**Inclusive governance**

Tuesday, Aug 23, 2022

Part - II

By Amir Hussain

After a short democratic term under Zulfikar Ali Bhutto (1972-77), the military once again got control of state power through General Ziaul Haq’s military coup in 1977and ousted the government of the late Prime Minister Zulfikar Ali Bhutto.

General Ziaul Haq enacted a local bodies system in 1979 that remained operational with minor changes till 2000. The local bodies system was characterized with two tiers in rural areas and three to four tiers in urban areas based on the geographical and demographic size.

Though it was more of a representative model than the Basic Democracies, the overall control of resource allocation remained with a non-representative provincial government. The local bodies system of General Zia was also extended to Gilgit-Baltistan as the first-ever local government system in the area.

Local governments were introduced in the absence of national or provincial governments under the direct control of the military. Local government elections were held on a non-party basis across Pakistan. Once again, the prime reason for introducing a new local government system was to create a new class of politicians prepared to give political legitimacy to military rule and ready to serve the interests of the regime.

It is important to note that even though Ayub Khan and Ziaul Haq’s military regimes gave much importance to local governments, no efforts were made to empower local governments by providing them with constitutional protection. Lack of constitutional protection puts local governments vulnerable to the whims of upper tiers of government to suspend local government heads, make changes at their will or abandon them altogether in the long run.

Also, the absence of political linkages between different tiers of government, which was an outcome of a non-party basis for politics, created tensions between provincial and local politicians with the local tier being viewed as a competing structure of ‘patronage’.

The ‘tension’ between the province and local governments was exacerbated because of the federal government’s encroachment upon provincial functions, which was seen as a way to weaken the purview of the provinces. This created a lack of ‘political ownership’ with regard to the local tier that resulted in a number of serious consequences. ‘Discretionary’ special development programmes became widespread at the higher tiers and became an effective means for federal and provincial politicians to obtain unaudited control over local level development allocations.

General Musharraf introduced a new local government system through the Local Government Ordinance 2001. Previously, the powers of the local governments were somewhat limited, and most of the functions were carried out by provincial line departments – through a de-concentrated bureaucratic tier that did not report directly to the provincial elected representatives. Under Musharraf’s devolution, a newly elected government was created at the district level and politically linked to local governments at the sub-district levels – tehsil (town) and union council.

The major distinction of the Local Government Ordinance 2001 compared to previous ordinances was that it overcame the urban-rural divide and established the local government at three levels: union council (UC), tehsil council, and district council. The UC was the core unit and union nazims (mayors), and naib nazims (deputy mayors) were directly elected by voters and became members of the district and tehsil councils respectively.

The ordinance removed the previously existing hierarchical relationship between the local and provincial governments. Local governments were instead directly linked to the president’s office through several institutions, such as the National Reconstruction Bureau and the Devolution Trust for Community Empowerment. Even after the quasi-civilian government was reinstated in 2002 through a presidential referendum that elected Musharraf as the head of the state, and the military-sponsored political alliance under the banner of the PML-Q won the elections and formed the national and provincial assemblies, the hold of the central government on local governments remained intact.

Musharraf devolved administrative, financial and development powers to elected officials in the local councils, and all government departments became accountable to the district council. The devolution abandoned deputy commissioners’ rule and their successors in office, district coordination officers (DCOs), were subordinated to district nazims legally and administratively.

For the first time, Musharraf also introduced the Provincial Finance Commission to provide an institutional framework to allocate resources between provinces and local governments. Previously, only the National Finance Commission existed to provide an institutional framework for resource allocation between the federal government and provinces.

Another distinctive feature of the Local Government Ordinance 2001 was that it allocated 33 per cent reserved seats for women. Musharraf prided his regime for empowering women for the first time in the history of local government in Pakistan. He also introduced district monitoring committees to monitor the work of government departments; citizens community boards to empower citizens to participate in designing and overseeing development projects; and citizen police liaison committees for promoting rule of law and protection of civil rights.

Despite several distinctions, the Local Government Ordinance 2001 had some similarities with previous local government systems. For example, Musharraf also followed the legacy of previous military regimes and conducted local government elections on a non-party basis that further entrenched the politics of personalized patronage, rent seeking, favoritism based on clan and caste loyalties. Moreover, though Musharraf gave a short-term constitutional status to the local government up till 2009 through a presidential order (up till 2009 no government could dissolve local governments formed by Musharraf), the local governments were still not given a constitutional status permanently.

Also, though much fiscal decentralization was carried out, the planning of the budget remained in the hands of the bureaucracy. District coordination officers (DCOs) and other bureaucrats appointed by the provincial governments prepared budget proposals, and district nazims could propose the prepared budget to the council for approval. If the council failed to approve the budget, it would lead to zero spending 14 days after the expiration of the financial year.

The council was, thus, effectively presented with a fait accompli when a bureaucratically prepared budget proposal was submitted to it by the nazim for approval.

After the dismissal of Musharraf’s government in 2008, the PPP under the leadership of Asif Ali Zardari introduced the 18th Amendment that enhanced provincial autonomy. By this time, the constitutional restriction on amending the Local Government Ordinance 2001 had already expired in 2009.

After that, it became possible for provinces to legislate a local government system of their choosing. Consequently, different provinces opted for different structures for their local governments.

To be continued

The writer is a socialdevelopment and policy

adviser, and a freelancecolumnist based in Islamabad.

He tweets @AmirHussain76

He can be reached at:

ahnihal@yahoo.com