

THE ORIGIN OF *JIRGA* IN BALOCHISTAN

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Abstract

Jirga system has been one of the most important elements of the Baloch society for sixteenth century. The social and political problems had been solved by the Jirga. This article reflects the socio-political norms, value and tradition of Baloch culture. In this article the different periods of Jirga and its changing norms has been comprehensively discussed.

Key words: Baloch, Culture, Jirga System, Tribal Politics

1. Introduction

Jirga system in the Baloch social setup has been remaining as an important part of life. Jirga played an important role to run the society according to the norms, values, culture and traditions of Baloch. It also provided the protection and ensured the respect to each other's. The head of Jirga was a leader, guider and part of tribe. When British occupied Balochistan totally changed the nature of Baloch Jirga system. Head of Jirga (*Sardár*) became the nominee of ruler than elected leader of the people. This article evaluates the role of Jirga from its beginning stage to today.

1.1 Past and Present

Jirga emerged before six hundred years ago in the society of Baloch. It took place an important status in Baloch social and political system. When British ruler occupied Balochistan did not stop the socio-political set up and functioning of Jirga in Baloch society. But slowly and gradually they brought drastic change in this system. After partition of sub-continent into

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two independent states (Pakistan and India) Balochistan became the part of Pakistan but neither corrective measures were taken to put it on the previous track nor were efforts were made to develop and introduce an alternative and comprehensive legal order for Baloch tribal society. (Shah.2008.p.61)

Justice is most important for a society; any society can survive without religion but it cannot survive without justice. Jirga in the Baloch society played an important role to run that tribal society towards integrity and stability of Baloch society. Nation and state looking at the system of Jirga a council of elders as a decision making organization in Baloch society, it is clear that the Baloch were aware about the importance of the Jirga from the very early days. Therefore, they had established same institutions, like Baloch advisory council (upper house) Baloch Jirga council; Baloch Jirga system provided justice and tried to solve the dispute and differences in the socio-political field. Jirga system as a socio-political setup was a successful and satisfactory for the people of Balochistan. (Shah. 2010.p,26)

Whenever, suppose any dispute or tribal feud arose among the tribes or within tribe, it was resolved by the elders of the respective tribe in accordance with the Baloch customs, values, norms and traditions.as long as the tribal system remained intact and uncorrupted, the authority of the chiefs, the heads of clans remained undisputed and these unwritten judgments were duly respected and obeyed. According to the Baloch tribal setup every tribe had their own tribal *Sardār* (head) and Jirga.(Khan.2007 p.46) Jirga played an important role for social welfare and economic integration of the tribe because Jirga was established on all tiers of a tribe's administrative division such as family, clan and sub-clan were the members of this Jirga at their respective tiers. These members were chosen by the tribe and their respective branches.

Suppose any individuals of different tribes involved in any kind of dispute or tribal feud the heads of the all tribes tried to resolve the problem together as the members of the Jirga. If these heads failed to solve the problem, then khan of Kalat had a power and right to appoint neutral *Sardārs* to deal with the dispute. Suppose if these neutral *Sardārs* also could not succeed in resolving the dispute then the khan himself with the consultation of *Diwān* issued a final decree. Other complicated cases were also forwarded to the Jirga under the chairmanship of the khan of Kalat for

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final decisions. Such Jirga were held twice in a year. (Baloch.1977. p.85) these areas which were directly ruled by Khan of Kalat through his representatives, had its own Jirga members for which were *Arbabs* (title for chiefs in non-tribal areas) generally such areas were known *Niyabati* Balochistan. (Khan.1999. p.52) Jirga had no right itself to take up any case until it was referred to it for arbitration. The issues Jirga itself had no right to take part in any kind of dispute among the tribe until it was consulted to it for solution. The decisions were taken unanimously and in case of difference of opinion majority decision prevailed. The *Sardār* also himself had a single role in the Jirga and was bound to accept the majority decision. But *Sardār* only had the power to replace any member with the approval of Jirga. Jirga was convened for decision on dispute.

Minor issues and matters were decided by *Sardār* himself. Jirga covered all social political and economic matters of Baloch society.at the lower level clan or sub clan Jirga performed as an advisory council. The head of the clan or sub clan was advised by the advisory council on the concerning matters.

At the tribe level, Jirga included all the heads of clan or sub clan and it functioned as the supreme body of the tribe. Jirga organized at this tier dealt with the matters relation to the administration, judicial and other important affairs obtaining and effecting the welfare and general condition of the tribe. *Sardārs* know very well about the complications and interdependence of tribal policies, and had not ignored the advice of the tribal Jirga. Khan of Kalat with the help of Baloch Diwān had a position of justice and guided in the administrative, political, social, economic and external affairs of Baloch.

Baloch from the early period for the formation of Jirga accommodated the spirit of Islam in the value of Jirga. When Nasir Khan Noori established the Baloch confederacy in Kalat included Islamic rule in Baloch politics consequently Jirga provided justice and decided dispute according to the order of sharia laws in conformity with customs and conventions of the Baloch tribes. (Mahmad.pp156-162) when British came in Balochistan for ruling, the Jirga system was existing and working as discussed above.in the starting of its occupation British did not interfere the function of Jirga because it was dealing well as an institution about the matters of local government. Sir Sandeman was appointed as a first agent to the governor general in Balochistan. He was a shrewd administrator,

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politician and well aware about the Baloch and Pashtu language and customs. (Marri.p.311) from passage of time he brought the drastic change in the Jirga system which totally changed the traditional setup and procedure of Jirga. According to Sandeman system the members of Jirga were nominated by the political agent while they were elected by the Jirga. Khans of Kalat was the final authority to take decisions on any case but after the change all such cases were referred to the governor general and the governor general himself issued the orders in the name of Khan-e-Baloch. (Khan. P.125)

Sandeman brought some reforms in Jirga the most important was minimized the role of the council of elders because the Sandeman system all the decisions of tribes were made by the council of elders. On the other hand, communal court was replaced by the grand council (Shahi Jirga) this council was totally under the control of Sandeman. *Sardārs* were nominated directly for this council by the agent to the governor general and all decision needed the consent of the deputy commissioner or political agent. That was a *Sardār* system it was a time when *Sardār* got money and properties as well as the right of life and death, to establish their own jails including judicial power. That was a policy of Sandeman to engage these *Sardārs* in their own matters so that they could not think against the British. (Marri.2010. p.204)

Prior to Sandeman, Baloch society was based on equality and central principles. The *Sardārs* were part of tribes they led and guided their people but on the other hand *Sardārs* were empowered by this new system. Due to this change in Baloch society, the *Sardārs* became tyrannical and authoritarian rulers of their tribes. It is said that Sandeman devastated the whole traditional Jirga system and set up. After that, Jirga totally came under the control of Sandeman and in the end khan was removed by the Jirga of *Sardārs* in 1893. The unwritten constitution of Baloch tribes was substituted by a new system of Sandeman or *Sardār* system. Baloch *Sardārs* were accepted as a feudal head instead of elected chief. All these policies changed the political system of Balochistan ultimately Balochistan was subjected to British control rather than Khans. (Marri.10, novmb.2015)

F C R (frontier crimes regulations) was introduced in Balochistan. It was a sample of political and legal statutes and covered civil, criminal and

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political violations. it was helpful to the British administration to fulfill its objective. (Marri, 1974, p.309)

The Jirga system was totally politicized with these laws. Bureaucracy was empowered; it could withdraw or remove of any case from one Jirga and appointing a new one. Jirga was completely used for political purpose. The Jirga could have enhanced the cases of murder and dacoits from seven years to 14 years.

Further the British established a new setup consisted three tiers for the Jirga. First, on the sub-divisional level this decided the less serious cases. Second was on divisional level, big cases like murder and dacoits had been decided by this Jirga. The third and last was royal Jirga in which all prominent Baloch Sardārs from Balochistan were members. Social and political cases were referred for further consideration. Basically this Jirga was used by British as a platform to change the public opinion.

In their favor, later on the accession of British Balochistan into Pakistan was decided by this royal Jirga and Quetta municipality.

2. Conclusion

The review of Jirga system in Baloch tribal politics indicates that it functioned effectively and successfully in its early stages because of tribalism it prevailed in Balochistan. Baloch proudly respected their tradition, values, custom and religion. Basically tribes were small in number but administration was very effective as it was based on decentralization. However, with the passage of time the Jirga system suffered in many weaknesses. There were many factors. For example, the British did not take any positive step toward the reforms of the tribal system but on the other hand always tried to create rift among the social values and tribes. The Jirga and Sardār system remained in the society but their role had been changed. The Jirga and Sardārs were used in the interests of British rulers than Baloch and Balochistan.

The British corrupted and perverted the Jirga and Sardārs as well as created an atmosphere to stop the process of modernization and change. This policy even is continuing today. Neither healthy nor democratic changes were brought nor were alternative introduced. Interference in the process of election process and the role of bureaucracy made the situation worst. Today Balochistan has no effective legal institutions. Mostly people facing political, social and economic problems on the other hand those

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tribes who always following the instruction and direction of the government they are power full and all in all in their areas.

Nowadays Balochistan politically, economically and strategically got most importance province in Pakistan. The borders of Balochistan are located with Iran and Afghanistan. Balochistan is facing a transformation period from tribal to a modern society. All these factors need comprehensive laws, free and fair election, real representative and sound legal institutions.

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