

Provincial Freewill (Sovereignty) in Islamic Perspective

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ABSTRACT

There is no restriction on freewill government or unilateral of a State in Islamic teachings. Any type of political consideration which is not against to Islam may be adopted for national stability but Islam discourage nationalism. Hence Islam provisionally allowed Provincial freedom with some specific conditions. It is fact that Islam allows the province division into units for administration facility as Hazrat Muhammad (S.A.W) supposed to divide the different areas into different units, as like, Hazrat Etab bin Usaid (R.A) was appointed as administrator of Mecca after conquered it. Hazrat Alla bin Hazrami (R.A) was appointed as administrator of Bahrain while Abu Musa Al Ashari (R.A) and Hazrat Maaz bin Jabal (R.A) were appointed as chiefs in Yemen as it was big territory. Provincial autonomy is burning issue in different countries. The Federal government of any country not in favor of provincial autonomy which creates uncertainty situation and unrest among public. Pakistan is one of those countries who are against of provincial autonomous. In this paper it will prove in different arguments that Islam is in favor of provincial autonomous conditionally.

KEYWORDS: Province, Provincial, Federal, Quran, Sunnah, Pakistan.

INTRODUCTION

Subcontinent and Provincial Sovereignty

History is a witness that with human's evolution peoples have been debating about their identity and have been demanding for their anatomy and same had been the case for the Muslims of subcontinent. At the time of transfer of power it was said that every province will be given complete anatomy and the unification before it will remain only for ten years. In this time the foreign affairs, defense, communication and currency will remain with the federation. Surprisingly even *Quaid-e-Azam* accepted this proposal even though afterwards he withdrew from it but the reason behind it was not that there was some fault with the proposal, Instead the reason behind it was the Nehru's statement in which he had stated that congress can make changes to this proposal. As far as *Allama Muhammad Iqbal's Allabad* address is concerned it was demanded that Muslim majority provinces be given anatomy and sovereignty under the Delhi's federation and 33% seats should be allocated to them[1].

As the story continues, we come to know that subcontinent was divided but its units were not given anatomy. This damaged Pakistan in such a way that Bangladesh rise as an independent country on the world map. If the issue regarding provinces anatomy been resolved at the time of foundation of Pakistan, Pakistan would not have been divided into two states and Bangladesh would never have been created.

The fall of Dhaka:

The nation that doesn't learn from his history and doesn't remember its mistakes is on the verge of committing mistakes again and again. Sociologists link a nations past with their memory. They say that a nation that forgets its past loses its memory and a time comes when such a nation eventually itself becomes a story of the past so in any case past should never be forgotten. A lesson that shouldn't be forgotten from the past is the tragedy of fall of Dhaka. This tragedy never occurred all of a sudden but years of action and tragedies were behind it that gave birth to such a tragedy. We all know that tragedies and misfortunes are a part of nation's life, nation's faces victory and defeats and they all have their rise and fall but a true nation never forgets its defeats and its enemies. Same way our Pakistani nation should never forget the disaster of fall of Dhaka but our rulers who have alright to authority have

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forgotten this disaster making it a story of the past. One thing is for sure that if our rulers never should have forgotten this tragedy and our enemies than we would not have been facing situation like today. Pakistan is not the only country that face's the problem of provincial anatomy, almost all countries face similar problem but resolved this problem by making timely decision never let it come between progresses. It is misfortunate that before partition and after creation of Pakistan the problem persisted. If we look at the objectives of creation of Pakistan we come to know that Muslim League was always a supporter of weak federation and strong provinces while congress was a supporter of strong federation[2].

When for a mistake made in a moment, we are punished for centuries:

Quaid-e-Azam had disappointed the people of majority province by announcing that Bengali would not be made the official language. By creating one unit in West Pakistan, on one hand a sense of inferiority complex was created in the smaller provinces while on the other hand a reason was created so as not to except the majority in East Pakistan. Governor General *Ghulam Muhammad* by dismissing Prime Minister *Khawaja Nazim-ud-Din* gave a message to East Pakistan that even by having a clear majority in population; they can't gain superiority in the authority. In year 1958, the army imposed the country's first martial law and General *Ayub Khan* implemented the president ordinance, which left the people of West Pakistan with no choice but to put forward the six points so as to stop the financial exploitation of their province. As a result, the *Awami* League on the basis of six points won the 1970 elections. But the second General *Yahya Khan* never transferred the power to *Awami* league. People's party, the party with the most seats in East Pakistan supported *Yahya Khan*. Ninety thousand soldiers under the command of A.K.Niazi surrendered in front of Indian army and *MuktiBahni*. This civil war killed hundreds of people while destroying the life of millions. All this happened because the importance of provincial anatomy was denied[3].

Constitution of 1973 and Provincial anatomy

When the national assembly passed the constitution in 1973, special articles regarding provincial anatomy were included in it. Even though the list of common interest has got no superiority over the list of provinces but on the assurance of Prime Minister Bhutto to the leader of National Awami party *Mir Ghous Bukhsh Bazanjo* the nationalist agreed to sign on the constitution on the condition that this will be ended after ten years, but General Zia-ul-Haq never fulfilled this condition. Governments that came between 1988-1999 didn't do anything for the provincial anatomy and this problem lingered on until 1st July, 2011. The people's party government passed the eighteenth amendment in which under article 158 provinces were given anatomy which was a pleasant thing but one can't deny the fact that still thirst is there. Today it is observed that Provinces are complaining that anatomy in true sense is not transferred and sense of deprivation is being felt specially the Province of Khyber Pakhtunkhwa and Baluchistan[4].

Provincial Sovereignty & Sharriah Rulings

Islamic teachings doesn't state the particular ruling that specify the nature of Government administration weather it should be Unilateral or otherwise. This is the beauty of Islam that it never restricts the people to a unique, classified and distinctive frame for administration but makes it free and open for the people of that era to adopt such laws of administration and system of Governness that best suit to the welfare of public within the Shariah's Boundaries. In spite of this, Islam prohibits the foundation of state on basis of language, cost and specific group or belongings but the case of Provincial Sovereignty is totally different and it is not the violation of Shariah teachings because it's the requirement and need of Administration.

There are number of precedents leads us to permissibility in the time of Prophet Hood. After the conquest of *Makkah*, Allah's Messenger gave over Administrative charge to *Uttab-bin-Osaid* may Allah pleased with him. Similarly *Alla-bin-Hazrmi (R.A)* became the head after conquest of Bahrain and when Yemen was occupied, Allah's Messenger divided the Yemen into two major parts because of vast land called each part as *Mekhlaaf*, the same is supported by Sahih Bukhari. Prophet's companion, *Abu-Burda* may Allah pleased with him narrates as[5];

عَنْ أَبِي بُرْدَةَ قَالَ بَعَثَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَبَا مُوسَى وَمُعَاذَ بْنَ جَبَلٍ إِلَى الْيَمَنِ قَالَ وَبَعَثَ كُلَّ وَاحِدٍ مِنْهُمَا عَلَى مَخْلَافٍ قَالَ وَالْيَمَنُ مَخْلَافَانِ ثُمَّ قَالَ يَمَنَاءَ، وَلَا تُعَيِّرَا وَيَتِيمَاءَ، وَلَا تُنْفِرَا.

Translation: Narrated Abu Burda: Allah's Apostle sent Abu Musa and Mu'adh bin Jabal to Yemen. He sent each of them to administer a province as Yemen consisted of two provinces. The Prophet said (to them), "Facilitate things for the people and do not make things difficult for them (Be kind and lenient (both of you) with the people, and do not be hard on them) and give the people good tidings and do not repulse them.

Hafiz Ibn Hajar Askalani narrated in the preface of his book *Fatah-ul-Bari* which is detailed explanation of *Bukhari*, the word *Mekhlaaf* used in Yemen exactly for the same meaning where the word *Iqleem* is used for “Province” in other places[6]. Moreover, the sayings of other great scholar *Badar-ud-Din Ainee* supported the above statement. According to him the Yemen was divided into Upper and lower, two *Mekhlaaf*. The governor of upper one is *Maa-ibn-Jabal* R. A and the land of *Najwood* was included in it and the lower one was in the control of *Mosa Asharee* R.A and the land of *tehaiem* was the inclusive part of the lower *Mekhlaaf* [7]. Similarly, in the period of caliphates, when the empire of Muslims crossed almost half of the world, then such small territories came into being in order to manage the system in a better way and to facilitate the people. So obviously it leads to an expression that such small territories would have some power and authorized by the central Government to play role and use your own power to run the system. These units were supervised by their own Governor assigned by Federal.

In order to discuss the limit of power of these units and to draw the line between their own authority and federal administration coupled with showing the define patterns and procedure of Islamic state, the great religious scholar, *Almawardee* narrated in his book titled;

“Al Ahkam Alsultsaniah” as;

“ Normally the caliph nominate someone as Governor of any city of Province, the nomination is of two different nature, one is called *Khasa* and other is *Aamameans* to say General and Specific. The General Governess is further divided into two parts;

1. *Amarat-e-Estikfa*
2. *Amarat-e-Estilla*

The first one is the nomination of any Governor or head for any Province or city is directly by the caliph itself. The caliph handed over almost all of his power even the authority of Jihad to the Governor. The other terminology *Tafvez-e-Aam* is also used for such Governess. Whereas the *Amarat-e-Estilla* is actually the affiliation of any Muslim unit to Muslim state and the governor is nominated by his own power coupled with consent of Caliph and he symbolically associated with state. This Governor is also Muslim and he should take care of Islamic teachings and Laws and implement the central administration where needed. The other terminology *Tafvez-e-khas* is also used for such Governess and this is little difference in these two types of Governess[8].

The power of command or the jurisdiction of *Amarat-e-Estikfa* is restricted to the following areas:

1. To manage the troops and the arrangement of their basic needs like food etc.
2. To follow the Ruler and judges in Shariah’s Rulings and commands.
3. To look after the taxes and charity.
4. To favor the Religious teachings and to protect them from amendment and changes.
5. To execute the boundaries between the rights of Allah and human rights.
6. To lead the follower in Friday Prayer and five prayer by his self or via his vice.
7. To facilitate the Hajj performer and especially the needy or nearby enemy territory.
8. To fight against the enemy and to distribute the captured wealth among the Muslims[9].

The goal of mentioning the above points to float the impression that how much Islamic State seems serious to unite the Muslim and the giving such extreme power to their Governor is the clear evidence that Islamic State encourage the power distribution among the small units because it help and enhance the execution of Islamic laws and favor the Public for quick access to the Administration for matters solutions and it’s also the need of Administration. In comprehensive words Islamic State promote the Provincial Sovereignty.

Difference between Nationalism and Provincial Sovereignty

It is pertinent to say that it’s our dilemma when anybody talks about Provincial Sovereignty and demanded for his rights, he was considered as a nationalist and we interpret his views in wrong and negative ways which ultimately become the cause of linguistic, Atrial Hatred and no stop fight and discrimination in the country. The current situation observes everyone in the country. Let’s consider the position of Province Baluchistan, the natural gas is the product of this Province but after more than half century, most of the people of this Province are deprived of this facility. This deprivation force them to start movement; Azad Baluchistan Movement. Same status is of Province Khyber Pakhtunkhwa, the producer of cheap electricity but due to some factors the KPK purchase it by high rates equally in uniformity with other parts of the country but in case of wheat Production, the Punjab plays a discriminative role in regard as well, gives to other Province with high price and locally with lower price. Moreover, the current status of tribal areas, neither controlled by province and different operations carried out there affecting the life of people. The people of tribal areas were considered the free soldiers

of Pakistan Boundaries and now they are forced to live in tents as internally displaced People. In order to make them progressive and develop, Government needs to finish the SPR and take step either make it the part of Province KPK or give the tribal Area own status of Province and this is the solid solution to eradicate terrorism and make them prosper and sovereign in all respect.

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