusion**

The present study concludes that the re-addressable of issues of Baluchistan is extremely important for the federation of Pakistan and it can be made possible only by collaborating with local leaders and bringing them into mainstream. The parliament needs to be vibrant in healing the wounds of this all-important federating unit. They should be given their well-deserved rights in every aspect of life and what they are entitled to be given by the constitution of Pakistan. Military solutions of the issue of Baluchistan have always led to further insurgency and so will they do if tried in future. Instead, the federation needs to build a sense of ownership amongst the locals so that they may contribute to the betterment of their province and ultimately to Pakistan. They should be fiscal as well as political autonomy to solve their issues the way they like it. Leading administrative authorities like Gwadar and CPEC should shift their offices to Baluchistan and include local community into their process of development and prosperity. Baluchistan and Pakistan can make progress by working in tandem if there is a strong and self-sufficient federation in place, taking care of the rights of all the provinces.

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