



**PRACTICAL PREDICAMENTS
OF
LOCAL GOVERNANCE
IN PAKISTAN**

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About CPSD

The Centre for Peace, Security and Developmental Studies (CPSD), an outreach of Dadabhoy higher educational pursuits, is a nonprofit public policy organization based in Karachi and Islamabad. CPSD - an independent, non-partisan, and multidimensional forum - conducts research on security, political, and economic issues of national and international importance. CPSD promotes innovative ideas and is a platform of cutting-edge analysis for informed decision making.



ABOUT THE AUTHOR

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Lt. Gen. Naqvi served as Federal Minister with General Pervez Musharraf's government from 1999 to 2002 and founded the National Reconstruction Bureau for the reconstruction of governance systems to make democracy sustainable in Pakistan's politico-socio-cultural environment. As its Chairman, he redesigned Pakistan's governance and electoral structures and systems from bottom to top through necessary changes in the constitution and several laws. Starting with the lowest rung of the governance ladder he developed and installed a new federated local government system that devolved political power, and decentralised administrative and financial authority, balanced by check and balance measures. In conjunction, he installed a modern system of policing designed to serve the people and the state. He authored the Political Parties Order 2002 to introduce democracy within the country's political parties. His consequent reputation as a thought leader with a flair for innovation in governance systems, led to a group of ten countries headed by Norway inviting him in 2005 to join a new UN hosted world body named Commission on Legal Empowerment of the Poor. He remained with it till it had launched its report worldwide in 2008.

General Naqvi graduated from the PMA in 1961, and retired in 1995. During his career he earned two Masters degrees in Defence, Strategic, and War Studies from the National Defence College, and served in several command, staff and instructional appointments. As Chief Instructor, he modernised the system of the military education imparted at the Command and Staff College, Quetta. As Major General he was appointed Pakistan Army's first DGMO; and was decorated with the Sitara-e-Basalat for conceiving the Army's aggressive plan that played a decisive role in stymieing the sinister Indian design of 'Exercise' Brass Tacks unfolding into 'Operation' BrassTacks in 1986-87. As Lieutenant General he restructured Heavy Industries Taxila which soon produced the Army's main battle tank named Al-Khalid. He retired as Commandant, National defence College, after restructuring and moving the college to Islamabad, thus setting the stage for its evolution into a university.

Introduction

The National Reconstruction Bureau was created in November 1999 as the Think Tank of National Security Council, for formulating policy options for the government led by General Pervez Musharraf. The mission of this institution was the “Reconstruction of the Institutions of State for the establishment of genuine and sustainable democracy to ensure durable good governance for an irreversible transfer of power to the people of Pakistan within the parameters of the judgement of the Supreme Court”.

For the accomplishment of the mission of Bureau, the process of Reconstruction of the Institutions of State has begun from the bottom of the governance ladder – the local level. As the local government interacts with the people, and the people rub shoulders with the government, they should be empowered to solve 90 percent of the problems of the people close to home. Close to home means a distance that allow any citizen to get back home the same day, and not to have to spend the night away from home just to reach the government official.

Governance systems have to be responsive to make changes in the governance environment over the years. An organisation like the National Reconstruction Bureau must therefore exist permanently to develop such responses by developing new systems and new structures of governance to address the changes in the governance environment. The leadership that came to power in 2008 was antithetical to the local government system. They wanted provincial and federal political leadership and the powerful bureaucratic elite to remain in power. However, both political and bureaucratic gentry in Pakistan is inclined to the colonial governance system that the country inherited upon independence and utilized until 1999.

The Aims and Scope of Local Governments

As mentioned earlier the local governments should have the power to solve 90 percent of the problems of local population, most of which are related to mundane service delivery to every single citizen of the country. These mundane service delivery issues can be categorized under seven fields, as follows:

- Municipal Management
- Health
- Education
- Law And Order
- Employment
- Social Welfare
- Community Development

Consequently, the administrative authority of the local governments under Local Government Ordinance (2001) encompassed the aforementioned seven subjects.

There are four aims behind the establishment of the local government system. First purpose of local government is service delivery, for which local governments should be empowered as the prelude to a good service delivery system. However, this empowerment should not be for the local political leadership only, but should also be transferred to the administrative units working under political leadership. Furthermore, along with this nexus of political and administrative units, there should be a system of accountability, so to avoid power corruption in the system.

The second aim is the urbanization of the rural areas by the local governments. Service delivery and maintenance in a rural environment is very difficult because of little or no reliable transportation facilities. Be it municipal management, health, education, social welfare, or community development, the challenge before local government is to use limited local resources to urbanize the rural area. In the case of Pakistan, however, ill planning is dragging even our urban areas towards ruralisation. This idea of rural-urban integration was translated into an organisational instrument during Pervez Musharraf period. The plan was to gradually build organised urbanisation into the local government system through the Local Government Order 2001.

In addition, the plan envisaged the creation of city districts, so that service delivery in the existing cities may be better managed and they can gradually develop into metropolises resembling the great cities of the world. The plan envisaged the declaration of each big cities like Karachi, Hyderabad, Quetta, Peshawar, Lahore, Rawalpindi, Islamabad, Faisalabad, Multan, Bahawalpur, and even Sahiwal and Sukkur as city districts. Cautious decision making, however, allowed the creation of just the four provincial capital cities as city districts. If the local government had lasted for the last two decades, Pakistan might have had as many cities in the country today as the then 124 districts. The dozen odd cities we had in 90s would not have deteriorated as they have over this period.

The third and the most important aim of local governments is to maintain law and order situation. The policing should be provided as a service to the citizens. Therefore, National Reconstruction Bureau developed a new police law to replace the Police Act 1861. The authority over the district police extended to the District Nazim alone. No authority over the police was decentralised to the Tehsil or Union levels. As an effective check on the District Nazim, District and Provincial Public Safety Commissions and a Provincial Police Complaints

Authority balanced the management of the police.

Last and the fourth purpose of local government is the training of political government. Local Governments is a perfect training ground to provide the administrative training to the political leadership for their further political journey at the higher ranks.

Predicaments of Local Governance

Moving on the predicaments of local governments in Pakistan, there are multiple sources of hindrance in the survival and sustenance of local government system here. First predicament is the lack of commitment by the political forces in terms of development of local governments. For instance, before 2009, only military-led regimes were behind the establishment of all the local governments and after 2009 local governments were formed at the behest of the judiciary.

Second, politicians at the provincial level are afraid to devolve powers to the local governments. This non-devolution of power left local governments disempowered. These can best be described as local bodies but not local government because they hold no governmental authorities and resources.

Third, the bureaucracy is not willing to accept the empowerment of local political leadership. Despite greater empowerment of the district bureaucracy under new Local Government Acts, the bureaucracy feel that they have lost the power and perks they used to enjoy under the colonial system of bureaucratic rule. They also resent the loss of power over the police previously granted under colonial police rules and wish to regain it. Most importantly, they feel demeaned serving under local political leadership, which they believe lack the technical knowledge and expertise.

Fourth, the local government officers lack the magisterial powers. A local government officer should have the magisterial powers so he or she could take action against malpractices.

This hostile attitude of the political and bureaucratic elite led them to create physical impediments to the full establishment and entrenchment of the local government system across the country, the notable ones being:-

- o Referring to local Governments as local Bodies; or the LG system as Baldiati Nizam instead of Maqami Hukamat Ka Nizam in routine conversation, speeches and TV talk shows, to denigrate them in the eyes of the public; and reinforce old attitudes and responses of provincial government cadres.

- o Denigrating LGs as tools of the federal government meant to undermine provincial autonomy and authority.
- o Not empowering LG officers with the magisterial powers necessary for performing their functions, so as to undermine the efficiency of LGs and promote a case for reversion to the old system.
- o Delaying creation of Local Government institutions to delay and weaken them, e.g.:
 - (1) LG Commission;
 - (2) Provincial Finance Commission;
 - (3) Local and provincial Public Safety Commissions;
 - (4) Police Complaint Authority;
 - (5) Alternative Dispute Resolution body - *Mushawirat Anjuman*.
- o Withholding or delaying, even abandoning the provision of routine facilities to LG functionaries to impede, delay and undermine the establishment of effective LGs, like office accommodation, stationery, telephones, transport, fuel, etc.

The Way Forward

Political leadership should decide whether they want local government system or not. In order to establish empowered local government system it is necessary that Pakistan should have three tiered political systems. There should be federal legislative list, provincial legislative list and the local legislative list. Furthermore, autonomy in terms of financial resources is an important factor. Governments should not only be autonomous in terms of spending money, but the collection of taxes in their own domains should remain with them. Last, the residuary powers should remain with the federal government, which at present is under the domain of provincial government.

For ensuring service delivery to the people, following drastic change in the country's governance system will have to be enacted through an amendment to the Constitution:

- o The replacement of the present four provinces and the two quasi-provinces – GB and AK – with 15 to 25 provinces. This can be done through the present divisions or the fewer divisions that existed half a century ago being designated as provinces.
- o Establishment of a three-tiered federal structure of the state, with the authority and responsibility of each tier defined bottom upwards and residuary

powers given to the federal tier and not the provincial tier.

- o Allocation of specific taxes in the constitution to each tier of government to ensure financial solvency and autonomy of each tier.
- o To reinforce protection for local governments, the Senate to be elected by an electoral college comprising all members of local councils along with members of provincial assemblies.





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