

## Critical Review of Local Government Systems in Pakistan:

By

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### Abstract:

*The poor delivery of decentralization, as per various studies conducted in developing countries, is caused due to the multifarious factors including insufficient framework of local government, coupled with unsatisfactory implementation and the functioning of local government by vested interests of a particular class. Consequently, the casualties at the hands of ineffective decentralization emerge in the form of fragile democracy at the grassroots level and the absence of vibrant mechanism for the service delivery at local level. Concerning decentralization with regard to Pakistan, the case has been that decentralization was never meant to devolve power and authority to the grassroots but to achieve some other designs. Foremost among them are; to augment the role of civil and military bureaucracy to further strengthen central government through marginalization of mainstream political parties and; to sift newly emerging politicians from local councils to provide a link between the local leadership and the governments established by military.*

**Keywords:** Local Governments, Decentralization, Military Dominance, Politics of Patronage, Etc.

### Introduction:

Decentralization of power and authority is deemed to be a key in making democracy available at the grassroots level by policy analysts, international financial institutions and donor countries (Malik 2016, p.2). Undeniably, it is by the virtue of decentralization that democracy flourishes by leaps and bounds. International donors also make decentralization a pre-condition for granting development aid to the developing countries. Having occupied a central position in the thinking

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of donor countries and international financial institutions, democratization and particularly democratic decentralization has assumed core importance (Malik 2016, p2).

Democratic decentralization gets birth when it is ensured through a strategy that consumers find service delivery closer, central government gets more responsive to public demands, the public service gets ameliorated and enhanced and the lower units get more engaged and involved (Manor 1999). Classification of decentralization further illustrates its four types which include: devolution; privatization; administrative decentralization and fiscal decentralization (Manor 1999). Nonetheless, it is the presence of fiscal and administrative decentralization that makes decentralization meaningful and inclusive. The preference for devolutionary decentralization is what mostly preferred in developing countries these days.

### **Historical Review of Local Governance in Pakistan:**

Located in Southern Asia, Pakistan borders India to the East, China in the north and Afghanistan in the northwest while also bordering the Arabian Sea in the south. Ranking as the fifth most populous country of the world after an initial estimate of 2017 census, the population of the country consists of 210 million to 220 million (Dunya News 2017). Having a federal parliamentary set up, Pakistan possesses three tier governance structures: central government (based on national assembly and the senate) at the top while provincial and local governments as the second and the third tier of governance, respectively. Basic unit of administration at the local level starts with village. Besides, an amalgam of villages gives birth to a union council the aggregation of which further forms a tehsil (town). Similarly, a group of tehsil councils generates a district council. The history of local government in Pakistan dates back to the Aryan period in the middle of the second Millennium when the roots of the local government were found in that civilization. However, this write up mainly discusses the local government system that got existence in Pakistan after its independence and underwent experimentations at the hands of military and civilian governments.

Categorically speaking, Pakistan owes for its local government system to the British colonial powers, for it was established model of British local government that was replicated by Pakistan (Salem & Iftikhar 2012). Considering local government of little value, its members were not elected and if there existed an election, it would remain limited (Waseem 1989). There prevailed a highly centralized apparatus of state, under the direct control of military and civilian bureaucracy (Jalal 1995;

Talbot 1998). Based on plethora of reasons, since 1950, it is the military that has steered the vehicle of the state. In this endeavor, it has resorted to experimenting decentralization and co-opting local elites at the altar of political marginalization. However, to introduce decentralization, there had to be the dissolution of the elected governments being the higher tier of governance.

### **The Reign of Local Governments during 1959-71:**

The military coup of General Ayub Khan was the major breakthrough in terms of paving way for an extensive local government system in Pakistan. Through the Basic Democracies Ordinance 1959, the ever first new local government was established (Musarrat & Azhar 2012). After dissolving the higher tier of government, local governments, being the only representative tier of government, was revived. In fact, this move of the military dictator aimed at usurping the control of the center and meanwhile generating a new leadership at the local level having leanings to military leadership. In this backdrop, Friedman (1960) opined that there was no element of democracy in Basic Democracies Scheme as it kept people at bay from the power corridors and did not empower them to have a grip on government's powers. In other words, people were given power in tokenistic sense, bereft of actual power.

The introduction of Municipal Administration Ordinance 1960 by Ayub consisted of four tier hierarchical structure with the union council working as the lowest tier. This wing of the government at grassroots was based on elected members who further contributed to elect chairman from among themselves (Batoool 2014). On the other hand, the highest tier of government had a mixed membership, in which some members were elected indirectly by the members who had got themselves elected directly while some of the members were to be nominated by the government (Batoool 2014).

Additionally, colonial legacy still entrenched into the very basis of governance, local governments were not at liberty to function rather were controlled by the powerful bureaucracy. In this regard, the decisions of the local councils were to undergo the scrutiny of Deputy Commissioner and Commissioner, being District and divisional heads, respectively, and could get annulled by these bureaucrats at any time. As a matter of fact, Ayub's core aim behind introducing local government system was to give legitimacy to his enacted Presidential Constitution (1962) that empowered military through the office of the President (Cheema et al. 2005). Hence, Basic Democracies of Ayub had

strengthened his hands and also proved instrumental in extending his rule.

### **The Reign of Local Government during 1977-88:**

Zulfiqar Ali Bhutto's democratic government had a short spell from 1972 to 1977. Yet again, through a military coup by General Zia-ul-Haq in 1977, military got control of the reins of the country and dethroned the democratic government of the Zulfiqar Ali Bhutto. Like his predecessor General Ayub, General Zia also revived the Local Government and endeavored to bring it in consonance with the will of the people. Local Government Ordinance 1979 was enacted. This ordinance remained operational until 2000. After putting the constitution of 1973 in abeyance after promulgation of martial law, General Zia formulated the most centralized state apparatus. Without the presence of national and provincial government, local governments were introduced which were controlled by the powerful military of the country. A non-party based election of local governments was conducted in all provinces of the country (Batool 2014; Cheema et al. 2005). The introduction of the new design of local government by another military dictator was nothing but an attempt to get legitimacy for the military regime and meanwhile also generate a new class of politicians who could better serve the interests of the military rule (Jalal 1995).

Though local governments during the reign of both General Ayub and General Zia were enormously valued, yet they were not given any protection through constitutional provisions. For this reason, without having a constitutional cover, local governments remained too vulnerable to sustain the attacks of the other tiers of the government and quite often got perished at their hands.

Furthermore, maintaining the urban-rural divide, being a colonial legacy, by both the military regimes in local government apparatus was another hallmark of these two regimes. Relying mostly on rural areas for political support, Ayub made a significant increase into the funding of rural areas and paid little heed to urban councils. Following the footsteps of his predecessor, General Zia also retained the status quo in terms of maintaining urban- rural divide. Because, the urban councils in Zia's regime were not required to share their benefits with the rural councils. Contrary to Ayub's policy of granting favor to rural populace, General Zia extended great favors to the urban council, for it was by the virtue of urban population that a formidable resistance movement against

Bhutto was formed. Hence, the increase in the income of urban council was meant to mobilize the urban middle-class against Bhutto.

The foremost impact of the non-party elections on the political arena of Pakistan was the introduction of politics based on clan and caste system. Because, owing to the non-party election, a candidate in local government elections could not rally the support of a political party and would heavily rely for his support on caste and clan. As a result, a segregated population emerged having deep divisions of caste and clan amongst them further boosting the politics of patronage. Of particular interest in this regard is the case of General Zia who revived the 1973 constitution of Pakistan in 1985 after having ruled under the umbrella of military rule. However, the true spirit of the constitution was distorted with the introduction of the 8<sup>th</sup> constitutional amendment. This constitutional amendment gave birth to quasi- Presidential form of government and indirectly helped prolong military rule in the country (Batool 2014).

The new class of political elites created by the local councils was further to be utilized on the larger scale on provincial and national level. The ready support of clan and caste and the direct patronage of military paved their way to enter provincial and national assemblies (Noman, 1988). Having entered provincial and national assemblies, these politicians had to introduce the politics learnt in local constituencies – politics of interest and patronage (Wilder 1999). Further, there emerged a competition between provincial and local representatives on the allocation of development funds as the former considered the latter their rivals (Wilder 1999). Above and beyond, it was due to this tooth and nail competition between local representatives and provincial and national ones that after the fall of military regime in 1988, the civilian governments opposed bitterly the decentralization of power and authority to the grassroots level.

#### **Local Government System by General Musharraf:**

The local government system introduced by Musharraf, through Local Government Ordinance (LGO) 2001, was a unique system of its kind as it worked on the complete restructuring of the apparatus of erstwhile local government systems. The local governments before the Devolution of Power Plan, the so called local government system of Musharraf, had limited powers, for the real powers were concentrated in the hands of other corridors of powers like bureaucrats. In addition, these bureaucrats were not accountable to these elected representatives and to that of provincial representatives (Batool 2014). When the devolution plan was

introduced, it gave birth to a newly elected government at district and sub-districts levels and union council level which was the lowest tier of the local government (LGO 2001).

The prominent feature of the Local Government Ordinance (LGO) 2001 was to abridge the widening gap between the urban and rural councils created and maintained by the previous two ordinances. The result was the creation of three tier set up; District Council at the top followed by Tehsil Council and Union Council, respectively (Batool 2014). Union, being the core unit, had Union Nazims and Naib Nazims who were directly elected by the voters. In return, the same Nazims and Naib Nazims would become the members of the District and Tehsil Council, respectively (Batool 2014). The LGO 2001 brought a drastic change in the power relation as the hitherto hierarchical relationship between the local and provincial governments was altogether changed. Instead, a direct link between the local governments and President's office was established and this purpose was served through several institutions including National Reconstruction Bureau (NRB) and the Devolution Trust for Community empowerment (Cheema et al. 2005). Despite the reinstatement of the civilian government in 2002, which through a referendum elected Musharraf as a President and the governments of the center and provinces were formed by the Muslim league (Quaid-e-Azam Group) after winning elections, the center was still in a domineering position and had a control on the local governments.

The novel feature of the devolution plan by Musharraf was the devolution of development, financial and administrative powers to the grassroots level by empowering elected officials in the local councils and subsequently making all departments accountable to the District Council. The all-powerful position of the erstwhile Deputy Commissioners was converted into District Coordination Officer (DCO) with such negligible power structure that they had to come under the direct subordination of elected District Nazims legally and administratively (Batool, 2014). In addition, the establishment of the Provincial Finance Commission for the first time in the history of Pakistan by Musharraf was another great step in the right direction. Basically, this endeavor was meant to facilitate the equitable allocation of resources between the provinces and local governments as previously there existed only National Finance Commission, the function of which was to allocate resources between Federal government and provinces.

Additionally, another crowning feature of the devolution plan was to enormously empower the women by giving them 33 per cent

representation as reserved seats and this was the act Musharraf would claim to get credit for. Another prominent step was the formation of the District Monitoring Committees, Citizens Community Board, Citizen Police Liaison Committees to work in the fields concerned like: to supervise the work of government departments; to enable citizens to oversee the development projects; and to ensure the rule of law and safeguard civil rights, respectively (Hasnain 2008). Though the LGO 2001 varied from the previous local government systems in various aspects, it replicated it's one of the features of conducting non-party based elections resulting into the cultivation of the culture of patronage and caste and clan loyalties.

Local government set-up of Musharraf was given a cover through a Presidential Order, as no government could alter or dissolve it up till 2009. However, this arrangement was still bereft of giving it any constitutional protection. Besides, notwithstanding the much needed fiscal decentralization, bureaucracy still remained at the helms of affairs in fiscal matters in terms of the planning of the budget. The authority to prepare the budget was in the hands of bureaucrats like District Coordination Officer (DCO) while the District Nazim could only send this proposed budget to the local council for approval. In case of the failure on the part of the local council to approve the budget, the result would emerge in the shape of zero spending fourteen days after the expiration of the financial year (Cheema et al. 2005).

### **Local Governments after the Fall of Musharraf's Regime:**

The dismissal of Musharraf's government in 2008 simultaneously paved way for amending the local government ordinance of 2001 as the constitutional restriction for amending this ordinance had expired in 2009. Also, the introduction of the momentous 18<sup>th</sup> Constitutional Amendment by the elected government of People's Party made it possible for the provinces to opt for the local government system of their choice along with ensuring provincial autonomy. Thus, a varied form of local governments system was witnessed, with the provincial assembly of Baluchistan passing the Local Government Act in 2010 whereas in 2013, the provincial assemblies of Khyber Pakhtunkhwa, Sindh and Punjab also passed their own Local Government Acts (UNDP2016).

The newly introduced acts of local government remained less contributive in terms of providing sufficient autonomy to the local councils in fiscal, service delivery, revenue, and law and order matters. In fact, the service delivery functions were mostly devolved to the local

governments through Local Government Acts, still the power and control of large entities such as the Karachi Water and Sewerage Board, Solid and Waste Management and Lahore Development Authority (LDA), etc. fell in the domain of the provinces (UNDP 2016). Furthermore, owing to the Local Government Acts of all four provinces, local governments of these provinces came under the direct control and subordination of the provincial governments. The glaring manifestation of the subordination of the local governments to provincial governments is that Chief Ministers of the provinces were granted the authority to dismiss head of the local councils. This empowerment of Chief Ministers was so enormous that they could even dismiss local governments and later on appoint officeholders to replace dismissed local leaders (UNDP 2016). Contrary to the local government acts espoused by the military regimes, which negated party-based elections, the civilian government enacted such local government laws that favored party-based elections to elect local leadership for local governments.

Nonetheless, provincial governments were really on a better position and were given preferential status by the newly crafted laws but these laws miserably failed to bring any meaningful democratic change which remains at the core of idea of Local Government (PILDAT 2013, p. 26). Above and beyond, the persistent presence of the military on the political arena did not allow political culture to take roots by brutally weakening the political parties. As a sorry pitfall, whenever there occurred the rule of civilian governments, they never reconciled with the idea of empowering local governments, for there was at stake the vested interests of provincial ministers and members of the provincial assemblies of losing grip over the development funds. Hence, local governments during civilian governments also remained devoid of any genuine powers to bring meaningful contribution in the local governance.

As a matter of fact, the military had a pervasive role in manipulating the politics of the country by promoting patronage-based politics and also silencing the dissenting voices through various ways and means. In this regard, Local governments were specifically used as a tool to earn the military the loyalties of politicians busy in promoting politics of patronage. In short, to exercise the real authority of Local governments, it remained subject to its political use by provincial and federal governments which were in return further controlled and coerced by the powerful military even during the reign of civilians.



**The Present Regime and Decentralization:**

A peaceful transition of another democratic government in August 2018 proved fruitful to the political party, PTI, as its leader Imran Khan became the new prime minister of Pakistan. The local and international media alleged the newly elected government to be backed by military establishment for its rise in power. Having assumed the power, and following the route adopted by the erstwhile military dictators, the elected government of Imran Khan dissolved the local government structures in provinces his party was ruling and introduced a new version of local government system.

The Local Government Act 2019 codified the new system in Punjab while the other provinces are still to introduce the new Local Government Acts. In Punjab, the Local Government Act 2019 affected the dissolution of existing local government institutions and also set a timeframe of April 2020 for the election of local bodies so that the constitution of new local governments could be timely ensured. However, up till now, the same elections have not been conducted. As per this new act, the hitherto divide between rural and urban council was revived by specifying and establishing Metropolitan/Municipal/Town Corporations/Committees in urban council while for rural areas, Tehsil Councils were established. Unlike the previous local government structures, this new act has introduced a new pattern of election which envisages that the head of each tier of local government would be elected directly by adult franchise. To assist him in the discharge of his functions, an elected head will have the ready support of a cabinet comprising of councilors and professionals. The 4<sup>th</sup> schedule of the act makes clear the specification of the cabinet members (Local Government Act 2019). Yet again and unlike the previous practice, on the basis of closed-list proportional representation, the election for councilors will be conducted. In other words, with the provision of the list of candidates by each party, elections would be conducted on the political party basis.

To be nominated as councilors of local government, the nominees of a political party will depend upon the percentage of votes a party gets which indicates that each constituency will hold the competition amongst various candidates. Moreover, the new system also represents the newly established set-up for rural and urban councils with the name of panchayat and neighborhood councils, respectively. In fact, by this endeavor it is aimed that at grassroots level democratic participation is ensured. Basically, there is no structure of specific powers for these

forums but through local government, they can be assigned and delegated various function, from time to time and as per the demand of the situation. Nonetheless, the fact remains that history of local governments in Pakistan depicts a bleak picture of decentralization and shows that decentralization has never been granted the favorite place in the power echelons and has never been practiced in letter and spirit.

With the assignment of the supervisory role to the provincial government especially in financial matters, Chief Officers of every local government have to seek the prior appraisal of provincial government for every estimate of expenditure and receipts (see Section 137 of the Act). Besides, along with possessing the power to suspend any resolution of local government in case finding it repugnant to the public interest, the provincial government through its representatives like Minister, Secretary, and other functionary can also actively participate in meetings and proceedings of local government. The subjection of local government to the sub ordination of provincial government through the establishment of a novel institution, Inspectorate of Local Governments, which functions to inspect, review, and monitor local governments, is highly likely to distort the very idea of devolution and make it subordinate to the provincial government both in policy and its implementation.

**Conclusion:**

A thorough perusal of decentralization in Pakistan makes it abundantly clear that a major chunk of experimentations with the local governments was carried by the non-representative military regimes which utilized decentralization as a cover to accumulate power and also earn legitimacy for their undemocratic rule. On the other hand, the reluctance on the part of civilian governments to formulate strong local governments was due to the fact that it would result into the decline of their power and transfer a substantial part of their authority to the local institutions. The mushroom growth in such mentality during civilian rule was the result of perpetual military rule which never allowed the political culture to take roots in society by weakening the political parties. The military promoted politics of patronage and advocated politicians who remained in consonance to their policies. So, to achieve this design, local governments were manipulated and used as effective tool to bring the desired politicians on the front in provincial and national politics. The manifestation of various forms of local governments rather makes it clear that on the pretext of decentralization, centralization was boosted save negligible steps for promotion of true decentralization. In fact, through localized patronage structure of local governments, a class of

politicians was produced which worked as a link between the local bodies and non-representative Centre. The politics of patronage became entrenched when the non-party based elections remained in vogue throughout military regimes which in turn destroyed the prospects of accountable democratic governments. In short, the local governments, since the inception of Pakistan, never attained the status it should have to ascertain effective public service delivery and democratic governance at grassroots level.

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