

Future of district government

Dawn
21-11-04 By Kunwar Idris *Pk. Pol. & Gov.*

THE Sindh chief minister will not permit the nazim of Karachi to go abroad any more. A tally of 36 countries in three years he thinks, and rightly so, is more than enough.

The lure of foreign travel is irresistible for every official — from the head of state all the way down. The nazim succumbed to it a bit too often. That the cost was borne by some interested agency or individual only makes it worse.

The justification or propriety of the nazim's foreign visits apart, the chief minister's prohibitory order and the nazim's defiant reaction to it have brought into focus yet again the many stresses the devolution plan has caused in the administration of the provinces. The conflict between the provincial governments and the nazims is inherent in the scheme of the laws — the Local Government Ordinance 2001 and the Police Order 2002 — which have created the district governments.

Whether a chief minister can stop a nazim from going abroad or restrain him from doing whatever else he chooses to do can be the subject of a legal discourse. The law makes the authority of the district government, hence of the nazim, subject only to the "general policy" of the provincial government and not to its specific direction. Under the law, the order or decision of the nazim can be set aside by the chief minister only if it is recommended to him by the local government commission (which is an independent body) that it is "against the public policy or interest of the people".

The chief minister could also get rid of a nazim (as Arbab Rahim threatens he would if Naimatullah Khan were to persist in his defiance) by a majority vote in the provincial assembly but only if he is "guilty of misconduct". That may pose no difficulty to a chief minister for

management technology and investment promotion made little headway because the district establishments lacked both the resources and the skills. Some other vital community services like health and education suffered because of a constant tussle between the provincial and district governments over the control on their establishments — more particularly over the appointment and transfer of officials.

The independent commissions and authorities, which were to supervise the police force and oversee crime control, were either not created or remained moribund. The police, in the absence of a parallel executive and magisterial hierarchy, passed completely under the control of the political arms of the federal and provincial governments. Thus exactly the reverse of what was intended has happened.

The first lesson drawn from the three years of chaos and waste should be to restrict the working sphere of the district governments and the lower councils to municipal services, primary education, health and other projects of local welfare. To illustrate, Karachi's city government showed little concern for basic civic chores like sanitation, literacy and vocational training but went all out to pursue extravagant plans which were beyond its charter and resources.

The nazim roamed the earth in search of and signing MoUs for a variety of rail systems for Karachi — mono, magnetic and elevated — before turning, in the closing days of his term, to the only practicable proposition of improving the city's bus service.

The local councils are meant to take care of the basic needs of the people. That is where the

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he holds his office by virtue of commanding a majority support in the assembly. But whether the nazim indeed was guilty of misconduct shall have to be determined by a court of law.

The general point to be emphasized in the context of the current wrangle between the Sindh chief minister and the Karachi nazim is that the central government will be its arbiter. This is the paradox of the devolution plan which seeks to empower the people at the grassroots.

The functions and powers indeed have been divided between the district government and the provincial government but in the process both have become dependent on the centre which has divested no power at all to either. Now, like it or not, the ultimate authority in all matters provincial rests at the centre. The centre already had full control over the finances. In implementing its political aims and policies, the president or the prime minister may now choose between the chief minister and the nazim whoever suits their interest better in a particular area or situation.

In the new constitutional scheme the focus has shifted from empowering the provinces to the balance of power between the provinces and the districts with the federation holding the scales. The federal hold over the provincial affairs is expected to strengthen further after the next round of local elections — the new councils are due to be installed on the August 14, 2005.

Though the local government law is provincial it was drafted at the centre and can be amended only with the previous sanction of the president. This is a constitutional requirement. What amendments need to be made will also be finally determined by the federal bosses on the advice of their think tank — the national reconstruction bureau.

The distribution of subjects between the provinces and the districts, the direct election of the district nazim and whether the elections should be held on party or non-party basis will be some of the critical decisions to be made over the next few months.

Quite a few functions which under the law were required to be transferred to the district governments could not be transferred because of the resistance put up by the provincial governments or by the service cadres. Law and order heads this list. Some other functions like infor-

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hardship lies. Infrastructure projects which need foreign investment or loans or technology are better left to the combined resources of the federal and provincial governments.

Besides drawing a distinct line between the provincial and local spheres of work and responsibility, it is important to ensure that the district government does not become a third tier of the country's political structure which indeed it has tended to be, over the past three years. Civil servants are getting involved in political wrangles. The elections to the councils at all levels therefore should be on a non-party basis and the contesting individuals must sever their political links.

The district and tehsil / taluka / town nazims should be directly elected by the people. Now they are chosen by groups with political complexion which inevitably sucks them into politics with the party bosses heavily weighing in. Political rhetoric and posturing and not commitment to public duty has generally defined the conduct of the nazims. They should, instead, be working like career civil servants — only more responsive to the needs of the people and more accessible to them.

The essence of it all is that the district governments and the local councils with their nazims will be able to survive after Musharraf's protective umbrella is gone only if they serve the people without discrimination and curb their ambition to share the political clout and executive authority of the provincial government. A nazim, for instance, should not seek to appoint or transfer a police SHO but help the people resist his transgressions.