

Balochistan after Eighteenth Constitutional Amendment

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Abstract:

This paper is an effort to study the provincial autonomy after eighteenth constitutional amendment with special reference to Balochistan. The restless history of Pakistan about constitution reveals several drawbacks, obstacles in the way of providing autonomy to Balochistan, which had been neglected. The paper begins with the historical background of provincial autonomy and federalism in Pakistan. Peeping into the political and the history of constitution of Pakistan, passage of such amendment in the 1973 constitution is an historic event. Besides investigating federation and provincial autonomy with context of fiscal, political possession. The implementation process has also been evaluated by devolving many functions and ministries to the federating units included higher legislative powers to the provincial assemblies on financial matters, the management of natural resources. To accomplish financial issues and to reach set targets for development the provinces are given new powers by the 18th amendment. Restructuring the National Economic Council and Council of Common Interest with extended mandate was a good step and have influence on the federation of Pakistan.

Keywords: Provincial Autonomy, Eighteenth Amendment, Balochistan

Introduction:

Since its inception the state of Pakistan took up federalism as a form of government for newly established state. The core motion behind adopting federal form of govt was to put up and keep its diverse ethno- national population united, preserve geographic alteration, and to avoid fragmentation due to its varied population (Ali,1996; Ahmed,1990; Sayeed,1994). However, very soon crisis overtook the newly born country, the nature of crises were the issue of lingua franca, the accession of princely states, representations in legislative bodies and distribution of resources amongst ethnically based provinces and regions (Baxter, 1974). The notion of federation is grounded upon consolidation of provinces, form of government which contains the

characteristic of decentralization. Federation also holds two values i.e. at political level there must be unity among different provinces, next most important principle autonomy of provinces in their administrative procedure shaped the government's third layer. Concept of federation been accepted by several nations principally those states with multiple characteristics and ethnic lines (Guelke, 2012).

When Pakistan came into being there were many issues however, the issue such as provincial autonomy was the main matter from the very beginning. The constitution of Pakistan was delayed due to many reasons, among these causes it was the central cause. The Government of India Act 1935 along certain adjustments and objectives resolution presented on 12th March 1949 were accepted for the interim constitution. The issue of provincial autonomy which had not been solved by the interim constitution which paved the way for conflict and the issue of mistrust was generated amongst different federating units. However, despite of all political strategies tried on the issues of representation, ethnicity and language, the 1956 constitution due to creation of one province under the formula of One Unit could not content the provinces in economic field nor in political sphere (Choudhry, 2005).

The 1973 constitution of Pakistan put up with several amendments since its enforcement just to iron out these issues. Undoubtedly, amongst all these amendments the Eighteenth amendment is considered as the most serious effort to settle many issues. The government cherished its unanimous passage because it brought positive prosper to the country, even it looked as if history was made when the Parliamentary committee on Constitutional reforms under Mian Rabbani approved constitutional draft of the Eighteenth amendment. Besides, it is also referred as the greatest constitutional package subsequently the third constitution of Pakistan owing number of similarities with the original constitution of 1973, unanimously passages by the legislature (Tharani, 2010). Pakistan after Eighteenth constitutional amendment became participatory federation in which the natural resources are correspondingly share by the centre and provinces. From the very beginning the political system and whole constitutional arrangement except the 1962 constitution, chiefly federal and highly centralized consequently in practice utmost central form government had been persuading in Pakistan. Fragile democracy in Pakistan and slow procedure in making of constitution increased difficulties about different issues of provincial autonomy, federation concerned with authorities of the central government referred to office of president. However, the Eighteenth amendment endeavoured for resolving the issues between federal and provinces by observing constitutional and democratic history of the country. To convert conventional federalism approach the Eighteenth amendment in the constitution laid great energy however, it is deep as a political reality (Abbasi, 2010).

BALUCHISTAN AND EIGHTEENTH AMENDMENT:

Balochistan in terms of area is the largest province of the country, that forms forty four percent of the state, whereas according to population it is the smallest province of Pakistan (Faiz, 2015). Balochistan is the richest province having energy and mineral resources, with a coastal line of 770 Km. Although the province has a lot of resources, the area is still underdeveloped

with low living standard as compare to other provinces (Ahmed, 2013). So far, the problem of the province of Balochistan and its people are concerned; the province of Balochistan is the utmost backward provinces in all spheres as compared to the rest of Pakistan. (Faiz, 2015).

Various scholars, researchers discussed about the political system and deviation of financial resources are the causes of social conflict. The biased allocation of resources and alterations had led disparities among the individuals as well as among the social groups. These disparities also known as horizontal dissimilarities (Stewart, 2000). one of the main principles of federalism is to adapt diverse society under one political system in which each group enjoys autonomy (Watts, 2008). However, in case of Pakistan this principle was ignored from the very beginning. According to (Bansal, 2010), within the federation the Baloch complaints started when all powers i.e. socio- economic and political powers concentrated by the federal government under its possession. During these circumstances the people observe the performance of central government against them as entirely unequal (Barakzai,2009). In the constitution the passage of Eighteenth amendment has measured as great event in the political and constitutional history of Pakistan. The Eighteenth amendment has assured to make provinces more autonomous, before that the matter of autonomy was not given due consideration, but the matter of self-sufficiency of provinces is solved by the eighteenth amendment for which the provinces had been demanding. Dr Malik Baloch, previous chief minister of Balochistan also the participant of the constitutional reforms committee was, believed about the difficulties and requirements of the public of Balochistan are in some way accommodated. Giving fifty percent share in oil and gas resources to the federating units and eradicating the concurrent list are the such positive steps which were made in the eighteenth amendment. The enactment of amendment is necessary as it is stopped it would be catastrophe.

National Finance commission:

Article 160 which is related to National Finance Commission in which 2 clauses are included, two new included clauses are: (3 A) according to this clause in every NFC award the share of each province should not be lesser than that of the share in previous award. Second clause (3 B) utters that the finance ministers of each province and federal finance minister should observe the execution and performance of the award twice a year by giving reports to the assemblies of the provinces and two chambers of the legislature. The share of provinces in the divisible pool has been enlarged in the seventh National Finance Commission award, for 2010 to 2011 it was enlarged from forty seven percent to fifty six percent, which was an innovative in 2009 and for the succeeding four years would be 57 . 5 %. Distributing revenue from divisible pool and to guarantee parity among the provinces new principle of award is comprised of 82 percent of population, 10 . 30 percent of poverty, 5 percent was revenue generation and reverse population diversity was 2.7 percent (Waseem, 2010). About the award the view of 67 percent respondents on formula about sharing the revenue is a good step and constructive for the contemporary circumstances while strengthening the bonds amongst centre and provinces. Sixty three percent respondents knew the formula and agreed that for Balochistan it would be

constructive. Revenue sharing of Balochistan is enlarged which is from 5 . 0 7 to 9 . 02 percent and that can bring further income to Balochistan. Poverty, inverse population and backwardness are some indicators are included in the formula, which would be bringing more share in this province (Ali, 2011). It has been argued that giving further share to the smaller province portion in which a portion of disappointment of Balochistan is determined which would play important role in decreasing the consistency of violent conflicts. The eighteenth amendment empowered the provinces through institutions by giving them new powers to control their financial matters for progress of the regions. The eighteenth amendment mostly resolved the financial matter of the federating units in the GST agreement. The eighteenth amendment has given the powers to the federating units (Ahmed, 2015).

Conclusion:

The Eighteenth amendment to the constitution approached political and fiscal devolution mechanism to make provinces more autonomous which was the demand of provinces from the very beginning. Prior to the Eighteenth amendment, although federal system had been practised in the political system of Pakistan, yet it faced problems on account of frail democracy and provincial autonomy. However, through eighteenth amendment these problems were tried to address by restoring democratic culture in the country. The Eighteenth amendment has guaranteed the financial and political autonomy which could lessen the chances of conventional conflicts between centre and provinces. Federation is important for societies with multi-cultures, consociationalism is needed to empower provinces to participate in decision making. Eighteenth constitutional amendment made Pakistan participatory federation a system in which power distribution exists among provinces and centre in which provinces are autonomous. Though the amendment cannot be said a solution to all issues facing by Balochistan. However, for resolving the issues of provincial autonomy which were left unresolved since independence, the amendment is a constructive step. Moreover, the Eighteenth amendment gave provinces more autonomy through which demands of neglected province Balochistan could be fulfilled.

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