

18th Amendment: Applause and Criticism

A talk by Senator Mian Raza Rabbani

Saturday, October 27, 2018 Karachi



**SOCIETY FOR
GLOBAL MODERATION**

Strengthening Tolerance, Interfaith Harmony and Democracy



Founded in 2003 under section 42 of the Companies Ordinance, 1984 as a 'not for profit' organization

Chairman's Note

Society for Global Moderation (SGM) is a think tank that I set up in 2003 to promote the qualities of tolerance, interfaith harmony and democracy in society. I felt there was a strong need to counter the narrative of extremism and intolerance that was being promoted by the West after 9/11.



*Syed Jawaid Iqbal
Founding Chairman*

Pakistani society – and people in the world in general – are peace-loving and tolerant. Still, many are accused of spreading violence and terror and having an intolerant attitude towards other faiths. The Society for Global Moderation (previously known as The Moderates) was set up to specifically counter this attitude.

SGM is not against any religion, custom or creed. To support its standpoint, the Society regularly invites prominent persons from around the world to deliver Talks.

Over the years, guest speakers have included: **Walter Russell Mead**, US foreign policy expert, who has served as the Henry A. Kissinger Senior Fellow for U.S. Foreign Policy at the Council on Foreign Relations. Subject: *'India, Pakistan and Afghanistan.'* **Marguerite H. Sullivan**, US Public Affairs and Communications Specialist and Director of the Center on International Media Assistance. Subject: *'Media Freedom and Sustainable Democracy'*. **Jacqueline Novogratz**, founder and CEO of Acumen Fund. Subject: *'Philanthropy and Leadership'*. **Vishakha Desai**, President Asia Society. Subject: *'Pakistan's Perception among the U.S. Populace.'* **Dr. Zaheerul Islam**, Islamic scholar. Subject: *'Islam in a Modern State'* and **Najmuddin Shaikh**, Pakistan foreign secretary. Subject: *'Foreign Policy Challenges and the New Government'*.

In view of the current debate on the 18th Amendment, the SGM Board of Directors decided to invite **Senator Raza Rabbani**, former Chairman, Pakistan Senate, to share his thoughts on the '18th Amendment: Applause and Criticism' Sen. Rabbani explained why there was a need to introduce the 18th Amendment.

Selected portions from his Talk and the interesting question, answers and comments session that followed is a part of this brochure.

Speaker's Profile

Mian Raza Rabbani was born on 23 July 1953 in Lahore. He spent his childhood in Karachi and received his early education from Habib Public School. He completed his BA and LLB in 1976 and 1981, respectively.



*Sen. Raza Rabbani
former Chairman, Senate
of Pakistan*

Rabbani was politically active during his university years at the University of Karachi and was head of the Liberal Students Federation in 1974. He started his political career with the PPP in 1981. He was elected to the Parliament in the general elections in 1988 and served as an advisor to the Chief Minister of Sindh from 1988 to 1990.

He has been elected as a senator six times since 1993 from Sindh. He was a close aide to the prime minister of Pakistan, Benazir Bhutto who had appointed him the party's deputy secretary general in 1997 and leader of the opposition in the Senate in 2005. Rabbani has served as Federal Minister for Inter-Provincial Coordination, Minister of State for Law and Justice, and Leader of the House and Opposition in the Senate. He was unanimously elected as the Chairman of the Senate of Pakistan in March 2015.

Raza Rabbani was elected to the Senate of Pakistan for the first time in 1993 where he served until 1999. He was inducted into the federal cabinet in 1994 and appointed as the Minister of State for Law and Justice during the second government of Benazir Bhutto where he served until 1996. Later he went on to serve as Chairman of the Parliamentary Committee for Constitutional Reform and Chairman of the Parliamentary Committee on National Security. He was inducted into the federal cabinet and served as Advisor to the Prime Minister from March 2010 until his resignation in February 2011 in protest against Asif Ali Zardari's decision to form a coalition with the PML (Q).

Mian Raza Rabbani has been awarded Nishan-e-Imtiaz for his parliamentary services. He is also a recipient of Nishan-e-Imtiaz for his parliamentary work.

‘Pakistan came into being as a result of the demands put forward by the provinces’

Syed Jawaid Iqbal thanked Senator Raza Rabbani for coming over to address the members of Society for Global Moderation (SGM) and other distinguished guests on the topic of “18th Amendment: Applause and Criticism.”



He said it was always the need of the hour to discuss the given subject, which was interesting as well as relevant, keeping in view the political atmosphere of the country that was always mired with propaganda, conspiracies and speculations.

In his Talk, Senator Mian Raza Rabbani said the 18th Constitutional Amendment was introduced after a long

struggle which grew after the smaller provinces in the country realised their sense of deprivation and began to feel that they had no control over their own resources. Smaller provinces in Pakistan had begun to feel that they were not a part of the decision-making process but the 18th Amendment attended to this grievance.

There was a need to amend the Constitution and this eventually led to the 18th Amendment which gave the provinces sole legislative authority over many of the subjects.

He said Pakistan came into being as a result of the demands put forward by the provinces. The Muslim majority provinces had been demanding provincial autonomy and, ultimately, this demand transformed into the demand for a separate homeland. In Quaid-e-Azam's 14 points, there were four points that related to provincial autonomy. Pakistan is a multi-ethnic and a multilingual state and if the autonomy given to the provinces is taken back, it will have very serious consequences for the federation. There was a need to amend the Constitution and this eventually led to the 18th Amendment which gave the provinces sole legislative authority over many subjects. The 18th Amendment was considered a necessary step in regaining provincial confidence and providing autonomy to the provinces.

The 18th Amendment of the Constitution of Pakistan was passed by the National Assembly of Pakistan on April 8, 2010, removing the power of the

President of Pakistan to dissolve the Parliament unilaterally. This turned Pakistan from a semi-presidential to a parliamentary republic. The Amendment was expected to counter the sweeping powers amassed by the Presidency.

According to Raza Rabbani, the 18th Amendment has enhanced provincial harmony, ending the decades-old trend of Punjab-bashing. Provincial autonomy given in the Constitution was useful in most respects as it subdued the sense of deprivation among smaller provinces. Pakistan's civil-military bureaucracy decided after the death of the Quaid-I-Azam that they should not let go the levers of power.

The 18th Amendment came into existence after a long struggle which grew after the smaller provinces in Pakistan realized their sense of deprivation and began to feel that they had no control on their resources. Even the foundation of Pakistan started with the demand for provincial autonomy and four out of the Quaid's 14 points catered to provincial autonomy. Therefore, any move aimed at withdrawing provincial autonomy as guaranteed in the 18th Amendment will cause very serious consequences to the federation.

The committee for the amendment comprised 27 members representing every political party in the Parliament. It met for nine months and went through the Constitution para by para and article by article. The committee received a total of 988 proposals from various quarters and went through each one. Every party gave its suggestions, which were duly looked into and, finally, the historic dossier was unanimously passed. In place of giving rise to bloated provincialism, the amendment is thus a giant leap towards exclusive federalism.

The state has been trying to foist a national culture and has incorporated various elements of Arab culture in that. What the state did not allow deliberately was the flowering of local, indigenous cultures of Pakistan. Had the state allowed that to happen all these indigenous cultures would have over time synthesised into an organic Pakistani culture. That organic growth was stemmed by the state deliberately. World history, particularly that of the Third World, suggests that the more a country brings cultural diversities to the fore and allows them to flourish within the structure of the state, there is a greater synthesis in national culture.

The amalgamation of regional cultural diversities enriches the overall culture. It was Shaheed Zulfikar Ali Bhutto's government which helped regional cultures to develop, flourish and blend into the country's dominant cultural scene. Earlier, Sindhi, Pashto and Punjabi folk tunes and dances were limited to their respective areas, but ZAB brought them to the national scene and made them an integral part of the national cultural milieu. Instead of being fearful of diversity and multiplicity in cultural norms, cohesion and solidarity of the federation was strengthened in this manner.

The 18th Amendment came into existence after a long struggle which grew after the smaller provinces in Pakistan realized their sense of deprivation and began to feel that they had no control on their resources.

The event



in pictures



Q&A and Comments



Kazi Asad Abid

Kazi Asad Abid: Why was the 18th Amendment introduced in Pakistan? Has the amendment failed to reform the education sector, particularly at the primary and secondary level?

Answer: After Pakistan became an independent country, a federal-centric power structure thwarted the devolution of power and authority owing to an inherited colonial mindset that always relished in subjugating the masses and believed in serving the upper crust at the cost of further depriving the deprived of their right to respectful existence. The 18th Constitutional Amendment was introduced after a long struggle which grew after the smaller provinces in the country realized their sense of deprivation and began to feel that they had no control over their own resources.

The smaller provinces had begun to feel that they were not a part of the decision-making process but the 18th Amendment attended to this grievance. Despite the passing of the 18th Amendment, the education reform has yet to take place, not only at the primary level, but also at the secondary, higher secondary and university level. In spite of the devolution of power, the standard of education has not been improved, for which all political parties and federal and provincial governments are equally responsible. I must say this is criminal negligence, particularly from the political parties. The civil-military bureaucracy cannot be blamed for the mishap. I think the sooner the political parties put their own houses in order the better.



Gul Jafri

Gul Jafri: Are you a diehard supporter of the 18th Amendment?

Answer: Yes, I feel proud being a diehard supporter of the said amendment. I believe Pakistan came into being as a result of the demands put forward by the provinces. The passing of the 18th Amendment back in 2010 can be referred to as a 'Constitutional Revolution' in Pakistan's political history. To me, the word 'revolution' better describes the passage of the 18th Amendment because it is an extraordinary achievement for a country that had, for decades, languished in colonialism even after its independence from British rule.

Majyd Aziz: What about the pending dues payable to EOBI pensioners? Any progress in this regard?

Answer: Set up to resolve the concerns of the EOBI pensioners, the commission made many deliberations together with all federal and provincial stakeholders as



Majyd Aziz

well as trade union representatives. We all tried to sort out practical difficulties and after a great deal of discussion and debate we decided that the EOBI would be converted into two autonomous bodies based on joint ownership of the four provinces and the federal government and they would operate from one place so that the question of distribution of funds and the workers' welfare is handled accordingly. In addition to that, we had prepared the law also, but unfortunately the then PPP government decided to enter a coalition with Chaudhry Shujaat and company and all the progress was put to a halt owing to political expediency. Because of that, I tendered my resignation from the federal cabinet.



Dr. Daulah

Dr. Daulah: Do you think there is still a need to review the 18th Amendment, particularly when it comes to the betterment of the education sector?

Answer: Why not? The Pakistan Constitution is an organic document and the 18th Amendment is not the last word by itself. There is always room to rectify the amendment which is only the beginning of provincial autonomy. Many questions were raised when provinces were given the power to prepare their own academic syllabus. The same is the case with the Higher Education Commission (HEC) issue, which could be effectively resolved if provinces take the matter to the Council of Common Interest (CCI).



Nausheen Haq

Nausheen Haq: What are your views on the 7th NFC Award? Can it be termed as a major breakthrough in the political history of the country?

Answer: A look at the history of the NFC shows it was awarded only during the democratic governments with delays and interruptions. The federation and other state institutions felt that their share was being reduced, a prime reason which prompted them to create repeated delays in announcing the new NFC award. A complete devolution of education and health sectors to the provinces also brought huge pressures from various quarters. The 7th NFC Award became a part of the Constitution through the 18th Amendment which set the formula of 57-43 as a minimum limit, distributing 57 percent of the funds among provinces and the remaining 43 percent allocated to the federal government. The 6th NFC Award passed during the era of President Pervez Musharraf allocated 57 percent to the federal government and the remaining 43 percent was diverted to the provinces. In addition, the provinces can now raise additional revenues through capital value taxes on property and estate and through inheritance taxes and environmental taxes and charges. They can also directly borrow from domestic and international sources and thus have greater access to capital finance.

Comments



*Air Vice Marshal
(r) Abid Rao*

Air Vice Marshal (r) Abid Rao: I personally believe the common man has never been a part of the decision-making process at any level. None of the political parties in the country have promoted a truly democratic culture as they continue the tradition of hereditary or family dictatorship. As compared to other provinces, Balochistan has the largest share in terms of per capita budget, but our political parties have failed to address the Balochistan issue on a merit basis. I fail to understand why Akbar Bugti was killed in such a ruthless manner? The so-called custodian of democracy, Mr. Zulfikar Ali Bhutto had never been in favour of promoting a truly democratic culture and he played a bigger part in undermining the civil-military bureaucracy and sabotaging the merit system. In comparison with civil governments, the military government plays its part in addressing the everyday problems faced by the common people, who otherwise mostly suffer during the democratically elected regimes.



*Sen. Raza
Rabbani*

Sen. Raza Rabbani: There have been two different mindsets in our country since its very birth in 1947. As per one mindset projected by the civil-military bureaucracy, the civil government always tends to be inept and corrupt and whenever a civilian setup comes into power it comes through non-transparent means and thus they are unable to deliver on governance matters. I feel no harm in accepting the fact that the politicians, including myself, are not saints. If politicians were doing their jobs in the right manner, the civil-military question would have never raised its head and the military would have been put in its place by the civilian government. That has been the basic and unfortunate aspect of our national history. On the other hand, the policy of the civil-military bureaucracy played a predominant role in creating a sense of deprivation in the provinces, particularly Balochistan. Instead of politicians, that was the parity-based formula imposed by the civil-military bureaucracy that led to the dismemberment of Pakistan in 1971. In short, because of the intermittent interludes of martial law, we have not been able to develop our values as a truly democratic society.

Media Coverage



Attempts to roll back 18th Amendment will harm country: Rabbani

SOUTHASIA

Applause and Criticism

A talk by Senator Mian Raza Rabbani



'Withdrawing the 18th Amendment will be a very serious consequence'

The 18th Amendment came into effect after a long period of political instability and economic stagnation. It was hailed as a landmark achievement, but it has also been criticized for creating a system of patronage and corruption. Rabbani warned that withdrawing the amendment would be a serious consequence.

TRIBUNE

28 OCT 2018

Questionable moves Rabbani warns against to curtail provincial autonomy



جنگ 18 ویں ترمیم کے خلاف تحریک کا نعرہ

جنگ 18 ویں ترمیم کے خلاف تحریک کا نعرہ لگاتی ہے۔ ملک بھر میں 18 ویں ترمیم کے خلاف تحریک کا نعرہ لگاتی ہے۔ ملک بھر میں 18 ویں ترمیم کے خلاف تحریک کا نعرہ لگاتی ہے۔



جہان پاکستان

جہان پاکستان 18 ویں ترمیم کے خلاف تحریک کا نعرہ لگاتی ہے۔ ملک بھر میں 18 ویں ترمیم کے خلاف تحریک کا نعرہ لگاتی ہے۔ ملک بھر میں 18 ویں ترمیم کے خلاف تحریک کا نعرہ لگاتی ہے۔



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THE NEWS

Rabbani warns against roll back of 18th Amendment

Raza Rabbani said if one reviewed the very genesis of Pakistan then he could come to know that the need for a separate homeland for Muslims of the Indian Sub-continent originated from the demand for autonomous provinces in undivided India. This demand became amplified over time and

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BUSINESS RECORDER

28 OCT 2018

'18th Amendment provides autonomy provinces: Rabbani

The 18th Amendment established the provinces of Pakistan. It was a landmark achievement, but it has also been criticized for creating a system of patronage and corruption. Rabbani warned that withdrawing the amendment would be a serious consequence.



18th Amendment: Applause and Criticism

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**“ A people that
elect corrupt
politicians,
imposters, thieves
and traitors are
not victims... but
accomplices ”**

– George Orwell



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