

The Shariah Solution to Expensive Electrical Power is Making It Public Property of the Community

News:

Presiding over a party meeting of senior leaders at Model Town Lahore on 15th August, the PML-N President Nawaz Sharif has directed the governments of his younger brother Shehbaz Sharif in the Centre, and daughter Maryam Nawaz in Punjab, to work together to address the soaring electricity bills issue which is a must for the revival of the party. (*Dawn*)

Comment:

Unaffordable electricity is ruining the people and the economy of Pakistan. The solution is declaring electrical power public property, not renegotiation with the private owners of power producers. This issue has now become a major national issue. All segments of society are protesting against very high cost of electricity. The businessmen, traders, industrialists and farmers are demanding reduction in the cost of power, as now they are unable to meet its cost, whilst making profits. The problem is so severe that even the sitting prime minister admitted that the economy can't grow without curtailing the price of power.

It is astonishing that whatever the people pay in electricity bills, two thirds of it goes into capacity payments for the Independent Power Producers, commonly known as IPP's. Capacity payments are a charge which the state has to pay to an IPP, when the state does not procure electricity from it. There are many cases where the state has not procured a single unit from a particular IPP, but still it has paid billions of rupees in capacity payments. So now most of the economist, energy experts, traders, industrialist, farmers and politicians are putting pressure on the state to renegotiate contracts with IPP's in order to bring the price of electricity down.

However, the solution is not renegotiation with the IPP's. The root cause of this problem is democracy which implements capitalism. Democracy gave rise to a power policy in 1994, at the behest of the World Bank, that gave the way for private investors to enter through Independent Power Producers (IPPs) contracts. Currently, Pakistan has 46 IPPs. Renegotiation may bring some ease for a brief period of time. However, it will not resolve the issue of expensive electricity permanently. Private ownership of power generation will continue, as capitalism enforces freedom of ownership in the power sector. So as long as democracy remains, capitalism remains, and so the problem of expensive electricity will remain.

The solution to expensive electrical power lies in Islam alone. In Islam, power is the public property of the community (jamaah) as a whole. The entire community benefits from power or its price. Any profit is spent on the needs of the community. Ibn 'Abbas narrated that the Messenger of Allah (saw) said, «الْمُسْلِمُونَ شُرَكَاءُ فِي ثَلَاثٍ فِي الْكَلِّ، وَالْمَاءِ وَالنَّارِ» **“Muslims are partners (associates) in three things, in water, pastures**

and fire” [Narrated by Abu Dawud]. Ibn Majah narrated from Abu Hurairah (ra) that the Prophet (saw) said «ثَلَاثٌ لَا يُمْنَعُنَ: الْمَاءُ وَالْكَلَاءُ وَالنَّارُ» **“Three things are not prevented from (the people), the water, the pastures and the fire.”**

Shams al-A'imma al-Sarkhasi (شمس الأئمة السرخسي) (d. 483 AH), one of the early Hanafi authorities, says in his al-Mabsut (المبسوط) that, ولو استأجر بئرا شهريين ليسقي منها أرضه، وكذلك النهر والعين؛ لأن المقصود هو الماء وهو عين لا يجوز أن يملك بعقد الإجارة، ولأن الماء أصل الإباحة ما لم يحزره الإنسان بإثائه وهو مشترك بين الناس كافة قال صلى الله عليه وسلم «الناس شركاء في الثلاث في الماء والكلأ والنار» **“If one leased a well for two months to irrigate his land and feed his sheep, this would not be allowed. Likewise, rivers and springs. This is because in all these cases the object being contracted over is water, which is a commodity that is not allowed to be owned through a lease. Further, the original hukm for water is permissibility for all people to use, preventing an individual reserving it privately. It is common property of all people, as the Prophet (saw) said, “The people are partners in three things: water, pastures and fire.” The one who leased, and the other party, are partners in it, and for this reason he is not required to pay for it.”**

Fuel and electricity fall under the Shariah ruling related to fire. Electricity is among the public properties. No individual, company or government is allowed to own them. The Khilafah will remove the profits of private companies from the equation by abolishing private ownership of power generation and distribution. The Khilafah will spend any profits from the power sector on the needs of the community. The Shariah ruling on power will never be implemented under the secular system of Democracy. Hizb ut Tahrir invites all Muslims to join our efforts to restore the full implementation of Islamic Shariah under the Khilafah (Caliphate) on in the way of Prophethood.

**Written for the Central Media Office of Hizb ut Tahrir by
Shahzad Shaikh – Wilayah Pakistan**