

# LOCAL GOVERNMENT SYSTEM IN PAKISTAN (A COMPARATIVE STUDY OF ZIA-UL-HAQ AND PERVEZ MUSHARRAF REGIMES)

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## Abstract

*Decentralization has become a global trend almost in every country. Local government is always remained supporting contribution pertaining to the development process at lower level but in Pakistan, it could not build up its roots due to frequent attempts by the non-democratic forces like military. The research evaluates Local Government System in Pakistan with respect to its contents, processes, implementations and to recognize the framework of similar taken steps in the past. The research also covers the comparative analysis over introduced Ordinances of Local Government System by General Zia-ul-Haq and General Pervez Musharraf in order to appraise people's participation in their regimes with reference to devolution of the authority from the higher to lower level.*

**Key Words:** Military, Decentralization, Process, Local supremacy, Involvement, Power.

## Introduction

Local government is an organization or a group of such people who are elected by the citizens and run a district, town, county or region at local level. According to V. Vankata Rao "Local Government is that part of the government which deals mainly with local affairs,

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administered by authorities subordinate to the state government but elected independently of the state authority by the qualified residents.’<sup>1</sup> Local government implies decentralization and devolution of functions, it is a useful and important counter-balance to the over centralization of the governmental activities. It also puts away the Central and Provincial governments from the burden of local problems.

Local governments are the keystone of democracy. Research examines the distinctive features of this history lighting the consideration of decentralization. Concentrating the pre and post portion of time, we observe three most significant devolution stages in Pakistan, uniformly captivating at the design of non-representative military form of governments under General Ayub Khan, General Zia-ul-Haq and General Pervez Musharraf respectively. The role of local authorities is to amplify the stipulation of services. Local authorities are seen as engines for enlargement and progress, and more and more tasks are being downloaded on them. This keeps substantial pressure on local government to finance new responsibilities.<sup>2</sup>

The current global pattern of decentralization is different from the previous one which was mainly pursued by the military dictators but in Pakistan the decentralization has always been initiated by military rulers. After independence first step towards decentralization was the ‘Basic Democracies System’ which was introduced by Ayub Khan in 1959, who was first military dictator. Second decentralization plan ‘Local Bodies’ was set up by military head of state, General Zia-ul-Haq in 1979 and third was ‘Devolution of Powers’ in 2001 by another military ruler General Pervez Musharraf.

Local Bodies is a system of Government which provides the facilities to the people in specific areas but in Pakistan it is immobile at experimental stage. The problem is to determine which system is

according to the political environment of Pakistan. The Local Bodies System in Pakistan is a part of political culture. Thus, different groups take advantages of the system. Army dictators reduced the system to legitimate their authority. This system is called the local government system which was not introduced in its real spirit. Democratic decentralization at local level supporting contribution in development could not take roots despite numerous attempts by the military rulers. The research attempts to investigate the local government system in Pakistan introduced in Zia and Musharraf eras in order to assess people's participation in their regimes. The study evaluates with a special emphasis on comparison between the introduced local government systems of Zia and Musharraf. The major purpose of the study is to analyze the effectiveness of local government system in a comparative perspective.

### **Analysis of Zia-ul-Haq and Pervez Musharraf Regimes**

Pakistan is a country where the local government system is still at experimental stage. Having the experiences of these constitutions (1956, 1962, 1973), the nation could not finalize the system of Government in Pakistan. Article 140-A in the constitution of 1973 of Pakistan deals that each province shall set up, by law, establish a local government system and transfer political, administrative and financial responsibility and authority to the elected representatives of local governments.<sup>3</sup>

After removing civilian government from power, every military government formed a direct military rule which was altered as well semi civilian rule with the help of transference development. This semi civilian rule was rested on two pillars: the civilian and the military but it was the latter element which really restricted the government in the name of democracy. All decentralization plans functioned on a similar model to make stronger military dictators at the cost of democracy.<sup>4</sup> Military rulers

institutionalized their authority by making changes in the existing constitution.

On July 5, 1977, Zia-ul-Haq overthrew the government of Zulfikar Ali Bhutto and assumed power through a coup d'état.<sup>5</sup> He dissolved the National and Provincial assemblies but preserved the Constitution of the 1973 of Pakistan. With the fall of Bhutto's government system of the "Peoples Local Government" also moved out and Zia announced a new local government structure. He was more tended towards Islamization, as Ayesha Siddiqi has discussed the military's ideology 'military always had to use religion as a motivating factor'.<sup>6</sup> Zia promised to initiate a government based on Quran and Shariah. He had formed local government system through the Ordinance 1979; he adopted such policies which were appropriate for rural development. After assumption of power he was confronting two major strikes in the rural areas<sup>7</sup> and therefore General Zia-ul-Haq declared in explicit terms a policy of revitalizing local government institutions.

On October 12, 1999, the Pakistan army overthrew the civilian government which was headed by Prime Minister Mian Nawaz Sharif.<sup>8</sup> General Pervez Musharraf came to power as fourth military head of government. He presented himself as a reformer and assured to take Pakistan on a liberal course. On seizing power, he had set forth a seven point agenda.<sup>9</sup> After assumption of power, the first and most significant aspect of the military government was to establish the National Reconstruction Bureau (NRB) with the task of devolution of powers. The agenda set up on November 18, 1999, announced on March 23, 2000 and final released on August 14, 2000. Its Ordinances were promulgated by provincial government on August 14, 2001 in all four provinces with the aim to develop power from the central government to the grassroots level.<sup>10</sup> By setting up local governments in the districts, the control

positions to devolve the locally elected legislative body and transference of organizational and economic authority to masses. The Local Government System (LGS) was introduced by General Pervez Musharraf, called the “Devolution of Power”. The main purpose of the new LGS was to empower the people, establish democracy at grassroots level and to devolve power from the elite to the masses.<sup>11</sup> The system had been intended to ensure that the real interests of the people were provided and their privileges secured. The plan visualized a four tier structure below the provinces including district (Zila), sub-district (Tehsil), union council and village.<sup>12</sup>

During Zia era, the institutions of local government were re-established by holding of free and fair elections throughout the country. The Local Bodies System in 1979 seemed the mainly representative in view of the self-government. On the basis of adult franchise, elections to all local councils in the rural and urban areas<sup>13</sup> were taken place first time in the history of Pakistan. Local government system announced by Zia-ul-Haq was tad varied to the prior system. These laws were prepared on the same pattern like the previous B.D System but insignificant variations were made to go with local circumstances. The rural local governments consisted of two tiered of well-liked institutions from the village to districts, shaped on self-governing principles. However, in two provinces, Baluchistan and Punjab there was an exemption in the local government structure. There were Tehsil Councils and Markaz Councils from the middle/intermediate tier of rural government in a coordinating capacity.<sup>14</sup> The similarities between the General Zia and General Musharraf’s regimes, in regard to their attempts to start devolution by setting up a local government system were remarkable. Both military leaders set about bringing a local government system soon after taking power. General Zia overthrew the civilian government of Zulfikar Ali Bhutto

and General Musharraf got to work on his local government reform immediately after dismissing the democratically elected government of Nawaz Sharif.

Under LGO 1979 the local government system introduced by Zia was called the “Local Bodies System” and regarding the LGO 2001, the system established by Musharraf called the “Devolution of Power”. Both systems were set up with the aim to authorize the people, institute democracy at grassroots level and to transfer power at the grass root levels. Unified laws were made to unite rural and urban areas and to keep away from duplication under the LGO 1979. Local Councils were permitted by laws on their own authority. Two-tier system of rural and four tier system of urban local government were established in each province. In rural areas *Zila Councils* at the district level and Union Councils at the union level were comprised. In urban areas, local governments constituted Municipal Corporation for major metropolitan cities, Municipal Committees for larger towns and Town Committees for smaller towns. Under the LGO 2001 three tier system was introduced. The lowest tier Union Council, the middle tier Tehsil and the upper tier was District and in each province, provincial capital was given the status of City District government.

Regarding the LGO 1979, Voters age was 21 years to elect their representatives.<sup>15</sup> All elected councilors were elected a Chairman and a Vice Chairman from among themselves. They were elected for local councils, district councils and urban local councils for a period of four years.<sup>16</sup> Elections were held on non-party basis. Chairman was the executive head in the respective areas. Women, peasant workers were elected by relevant councils. Reserved seats were given to Women, non-Muslim and minorities.

Under the LGO 2001, voters age was defined 18 years to elect their representatives. Union Nazim was the head of the union council. Union Nazim and Naib Nazim were elected as joint candidate. All the Nazims of Union Councils were elected the Zila Nazim. Tehsil Nazim was elected by all the Union Naib Nazims of their respective areas. District Nazim was the head of the district government.<sup>17</sup> Union Nazims, Tehsil Nazims and District Nazims were also elected for four years. More representation was given to women and minorities.

Through the light of LGO 2001, a new chosen government had been brought into being at the district level supervised by an elected Nazim and the District Coordination Officer (DCO) who had to give an account directly to the elect leader of the government, was appointed as the chief of district administration.<sup>18</sup> It is an expressive deviation from the antecedent system where infact leader of the administration, DC made an official return for the non-elected provincial secretariat. The end of these changes for the better was an endeavour to check bureaucratic power by putting an end the office of the DC. Moreover, the head of district administration, the DCO was no more able in reserving the executive magistracy and revenue collections of the old DC.<sup>19</sup> Local governments had existence in times earlier to devolution; chiefly in countryside areas were virtually indolent and weightier, because for the most part, provincial bureaucracy discharged the state functions in the post devolution period. The great majority of public acts of serving had been shifted to chosen elected government which was previously observed under the scope of a statute of the deconcentrated district administration. Due to these amendments, the value and utility of local governments in terms of the obligations and duties they were answerable for and how they assigned district level sum spent over services augmentations essentially post devolution. Uniformly devolution had

enveloped the shiftily process of provincial powers and duties to the district and lower levels of governments but excitingly no sufficient decentralization of any federal powers or authority to either the provincial or local governments. Before devolution, there was no considerable connection between the elected provincial or federal and the local governments. It was not concernable because majority of the state provided services via the deconcentrated provincial administration which was unfairly accountable to the provincial elected representatives. Nevertheless, a large fare share of these services and obligations were given to the elected local government and process came into surface when local government election on no-party basis was held without the presence of provincial/federal elected governments, no exertion was observed to make entire the newly elected local government with the provincial or federal governments whose elections were conduct soon after the election of local government. This had come out in an interesting but not amazing violent collision between the local and provincial or federal elected members. The NRB claimed that concentration of authority, particularly in the office of the DC, created the potential for ‘arbitrariness’ incessant delays, management and corruption in government operations.<sup>20</sup>

History turns out two greatest captious factors that have a robustly effects on the actions of any developed system of agreement, the performance of the policies is the one at the local, provincial and federal level, singly in a country like Pakistan where the military prevail over service delivery is the second leading factor of devolution which is entirely based on the availability of finance for the local government, it also connected to the power policies. A completely functioning and competent local government system can be expected if financial issues should be dealt nicely. Authoritarianism and other related issues had been



contended by the local governments at the provincial and federal level, financial restraints and limitations had been main issues which had consequence on the achievements and hence on the decay or prosperity of the functioning of local governments.

Budget preparation was started without explicit guideline on funds available for each department and activity, which results in departments taking the last year's budget as a natural point of departure irrespective of any special or specific new circumstances...Final decisions were made by the central authorities based on a set of main concerns which were very different from the unique proposal and require for funds.<sup>21</sup> Two factors make local governments vulnerable, it had neither the sufficient stock of money nor the professional expertise a perchance even to the motivation to bring an end anything excellent. The management of all primary and secondary schools and colleges was the liability of the district government and not of the Provincial Education Department as in the recent past.<sup>22</sup> Under the LGO 2001, the chief social sector departments of Education and Health were the key departments which had been devolved to the districts.<sup>23</sup> Both of these departments had already assumed some detailed planning for decentralization, prior to the devolution programme of the military government.

In the past, the local governments were out of the main national accounting system. After devolution, the accounts of the receipts and expenses of local government were kept in accordance with the national system of accounting. The District Accounts Officer (DAO) consolidated the district government accounts with the compiled accounts of the Tehsil, Town Account Office (TAO) and Union Accounts Office (UAO).<sup>24</sup> The LGO 2001, law also procured for the foundation of Accounts Committees to address accounts related issues. For the security of good governance, public hearing was conducted by the Accounts

Committees of the councils regularly in which blames on statements of accounts were dealt and if claimed as by right, necessary amendments were processed. Finally, a copy of the statement issued by the accounts committees was placed in the easy access of public.

On the subject of the skill level of local government staff undoubtedly, it was not a problem at the grass root levels but also at provincial and federal government, the fiscal control by higher tiers was constantly present. The provincial government was resolute in pertaining to be rates charged and could modify it from time to time as it deemed fit.<sup>25</sup> Musharraf government had made a nuance transform in autonomy by incorporating Article 140-A in the constitution. The article says that each province shall by law a local government system and devolve political, administrative and financial responsibility and authority to the elected representative of the local government.<sup>26</sup> Zia did not formulate any constitutional modification in this regard and put into practice the local government through LGO 1979. The process of decentralization should be in the form of devolution. If the local administration is observed as the handover of provincial government, the system would not work at all and the forces of centralization would come into play again, producing a worse condition.<sup>27</sup>

Laski says that 'We cannot realize the full benefit of democratic government unless we begin by the admission that all problems are not central problems and that the results of problems not central in their incidence require decision at the place and by the persons, where and by whom the incidence is most deeply felt'.<sup>28</sup> Through the reformation of military governments, their aim was to decentralize with the similar motives, but it diversified in its approach, structure, autonomy and responsibilities, observed in the different governments. The policies to have decentralization do not lead to success because it demands

efficacious structure which was badly ignored most of the decentralization plans in Pakistan.

After independence, the national government could not give necessary attention to the improvement of local system. It will be fair to say that the local institutions were present in the theory but not in the form of functioning organizations as a representative. Every next local government system was proposed to deal with the flaws of the predecessor; the learning procedure always remained with usual learning while organization learned without important change in basic assumptions. Despite the fact that the previous government had taken main steps in improving the organizational structure, particularly at local level, however there were doubts about the expectations from this system as it was always introduced by the military rulers in Pakistan.

If we look at Pakistan's experience regarding local bodies, it is fact that the local bodies institution could not grow in its real spirit. Institutions were destabilized because of unbalanced political process. Without authority, it would be difficult for any government to keep the people's support secured. It would be possible in the direction of government which will further lessen their taking part in the political procedure. The regimentation of local government system which was addressed by the non-democratic military rulers, they also heightened social inadequacy, economic indolence and political lawfulness. For the success of decentralization, its institution must be determined to meet the demands of the people and to make efforts to obtain mature political system which is in the harmony with fundamental of democracy.

Musharraf government could not give protection to local government in constitution. It is noteworthy that local government was not part of the constitution. Military rulers as the architects of local government did not formulate any provision to make the local

government as a component of constitution. All the approved drafts of decentralizations were turning out of military ordinances and resultantly were overthrown with ease by the next democratic governments. Military rulers were not in favor of political parties. To cut short the role of elected local bodies in the time of military rule had been the job of almost every civilian government whenever they came onto surface always went against it. They sent forth their own incentives to assign wide responsibilities to lately elected Members of National Assemblies (MNAs) and Members of Provincial Assemblies (MPAs) in bringing to end development preferences at the local level.

Local government system is transformed powers by the Central government evaluate the people's involvement. Local government's participation in the developmental programs of the federal and provincial governments is supposed, and it is also apparatus to supervise further active connection and sharing of the local government. Previously required decentralization is declared as an essential in making services delivery better and supportable security growth and development. Active taking part and mingling of people in the development conduction at the lower level is the keystone of growing strong local democracy. However, if decentralization is not fashioned in a right way, it can be opposite generative. Democracy which should be freed and considered above all institutions of the state but in Pakistan, it mostly remained in the clutches of dictatorship which hindered in making its political and economic conditions better. Financial autonomy with rights of self government is also a chief support of the local government which had at all times been disregarded in the local system of Pakistan. To run the decentralized institutions efficaciously, they must be pushed forward to address community problems.

Despite the big claim made about the nature of devolution and decentralization by the life of local government is assessed by the solutions of people's problems, if they fail to secure people's support, ultimately, they are declared exuberant in the running political system. The roadmap of devolution of power could not rolled powers and authority down to the people of Pakistan because it was exploited by the influential groups and political elites at the local level as a source of sharing power. It would not be unfair to say that they used the tool of local government to make longer their regimes and not for people's representation. Local Bodies system of General Zia-ul-Haq and Devolution of power by General Pervez Musharraf were unable to encounter executive authorities and financial lentiousism nicely. Moreover, the local bodies system was employed to make the military regimes lawful and shadow them with political and democratic support.

Democracy will be strengthened if local bodies' elections held on party basis. Political parties should be authorized to participate in elections because their participation makes easy to devolve the powers at the local level. It will not be unfair to say that political parties have strong supportive base among the masses of Pakistan. Democratic political parties are passive platform to express the people's ideas. According to Local Government Ordinance, elections of local bodies were apprehended on non-party basis but it is fact that political parties were involved behind all procedure and explicitly supporting their contestants through different groups. It is proposed to amend the election rules of local bodies. Procedures and measures should be taken to discourage independent contestants. Women's representation should not be given more than 10% at local level. They had not performed their actual role due to non-political behaviour. Indirect elections were held for reserved seats and candidates were elected by directly elected members so they

had inferior status. Due to indirect elections at the district level, feudalistic aspect was overcome. Although there was no legal distinction among directly elected and indirectly elected members yet every group wanted to get support of those members which were elected on reserved seats. A number of councilors could not get funds for the needs of their constituencies. No funds were available to attend the meetings. It was not easy to conquer all these problems without financial resources. Inadequacy has turned into obvious but so has its usefulness. It is recommended to grant special allowances and grants like MNAs and MPAs for local representatives. There is need that such measures should be taken to raise their responsiveness for substantial executive work and to expand their concentration. They should be attentive to recognize problems of widespread concerns. Organizations and Seminars should be organized to aware people at the grass root levels. Training sessions should be arranged to train and guide them at the local level as well as provincial level. Funds should be sanctioned for local councils regularly by the District Nazims. Local councils should be authorized to levy taxes. They should have right to produce resources and make use of these. Separate offices should be established for Union Council Nazims and must be opened for local population.

Till now, decentralization in Pakistan was not remained successful on the whole. Bringing into a close union of developing countries' local government system and decentralization process, it justifies the problems of poor management and structure. The local government system in Pakistan brought changes in established laws which were an exemplary improvement. Local government work as a nursery to train the elected representatives and make them accountable to public. Local bodies' elections held regularly and in time. Provincial government transfers some authorities to the local bodies as it demands

increased authority for itself. Measures taken to improve law and order, justice by the National Government and transportation, social services, education, health, water supply, sanitation and quality of services improves especially in rural areas by Local Government. Due to number of other reasons, the systems failed on practical and structural basis. Although executive powers and authorities were granted at the local level yet they had not decentralized in real form. On the other hand, Military had become central instead of transferring authorities to the institutions.

### **Conclusion**

People always keep their expectations high pertaining to the performance and utility of local governments. Notwithstanding those local governments undergo several problems, some are serious; probably the lack of public representation is the greatest one. Elections of the local bodies do not resolve all the issues conducted by the institution at this tier of government are perhaps a least stipulation to make better achievements and upgrade the undeveloped faculty. Local Government system in Pakistan has not been advantageous on the whole and requires drastic amendments and specific recommendations to improve the process of local bodies:

In order to patronize decentralization of authority, powers and functions of local bodies, they must be spaced in the constitution. Vote of no confidence and impeachment movement should be mentioned clearly. Proper channels should be used to remove the candidates so that no government can disqualify them for their interests.

Pakistan has two levels federal state, i.e. the Central and Provincial governments. It is suggested that constitutional protection should be given to local government and it is recognized and acknowledged as the third tier of the constitution. Military rulers used the local government to adapt the system in order to merge authority and to

get round by political parties at national and provincial levels. MNAs and MPAs consider a rival to the local bodies in democratic eras. Although every time local government system was initiated by a dictator yet it will not be unfair to say that it was a significant step which our elected government could not take. If a system was in practiced at the grass root levels then they had not introduced such a system. It is very important to recognize the local government by the democratic government and to formulate the policies for them. Local government system should be restructured instead of invariable tests of the local bodies systems. Election system of Local Bodies should be finalized. The status of Local Bodies may be recognized as representative body. It is recommended that democratic rulers should adopt the Local Bodies as a reality; it is not a dictator's idea but also a democratic one.



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