

Press Release

Eighteenth Constitutional Amendment: The Fundamental Issue is the Un-Islamic Federal System in Itself, not the Formula for Distribution Amongst the Federating Units

The federal government and opposition parties have now locked horns over ‘amendment’ to the Eighteenth Constitutional Amendment. In April 2010, at the time of the original passing of this amendment, with the consent of almost every party present in the parliament, the people of Pakistan were assured that their problems would be resolved speedily, because more authority and resources would be available to the provinces. Accordingly, fifteen ministries were transferred from federal government to the provincial governments, including health and education. The share of the provinces from the Federal Divisible Pool (FDP) was also increased from 48 percent to 57.5 percent, corresponding to the federal government’s share being reduced from 52 percent to 42.5 percent. However, after only ten years, questions have been raised over the amendment’s efficacy. Earlier, proponents of provincial autonomy used to say that the federation is eating the lion’s share of resources, a provincial right, and unless provincial autonomy is granted, the problems of masses will not be resolved effectively. However, after ten years of the eighteenth amendment, it is clear that the problems of the masses persist. Today, the federal government complains that nothing is left to spend on masses after transferring the share of the provinces, interest payments and defense expenditures, whilst the provinces still accuse the federal government of not granting them their due share.

For six long decades, Pakistan’s ruling elite strengthened the center, claiming that this would strengthen the state, but it failed. The myth of provincial autonomy that has been exercised for ten years now has also been shattered by the current coronavirus crisis, leaving the ruling elite with the old failed remedy that created the problems in the first place. When human beings ignore the Revelation of Allah (swt), which alone is the absolute truth and beyond the limitation of time and space, they then rely on their limited intellect, using the trial and error method to find solutions. Thus, dilemmas without any viable effective solution are the natural outcomes.

Irrespective of the formula of distribution of resources, or the extent of provincial autonomy, the federal system or confederation is primarily a “brokered deal” among various federating units. Except where a “deal” is made, each federating unit controls its own resources, devises its own policies and exercises its own free will with regard to its affairs. Thus the state takes the shape of an alliance between various provinces, instead of being a single, monolithic body. We can witness this in the responses of different provinces with regard to their policies to lockdown and closure of the Masajid for

Taraweeh. In a federal system, if a federating unit “feels” neglected or “disadvantaged” consistently over a period, it may seek the help of the United Nations, or any global or regional power, to help it in a quest for independence from the state, as was the case of East Pakistan, which later became Bangladesh. In the case of resource abundance, the federal system can sustain the province to a certain degree, as we saw in the cases of Western countries in the near past. However, if resources become scarce, the state may resort to military action to save the federation.

In reality, this system is intrinsically a weak system that stands upon the theory that the only lasting solution to save the federation, is to extend maximum autonomy to provinces. However, this paves the way for intervention by foreign powers in our affairs. After all, one may ask, why is the federation not responsible for the prosperity of the masses living in the provinces? Why is a province obliged to share its excess resources with other provinces only once it fulfills all the needs of its subjects? Are not the people from other provinces citizens of the same state? Are the people of other provinces not the citizens of the same country? Are the people of all provinces not part of the same state? Then why discriminate amongst them? Why have different policies, different laws and different taxes? Why is there a difference between Lahore, Khuzdar, Chitral, Lala Musa, Pasheen, Larkana, Bajour and Islamabad? Why?!

The Islamic ruling system is not federal, but unitary in nature. Under the Khilafah system (Caliphate), a state is not the outcome of “brokered deal” between various federating units. All the units are one single land, a monolithic state. The Muslims of such a state elect their Khaleefah and extend him their allegiance on the condition that he will implement Islamic Shariah. The Khaleefah, at his discretion, divides the state into various administrative units and appoints governors (wula’a) over them. Appointing governors (wula’a) is at the discretion of the Khaleefah but he is bound to replace the governor, if the Majlis of that Wilayah complains against him. All the resources belong to the state and not to the individual Wilayah. All the affairs of all the Wilayah are the responsibility of the Khaleefah, who discharges it with the help of his appointed governors. Throughout the state, the same Shariah law, extracted from the Quran and Sunnah, are implemented, whilst the policy of decentralization of administration is adopted for better management. This is what we saw in the actions of the Prophet (saw) and the Khulafaa Rashidoon (ra). The solution to the problems of the Eighteenth Amendment is not yet another amendment, it is the unitary system of the Khilafah. The result of any new experiment is already bound to fail. Abu Shurayh al-Khuza’i reported: The Messenger of Allah (saw) said, **«فَإِنَّ هَذَا الْقُرْآنَ سَبَبٌ طَرَفُهُ بِيَدِ اللَّهِ وَطَرَفُهُ بِأَيْدِيكُمْ فَتَمَسَّكُوا بِهِ فَإِنَّكُمْ لَنْ تَضِلُّوا وَلَنْ تَهْلِكُوا بَعْدَهُ أَبَدًا»** **“Verily, this Quran is a rope. One end is in the hand of Allah and the other end is in your hands. Hold fast to it, for you will never be lead astray or ruined ever again.”** (Ṣaḥīḥ Ibn Ḥibbān)

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