

MANAGING LOCAL GOVERNANCE IN PAKISTAN

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Abstract

The concept of decentralization in the form of Local government is the most effective way to deliver goods and services at the grass root level. The concept is as old as the governments itself. Since the inception of Pakistan in 1947 the strong bureaucratic control in the country was not at all conducive to public participation in political affairs, which eventually led local self-government to regression, hampering the administrative and financial influx of local bodies. Since no elections were held for the first eleven years, these institutions lagged behind and, therefore, fell prey to ineffective functioning. The underlying study is comparing three systems of local government in Pakistan and shed light on the motive behind every dictatorial initiated local governments' plan

Keywords: *Decentralization, local government, Devolution Power Plan, Basic Democracies, District Administration.*

Concept of Decentralization

Decentralization, or decentralizing governance, refers to the restructuring or reorganization of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiary, thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national levels. Decentralization could also be expected to contribute to key elements of good governance, such as increasing people's opportunities for participation in economic, social and political decisions; assisting in developing people's capacities; and enhancing government responsiveness, transparency and accountability.”(UNDP, September 1997)

Decentralization is basically concerned with how government is structured, and how authorities, powers, and responsibilities are divided among the central government and subordinate tiers of government. Formally, decentralization is defined as “the transfer of responsibility for planning, management, and resource utilization and allocation from the central government to (a) field units of federal government ministries or agencies; (b) subordinate units or levels of government; (c) semi autonomous public authorities or corporations; (d) area wide regional or functional authorities. (Cheema A, 2006)

Decentralization has become a popular theme in development thinking and practice for at least two decades (Klugman, 1994). There are two main factors that contribute towards the growing popularity of decentralization since the 1990s;

- a. The global democratic expansion.
- b. Belief in the technical efficiency of decentralization.

Over the last two decades, an increasing number of countries have made efforts to decentralize government services, particularly health & population programs. According to many scholars, decentralization has evolved as a result of:

- a. A global trend towards local autonomy and self governance, and the tendency to reduce reliance on centralized planning of economies and be more responsive to local needs.
- b. Countries receiving international assistance have also been pressured by donors like Germany and the United States to improve the delivery of public services in terms of responsiveness, effectiveness and efficiency through decentralization.
- c. A realization that centrally administered programs do not always provide for effective program delivery at the local level, as they do not consider local needs.

Problems in Decentralization

Despite the limitations associated with delivery of services by the central government, the experience with decentralization has been quite mixed (Burki, 1999). The most frequently-cited problem is the lack of capacity at sub-national levels of government to exercise responsibility for public services. A second problem is that decentralization has led to misaligned responsibilities, possibly because the process is incomplete, possibly for political reasons. Third, while decentralization was in some cases intended to strengthen the political power of lower tiers of government vis-à-vis the center, it has also increased the possibility of political capture within these lower tiers. Fourth, a host of other problems have nevertheless undermined service delivery in decentralizing economies. For instance, the “soft-budget constraint” facing sub- national governments has led to over borrowing (Rodden, 2003).

Historical Perspective of Local Governance in Sub-Continent

Local government ruled in the sub-continent for centuries in the form of *Panchayats*. The decentralization plan of the Mauryan and Gupta Empires in sub-continent was quite unique, which unfortunately remained anonymous to the Western World until modern times. History reveals that the *Panchayats*, considered as the essential unit of national governance, played a pivotal role in resolving disputes and promoting cultural heritage. This proves that the establishment of local government in early human history had the potential and wisdom to mediate local affairs efficiently on a decentralized basis. The Mughals also established the *Kotwal* system in urban areas, where the *Kotwal* was treated as the central governing authority of the policies exercised in the municipal administration. A *Kotwal* enjoyed full autonomy of decision-making of the town under his supervision. His role spanned over a wide range of duties, exercising his authority on a wider prospect which even the present day municipal bodies have failed to achieve.

Later, an attempt was made by the East India Company in 1688 through the Municipal Committee in Madras. This system had created social classes in society. The gap that this governance system had created required a more refined and yet defined operational unit, which could exercise equality for all and tone down the supremacy that was existent amongst the elite class. The Viceroy of India, Lord Rippon (1880-1884), in 1882 sensed the need to bridge the gap between the rulers and local men to effectuate a proper local

governmental setup in the sub-continent. The Viceroy terminated the then existent system of local governments. His reforms mainly focused on imparting political education with a view to achieve maximum efficiency and high level of performance. He dissolved the enormous local boards and converted them into smaller units and replaced the nomination system by the electoral system, to encourage maximum participation of the local people, in the government. All subsequent developments of the institutions of local government in the sub-continent followed these footsteps (Talbot, 2012).

Management of Local Government in Pakistan

Unfortunately, unlike many developed countries, the local government system in Pakistan does not enjoy constitutional protection. According to the constitution 1973, Local government is a subject of the provincial governments. The provincial governments may or may not establish a local government in their respective provinces. With three local government arrangements initiated only by military dictators, the motivations and intentions behind decentralization endeavors in Pakistan are questionable. A study shows that decentralization efforts in Pakistan have always had a strong political motive behind it that served the military dictators struggle for legitimacy, and rarely redistributed the real power. (Salman, 2012)

The history of local government in Pakistan was purely based on three diverse local governmental setups, namely:

- General Ayub Khan's *Basic Democracies Order* of 1958
- General Zia-ul-Haq's *Provincial Local Government Ordinances* of 1979
- General Pervez Musharraf's *Devolution of Power Plan* 2000

In 1958, President Ayub Khan promulgated a four tiered *Basic Democracies Order* (BDO), which sought to establish a new class of loyal and obedient citizens as encapsulated by Lord Rippon. The system was effectively used as Electoral College by Ayub Khan against Mohtarma Fatima Jinnah in Presidential election. The *Rural Works Program* (RWP) was launched by President Ayub Khan with the objective of enhancing the human skills of the rural population for the integration of the local government structure with the nation-building department. The political role and bureaucratic control under BDO suffered great criticism from a particular segment of the society. This system lost its worth for its creator and died after 1964, due to its association with the Military.

Then, General Yahya, the successor of General Ayub, announced general elections in 1969. Subsequently, in 1971, the history of Pakistan, marked with the fall of East Pakistan, became Bangladesh, while West Pakistan came under the control of the *Pakistan People's Party* (PPP). In Pakistan, the system of local government was abolished by the government of PPP in 1971. To settle the matters rightfully, the third Constitution of Pakistan was announced by Zulfikar Ali Bhutto in 1972. It is important to mention here that the *Constitution of Pakistan 1972* laid special emphasis on the *Local Government System* in Pakistan. The *Constitution of the Islamic Republic of Pakistan* (Article 7) recognizes that local authorities (with power to tax) as an organ of the State. Article 32 provides that;

“The state shall encourage local government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.”(Pakistan, 1973)

As per the directives of the Federal Government, the Provincial Governments promulgated *People's Local Government Ordinances* in their respective jurisdictions in March 1972. The grass-root level institution of Union Council in the rural areas was eliminated under the *Integrated Rural Development Program* (IRDP). The IRDP exercised authority to provide services to the rural areas to safeguard their rights and provide them with a proper system to effectively meet their basic requirements. The RWP was, however, replaced by *People's Works Program* with the objectives being largely the same as IRDP. This program provided a relatively restricted bureaucratic control and assured participation of the people and sufficient autonomy at all levels.

The Provincial Governments, enacted '*The People's Local Government Act 1975*', which provided for the popularly elected Union Councils, District Councils (in rural areas) and Town Committees, in addition to the Municipal Committees (in rural areas), headed by a Chairman. However, these laws and systems never gained ground and merely remained on papers; nor did they pave the way for any elections at various levels of local bodies.

The military government of General Zia-ul-Haq followed next in 1977 and brought the *Local Government Ordinance* along with it in 1979, which consisted of three-tiers and introduced non-political, elected local bodies in 1979, 1983, 1987 and 1991 in all the four provinces.

The study highlights that General Zia combined political centralization at the federal and provincial levels with a strategy to encourage electoral representation only at the local level. The Ordinance addressed the strategic approach towards governance by bringing the urban and rural local systems together.

From the above discussion so far, it becomes evident that there was almost little difference in the functioning, structure and fiscal capacity between the *Local Government Systems* propounded by General Zia and General Ayub Khan. Moreover, they served as a double-edged sword as it safeguarded the constitutional feature to their military coup d'état and on the other hand gained favor of the masses. Hence, both local bodies continued to lack constitutional protection.

Ayub Khan's local government had urban-rural divide that restricted the mobility of resources from urban to rural areas. General Zia attempted to reduce the role of bureaucracy in the local bodies system. All members were elected either directly or indirectly on the basis of non-party. These local body elections were severely criticized, but were legitimized by the military.

General Zia sought to shift the whole perspective to urban focused policies in order to dominate the political scenario set by former Prime Minister, Zulfikar Ali Bhutto. History reveals that there was an absence of political linkage between the province and local government that led to tension between them. This was the result of non-party basis elections,

which generated a lack of political ownership with regard to the local tier. Moreover, local governments faced financial constraints since revenue was concentrated in the hands of the Federal Government. Moreover, the subsequent civil governments, however, did not show any interest in this setup. The conflict between the provincial and local tiers resulted in the suspension of local bodies between 1993 and 1998.

The local bodies remained non-functional in the democratic regime that was experimentally driven for eleven years. The political history of Pakistan is replete with incidences of military rule being brought forth to facilitate effective governance.

In October 1999, the Chief Executive of Pakistan, General Pervez Musharraf, came with a seven-point agenda, out of which, one was the *Devolution of Power Plan*. The basic phenomenon under this new plan was to ensure the introduction of genuine democracy at the grass-root level. The strategy for the *Devolution of Power Plan* involved three basic principles:

- People-centered
- Rights and responsibilities based on the
 - The right to development
 - The right to participation
 - The right to information
- Service-oriented

In order to make the restructuring successful for the purpose of delivering services to the people, five empowerment targets were identified:

- To transfer the political powers
- To decentralize administrative authority
- To deconcentrate the management functions
- To disperse the power-authority nexus
- To the proper distribution of resources to the districts

General Musharraf's agenda claimed that the *Devolution Plan* would be a beginning of a political revolution that would enable people to enjoy equality in administrative affairs and endeavored to shift power from the elite to the common man. The basic aim was to terminate corrupt and fraudulent civilian government, which was authoritarian in its nature. The study delineates clearly that Musharraf's regime came with the goal to empower local people by providing them with improved governance and means for local and ultimately state development. The objective of the *Devolution of Power Plan* was to restructure responsibilities and smoothen the flow of resources among the three tiers of the government – federal, provincial and local, with appropriate authority to perform duties assigned to them.

Under the *Devolution of Power Plan*, two subsequent elections at local level were held in 2001 and 2005 by the Chief Executive, General Pervez Musharraf. For the very first time, the rural-urban division was abolished, constitutional protection was given, seats for women

were reserved, and the powers of the Deputy Commissioner's office were terminated, under this three-tiered system. It empowered the elected Nazim to entertain authority with the bureaucracy in the district.

The structure of the *Devolution Plan* initiated a number of problems. As the local bodies election was non-party based, the absence of party affiliation was the main hindrance in political mobilization. Hence, political parties were left behind and some elites belonging to certain castes were brought forward to contest against each other, which gave rise to personal rivalries at local levels. As a consequence, this adversely affected the common man who lost his right to participate in the decision-making and governance of the State.

This is to bring on record that Musharraf's reforms received the same criticism as that of Zia's (that decentralization was an attempt at legitimizing the unconstitutional rule of the Military). Fortunately, Musharraf received a high level of assistance and encouragement from international politics to implement decentralization in Pakistan. Furthermore, due to the existence of many local Councils in the provinces, it became difficult to maintain a conducive relationship among local administration and elected Provincial Governments. The *Devolution Plan* could not appropriately address the checks and balances of the elected bodies and the District Nazims' accountability was never conducted. The District Councils, along with monitoring committees, were authorized to keep a check on the Nazims, but they had little power to exercise. A number of monitoring committees did exist, but on papers only.

Conclusion

Democracy has proven itself to be a system that has given people supreme power. It has ensured that it is not just essential for people to be submissive to all the rules and regulations laid down by the government, but that their active participation is also mandatory to strategize the governance to benefit all. However, democracy cannot be achieved without encouraging local people in the governmental process through the local government.

Decentralization has been an effective tool for boosting the economy, for effectuating better governance and in rendering the citizens capable of decision- making and policy implementation.

The nature of devolution is actually a concept of subsidiary. The revenues and resources are assigned after careful discussion with the stakeholders. The principle of subsidiary demands that local governments must have sufficient authority. An elected local government with clearly defined authority plays a vital role in the economic development of a community. The possession of appropriate power allows the local government to express views openly which may be incorporated in decision-making and then be implemented, hence, contributing to improving the quality of life of all citizens locally.

It is imperative to highlight that *Local Government System* encourages political freedom, coordination and collaboration, principle of subsidiary, free and fair elections, community development and capacity building. The capacity building of human resource is of crucial importance for the success of reforms. Therefore, the local government system has made it compulsory for officials to acquire training for efficient and effective governance. As a key

issue, administrative reforms need to be taken in three areas:

- Division of powers between local, legislative and executive branches.
- Reforms of the executive branch
- Coordination with other governmental authorities

Every reform undertaken should aim towards holding the local governmental setup accountable to the local population rather than to the higher levels of government. For a brief overlook of three local governance system in Pakistan see table - 01

Table – 01

Local Government Ordinances of Pakistan at Glance

Basic Democracies of 1959	LG Ordinance of 1979	Devolution of Power Plan – 2000
Non-Party base election	Non-Party base election	Non-Party base election
No clash in administrative system	No clash in administrative system	Bureaucratic clash because of Police Order 2000
Urbanization of rural areas	Urbanization of rural areas	Ruralization of urban areas.
Composed of equally elected and nominated members	Composed of more nominated and less elected members	Composed of more elected and less nominated members
Elections did not held on adult franchise	Elections held on adult franchise	Elections held on adult franchise
No union council at urban level	No union council at urban level	Urban areas also elect union councils
Less autonomous local system	Less autonomous local system	Creates States within State
Rural-urban divide	Rural-urban divide	No rural-urban divide
Educated voters participated more in Polls	Un-educated voters participated more in Polls	Young and educated voters participated more in Polls
Four tiered Local Government	Four tiered Local Government	Three tiered Local Government
Voters turnout more	Voters turnout less	Voters turnout more
Elected Chairman	Elected Chairman	Elected Nazim as chairman
Rural focused policies	Urban focused policies	Youth focused policies
Centre directly intervened with the affairs at local level	Less interference by Centre into the affairs of local level and only through Province	Less interference by Center but having direct relationship as Mayor is accountable to Governor
No constitutional protection	No constitutional protection	Constitutional protection was given under Article 140-A
No women participation	No women participation	Ensured women participated through 33% reserved seats.
DC reports to non-elected provincial secretariat	DC reports to non-elected provincial secretariat	District administration head, DCO reported to Nazim, the elected head of government
DC with executive and magistracy powers	DC with executive powers	DCO no longer retains executive magistracy and revenue powers
Limited responsibilities and role	Limited	Transfer of vast majority of public services to the local government

No significant link between elected provincial/federal and local govt. since provincial administration directly and elected representatives indirectly responsible for provision of goods and services.	Minor link established between elected provincial/federal and local govt.	Direct link initiated between centre and local bodies.
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