

INTERESTS OF THE GOVERNMENTS REGARDING DECENTRALIZATION IN PAKISTAN AND ITS DRAWBACKS

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***Abstract:** The system of local government has supreme value regarding better administration of a country. Pakistan has a long history of local governments. However, different scenarios in the history of local government are very interesting in Pakistan. It is amazing that the local government system nourished in military regimes, whether it were General Ayub's Basic Democracies, Local Bodies of General Zia-ul-Haq, or the Devolution Plan of General Pervez Musharraf. The local government in each province and district varies in size, taxable capacity, and population. However, the similar three tier system is existent in each of the four provinces. When the civil governments ignore the local government, military introduces this system on its own terms and conditions. Through the analysis of primary and secondary data, the ambiguities have been resolved, suggesting local government must be incorporated in the constitution like that of India.*

Keywords: Local governments, military benefits, system's inner drawbacks

History of Local Governments in Subcontinent

Before the British rule in sub-continent, there was no precedent of local self-government in the region. There was existence of some basic system of local government in rural areas, named as

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village *panchayats* (a commission of five members), which perform judicial, administrative, and sometimes, development functions.¹ Drummond and Sand examined geographically and historically the same question and provided evidence of existence of Panchayats in some regions in specified ages.² However, the system of self-government existed almost in all eras of Indian history. On the side of representing and being the part of Panchayat, the fact was that the commission of five was not represented by the whole village and was influenced by upper casts, hefty farmers, and established families. Panchayats were not the only form of government in pre-British India. Another model of rural government was the headman of village as a representative of them, but “under the rule of the Moghals and the time of the British government the headman was more a representative of the central government rather than of village self-government.”³

Local Government System under British Rule

Governance of India by East India Company shifted to the Crown after the War of Independence 1857; aim was to elect elite class to represent the local governments. The hierarchy of these local governments was in the form of “top down” in both urban and rural areas; however, the representative members were elected by British bureaucracy not by local bodies. The legislation in the provinces was made through setting up the committees in more or less every province, as Tinker has written, “The Committees were nothing more than a convenience to the District Magistrate to supply him with information or to carry out miscellaneous duties. They were formed by the District Magistrate from among his acquainted and other

¹ C. Metcalfe, *A Plea for Local Self-Government in Bengal* (n.d.: n.d., 1919).

² J. G. Drummond, *Panchayats in India* (London: Oxford University Press, 1937); Klemens van de Sand, *Foundations and Problems of Local Government in Rural India* (n.d.: n.d., 1976).

³ Ibid.

respectable citizens. The official influence was almost overpowering.”⁴

Democratic Developments at the Provincial Level

Nationalist parties demanded more representation in provincial and central government; this was influenced by demonstrations and the aftershocks from World War I. This act lifted the concentration from local governments to provincial and central level and stimulated the British government to make consensus among the Indian political parties by allowing greater autonomy at the provincial level. These developments were important in establishment of local governments, as this elaborated the representative contrasts at provincial as well as at central level; with existence of local governments, however, these representations became less important because of disputes at local level and representation moved to regional and national level. Rizvi interpreted this change in political system as a main factor behind the dormancy of local governments in particular areas which later became Pakistan.⁵ The first important outcome for regional representation was seen in the form of Government of India Act 1919, which included a system of rules to determine the responsibilities of ministers to the legislative assembly to take charge of different departments. That Act restricted the space for Indian politicians and retained the control over centre to the legislative bureaucracy. Provincial system was also ingrained with bureaucratic control with some minor changes in the government rules of business. In addition, the authority to elect Indian ministers was reduced to only fiscal functioning about resources and expenditures.⁶

Nationalist movement in India made way for provincial autonomy; this emergent strength also caused changes originated with

⁴ H. Tinker, *The Foundations of Local Self-Government in India, Pakistan and Burma* (New York: Praeger, 1968).

⁵ S. A. Rizvi, *Changing Patterns of Local Government in Pakistan* (Karachi: Pakistan Historical Society, 1976).

⁶ D. Kumar, “The Fiscal System,” in *The Cambridge Economic History of India*, ed. D. Kumar (New Delhi: Orient Longman, 1982).

Government of India Act 1935. This act introduced a federal form of government that was named as “fully responsible” governance in the provincial level. However, these dynamic changes made in the political system were vital to decentralize the powers, but the power was still retained and allowed to the non-elected provincial governors.

Rural Biases and Patronage under the British

Dungen highlighted that British formed some remarkable aspects of local government structure, which was its way of electing and enabling the local elites, which seemed a discriminatory system of nomination and extensive system of patronage.⁷ These changes were practically applicable in Punjab, where the colonial bureaucracy can provide patronage by policy of land disbarment and endowment of land to canal colony districts of Punjab and for the use of defense regulation in the form of “Punjab Land Alienation Act 1900” and the “Punjab Pre-emption Act 1913,” which restricted the allocation of agricultural land to non-agricultural uses.⁸ Colonial policy through urban elite established protection to the loyal landowning classes from political and economic domination. Talbot and Pasha argued that there was need to preserve political stability within the mainstream population.⁹

⁷ P. H. Van den Dungen, *The Punjab Tradition: Influence and Authority in Nineteenth Century India* (London: George Allen and Unwin Ltd., 1972).

⁸ I. A. Ali, *The Punjab under Imperialism, 1885–1947* (Delhi: Oxford University Press, 1988); H. Alvi, “Parting of the Ways,” in *The South Asian Century*, ed. Z. Mustafa (Karachi: Oxford University Press, 2001); M. Pasha, *Colonial Political Economy: Recruitment and Underdevelopment in the Punjab* (Karachi: Oxford University Press, 1998).

⁹ Pasha, *Colonial Political Economy*.

Motivation for Decentralization

The following table examines world’s attitude towards the local government.

Table No. 1: Motivation for decentralization

Countries/Regions	Motivation
Central and Eastern Europe, Russia	Political and economic transformation
Bosnia-Herzegovina, Ethiopia, Yugoslavia, Nigeria, Sri Lanka, South Africa, Philippines	Political crisis due to ethnic conflict
Indonesia, Madagascar, Mali, Senegal, Uganda, Mexico, Philippines	Political crisis due to regional conflicts
Argentina, Brazil, Bolivia, Colombia, India, Pakistan, Philippines	Enhancing participation
Czech Republic, Slovakia, Hungary, Poland	Interest in EU Accession
Peru, Pakistan	Political maneuvering
Russia, Indonesia, Pakistan	Fiscal crisis
Chile, Uganda, Cote D’ Ivoire	Improving service delivery
China, Turkey, European Union	To centralize
Eastern and Central Europe, Russia	Shifting deficits downwards
Africa	Shifting responsibility for unpopular adjustment programs
Latin America	Prevent return to autocracy
China	Preservation of Communist rule
Most countries	Globalization and information revolution

Source: Shah and Thompson (2004)

History of Decentralization in Pakistan

Three martial laws provided decentralization in Pakistan’s history which started from General Ayub Khan, General Zia-ul-Haq, and ends with General Pervez Musharraf. Incoming sections were planned to focus the historical perspective of local governments in Pakistan with respect to three main eras of martial laws.

Table No. 2: Distinguishing features of three local governments

Leaders / Eras	Structure / Brand	Distinguishing Features
General Ayub Khan 1958–69	Basic Democracies 5 Tiers	<p>Ward based elections.</p> <p>Only members of the union councils, town, committees, and union committees, directly elected whereas half of members of local councils at higher tiers nominated by government.</p> <p>At higher tiers head of the councils (Chairmen) nominated by government.</p> <p>Functions of the councils controlled by bureaucracy.</p> <p>Basic Democrats served as electoral college for electing president as well as MNAs/MPAs.</p> <p>Rural-urban divide maintained.</p>
General Zia-ul-Haq 1977–88	Local Bodies 3 Tiers	<p>Tehsil/Taluka council (the middle tier of LG) existed nominally.</p> <p>Direct representation of Bureaucracy as members of the councils abolished</p> <p>Considerable decrease in Provincial Govt. control over LGs functioning.</p> <p>Reservation of seats for religious minorities, peasants, workers, and women.</p> <p>Introduction of formal and informal mechanisms for ensuring public participation in local councils’ affairs</p> <p>In some cases allocation of seats was not proportional to population of the area.</p>
General Pervez Musharraf 1999–2008	3 Tiers	<p>Elections held at the union council level</p> <p>Heads of the union councils (Union Nazim and Naib Union Nazim) directly elected as joint candidates</p> <p>33% seats reserved for women and 5% for peasants/workers and religious minorities at all the levels of LGs</p> <p>Rural and urban areas integrated administratively and organizationally</p>

		<p>Tehsil and District councils are headed by indirectly elected Tehsil/District Nazim and Naib Nazim instead of bureaucracy</p> <p>Political and electoral integration of the lower tier (Union) into higher tiers of the LG</p> <p>Devolution of Provincial function to the LGs</p> <p>Establishment of CCBs for ensuing citizens’ direct participation in service delivery</p>
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Decentralization in Pakistan from 1947–58

When political parties compelled independence movement at both central and provincial levels, stress on local body governments felt comprehensively. That’s why in Punjab by 1947, some practical local governments were found in the form of municipal councils and village Panchayats, which were formed with non-elected members. On the other hand, democratizing local governments and district local bodies was made through accepting universal adult franchises but not implemented and a complete control on local bodies was in the hands of bureaucracy. Waseem claimed that there was no legitimacy in the local bodies as where elections were conducted they were under limited franchise and with total mismanagement.¹⁰ In 1950s, political uncertainty was on rise, and a boost was given to centralization, which was mainly dominated by civil and military bureaucracy.¹¹

Ayub’s Decentralization and the Politics of Legitimacy

With imposition of first martial law in Pakistan’s history in 1958, assemblies were dissolved at both provincial and national level and political system of government was instantly removed by the military government by sending ineligibility orders to Public Offices

¹⁰ M. Waseem, “One Step Forward,” in *Pakistan 1997*, eds. C. Baxter and C. Kennedy (London: Westview Press, 1997).

¹¹ K. Callard, *Pakistan: A Political Study* (London: George Allen and Unwin, 1957). I. Talbot, *Pakistan: A Modern History* (New York: St. Martin’s Press, 1998).

in March 1959. This was the first time when Ayub Khan established local governments as Basic Democracies (BD). BDs were used as play cards to legitimize the fundamental system of central state with presidential constitution of 1962. The constitution of 1962 connected explicitly newly formed local bodies with office of the president with announcement of 80,000 Basic Democrats named as the Electoral College for the nomination of national and provincial assemblies and the president.

Changed pattern of local government was comprised of a hierarchical system of four linked tiers. The bottom tier was named as Union Council which was enclosed with population of 8000 to 15000 people in the village, and basic democrats were elected through adult franchise. Other tiers contained two types of members, one who were elected indirectly by Basic Democrats of Union Council, and second authorized members were nominated directly by the government, which included executive heads in District Council, named as chairman, DC (Deputy Commissioner) and Assistant Commissioner (AC) in case of Divisional Council or Tehsildar in case of Tehsil Council.

Similar to the British times, the established system under military government was held by the bureaucracy which was main controlling authority under the DCs, Commissioners, and the government officials of different tiers. These controlling authorities were holding power to retract the governance proceedings, they were allowed to change any orders made by the local body, and they could not be forced by local bodies to complete the tasks which were in the pipeline. That is why “the Basic Democracies Scheme was not, in reality, democracy, for it (did) not represent control by the people over government power except in an extremely limited manner.”¹² Malik Feroz Khan the Prime Minister of Pakistan in 1957 said, “It is unfortunate that so many District Boards in West Pakistan lay superseded, most of them, it would appear, for no fault of their own, but for the fact that no elections had been held after the expiry of their term.”¹³ There is also a critique on electoral function of the Basic

¹² H. J. Friedman, “Pakistan’s Experiment in Basic Democracies,” *Pacific Affairs* XXXIII (June 1960).

¹³ Rizvi, *Local Government*.

Democracy system which was most controversial based on the so called “Controlled Democracy.” It was supposed that colonial bureaucracy was a helpline for the politicians to resist their negative impacts. Civil and military bureaucracy assumed more influence, which was not appropriate for Pakistan’s political system because there was presence of a rural, underdeveloped, and illiterate populace. It seemed that Ayub’s aim was to limit people’s involvement in nominating political or opinion leader from amongst them. Ayub said it should be the system to “suit the genius of the people;” however, we can call it “representation of dictatorship.”¹⁴

That system of martial regime was partially bureaucratic and was partially political “to secure the mandate of Ayub” and to manage the resources and patronage to bring consistency for the long life of Martial regime.¹⁵ The system was having many lags to provide opportunities for corruption and patronage. This was found in the presidential election of 1965, when there was big misconduct to support Ayub against Fatima Jinnah, the sister of Quid-e-Azam Muhammad Ali Jinnah. There was a reaction by the people in 1968–69 to strike off the system because there were some intrinsic weaknesses in this system.

General Zia-ul-Haq’s Local Government

After Ayub Khan, there was a period of uncertainty under Zulfikar Ali Bhutto, and then Zia restored local governments same as Ayub did. Zia legitimized the military regime through political centralization at central level and decentralization from provincial to local level. Parliamentary laws gave way to centralization of political system in initial years of Zia’s regime, which rejected the constitution of 1973, but applied again in 1985 with 8th amendment; and this system of quasi-presidential government established an indirect

¹⁴ Ayub Khan, *Friends Not Masters: A Political Autobiography* (London: Oxford University Press, 1967).

¹⁵ S.J. Burki, *Pakistan Under Bhutto: 1971–77* (London: Macmillan, 1980); A. Gauhar, *Ayub Khan: Pakistan’s First Military Ruler* (Lahore: Sang-e-Meel, 1996).

military rule.¹⁶ With assertion of Local Government Ordinance (LGO) decentralization was accomplished; and for the period from 1979 to 1980s, local bodies were nominated in all the four provinces. The army used its longstanding strategy of ‘divide and rule’ through generating a new political rival from local level.¹⁷ Zia also wanted to eliminate political parties for the conduction of non-party based elections. This led to the elimination of candidates at large scale from Pakistan People’s Party (PPP) in 1979.¹⁸

While Zia’s concept of LGO 1979 was different from BDO (1959) of Ayub in structure but nature of both systems was same. Zia wanted to decrease the bureaucratic power through elected authorities at council level and declared an elected house for controlling the system. This created difference from BDO (1959), in which Deputy Commissioner was all in all to control executive headship and controlling authority in district council. Rural Urban divide was also the outcome of Zia’s LGO by focusing autonomous local urban area councils. This was a deviation from BDO, which emphasized rural urban coordination through district councils that had representatives from both rural (tehsil councils) and urban areas (municipal committees). A consequence of this separation was, contrary to the previous situation, a bias in favor of urban areas in terms of local government. However, he did not place the local provincial bureaucracy under the authority of elected local representatives. It just loosened the control of the bureaucracy over local governments.

Literature on the analysis of Zia’s regime suggests that urban elites were accommodated on the basis of anti PPP and PNA movement and this gave the ultimate picture of the LGO (1979). This accommodation reflects later when urban upper class formed political parties like MQM in Sindh and Nawaz Sharif Functional in Punjab. This change was also prominent in provinces during Zia’s era. These unequal changing patterns continued to be stronger and interests of upper middle class of urban areas became more prominent after

¹⁶ O. Noman, *Pakistan: Political and Economic History since 1947* (London: Kegan Paul International, 1988).

¹⁷ A. Jalal, *Democracy and Authoritarianism in Pakistan: A Comparative and Historical Perspective* (Lahore: Sang-e-Meel, 1995).

¹⁸ Waseem, “One Step Forward.”

revival of federal and provincial governments as Punjab's upper class voted in favor of Muslim league Nawaz. The economic condition of Punjab's urban middle class were financed by the remittances from the workers doing jobs in abroad particularly in Europe and Gulf. Rapid urbanization could not balance between the urban-rural populations.¹⁹

After the revival of elected assemblies in 1985, the importance of upper middle class in politics was offset at some rate. Population rural-urban structure again overrepresented the rural politics in both parliaments – provincial as well as federal – because voter strength in rural areas was greater in numbers than urban areas, which enable them to negotiate with urban for their benefits and payoffs. However, this rural dominance of provincial and national political tiers is a constant theme in Pakistani regional politics. Analyzing the changing urban rural bias is only meaningful at the local level.

A Gap in Local Government Setup (1985–99)

In 1985, the renewal of elected governments reinforced the localization of politics started in 1979. Politicians endorsed the local body culture to the politics at national and provincial level because of the dominance of revitalized assemblies by local bodies.²⁰ In 1985, this inclination was strengthened by nonparty environment of and governments and assemblies through 'personalized patronage,' in which ministers started to use development funds for their personal political interests. Furthermore, in 1988, there was reinforcement of party built provincial and federal governments, but it could not minimize the personalization of politics. The continuity of this predisposition is partially because of waning party establishments, due to contrary de jure and defecto trials of Bhutto as well as in Zia regimes.²¹ Party tickets allocation and different ministries are the

¹⁹ J. S. Addleton, *Undermining the Centre: The Gulf Migration and Pakistan* (New York: Oxford University Press, 1992).

²⁰ A. R. Wilder, *The Pakistani Voter: Electoral Politics and Voting Behavior in the Punjab* (Karachi: Oxford University Press, 1999).

²¹ *Ibid.*

result of individual bargaining among powerful local persons and party leaders instead of cooperative decision making within the party establishments.

Moreover, non-existence of political links between particular tiers of the government that was the outcome of non party politics produced problems between local and provincial politicians with the local tier being regarded as a conflicting organization of ‘patronage.’²² This serious antagonism had dynamic effects as MNAs and MPAs started to influence the functions of rule progressively, performed for locally designated representatives.²³ This trend was reinforced by various Prime Ministers/Chief Ministers’ special development programmes that gave elected provincial and federal parliamentarians control over local level development allocations.²⁴ Moreover, the concentration of buoyant revenues in the hands of the federal and provincial governments constrained the financial capacity of local governments prompting the provinces to play an increasing role in service provision. These changes further centralized the provision of local services at the provincial level. Finally, this tension between provincial and local tiers resulted in the suspension of local bodies between 1993 and 1998 and as before, in the period immediately following independence, somewhat paradoxically it was democratic forces at the provincial and higher levels that pushed for a retrenchment of local governments.

General Pervez Musharraf’s Devolution Plan

Now we take a look at Musharraf’s decentralization process of January 2000, implemented in September 2001 with local government level elections known as the “devolution of power plan.” There are many aspects of the reform that are important to discuss in this section. First, in addition to devolving administrative and expenditure responsibilities to local governments, the decentralization

²² Ibid.

²³ A. S. Zaidi, *Issues in Pakistan’s Economy* (Karachi: Oxford University Press, 1999).

²⁴ A. Nasim, *Local Government Finance in the Punjab* (Lahore: Punjab Municipal Development Fund Company, 1999).

areas, and most essentially lots of functions of the state were under the provincial bureaucrats. It is very clear from facts and figures that after decentralization, both provincial administration and nominated government had been combined at local levels, and these locally elected governments were responsible and accountable to elected officials. Furthermore, most of the public services were moved to local governments which were under the local provincial administration before the devolution, which eventually enlarged the opportunity and responsibilities of local government.

The extent of financial decentralization was limited mainly for two reasons: Firstly, district governments had very limited amount of revenues and they were primarily relying on provincial and federal funds through provincial finance commission awards. Secondly, major portion of district expenditures was establishment charges which though incurred by the district, could not be changed by the district; these expenditures involve salaries of administrative provincial employees.

Concluding Thoughts

To comprehend the decentralization process of Pakistan it is essential to sight this reform system in historical perspective related to prior such executed reforms. Particularly, a persistent theme of such reforms is that these reforms were brought up in non-representative eras – before independence the British and after independence the Military regimes. Importantly, system of the local government is implemented by all the military governments in Pakistan, but unfortunately political regimes underestimated and disregarded the local level governments. Important points of these reforms included decentralizing from province to local levels; however, these reforms were used as a tool of non-representative center to gain legitimacy by manipulation through by-passing the political agents to national as well as at provincial levels. Additionally, decentralization process was disregarded due to conflicts between provincial and national level. It is also true for the current scenario Pakistan that is still facing conflicts between provincial and local governments. However the difference of the current decentralization reforms is that they have increased their scope and significance.

The local governments still have very little abilities to raise their revenues and have restricted aptitude to choose and distribute the disbursements given because their major portion of expenditures is 'fixed establishment costs.' The delivery of most of public services has now come under their supervision. Though the future of local governments is still ambiguous because of the conflicts with national level and because no constitutional support is given to these governments, but the important thing is that if these governments will be present for longer periods, there will be an efficient system of services for any lay man. This may be good or bad, as general public will be more involved in accountability of local governments, as this is expected to have impact of *Biraderi* and *Patronage* on political system. Interesting thing we found from history is that, every non-representative government had the aim to reform the local government system. It seemed that they personally have no interference in the autonomy of the structured local governments but it was only to enhance their periods.

The center had the direct political control through bureaucracy during the British, General Ayub, General Zia-ul Haq, and General Musharrf's regimes. But both British and military regimes did not give constitutional cover to local tier, which reflects that center lacks the commitment to entrench an autonomous and self-sustaining local tier. In India the 73rd and the 74th constitutional amendment recognized local governments as third tier of the government. At the end, it would be perfect to say that there is old wine in new pack, but if we really want to serve the poor humanity of the state, it must be changed.