

# **Decentralized Governance Initiatives in Pakistan: Post 18<sup>th</sup> Amendment Perspective**

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## **Abstract**

In contemporary scenario, the discourse of decentralization has received greater attention. Throughout the world there is a broad-based movement towards greater decentralization. The widespread economic liberalization along with political change towards openness and democracy is one of the driving forces. The most important theoretical argument concerning decentralization is that, it can improve governance by making government more efficient, effective, transparent, accountable and responsive to the needs of the citizen at grassroots level. It is recognized as a major mechanism of providing suitable environment in which decision-making and service delivery can be brought closer to local population. Decentralization initiatives at local level have emerged as an essential pre-requisite for sustainable socio-economic development of any country, anywhere, particularly in Pakistan. Various approaches of decentralized governance (some time referred as local government) are discussed in the light of previous empirical research. The main objective of this paper is historical analysis of decentralized governance initiatives in Pakistan after the 18<sup>th</sup> Constitutional Amendment (2010). An effort has also been made to understand the relationship between decentralization and governance, particularly how the latter influences the design of decentralization policies.

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## **Decentralized governance – conceptual context**

Decentralization has undoubtedly gained popularity within the last two decades but it is not a new concept. The theory of decentralization goes back to Montesquieu [*The Spirit of the Laws* 1748], Rousseau [*Social Contract*, 1762], J.S Mill [*On Liberty*, 1859] and Tocqueville [*Liberty and Equality*, 1835-40], who debated the optimal size and conformation of political units that served the interests of their citizens. The term decentralization attracted attention in the 1980s when global agenda shifted its emphasis on socio-economic human development and good governance. Decentralization, a complex multifaceted concept, is

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defined and interpreted in several ways. According to Katalin Tausz<sup>1</sup> decentralization is considered a term, sometimes a concept, a process, a theory, a methodology, or a policy, even a trend. One of the most common definitions is that it is a process through which authority, resources and responsibility for public functions is transferred from the federal and provincial government to local governments, civil societies and other non-government organizations.<sup>2</sup> Jennie Litvack defines decentralization as the transfer of authority and responsibility for public functions from the central government to subordinate or quasi-independent government organizations and the private sector.<sup>3</sup> According to Paracha, decentralization or decentralizing governance, refer to the restructuring or reorganization of authority so that there is a system of co-responsibility between institution of governances at central, regional and local level.<sup>4</sup> Decentralization as described has three broad types: political, administrative and fiscal. These types have different characteristics, policy implications, and conditions for success. *Political decentralization* aims to give citizens or their elected representatives more power in public decision-making. Supporters of political decentralization assume that decisions made with greater participation would be better informed and more relevant to diverse interests in society than those made only by national political authorities. *Administrative decentralization* seeks to redistribute authority, responsibility and resources for providing public services among different levels of government. It aims at transferring decision-making authority, for planning resources and responsibilities for the delivery of select number of public services, from the central government to other levels of government, agencies and field offices of central government

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<sup>1</sup> Tausz Katalin, *The Impact of Decentralization on Social Policy*, Budapest, 2003, pp.3-4. Available at: [unpan1.un.org/intradoc/groups/public/documents/un/unpan025134.pdf](http://unpan1.un.org/intradoc/groups/public/documents/un/unpan025134.pdf), accessed on 12 March 2015.

<sup>2</sup> Dimce Nikolov, *Decentralization and decentralized governance for enhancing delivery of services in transition conditions*, St. Petersburg, 2006, pp.7-8. Available at: [unpan1.un.org/intradoc/groups/public/documents/un/unpan025134.pdf](http://unpan1.un.org/intradoc/groups/public/documents/un/unpan025134.pdf), accessed on 18 February 2015.

<sup>3</sup> Jennie Litvack, *The Online Sourcebook on Decentralization and Local Development*, World Bank, 2013. Available at: [http://www.ciesin.org/decentralization/English/General/Different forms.html](http://www.ciesin.org/decentralization/English/General/Different%20forms.html), accessed on 11 May 2015.

<sup>4</sup> Paracha Saad Abdullah, *Devolution Plan In Pakistan Context , Implementation And Issue* , Paper Present at Foundation Open Society Institute , Hungry, 2003, pp.5-7. Available at: [www.saadparacha.com/.../IPF%20Final%20research%20paper.pdf](http://www.saadparacha.com/.../IPF%20Final%20research%20paper.pdf), accessed on 22 April 2015.

line agencies. Administrative decentralization is often simultaneous with civil service reform. *Financial responsibility* is a core component of decentralization. It refers to the financial resource reallocation to sub-national levels of government. If local governments and private organizations are to carry out decentralized functions effectively, they must have an adequate level of revenues – either raised locally or transferred from the central government– as well as the authority to make decisions about expenditures.<sup>5</sup>

### **Decentralized governance in Pakistan – historical overview**

Pakistan is a federation that comprises four provinces: Punjab, Sindh, Khyber Pakhtunkhwa, and Balochistan; apart from Federally Adminstrated Tribal Areas (FATA), Gilgit-Baltistan (GB), and Azad Kashmir. Local government institutions, known as ‘local bodies’ in Pakistan occupies the third and lowest level after federal and provincial governments. The country is administratively, divided into a three-tier system of districts, tehsils (sub-districts) and union councils, each Union Council comprising a number of villages. Under the Article 7 of the Constitution of Pakistan, the affairs of the federation of Pakistan are divided among three tiers of the government – federal, provincial and local.<sup>6</sup> Article 32 asks the state to encourage local government institutions composed of elected representatives of the areas concerned.<sup>7</sup> The 18<sup>th</sup> Amendment (2010) inserted Article 140-(a) into the constitution; it stated that ‘each Province would, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments’. When read together all these articles in the constitution clearly convey that without local government the federation of Pakistan will remain incomplete.

A question therefore arises: What is the justification for a strong local government system in Pakistan? There are numerous political and economic reasons as to why governments should adopt decentralization policies. The people of Pakistan are faced with numerous problems today including poverty, terrorism, corruption, and unemployment as well as issues relating to education, health, urbanization and local, rural and urban issues. These common national issues cannot be tackled without simultaneous action and response at the local and provincial levels. Local democracy means giving people a say in the policies and decisions that

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<sup>5</sup> Dimce Nikolov, *op.cit.*

<sup>6</sup> Article 7 of the Constitution of Pakistan 1973.

<sup>7</sup> Article 32 of the Constitution of Pakistan 1973.

affect their lives daily at the local level. Participatory democracy combines direct and representative democracy, while encouraging the involvement of marginalized isolated or previously ignored groups, including under-represented communities and minorities. Strong and effective democratic local government is the best way of ensuring local democracy and good governance. Local government provides good governance and leadership to enable local area to plan its development and provide services for local stake holders residents, community groups and others.<sup>8</sup> Empirical evidence shows that raising taxes at local level is relatively easier. The tax payers can see the visible benefits of such payments.<sup>9</sup>

Decentralization, a global trend, is not unique to Pakistan. Pakistan's history is marked with political instability and frequent administrative changes. In 1947, on the eve of independence, Pakistan inherited the local government system of colonial India. The British administration had introduced the concept of 'local self-government' by creating a separate tier to administer civic functions, initially through appointed local administrators, and then through elected municipal and district boards for urban and rural areas respectively. This system was first introduced in Bengal and Madras, followed by Bombay, Punjab and other colonial states. Separate laws were enacted in each state for large cities, municipal cities and towns, and rural areas. During the independence movement Indian national political parties stood for greater representation at central and provincial levels rather than local government. This prompted the British government to grant autonomy at the provincial level and was a major factor in the weak development of local governments in the areas that later became Pakistan.<sup>10</sup> During the decade of the 1950s, weakening of local governments coincided with increasing centralization, the centre was increasingly dominated by a symbiotic nexus forged between the civil and military bureaucracy. The three most significant decentralization reforms in the six decades old

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<sup>8</sup> Salman Abid, *Punjab: Issue of Democratic Decentralization*, 2013. Available at: <http://www.citizenwire.com/punjab-issue-of-democratic-decentralization/>, accessed on 16 March 2015.

<sup>9</sup> Ishrat Husain, *Models of Local Democracy Within a Federal System the Experience of Pakistan*, keynote address at the Commonwealth local government forum seminar, 6 July 2011, at Karachi.

<sup>10</sup> Alam Munawwar, 'Pakistan's Devolution of Power Plan 2001: A brief dawn for local democracy?', *Commonwealth Journal of Local Governance*, No.12 (May 2013), pp.20-34. Available at <http://epress.lib.uts.edu.au/ojs/index.php/>

history of Pakistan were introduced by authoritarian military regimes in 1959, 1979 and 2001 respectively. See table.<sup>11</sup>

**Table 1**

<b>Name of system</b>	<b>Pleader of the system</b>	<b>Distinguishing feature</b>
Basic Democracy system (BDS)	General Ayub Khan 1958-1969	National law; local governments comprised both elected and appointed members, and served as an electoral college for the election of the national president.
Local Government System (LGS)	General Zia-ul-Haq 1979-1988	Elected local governments under provincial laws; no appointed members; 3-4 successful terms completed under this system.
Devolution of Power Plan (DOPP)	General Pervez Musharraf 2001-2008	Based on the principle of subsidiarity; radical departure from all previous systems; devolution accompanied by taxation, civil service, electoral and police reforms. Two successful terms completed under this system.

The history of local government inside Pakistan was started from the regime of Field Martial Ayub Khan (1959-1969). The 'Basic Democracy' (BD) system was the first experiment in Pakistan with local government. Ayub Khan introduced a system of 'controlled democracy' at all levels of government. Under this system, local government institutions were created in rural and urban areas through separate legislation. The BD system was created as a substitute for universal suffrage and served as an electoral college to elect the President and the legislative assemblies. It consisted of a multilevel pyramidal hierarchal network of local self-governing bodies to provide a link between the government and the people. All urban and rural councils as well as provincial and national assemblies were elected indirectly through an electoral college consisting of 40,000 'Basic Democrats' popularly elected in East and West Pakistan.<sup>12</sup> The military regimes found politics divisive and cumbersome and responded to demands for 'provincial autonomy' through centralization, while seeking legitimacy through local governments. However, the BD system was knocked down in 1969 as it

<sup>11</sup> Pakistan: Main challenges and constraints in Local Government. <https://lubpak.com/archives/279693>, accessed on 12 April 2015.

<sup>12</sup> Alam Munawwar, *op.cit.*

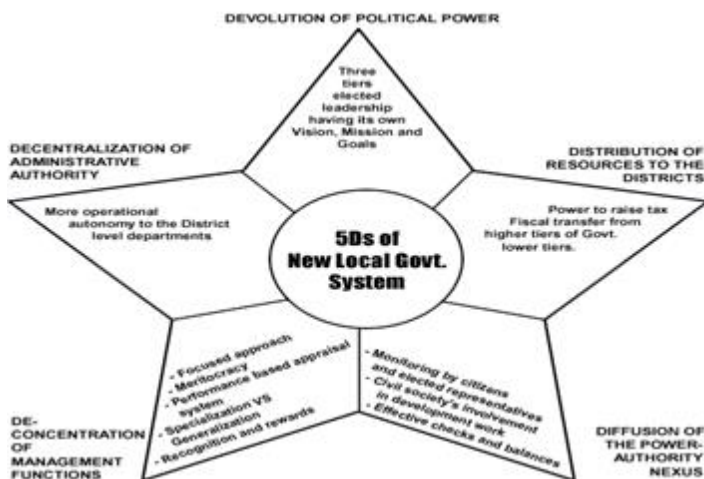
failed to mobilize the rural population around the institutions of national integration. Its focus was on a centralized economic planning and development which led to regional disparities resulting in widespread political discontent.<sup>13</sup>

After the imposition of the 'civilian martial law' under Zulfikar Ali Bhutto (1971-77) in 1971, all local bodies were dissolved and the functions and powers of local governments were vested into non-elected official administrators. This state of affairs continued throughout the reign of Mr. Bhutto and the early years of the following period of the martial law regime of General Zia-ul-Haq (1977-1988). General Zia reviewed the system of local government and established this system on strong footings, which progressed step by step. This period marked the 'second wave' of local government reform under a military regime. Under this system, local government institutions were created in rural and urban areas through separate legislation. This ordinance created four levels of municipal government in the urban areas, while in the rural areas the system provided for a three-tier system of local government, where union councils, tehsil or taluka councils and district councils came into existence. The chairmen of these councils were elected by the members. Local government laws relating to rural and urban areas were unified and harmonized, representation was given to peasants, workers, women and minorities in pursuance of principles laid down under the 1973 Constitution. Elections to local councils were held on non-party basis. Local governments had elected officer bearers (chairmen, mayors, etc.) and there were no appointed members. Local councils had significant autonomy e.g. could approve their own budgets and taxation proposals. The Local Government Order expanded the local governments and empowered the deputy commissioners. Obviously, in both systems under military regime, there was no strong accountability mechanism but it also circumscribed the real role of local self-government, where it steadily came under the control of the bureaucrats.

After a military coup of General Pervez Musharraf (1999-2008) local government model, Devolution Power Plan (DOP) was introduced in 2001. It was a plan to transfer the 'Devolution of Power and Responsibility' to the grass roots level. The plan was based on five core principle of decentralization, also known as 5Ds, which is elucidated in the following figure:

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13 *Community Voices Towards Effective Legislation on Local government*, United Nations Development Program (UNDP), Akhter Hameed Khan Resource Centre (AHKRC). Available at [www.pk.undp.org/.../KPK%20LGA%202013%20Report%20by%20AH...](http://www.pk.undp.org/.../KPK%20LGA%202013%20Report%20by%20AH...), accessed on 17 April 2015.



- Devolution of political power;
- Decentralization of administrative authority;
- Decentralization of management functions;
- Diffusion of the power-authority nexus, and
- Distribution of resources to the district levels.

The Local Government Ordinance (LGO) removed the urban-rural divide and established local government at three levels: Union Council, Tehsil/Taluka Council and District Council levels. The Union Council was the basic unit and the union nazims and naib (deputy) nazims were directly elected by the voters, became members of the district and tehsil councils, respectively. The LGO did not establish any hierarchical relationship between the local and provincial governments, but networked the former with the National Reconstruction Bureau and the President's office. It devolved administrative, financial and development powers to the elected officials in the local councils and all the government departments became accountable to the District Council. The deputy commissioners were re-designated as district coordination officers and were subordinate to the District Nazim for executive approvals, performance evaluations and transfers/postings. The role of police oversight by the deputy commissioners was abolished and the district police chiefs became directly accountable to the district nazims. Devolution in Pakistan has significantly changed the provincial and sub-provincial government structure; the main responsibility for the delivery of education, health, water and sanitation, roads and transport, and

agriculture services has devolved to the local government.<sup>14</sup> New political structures for local governments had been created, new arrangements for inter-governmental sharing of resources had been established, large numbers of staff had been transferred from provincial to local governments, and an entire new administrative system had been set up at the local level. The new local government system advocated an enabling environment for significant citizen empowerment, participation, and representation, making government increasingly responsive.

According to Bhatti, all these three decentralization reforms, in the six decades old history of Pakistan, had five stark similarities:

- i. Military governments installed all the three systems of local government in Pakistan.
- ii. First local body elections were held in the absence of any other forum of the elected government at provincial or federal levels.
- iii. Local government systems were incubated by the federal governments, bypassing the provincial tier of governance.
- iv. Local government systems were deployed as a 'ladder of legitimacy' by successive military governments in Pakistan.
- v. Local governments systems were used as a tool to extend central authority of the federation to the district and local levels which, according to some studies, led to over centralized governance structures in Pakistan. This led to apprehensions, hostility and mistrust about devolution of power to local government among political parties.<sup>15</sup>

### **Decentralized governance after the 18th Amendment**

After the general elections of 2008 held by General Pervez Musharraf, the Pakistan People Party (PPP) came into power (2008-13). Based on past experience in Pakistan, there was apprehension that the civilian government would not maintain local government institutions, especially the devolution power plan system. This is exactly what happened, the local government elections originally due in 2009 were long delayed in all provinces and local governments were being managed by non-elected administrators. The decentralization agenda faltered after 2009, at least as far as local government is concerned. After the elections, the

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<sup>14</sup> Ali Cheema, *Local Government Reforms In Pakistan: Context, Content and Causes*, 2005, pp.380-85. Available at <http://www.hks.harvard.edu/fs/akhwaja/papers/Chapter8.pdf?>, accessed on 12 February 2015.

<sup>15</sup> A. Bhatti, *Deconstructing Article 140 (A)* (Islamabad: United Nations Development Program, 2013). [www.pk.undp.org/.../pakistan/.../Democratic%20Governance/Federalism/](http://www.pk.undp.org/.../pakistan/.../Democratic%20Governance/Federalism/), accessed on 12 July 2015.

devolution of power plan was hastily and sharply abandoned without any proper assessment of its merits and demerits. No serious effort was made to modify or remove its weaknesses to retain and build on its strengths. Unnecessary controversies have been initiated on points that have nothing to do with devolution itself. The responsibility for local government was moved to the provinces in January 2009 in line with the constitution, and councils were dissolved.<sup>16</sup> After the assuming power, newly elected PPP government constituted a Parliamentary Committee on Constitutional Reforms (PCCR) headed by Senator Raza Rabbani, in 2009, to recommend a package of amendments in order to restore the 1973 Constitution.<sup>17</sup> The 27-members PCCR consisted of all major political parties representatives who were either in the National Assembly or also Senate and included other stakeholders.<sup>18</sup> Backed by all political parties, the 18th Constitutional Amendment was unanimously passed by the Parliament on 10 April 2010 and notified in the Gazette of Pakistan on 20 April 2010. This amendment introduced changes to about 36 per cent of the 1973 Constitution of Pakistan; 102 out of 280 Articles of the Constitution were amended, inserted, added, substituted or deleted. Out of 102 articles 69 were amended, 20 were substituted, seven articles were inserted, three were omitted, one was repealed.<sup>19</sup> As deliberated by Mr. Rabbani, this ‘negotiated legislative revolution has changed more than 36% (102 Articles) contents of the Constitution, which is the first ever home-grown initiative to reclaim the original federal character and spirit of the country’.<sup>20</sup>

The landmark 18th Amendment was billed as the most comprehensive reform package after the passage of the 1973 Constitution. The amendment brought about a paradigm shift in the architecture of Pakistan’s governance. It has almost undone the impacts of the 8th Amendment (enacted by Gen. Zia-ul-Haq) which had altered over 90 Articles of the Constitution, and the 17<sup>th</sup> Amendment (enacted by Gen. Pervez Musharraf) which had altered 26 Articles of the

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<sup>16</sup> Ishrat Husain, *op.cit.*

<sup>17</sup> M. Waseem, *Federalism In Pakistan* (Lahore: LUMS, 2010), p.24. Available at [www.forumfed.org/pubs/Waseem-Fed-Overview.pdf](http://www.forumfed.org/pubs/Waseem-Fed-Overview.pdf), accessed on 12 July 2015.

<sup>18</sup> *Ibid.*

<sup>19</sup> Z. Khan, *Post 18th Amendment of the Constitution of Pakistan: A Critical Appraisal* (Islamabad: Strengthening Participatory Organization, 2013), Available at [www.tdea.org/grants/tables/iceMaterial/Local\\_Government\\_Assessment\\_Study.CCHD.pdf](http://www.tdea.org/grants/tables/iceMaterial/Local_Government_Assessment_Study.CCHD.pdf), accessed on 12 May 2015.

<sup>20</sup> Sattar Baber, *18<sup>th</sup> Constitutional Amendment & Need for Passage of the 19th Constitutional Amendment* (Islamabad: IPRA, 2011), pp.74-75.

Constitution. Another innovative feature of the 18th Amendment is the restoration of parliamentary form of government. The famed Article 58 (2) (b), which had first been inserted into the Constitution by Gen. Zia-ul-Haq, allowed the President to dissolve Parliament, and which was re-enacted by Gen. Pervez Musharraf, has been removed.<sup>21</sup>

Literature suggests that federalism was originally devised and continues to be viewed as an institutional mechanism for dividing power and sovereignty between national and regional levels of governments in order to reduce the likelihood of an authoritarian or overly centralized government. In this context, the new constitutional framework of Pakistan, the 18<sup>th</sup> Constitutional Amendment, has changed the power politics of the country at least in theory. It reduced the power of the centre and devolved numerous responsibilities to the provincial governments, thereby, reinstating the federal vision of the original Constitution of 1973. The amendment has redefined the structural contours of the state through a paradigm shift from a heavily centralized to a predominantly decentralized federation. The amendment has re-demarcated the jurisdictions of Pakistan's multi-level governance (MLG) at the federal, inter-provincial and provincial levels by revising the Federal Legislative List Part I and Part II and abolishing the erstwhile Concurrent Legislative List that was a bone of contention between the federation and the provinces.<sup>22</sup> Subsequently, the legislative and executive authorities of the federal and provincial governments have been delimited by assigning the exclusivity of 53 subjects to the federal government, 18 subjects to the Council of Common Interests (CCI) and all residual subjects to the provincial governments.<sup>23</sup>

The 18th Amendment has introduced important steps towards the devolution of authority to local government. In this context, amendment has reinforced MLG system by extending greater autonomy to the federating units (provinces) and laying down fundamentals of substantive decentralization at the lower tiers of the local governance. Redistribution of functions at the District, Tehsil and union council levels has been vested with the provincial governments.<sup>24</sup> The most

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<sup>21</sup> Fakhr-ul-Islam, 'The 18th Amendment in the 1973 Constitution', *The Dialogue*, Qurtuba University, Peshawar, VIII:2 (April-June 2013), pp.187-97. [www.qurtuba.edu.pk/.../8\\_2/Dialogue\\_April\\_June2013\\_186-197](http://www.qurtuba.edu.pk/.../8_2/Dialogue_April_June2013_186-197)

<sup>22</sup> Sattar Baber, *op.cit.*

<sup>23</sup> 'Five year of The 18th Amendment Lesson Learn', *Development Advocate Pakistan*, Vol.2, 2015. Available at [www.pk.undp.org/.../Pakistan/.../DevelopmentPolicy/DAP%20April%20](http://www.pk.undp.org/.../Pakistan/.../DevelopmentPolicy/DAP%20April%20), accessed on 12 July 2015.

<sup>24</sup> *Ibid.*

important change was enunciated in Article 140 (A) of the Constitution which stipulates:

Each province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local government. (2)<sup>25</sup> Elections to the local governments shall be held by the election commission of Pakistan.<sup>26</sup>

Similarly, Article 37(i) calls for decentralization of government administration on the basis of expeditious disposal of business for convenience of people. The article in its own wording makes it mandatory for provinces to legislate its own affairs on its own. It implies that each province will have 'its own system of local government peculiar to its own requirements'. By the implementation of 18<sup>th</sup> Amendment, the Federal Ministry of Local Government and Rural Development, has been abolished. Altogether, it has removed the federal protection of the local government.<sup>27</sup> Hence, the said Article (140-a) of 18<sup>th</sup> Constitutional Amendment categorically defines four parameters for elected local government:<sup>28</sup>

- i. *Devolution of political responsibility and authority*: The political aspect corresponds to the regulative and policy related responsibilities and authorities to be devolved to the local government(s).
- ii. *Devolution of administrative responsibility and authority*: The administrative aspect relates to executive responsibilities and authorities in the course of every-day functioning of the local government(s).
- iii. *Devolution of financial responsibility and authority*: The fiscal component relates to the revenue and expenditure assignments of the local government(s).
- iv. *Devolution of responsibility and authority to the elected representatives of local government*: This component clearly establishes that the devolution of responsibilities and authorities of

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<sup>25</sup> Article 140 (A) of the Constitution.

<sup>26</sup> Article 219 (d) of the Constitution.

<sup>27</sup> *Exploring Avenues and Opportunities for the Empowerment of Local Government in the Light of 18<sup>th</sup> Constitutional Amendment*, USAID Study, 2014, pp.17-21.

<sup>28</sup> *Community Voices towards Effective Legislation on Local government*, op.cit.

all the functions should be assigned to the elected representatives of the local government.<sup>29</sup>

The general elections held in May 2013 brought the Pakistan Muslim League (N) into power, with high expectations for the citizens regarding transfer of power and responsibility at grass roots level in the spirit of 18th Amendment. But newly elected government has been less keen to hold elections for local government. The passage of 18th Amendment implementation mechanisms remain at the federal and provinces level, but of the districts level development remain non-existent. The amendment introduced reforms that provide provinces with significant legislative, fiscal and administrative autonomy, but the implementation and institutionalization of these reforms face significant challenges in the face of a legacy of a dominant centre. The Supreme Court of Pakistan directed the provincial governments to complete and pass the local government laws from provincial assemblies till August 2013 and conduct elections for the local government by 15 September 2013. After the intervention of the superior judiciary, all the provinces completed their legislation on local government laws, by the end of 2014. Despite lack of enthusiasm, and due consultation during the formulation stage, the passage of the Local Government (LG) Acts is a significant milestone. However, certain parts of the LG Acts of Punjab, Sindh and Khyber Pakhtunkhwa have been challenged by the opposition parties in various courts. One striking feature of all four LG Acts, in comparison with the LGO 2001, is that none of the acts devolves sufficient functions and powers to the local governments, and all four provincial governments have retained the authority to suspend or remove the heads of an elected local government. The functioning of the local government fund is managed by the finance department and finance minister of the province. All four LG Acts provide for local government elections on a party basis. These acts are also not consistent on the term limits of the local governments; Punjab provides for a term of five years, Sindh and Balochistan of four years, and Khyber Pakhtunkhwa for three years. The LG Acts of all four provinces tend to subordinate the local governments to the provincial governments. They allow the chief ministers to dismiss a local government or head of council and appoint officeholders after the dismissal of council heads. Regarding fiscal devolution, all four LG Acts provide for the establishment of Provincial Finance Commissions (PFC), headed by the provincial finance ministers. Each of the four LG Acts provide for the establishment of Local Government Commissions (LGC), headed by the provincial minister for local government and including

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<sup>29</sup> *Ibid.*

members from the provincial assembly, bureaucracy and technocrats. The LGCs perform inspections, social audits and dispute resolution for councils and submit reports and recommendations to the provincial government.<sup>30</sup>

There is a constitutional requirement to hold local government elections, but two mainstream parties – the PML-N in Punjab and The Pakistan People's Party (PPP) government in Sindh – have been less than keen to hold elections for the local government. Honoring the spirit of the 18<sup>th</sup> Constitutional Amendment, enshrined under Article 32 and 140-A of the Constitution, the Government of Balochistan is credited to be the lead province in promulgating the Balochistan Local Government Act, 2010, and also having materialized its commitment in empowering the people at the grassroots level by completion of the local bodies elections in December 2013.

At the time of writing, Pakistan Tehrik Insaf led government in Khyber Pakhtunkhwa has held local government election in 2015, while Sindh and Punjab, after intervention of Supreme Court, intends to hold local government election in three phases between 31st October 2015 to 5 December 2015.<sup>31</sup>

### **Discussion / recommendation**

After the 18<sup>th</sup> Amendment, the passage of its implementation mechanisms remain at the federal and provincial level; at the districts level implementation mechanisms are little developed or even non-existent. The issues of decentralized governance have frequently been addressed by political leaders via electronic and print media; however, improvement is still unsatisfactory. Keeping all this in view, there are several administrative and political policy recommendations for making more effective and accountable local governance in Pakistan. These include:

#### *Political and electoral reforms:*

- Local body elections should be held on party basis in order to maximize the political linkages between different tiers of

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<sup>30</sup> Local Government Acts 2013 and Province-Local Government Relations. Available at [http://www.pk.undp.org/content/pakistan/en/home/library/hiv\\_aids/development-advocate-pakistan/local-government-acts-2013-and-province-local-government-relatio.html](http://www.pk.undp.org/content/pakistan/en/home/library/hiv_aids/development-advocate-pakistan/local-government-acts-2013-and-province-local-government-relatio.html), accessed on 12 February 2015.

<sup>31</sup> *The Express Tribune*, 4 March 2015. Available at <http://tribune.com.pk/story/847562/sc-orders-ecp-to-issue-schedule-for-local-bodies-election-in-cantonment-areas/>, accessed on 12 May 2001.

government and minimize the localization and personalization of politics.

- The district and tehsil nazims should be elected directly by the voters rather than indirectly by the union nazims for increasing accountability. Furthermore, this would also discourage floor crossing and horse trading. Minimum educational qualification for the district and tehsil chairmen should be mentioned.
- The right to impeach the district and tehsil chairmen should be granted to the councilors to ensure accountability.
- The women and minorities should be provided an ample opportunity to participate in the political process by respecting their rights and ensuring reserved seats for them.
- Electoral reform for free and fair election need to be ensured. The role of the Election Commission of Pakistan (ECP) and the higher judiciary in upholding the spirit of the constitution bodes well for the credibility and continuity of local governments.
- There is a need to promote good governance and e-governance for social services delivery at root level. Effective media campaign for voters' education needs also to be made.

*Administrative and financial reforms:*

- The demarcation and clarification of responsibilities accountability mechanisms between the provincial and district governments should be drawn more clearly and explicitly. Regular meeting between elected representative and government official need to be convened for better mechanism.
- In order to decentralize the fiscal distribution of revenue, District Finance Commission (DFC) may be established at the district level. A rule-based fiscal transfer mechanism ought to be established.
- There is a need to provide opportunities to local people to have a check on how money is spent locally.
- There is a need to provide opportunities for 'scrutiny' of proposals (which can be informal) within the decision making process.

*Social reforms:*

- Improved flow of information about local needs and preferences is one of the theoretical advantages of decentralization. In theory more transparency in local governance should mean less scope for corruption as dishonest behavior would become more easily detectable, punished and discouraged in future. There is a need to disseminate information to all stake holders about the decisions taken and the reasons behind them.

- The complementary role played by civil society, academia, media and business groups would also raise the level of awareness about the necessity of local government for improving governance.

### **Concluding thoughts**

Decentralization is inherently neither good nor bad. It is a means to an end. Successful decentralization can improve the efficiency and responsiveness of the public sector, and also contribute to significant social change, which cannot occur without supportive institutional development. Decentralization governance is recognized as major mechanisms of providing the suitable environment in which decision-making and service delivery can be brought closer to local population. Decentralization is not unique to Pakistan, but a global trend. Today both developed and developing countries are pursuing decentralization policies. Contrary to lofty ideals about local government being a nursery of democracy providing government at the doorstep, making citizens direct stakeholders in the system and ensuring political accountability at the grassroots level, local bodies have been pawns in the hands of civil and military governments. Bureaucratic institutions, few political parties and establishment still believe in strengthening the centralized model and this centralized mindset is reluctant in transferring more powers to the local level and are still trying to retain all important powers at the central level.

In Pakistan, it is an appropriate time to highlight significance of the grass-roots democracy under the spirit of 18<sup>th</sup> Amendment and seek commitment of the political parties for the revival of the elected local governments immediately after the formation of new democratically elected government. The most important theoretical argument concerning decentralization is that it can improve governance by making government more accountable and responsive to the governed. It is hoped that, in Pakistan, devolution of political, administrative, financial and electoral responsibilities and authorities to the democratically elected local government would significantly enhance efficiency, transparency, accountability, fairness and participation in resource allocation and public service delivery.