

**CENTRAL-LOCAL
GOVERNMENT RELATIONS
IN PAKISTAN
SINCE 1979**

by

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**The candidate confirms that the work submitted is his own and
that appropriate credit has been given where reference
has been made to the work of others.**

ABSTRACT

This thesis explores the pattern of relationship of local government institutions in Pakistan with the higher level of governments, particularly with the provincial governments, under whose jurisdictional purview they fall. Pakistan is a federation where the provinces are empowered to legislate on various aspects of the working of local councils. Despite being a provincial subject, the influence of the central government under both the military and civilian regimes has also been immense. To analyse this, field work was undertaken in two provinces of Pakistan (the Punjab and the N-W.F.P). In each a district was selected (Gujrat and Mardan respectively) and the working of their municipalities and district councils were studied in the context of the impact of party-politics, the administrative control exercised, and the implications of financial decisions taken by the higher levels of government.

Part one of the thesis describes the origin and development of local government in the South Asian sub-continent, particularly an analysis of the initiatives taken for their growth by military and civilian regimes during the years preceding independence.

Part two consists of the case studies of four local councils and an analysis of the provincial-local government relations under the present Local Government Ordinance of 1979 introduced by General Mohammad Zia-ul Haque.

Part three reflects the concerns and recommendations of experts and those involved in the working of local government in Pakistan.

The conclusions drawn from the thesis material show that, though local government institutions have been operating in an environment of political expediency and without assistance from the general political cultural background, they have been able to make positive contributions to the development of democracy and to the provision of local services for the general welfare of the people.

Local government in Pakistan has suffered from gaps between theory and practice, public statements and practical realities, and a pervasive political context which has neglected the development of services. There has been a tendency to proclaim the virtues of local government in theory and to make promises to support local institutions but in practice to do much less and to continue with practices which do not enable local government and its services to flourish.

The clearest exemplification of this is that periods of martial law, where democracy at a national level has been imperilled, have seen the positive encouragement of local government and local democracy as a means of gaining popular support for the regime. In contrast, in periods of democratic central government, local institutions have proved to be obstacles to central authority, and they have been neglected or abused in favour of a more bureaucratic mode of governing. Both military and civilian rulers have manipulated local institutions for their own benefit. The outcome has been that the relationship between centre and provinces and the provinces and the local institutions has never been balanced or fully articulated.

At the local level, as illustrated in the case studies, the consequences has been a lower level of civic amenity than is either desirable or what local persons know is practicable with a more stable institutional base. The past record of the cases studied shows that, despite the impact of local and national politics, real progress had been made in services and in developing local democracy.

To the memory of my father

Haji Awal Khan

of Khoi Barmol, Mardan

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PREFACE

This thesis argues that the relationship between the centre and localities is of vital significance in terms of determining the role of these agencies in the political, socio-economic and administrative development of a society. Viewed from this angle, it appears that the creation of new nations specially from former colonies involve varying degrees of change in their system of local government. In some cases, the pre-independence system, closely supervised by colonial officials and local subordinate administrators has often remained as the general pattern of a central-local government relations. Even the terminology and basic structures of the colonial local government system continue to exist for reasons of habituation and convenience.

Pakistan is not an exception. Though the functions of local government institutions have expanded, particularly since the 1960s, to a considerable degree, they face increasing central control and supervision and, therefore, a narrowing of their independence. Ever since the first-ever planned system of local government in the form of Basic Democracies, promulgated by the military ruler (1959-69), the control of local operations by the central government was vigorous.

Seen in this perspective, it would appear that the system of local government in Pakistan has neither developed nor been allowed to function on lines similar to those in the West. Various factors are responsible for this phenomenon. One major hurdle has been the role of bureaucracy which, strongly believing in the centralisation of authority, considers the growth of the system a threat to its dominant status and prestige and, hence, does not allow these institutions to take roots and flourish.

The post-independence history of Pakistan reveals that the devices of political control which, in fact, are contrary to the principle of local autonomy, have been applied rigorously, the basic reason for this is the utilisation of local government for the attainment of vested political interests. Activities of development and a civic nature take a secondary position and the primary attention has been on the accomplishment of political objectives. For example, one major rationale behind the introduction of local government systems in 1959 and then in 1979 (both by military rulers) was to help seek legitimacy for the military regimes by establishing a new cadre of rural political leaders who would recruit support for the said regimes.

It is a universally acknowledged principle that local institutions can successfully demonstrate their effectiveness provided that are made operative in an environment free from official domination where they can plan and execute development projects according to their own perception of local needs, where they can use their own talents and experience uninterrupted from outside. The peculiar circumstances in Pakistan have

not allowed such freedom. The general attitude has been a demand from the public representatives to assist the administration in carrying out its routine duties or instructions received from above. One of the most significant issues involved in the relationship between central and local government is, therefore, the issue of "local autonomy versus bureaucratic control." Thus, the colonial tradition of exercising bureaucratic control over the functioning of local government institutions has persisted.

Another significant aspect is their poor financial condition and, hence, greater financial dependence on the central/provincial governments. In order to be able to play some meaningful role in the economic and social development, local councils need access to state resources. On account of the meagre resources forthcoming from outside and the internal financial constraints, a very large majority of local councils find it difficult to undertake even a modest programme of development. This is partly because some of their resources are not developed and others are not properly administered. But the main reason which has almost a paralysing effect on their activities is that the yield, both actual and potential, of these sources of revenue is limited and even with the utmost care and economy, it is not possible to attain anything like a decent level of local development.

Ideally, local councils should attain complete independence in financial matters, but the trend of national dominance and control in the field of local government finance is apparent in Pakistan. Not only does such dominance and control come from laws and decrees of the central/provincial government, it comes also from the power of the national government to grant subsidies to local units and implement with regulations imposed from above.

Under the above conditions, local institutions have not been able to concentrate on the efficient discharge of their responsibilities. Furthermore, there prevails a haphazard form of local taxation. Because of centralisation, the central/provincial governments exercise a fairly wide control over the local bodies in matters of taxation, budgeting, accounting, auditing and borrowing. Because of this, local governments have become weak relative to central government.

A widely accepted view is that there exists a mutually reinforcing relationship between democracy at the national level and local government autonomy and local democracy. Experiences in Pakistan, where so far three different planned systems of local government have been introduced, two by military rulers and one by a civilian ruler, reveal that this view (the above contention) is not applicable to all political systems. For example, the military regimes in Pakistan, being aware of their lack of an electoral mandate, have always sought popular legitimacy by restructuring the local

government system to serve as an avenue for communication with the people and foster the people's participation in local affairs. On the other hand, civilian rulers at both federal and provincial levels, because of their electoral legitimacy, were intolerant of strong local governments. Local governments with some autonomy were perceived as possible breeding grounds for opposition voices.

A review of the historical evolution of local government in Pakistan, therefore, indicates that all of its rulers, both military and civilian, have been reluctant to actually decentralise power. They have designed local government institutions in such a way as to ensure control by the centre. Moreover, at the intermediate (Provincial, district and sub-district) levels, elite who have been in control of the existing local government institutions try to impede the decentralisation of power.

Another significant factor is that even if the government decides to decentralise power, the elected representatives, specially in rural areas may not be able to receive it on account of their poor education, and low level of political mobilisation.

Objectives of the study

The thesis is concerned with an examination of the relations of local government with both provincial and federal governments under the 1979 ordinance. The focus of attention, primarily, is on the relations with provincial government with a chapter devoted to the analysis of policies initiated by the federal government under military regimes and elected civilian governments. A thorough examination of the above ordinance has been made through studying four different local councils, two each in rural and urban areas and in two different provinces of Pakistan. Through this study, an attempt has been made to achieve the following objectives:

- a) *Examination of the external (i.e., political, administrative and financial) and internal (composition, mode of elections, competence of the councillors, and relations with municipal staff) factors that shaped the actual role of the local government institutions;*
- b) *Bringing on record the constraints and compulsions that have hindered the smooth working of these institutions, one the one hand, and their development on democratic lines, on the other;*
- c) *Making some generalisations based on accurate information gained through the study of selected local councils about the operational characteristics of these institutions;*
- d) *Examination of the administrative trends during the civilian rule and make some comparisons with the military regime's administration.*

Advantages of the Study

The primary focus of other research in Pakistan has been mostly on the relationship between the federal and provincial governments with particular emphasis on

their financial relationship. Local government has been largely a neglected area despite the fact that the organisational structure of these institutions reach down to the village level and, in a sense, effects the everyday life of the individuals in terms of the provisions of vital services like sanitation, drinking water, street lighting, roads etc. Very little information exists with regard to the pattern of relationship of these elected institutions with the higher levels of government, more particularly the provincial governments which come in direct interaction with them.

The study, therefore, is of academic value and to some extent of regional and international interest. The outcome of the research would certainly add to the knowledge of those who are currently engaged in the studies of local government system in the developing nations. Further, this piece of research work may, perhaps, provide a basis to the future researchers to conduct study on other important aspects of the functioning of local government system in Pakistan and elsewhere.

The Research Design

The research was conducted in three parts. The first was to read as fully as possible the existing literature on local government in the sub-continent and on Pakistan in particular. The latter is quite extensive, but it tends to follow the latest government agendas rather than identify the continuing issues and problems of local government. It tends to be narrative rather than analytical.

The second part of the research was in case studies of four local areas in Pakistan. The bulk of the material was derived from interviews with local councillors and officials, supplemented with printed materials in local newspapers and local council produced officials papers and, in some cases, by personal observation. The interviews permitted the reconstruction of the structure of local political and administrative activity. The range of respondents varied and the conclusions drawn are sometimes tentative because possible key informations were not available at the necessary time of the study. Nevertheless, the willingness of respondents to talk fully and frankly about their problems was remarkable and enabled the cases to be made as complete as possible.

The third part of the research design was to ask of Pakistani experts a series of questions about the condition and health of local government in Pakistan. A wide variety of opinions were received and these interviews often prompted further investigations in the case study materials for evidence to support these views.

The interlocking of these three research elements has provided the basis of the thesis. Within the research design were placed various possible explanatory possibilities,

notably the possibility that local government in Pakistan was more sharply varied by Province or by urban-rural differentiation, than proved to be the case. The thesis did not set out to demonstrate any particular hypothesis about central-local relations in Pakistan, but sought to be exploratory. The outcome of the exploration has been to produce a thesis that follows, as was originally hoped, from the research rather than prior expectations.

Chapter Structure

The thesis is divided into three parts. The first consists of a brief historical background focusing on the origin and development of the indigenous Panchayati system; its working and the changing pattern of its relationship during various periods; the advent of foreign rulers; the impact of their priorities on the administrative system in general and on the panchayati system in particular; the introduction of modern system of local government and the subsequent reform efforts directed towards the improvement; modernising and stabilising of the system; the post-independence scenario in areas now constituting Pakistan and the obstacles faced in the way of adopting the system in the governmental machinery.

The second part of the thesis consists of field work observations for which four local councils (one each in urban and rural areas in two provinces of Pakistan i.e., Punjab and the North West Frontier), were selected. Their working in accordance with the provisions of Local Government Ordinance of 1979 was analysed with an attempt to determine the freedom of operation available to them. While determining the exact pattern of relationship through these case studies, three distinct areas have been explored i.e., the impact of party-politics, administrative control of the respective provincial governments and its impact on the actual conduct of business by these local councils, financial health and its impact on their service-related activities. Details of the local councils investigated are as under:

Province	Urban	Rural
Punjab	Municipal Committee	Zila Council
	Gujrat	Gujrat
N-W.F.P	Municipal Committee	District Council
	Mardan	Mardan

The final part deals with the emerging pattern of relationship with the provincial governments followed by an analysis of the policies initiated federal government in the field of local government under military and elected civilian governments. Finally, conclusions are drawn from the research findings.

Chapter One

Governmental control and the growth of local government institutions in the South-Asian sub-continent

A Historical Perspective

In the process of democratisation, the institutions of local self-government play a pivotal role. John Stuart Mill justified local government as 'an integral part of democracy and an instrument of political education.'¹ James Bryce, expressing similar views, held that 'the best school of democracy and the best guarantee for its success is the practice of local self-government.'²

Pakistan, like other developing nations, has benefited from these grass-root institutions. The genesis of the system is to be found in ancient periods. The excavations in Mohenjodaro and Harappa (Pakistan) indicate the organised urban life in ancient times. Before and after the advent of foreign rulers (Greeks, Muslims, British etc.), there was an indigenous system called '*Panchayats*' which was limited in the main to the rural areas--- Indian society in the past being predominantly rural in character.³

Definition

Literally meaning a council of five, the term 'Panchayat'⁴ is used to describe everything from an informal gathering called for a single occasion to the present day formal permanent statutory institutions of local self government.⁵ The notion of Panchayat was taken to mean any gathering of village leaders for the purpose of arriving at decisions.

Kinds

Panchayat was a single institution that functioned on a village-wide basis and exercised a monopoly over the decision making power.⁶ Villages bigger in area and population had more than one panchayat each of them with a prescribed sphere of influence and dealt with a distinct categories of problems. In the administration of justice, the panchayats exercised sanctions and could levy penalty which was to be paid to the offended person and the ultimate sanction available was the 'outcasting' implying complete termination of all relationships with the offender by all members of his caste.

¹. John Stuart Mill, *Considerations on Representative Government*, London, Parker, 1861, pp. 268-269

². James Bryce, *Modern Democracies* (vol.1), London, Macmillan, 1921, p. 150

³. According to the 1978 estimates, India has a population little over 600 million (second in the world). If today four out of every five Indians live in the countryside, the proportion then can easily be imagined. Of these four, three are dependent on agriculture. Cited in B.S. Khanna and S. Bhatnagar, *India*, in Donald C. Rowat, ed., *International Handbook on Local Government Reorganisation*, London, Aldwych Press, 1980, p. 425

⁴. John Matthai, *Village Government in British India*, London, T. Fisher Unwin Ltd., 1915, p. 18. In the opinion of the author there is no evidence that this number was adhered to with any regularity. The term panchayat was chosen for its sacred associations rather than for any definite numerical indication.

⁵. Henry Maddick, *Panchayati Raj, A Study of Rural Local Government in India*, London, Longman, 1970, pp. 14-15. Also see Hugh Tinker, *Authority and Community in Village India*, *Pacific Affairs*, vol. 32, no. 4, 1969, pp. 354-357

⁶. Ralph Retzlaff conducted a field work in a village named 'Khalapur' (North India) in connection with his study of village government, came across with four distinct types of panchayats that functioned in the said village before independence. These were: Caste Panchayat, General Meeting Panchayat, Farmer Retainer Panchayat and Single Purpose Panchayat. Each of these panchayats was adjudicatory in nature and the membership was based upon ascriptive characteristics. See Ralph Retzlaff, *Village Government in India*, London, Asia Publishing House, 1962, p. 23

Composition

R.C. Majumdar says that the local assembly, as revealed from certain inscriptions, consisted of the young and old of the village and was thus merely a gathering of the male adults of the village.⁷ Other evidences suggest that there was no formal membership or fixed composition as it varied with time and circumstances, reflecting at any given point the politically significant leadership in the village. To Srinivasan, the traditional panchayat was a body of elders who were the acknowledged leaders of the village, chosen for the most part without formal elections and still considered to be representatives of the village.⁸

They might be drawn from the members of the founding families or from the Brahmins⁹ and the superior cultivators.¹⁰ The menials and the landless had almost no say in its affairs with the result that the consensus developed in most of the cases was largely shaped to reflect the interests of the dominant caste in the village which, in numerical terms, was a minority of the total village community. There was no laid down method of deciding majority or minority opinion.¹¹ Being under the influence of village leaders, panchayats were far from democratic or welfare-oriented considerations in the modern sense of the terms. Regarding its democratic character, John Matthai commented:

*"... it is, however, necessary to get rid of the notion that the forms of Western democratic communities or anything really akin to them, were in operation in the Indian village community."*¹²

Despite these shortcomings, it is generally agreed that village in the sub-continent had been a corporate body throughout the ages, guided and guarded by a council--- the Panchayat.

History

In the Rig-Vedas, the oldest Hindu writings from approximately 1200 B.C., forms of village self-government are mentioned.¹³ To Montagu Harris, more ancient than any of these (Local self-government) is the local self government which existed in

⁷. Cited in Sayeedul Haq, A Study of Village Panchayats in Pre-British India, *Sindh Local Government Digest*, vol. 4, no. 10, October 1985, p. 4

⁸. N. Srinivasan, Village Government in India, *Far Eastern Quarterly*, vol. 15 (1955-56), p. 204

⁹. Meaning the superior Hindu caste followed by the Ksatriyas, the Vaisyas, and the Sudras. See Radhakumud Mookerji, *Local Government in Ancient India*, Oxford, Clarendon Press, 1919, p. 127

¹⁰. Their position was mainly based on the Hindu caste system. Some villages were controlled by the agent of a far-away landlord, others by a powerful headman. These differences were a reflection of the great variations in the political and social organisation of the villages. See Klemens van de Sand, *Foundations and Problems of Local Government in Rural India* (translated from the German language), v. Hase & Koehler Verlag Mainz, n.d., p. 15

¹¹. Cited in M.S.K Yousufzai, 'Basic Democracies in Pakistan (Unpublished doctoral thesis), London University College, 1963-64, p. 57

¹². Cited in G. Montagu Harris, *Comparative Local Government*, London, Hutchinson, 1949, p. 11

¹³. Klemens van de Sand, *Foundations and . . .*, p. 15.

Indian villages before the Christian era.¹⁴ The extent to which village panchayats existed in the region both in terms of their distribution throughout the country and the period of time during which they functioned, has been a subject of considerable controversy. To quote Henry Maddick, "Uncertain in substance and obscure as to date of origin is the traditional village unit of government---the panchayat."¹⁵ The historical sketch, maintains Tinker, attempts to establish that while the panchayat was an ancient institution of unique prestige, it provides no precedent for the village council of today.¹⁶

Village Features

In ancient India, a sense of local pride and community was a powerful factor in shaping the life of the village. The social structure was based on three concepts: the autonomous village community, caste, and the joint family system. Among these the first two i.e., autonomous village community and caste system were the special features of the social structure. Administratively, it is believed that the village community had been a basic social and administrative unit throughout the history. Reference may be made to the Rigvedic period where the village unit with its Sabha (Council of elders) and Gramani (Headman) was a self governing unit. It was, however, the traditional panchayat (Council of elders) which, during the greater part of the period, seems to have been the normal instrument of village administration.¹⁷

The historical continuity of the Indian rural republics was also observed by Sir George Birdwood who wrote:

*"India has undergone more religious and political revolutions than any other country in the world. But the village communities remain in full municipal vigour all over the peninsula. Scythians, Greek, Saracen, Afghan, Mongols and Maratha have come down from its mountains, and Portuguese, Dutch, English, French and Dane up out of its seas and set up their successive dominations in the land; but the village communities have remained as little affected by their coming and going as a rock by the rising and falling of the tide."*¹⁸

Two factors ensured this survival. First, the villages were largely self-administering and secondly, the villages were so organised as to be complete units in themselves. Though the main purpose for which the village would seem to have been organised was the farming of the land, it included every other element necessary to render the village's economic and cultural life possible in independence and without external assistance. This is illustrated from the comments of Sir Charles Metcalf who, in the beginning of the 19th century, remarked:

"The Village Communities are little republics having nearly everything they want within themselves, and almost independent of any foreign relations. They seem to last where

¹⁴. G. Montagu Harris, Comparative Local Government . . . , p. 11

¹⁵. Henry Maddick, Panchayati Raj . . . , p. 14

¹⁶. Hugh Tinker, Authority and Community in . . . , p. 358

¹⁷. N. Srinivasan, Village Government. . . , p. 204

¹⁸. Cited in B.S. Bhargava, Panchayats in India, 'Local Government Throughout the World,' vol. 1, Hague, I.U.L.A., 1962. . . , pp. 10-11

*nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds to revolution; but the village communities, each one forming a separate little state in itself has contributed more than any other cause to the preservation of the peoples of India through all the revolutions and changes which they have suffered."*¹⁹

Functions of the Panchayats

"The village corporations," says R.C. Majumdar, "practically exercised all the powers of a state within its narrow sphere of activity."²⁰ To Sir Thomas Munro, "Panchayat was the recognised method for the settlement of disputes in rural India and was as much the common law of India as trial by jury was in England."²¹ The panchayats also distributed land and collected taxes for payment to the central government.

During the Muslim and the British periods, vital reforms were introduced in the functional jurisdiction making them responsible to impose taxes and levy extra tolls for specific objects of public utility.²² They possessed absolute authority over the village lands and were generally left undisturbed in the internal management of the villages.²³

Conduct of business

Rural society had developed an emotional attachment with the panchayat which, undoubtedly, was based on the native traditions. To Tinker, "...their deliberations had the great weight of religion and custom---In the panchayat is God."²⁴

Although Indian village government has never been democratic in Western terms,²⁵ it conducted its deliberations in the presence of all who cared to attend. Decisions were eventually reached after the interested parties had been heard.

A major weakness of the Panchayats was, however, the lack of a precise code of law. Actions were, therefore, governed by customs and precedents which were often purely local in character and acceptance. They had certain techniques of coercion and since there was no appeal against their decisions, few could escape from their hegemony.

¹⁹. Cited in Henry Maddick, Panchayati Raj . . . , p. 23

²⁰. R. C. Majumdar, Ancient India, Delhi, Motilal Banarsidas, 1971, p. 421

²¹. Cited in N. Srinivasan, Village Government in . . . , p. 204

²². One study reveals that the villages had no funds of their own for local matters since the English had abolished the right of the panchayats to impose taxes themselves. This is cited in Klemens van de Sand, Foundations and Problems . . . , p. 42

²³. This policy of non-interference seem to have been true only at an early stage of Indian history. With the development of larger states and a gradual change in the tribal structure of society, they could not enjoy that amount of freedom and autonomy. See M.S.K. Yousufzai, Basic Democracies in . . . , p. 58

²⁴. Hugh Tinker, The Foundations of Local Self Government in India, Pakistan and Burma, London, Athlone Press, 1954, . . . , p. 19

²⁵. Harold Zink, Rural Local Government in Sweden, Italy and India, A Comparative Study, London, Stevens & Sons Limited, 1957, pp. 19-20. One opinion held is that the old Indian village communities were constituted on a narrow basis of hereditary privilege or caste., closely restricted in the scope of their duties e.g., the collections of revenue and protection of life and property were their main functions. They were neither conscious instruments of political education nor important parts of the administrative system.

Relationships

Books on Indian history provide inadequate information with regard to the pattern of relationship which the panchayats had with the higher authorities of government during various periods and under different dynasties.

Yajnavalkya (an Indian sage and law-giver) in 700 B.C., gives the village council a brief mention and states that it derived powers from the king, but this seems to be a false interpretation as there is no such evidence that the rights of the ancient village council ever depended on the delegation of royal power. It was independent of government and continued to function, whatever dynasty was ruling the district.²⁶ Kautilya, in his book 'Arthashastra' has given a most elaborate account of administrative organisation²⁷ that existed between the period 600 B.C and 300 A.D. The machinery of government appears to be highly organised. Diagrammatically, it can be shown as under :

Table: 1

A hierarchy of authority reaching down to the village panchayats

The King
Bureaucracy (Important Administrative Departments)
The High Priest
The Commander-in-Chief
The Chief Judge
The High Treasurer (Sannidhata)
The Collector General
District Officer (Sthanika)
Village Accountant (Gopa)
Village Headman (assisted by an Assembly of villagers)

Source: R.C. Majumdar, Ancient India, Delhi, Motilal Banarsidas, 1971, p. 149

In this scheme, the village headman, either nominated by the king or elected by the people of the village, transacted local affairs and maintained peace and order. Each village formed a close corporation, invested with large powers and responsibilities. It had a very large control over persons and property belonging to the village and was responsible for the regular payment of royal dues.²⁸

²⁶. Hugh Tinker. The Foundations of pp. 105-6

²⁷. Cited in R.C. Majumdar, Ancient India pp. 140-150

²⁸. A.L. Basham, The Wonder That Was India, London, Sidgwick & Jackson, 1954, p. 140

Despite government's indirect control over a number of village councils through a large panchayat, these councils enjoyed a considerable amount of independence from outside. This liberty enabled them to evolve a complex but workable system whereby such important matters like agriculture, commerce, crafts, land use, family relations, and protection, based substantially upon mutual aid, could be efficiently handled.²⁹

The Afghan and Mughal rulers did not interfere with the old customs and conventions as a result of which the economic and social structure of Indian life continued as before.³⁰ For instance, Ghyasuddin Tughlak, one of the prominent Afghan rulers (1320-1414) had issued definite instructions to his officials to preserve customary law. Their relative autonomy, however, did not mean that they escaped from the burden of taxation which the central and provincial governments levied on them and from which they had no escape.

Urban Councils & their functions

In urban areas, municipal-like institutions had their origin at a much later stage. Megasthenes, an ambassador-historian, has referred to the functioning of municipal administration of the capital city of Palimbothra (Pataliputra) of the Mauryan period. A commission consisting of thirty members and divided into six boards or committees used to be entrusted with the administration of municipal functions. Special departments were placed under their charge to look after all matters concerning public welfare such as the proper maintenance of public works of utility, markets, harbours and regulation of market prices. A Western scholar praised the municipal administration of that time thus:

*"The perfection of the arrangements is astonishing even when exhibited in outline. Examination of the departmental details increases our wonder that such an organisation could have been planned and efficiently operated in the South Asian Sub-continent in 300 B.C."*³¹

Arthasastra shares the view and says that a city used to be divided into several wards and each ward into several groups of households, like the corresponding divisions of the country into districts and villages.³² In the development of urban administration, the Muslim rulers of India, specially the Mughals who, in the opinion of Sir Jadunath Sarkar³³ were essentially an urban people in India, contributed significantly. Their major contribution was in evolving the office of Kotwal who, being an appointee of the Emperor, was an effective instrument for maintaining law and order and the restitution of theft within the municipal areas. Local affairs, particularly in the rural areas remained

29. Jawaharlal Nehru, *The Discovery of India*, Calcutta, Asia Publishing House, 1961, pp. 261-69

30. Jawaharlal Nehru, *The Discovery . . .*, pp. 262-63

31. N.K. Sinha and Nisith R. Ray, *A History of India*, Calcutta, Orient Longman, 1973, p. 184

32. R.C. Majumdar, *Ancient India . . .*, pp. 150-152

33. Quoted in Hugh Tinker. *The Foundations of . . .*, p. 17

unregulated from above³⁴ and the village officers and servants were answerable to the panchayats.

Advent of the British Raj

In its modern form, the history of the origin of local government goes back to 1678 when the British East India Company proposed to build a wall around the young settlement of theirs in order to defend the little town of Madras and to protect their merchandise against the armies of local powers. This coupled with the deplorable sanitary condition of the quarters inhabited by the Indians made the company to levy a house tax in order to raise funds for meeting the expenditures of both constructing the wall as well as construction of drainage works and the regular cleaning of streets.³⁵ The termination of the tax as a result of peoples' refusal to pay demonstrated through a general strike, made Sir Josia Child, then Governor of the Board of Directors of the British East India Company and a former mayor of the Portsmouth Borough Council in England, to hit upon a novel plan. He set up a local town council on British lines at Madras through a charter obtained from the British King James-II. Later, Bombay and Calcutta, the other presidency towns, followed suit.³⁶ This then was a pattern of imposing English ways of working, but most notably in urban areas.

In 1857-58, the South Asian sub-continent came under the control of the British Crown (and Parliament) when the government of India was placed under the overriding authority of the Secretary of State in London.³⁷ The 1857-58 tragedy, in the words of Fitzjames Stephen, resulted in "the breakdown of the old system, the renunciation of the attempt to effect an impossible compromise between the Asiatic and European view of things, legal, military and administrative."³⁸ Measures were undertaken to impose a modern and efficient administration based only on English principles. In the words of Viceroy John Lawrence (1864-69):

*"We have not been elected or placed in power by the people, but we are here through our moral superiority, by the force of circumstances, by the will of providence. This alone constitutes our character to govern India. In doing the best we can for the people, we are bound by our conscience, and not by theirs."*³⁹

³⁴. It is confirmed from the writings of Hugh Tinker that the Mughals, while avoiding any sort of interference with the age-old customs of village government, did incorporate the village into their administrative system as a unit with the sole purpose of assisting in the collection of revenue and the maintenance of law and order. See *The Foundations of . . .*, p. 19

³⁵ Malik Mohammad Siddiq, *History of Local Government in Pakistan*, (Pamphlet), Place of publication and publisher unknown, c. 1965, p. 1

³⁶. Shahid Ali Rizvi, *Local Government in Pakistan, A Study in Clash of Ideas*, Karachi, The Centre for Research in Local Government, 1980, p. 2

³⁷. The construction of the Red Sea telegraph in 1870 proved to be an event of far-reaching consequences as it made this authority more effective by way of establishing direct communication between the Whitehall and Calcutta.

³⁸ Cited in Michael Edwardes, *British India, 1772-1947, A Survey of the Nature and Effects of Alien Rule*, London, Sidgwick & Jackson, 1967, p. 176

³⁹ Cited in Michael Edwardes, *British India . . .*, p. 176

The viceroy advocated a strong and absolute central authority in India to which all other authorities in that country must entirely defer.⁴⁰

Impact of the British policy on traditional institutions

The local self-government institutions had almost disappeared from towns and greatly decayed in villages during the turmoil ending the Mughal rule in India. A controversy exists with regard to the impact of the British policies on the working of these indigenous institutions. One view is that with the application of English laws in the sub-continent, the importance of village panchayats declined considerably.⁴¹ This view is shared by Hugh Tinker and Henry Maddick. To Tinker, 'while on the one hand, the British created tier upon tier of courts of law, they also tried to revive in their peculiar half-hearted manner the panchayat system of judicial administration.'⁴² Maddick holds the view that the British administration 'with its Roman system of justice, replacing the traditional powers of the panchayats in the more serious judicial cases, its system of tax gathering and of administration, made such a violent impact that the corporate life of the villages was weakened and in most cases died.'⁴³

There are, however, evidences to suggest that the English never had the deliberate intention to destroy village institutions. One revealing comment is that of David Potter who, while taking a balanced view on the matter, attributes the decay to some other factors. To him:

*"Community life in the villages was gradually weakened by several other factors such as the influence of improved communications which weakened caste by bringing new ideas to the village from outside and by making village labourers more mobile and adventurous, and the influence of both revenue and judicial administration which increasingly emphasised the individual in society, not the village elders of the village community."*⁴⁴

Financial factor expedited the development of local institutions

The immediate stimulus to the development of local institutions arose out of the post-1860s financial embarrassment of the Indian Government. Income depended largely on the inelastic land revenue, and a succession of wars had caused constant

⁴⁰ Perhaps such policy was designed in line with the English local authorities itself which, at time, acted mainly as agents of the Central Government in London, enforcing central law and policy and collecting central taxes. See Anwar Syed, *The Antecedents of Local Self-Government in Pakistan, Public Administration Review* (N.I.P.A., Lahore), vol. 7, no. 2, April-June, 1969, pp. 16-17

⁴¹ N. Srinivasan, *Village Government in . . .*, p. 205. The author holds the view that the new courts set up by the British removed village disputes from the competence of the panchayats. The revenue and police functions of the villages were taken over by government officials. In the absence of any responsible functions, formal village self-government by a panchayat of elders trying disputes, collecting revenues, and levying a contribution in kind or labour for public works ceased. A decay of village patriotism and autonomy ensued. This was not accidental but was the result of government policy.

⁴² Hugh Tinker, *Authority and Community . . .*, pp. 357-358

⁴³ Henry Maddick, *Panchayati Raj . . .*, pp. 16-17

⁴⁴ David C. Potter, *Government in Rural India, An Introduction to Contemporary District Administration*, London, G. Bell and Sons, 1962, p. 6. The author has referred to the initiatives of Lord Ripon in 1882 when attempts were made to revive the panchayats on a statutory basis.

deficits. The petty wars which raged all the time could no longer be financed from the irregular land tax revenue. The financial status of the East India Company became increasingly bad and by 1858 its debts had grown to 98 million pounds. Under these conditions the British did not regard the greater decentralisation as a method of shifting the responsibility and competence for certain public matters to lower levels but rather as a means of relieving the central administration of certain financial burdens.⁴⁵

James Wilson, who was sent from London as Finance Minister with the task of bringing Indian finances into equilibrium, suggested financial decentralisation as one of the remedies. He proposed the transference of certain categories of responsibilities to the local bodies such as building roads and some other public works. These local institutions were to raise the funds required by imposing taxes of their own. In his budget speech, James Wilson said:

*"It is of the first importance to break through the habit of keeping everything in dependence on Calcutta, and to teach people not to look to government for things which they can do far better themselves."*⁴⁶

Viceroy expedited the establishment of councils

The responses given by the newly created provincial legislatures to James Wilson's proposals was encouraging as in the Punjab only some forty-nine such committees were constituted during 1862-1864 period and of these twenty-eight were elected by trade or caste panchayats⁴⁷ indicating thus the amount of involvement which the government maintained in the constitution of municipalities. These promising reports from the Punjab encouraged Lord Lawrence, the Viceroy of India (1864-69) and one time critic of Indian politicians, to renew his call for local self-government. In a resolution issued in 1864, though basically concerned with the financial questions, made the following declaration:

*"The people of this country are perfectly capable of administering their own local affairs. The municipal feeling is deeply rooted in them. The village communities . . . are the most abiding of Indian institutions. They maintained the framework of society while successive swarms of invaders swept over the country. In the cities also . . . there exists much capacity for corporate action . . . Holding the position we do in India, every view of duty and policy should induce us to leave as much as possible of the business of the country to be done by the people . . . and to confine ourselves to . . . influencing and directing in a general way all the movements of the social machine."*⁴⁸

Bureaucracy influenced composition of councils

Since the provincial governments were authorised to determine the composition and strength of municipal institutions, almost every major province enacted legislation

⁴⁵. Anwar Syed, *The Antecedents of . . .*, p. 18

⁴⁶. Hugh Tinker, *The Foundations of . . .*, p. 35

⁴⁷. Cited in Hugh Tinker, *The Foundations of . . .*, p. 35. These developments could be possible in accordance with a resolution issued by the Lt. Governor Sir Robert Montgomery.

⁴⁸. *Gazette of India*, cited in Tinker, *The Foundations of . . .*, p. 36

as a result of which every town of importance in the sub-continent had become a municipality by the end of 1868. Despite the Lt. Governors' powers to arrange the election of members of boards by the ratepayers, the elective principle was held in abeyance. These were formed, therefore, by the District Magistrate from among his 'mulaqatis' (private visitors) and other respectable citizens. Official influence, according to Tinker, was almost overpowering.⁴⁹

Mayo Resolution of 1870

Also called the Mayo Resolution on Financial Decentralisation, brought further development by enunciating two propositions i.e., certain services like roads, education and medical relief were treated as local and the funds required for their administration were raised, in the main, by local taxation; and secondly, in the management of these funds, opportunities were created for the development of local self-government. The resolution read:

*" . . . The operation of this resolution in its full meaning and integrity will afford full opportunities for the development of self government, for strengthening local self-government institutions and for the association of natives and Europeans to a greater extent than heretofore in the administration of the country."*⁵⁰

The resolution set the stage for the emergence of provinces as units for government. The term local government was used to denote the administration at provincial levels whereas municipal institutions and other local bodies were referred to by the general term 'local self-government.' These initiatives introduced major changes in the representative character of leading municipal institutions. At a later stage, though the representative principle was widely extended, the government's control over the appointment of the commissioner, auditing of accounts and sanctioning the raising of loans was essentially maintained.

The Ripon Resolution

A second attempt at decentralisation was made in 1882 in the form of 'Ripon Resolution' issued by Lord Ripon, the Viceroy of India (1880-84). It gave more prominence to the idea of local self-government than to the idea of mere local taxes for local services.⁵¹ Ripon demonstrated the realism of allowing the Indians to play a part in the management of state affairs. He wrote in 1881:

" . . . we must be careful to maintain our military strength, but, whatever may have been the case in the past, we cannot now rely upon military force alone; and policy as well as justice out to prompt us to endeavour to govern more and more by means of, and in

⁴⁹. Cited in Hugh Tinker, *The Foundations of . . .*, p. 37

⁵⁰ V. Venkata Rao, *Democratic Decentralisation, Theory and Practice, Indian Journal of Public Administration*, vol. 24 (ii), 1978, p. 640-41

⁵¹ V. Venkata Rao, *Democratic Decentralisation . . .*, p. 641. The author regards Ripon as the father of democratic decentralisation in modern India.

accordance with, that growing public opinion, which is beginning to show itself througho... the country."⁵²

To give a broader base to the British rule, Ripon brought an open liberal mind to political and social questions. The general principles which were to govern the future development of local representative institutions were set out in detail. The resolution outlined the intended motives thus:

*"It is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly designed as an instrument of political and popular education."*⁵³

Lord Ripon⁵⁴ stressed the politically educative role of local institutions and wanted to spread these 'schools' for training future leaders all over urban and rural India. To enforce the elective system as the instrument of political education, he encouraged the expansion of elective element in local councils and boards and the replacement of appointed official chairmen with elected ones.⁵⁵

To enhance the process of political training, Lord Ripon provided three classes of boards namely, (a) Municipal Corporations in the cities, (b) District Boards corresponding to the English County Councils, and (c) Local Boards. Among these, the last two were to serve as training grounds. Ripon attached greater importance to the role of the District Officer. The District Boards, in his opinion, were not to be overshadowed by the presence of the 'Bara Sahib' if they could be of any use for the purpose of training the members to manage their own affairs.

But as Tinker observed, 'The Viceroy was also alone in his liberalism; the vast majority of Anglo-Indian officials were conservatives, supporters of paternal administration, so that the reforms proposed by Lord Ripon were attenuated, or even ignored by the provincial governments and district officers who were free to interpret the general directions of the resolution according to local conditions.'⁵⁶

It was the result of this change in policy that the system produced some promising results by bringing into being some prominent future leaders who had the opportunity of getting to the provincial legislative councils constituted sometime later. This massive political training and progressing sense of participation also influenced the western-educated class who developed dissatisfaction over their share of responsibility

⁵² Judith M. Brown, *Modern India, The Origins of An Asian Democracy*, Delhi, Oxford University Press, 1985, p.100

⁵³ V. Venkata Rao, *Democratic Decentralisation . . .*, p. 45

⁵⁴ Lord Ripon, who was appointed viceroy at a time when Britain itself was ruled by a liberal prime minister Gladstone, had brought an open liberal mind to political and social questions. Greatly influenced by the teachings of John Stuart Mill, Lord Ripon wanted to introduce a western system of representative local government in India.

⁵⁵ Anwar Syed, *The Antecedents of . . .*, p. 18

⁵⁶ Hugh Tinker, *The Foundations of . . .*, p. 43-44.

in local government.⁵⁷ All the provinces, therefore, had to provide for the two-thirds majorities of non-official members both for urban and rural boards. But as a large majority of these non-officials were still dependent upon the District Magistrate's favour for nomination, the change was more formal than real. The question of holding elections also depended more upon the attitudes of provinces than upon the aptitude of their peoples. Further, the District Officers, in their capacity as presidents of district boards, still dominated the councils.

The actual conduct of council business by bureaucracy

The dominance of government officials and passive role of elected and non-official members turned the district boards into petty departments of the district administration. They lacked a schedule of meetings and some of them failed to convene even a single meeting throughout the year.⁵⁸ The extent of official control was assessed by a contemporary thus:

*"It is generally received opinion that in North India and Burma official influence is the predominant factor; that in Bengal it decidedly weaker than the non-official influence, and that in Central and South India the two influences are more or less evenly balanced."*⁵⁹

Causes of the failure

Lord Ripon's view of entrusting the actual municipal administration to the elected representatives were not shared either by the local governments or the authorities in England. Therefore, the general picture of municipal administration which took shape in 1908 was of a system still largely bound by official control, and with public opinion operating, with some few exceptions, as a negative rather than a positive influence.

Two factors i.e., limited funds and the perpetuation of elaborate official control proved a major hindrance in achieving the desired objectives. The government set forth the guiding principles, but left their execution to the provincial governments allowing them the discretion to legislate for their territories according to their local exigencies. This resulted in an uneven development of rural local boards in India. The British bureaucracy in India, though with several creditable points, was not interested in the decentralisation of its powers.⁶⁰ This view is also shared by Harold Zink who holds the view that official distrust and popular apathy combined to frustrate the plan of the

⁵⁷ The educated Indians cherishing the ideals of democracy and liberty started seriously striving for attaining freedom from the colonial rule. Lord Ripon wanted to provide for an outlet for this upsurge. He thought that handling of the national and provincial administration required an apprenticeship in local administration.

⁵⁸ Hugh Tinker, *The Foundations of . . .*, p. 51. In 1889, for instance, none of the municipalities in the Dera Ismail Khan District (N-W.F.P) held any meeting at all for reasons mainly the pre-occupation of the Deputy Commissioner in managing tribal affairs.

⁵⁹ Quoted in Hugh Tinker, *The Foundations of . . .*, p. 66

⁶⁰ V. Venkata Rao, *Democratic Decentralisation . . .*, p. 641

government of Lord Ripon.⁶¹ Later, the creation of new departments in the name of efficiency and allowing them a say in the local government affairs led to the development of a more rigid system of supervision which ran from the smallest municipality to the Secretary of State.⁶²

Riponian efforts brought fruits at a later stage

The seeds which Ripon sowed made a real beginning in the direction of local self-government.⁶³ The political education desired by Ripon culminated gradually, in the emergence of truly representative system of local self-government based on the principle of democracy as is illustrated from the euphemistic statement of Gokhale:

*"We appreciate local self-government because of the fact that it teaches people of different castes and religions who had been kept apart for a long time to work together towards a common goal."*⁶⁴

Brief interlude of centralisation

Successive Viceroys such as Lord Dufferin, Lord Elgin and Lansdowne did not take much interest in the development of local government. The bureaucracy, during their regimes, reached its apotheosis. Specially, during the viceroyalty of Lord Curzon (1899-1905) centralisation reached its peak when British policy was initiated not from Whitehall but from Calcutta and the bureaucracy also found a master who knew how to ensure efficiency. His measures, one after another, alienated public opinion. For example, his infamous Mackenzie Bill (1899) established complete official control over the Corporation of Calcutta something destructive of the spirit of municipal self-government which educated Indians had come to cherish.⁶⁵

The Royal Commission Upon Decentralisation

The establishment, in 1907, of this commission was to secure the development of local self-government not for its own sake but as an aspect of administrative devolution. Its major recommendations emphasised increased powers of taxation, a complete control over budget, and a substantial elective majority with an elected chairman. The continuation of District Magistrates as presidents of district boards in view of their unrivalled opportunities of knowing the district, elected non-official chairmen of urban councils including majority of elected non-officials members, a free hand in the determination of their budgets and other aspects of financial management such as taxation with a remote control to be exercised by the government were some of the significant recommendations of the Royal Commission. Interestingly, while Ripon

⁶¹. Harold Zink, Rural Local Government in Sweden . . . , p. 21

⁶². Hugh Tinker, The Foundations of . . . , p. 60. The Calcutta Municipal Corporation, for instance, once had to seek prior approval of the Secretary of State before it could give its official chairman an extra allowance in 1888.

⁶³. R. C. Majumdar et al. An Advance History, London, Macmillan & Co., 1946, p. 860

⁶⁴. Cited in Klemens van de Sand, Foundations and Problems . . . , p. 56

⁶⁵. N. K. Sinha, A History of India, Calcutta, Orient Longman, 1973, p. 543

had pleaded that boards should not be overshadowed by the presence of 'Bara Sahib', the Royal Commission emphasised strict official control even over village matters and said:

*"... The movement should be completely under the eye and hand of the district authorities. Supervision of affairs in the villages is and should remain one of the main functions of tehsildars and the sub-divisional officers."*⁶⁶

To ensure this, the provincial governments and their principal executives at the district levels were given power which they could exercise whenever such a need arose. Similarly, powers to suspend or abolish the municipalities, in case of unsatisfactory working was assigned to the commissioners and deputy commissioners.

Thus the old tradition of looking towards the District Officer as the 'Guardian' lingered over local government in many ways. The failure to remove certain obstacles such as the smallness and inelasticity of local revenues, the difficulty of devising further forms of taxation, the prevalence of sectarian animosities and the varying character of the municipal area, made it difficult for the government to carry out the reform proposals as enunciated by the decentralisation commission.⁶⁷

Reversal of policy: The Government of India Act 1919

In an attempt to counteract the sudden demands of the Indians for more independence, the British government announced a basic change in its Indian policy in August 1917. Promising the progressive realisation of responsible government by the gradual development of the institution of self-government, the Viceroy Lord Chelmsford, developed a programme in collaboration with Edwin Montagu, then British foreign secretary. This act, passed by the British Parliament in 1919, aimed at the safe and steady progress in the direction of establishing in the sub-continent a government responsible to the people. The act materially changed the constitution⁶⁸ under which India had been governed since 1857. Laying policy guidelines for the grant of some measure of responsibility to popular representatives, special reference was made to the complete popular control over local bodies.⁶⁹ The government's policy was that until the Indians had shown themselves capable of making a success of local government, they should not be entrusted with power in a wider field. The viceroy said:

"The domain of urban and rural self-government is the great training ground from which political progress and a sense of responsibility have taken their start . . . it is time . . . to

⁶⁶ Report of the Royal Commission Upon Decentralisation, cited in Shahid Ali Rizvi, Local Government in . . . , p. 19

⁶⁷ Hugh Tinker, The Foundations of . . . , p. 97

⁶⁸ The control over local government, for instance, was wholly transferred to the provinces and in 1920-21 Indian ministers took over the departments of municipal government. Give reference.

⁶⁹ B.B. Misra, District Administration and Rural Development in India, Delhi, Oxford University Press, 1983, pp. 165-66. Under the act, local government became the responsibility of ministers responsible to provincial legislatures. To legislatures and to ministerial office came nationalist politicians with experience of working in urban and rural local bodies and these men were keen on securing thoroughly democratic local bodies with greater autonomy and larger fiscal resources.

accelerate the rate of progress and thus to stimulate the sense of responsibility in the average citizen and to enlarge his experience."⁷⁰

Envisaged involvement of local population

It was in line with the above objective that a programme for advances in local government was drafted which provided a basis of converting local authorities into popularly elected bodies. A loose ministerial supervision, instead of a hierarchy of official control was devised. Both urban and rural boards were to contain a majority of elected members but with provisions for nomination and a general replacement of officials by non-official elected chairmen in cities and towns. With regard to village councils, it was emphasised that they must be living units as a natural expression of the corporate life of the individual villages.

Substantial decentralisation

The decentralisation and lesser outside control enabled the boards to raise or lower taxes within statutory limits. The government gave certain additional concessions in the field of finances according to which a board was not to receive dictation of government departments for all self-financed schemes. However, certain activities of the local councils, both urban and rural, were still amenable to outside sanction which included: senior appointments such as Executive Officer, Secretary, Engineer and Health Officer. The control mechanism was cut down to the degree that in the event of gross incompetence only, boards could be suspended or superseded.

The impact of elected provincial ministries

Elected ministers took over responsibility for local government late in 1920 or early 1921 stimulating, thus, the provinces to prepare for radical changes in local government. Accordingly, most heads of provinces appointed committees to make proposals for reform. Important recommendations made by these committees included: lowering of the franchise, an increase in the elected strength of the boards and the withdrawal of officials from their counsels.

An important aspect of this act was the new structure of Provincial Executive which was designed to meet two conditions namely:

- ◆ *responsibility to popular representatives and;*
- ◆ *the political backwardness of the people and the administrative inexperience of their leaders.*

Although conflicting in nature, the above were provided for in the device of 'Dyarchy'-- a device by which the functions of the Provincial Government were divided between those which were to be given to popular control and those which must continue to remain in official hands. The former were called "Transferred Subjects" and the latter "Reserved Subjects". The Governor-in-Council was in charge of the Reserved subjects,

⁷⁰. B.B. Misra, District Administration and . . . , p. 106

and the Governor acting with the Ministers of the Transferred subjects.

The guiding principle of this division, in the opinion of M.V. Pylee, was to include within the Transferred List those departments which afforded most opportunities for local knowledge and social service, those in which people of the sub-continent had shown themselves to be keenly interested, those in which mistakes that might occur, though serious, would not be irremediable, and those which stood most in the need of development.⁷¹

Achievement of some tangible results

Being a transferred subject, not only that local government became entirely the department of elected ministers, but the Secretary of State and the Government of India were also excluded from any form of control. This enabled the ministers to introduce new legislation, distribute grants-in-aid, approve nomination to local bodies, exercise disciplinary control and, in general, determine policies pertaining to local government operations. There was laid down a schedule of taxes which could be levied only by or on behalf of the local bodies.⁷² Certain drastic changes, particularly the disappearance of the district officer and his assistants from district and municipal boards, was a substitution of democratic for autocratic rule.

The popular ministers-in-charge of local self-government could now legitimately provide a sound financial basis enabling the local government institutions to safeguard their autonomy. Because of the revolutionary measures, there would have taken place tremendous advancement, had these newly emancipated local boards been able to tackle with their problems enthusiastically under circumstances that were comparatively calm and stable. But it was on account of the negative effect of a combination of adverse factors, both external and internal (e.g., an atmosphere of political dynamism, rising tide of costs, the archaic financial structure supplemented with complaints of financial embarrassment) that the system of local government could not benefit from the measures which the Government of British India was bold enough to initiate.

The bitter political struggle which gripped the nation, the persistence of communalism and faction, the rise and dominance of party bosses in local bodies, the lack of experience and administrative incompetence among the officials employed by the local bodies were some of the factors which hindered the materialisation of the reform efforts.⁷³

The Government of India Act 1935

Recognising the separate legal personality of the provinces and local self-government, this act placed the latter on the provincial list of the federal scheme.⁷⁴ The

⁷¹. M.V. Pylee, *Constitutional Government in India*, Bombay, Asia Publishing House, 1960, p. 76

⁷². Taxation Enquiry Committee Report (Government of Pakistan), vol. 1, June 1960, p. 292

⁷³. Harold Zink, *Rural Local Government in Sweden . . .*, pp. 22-23

⁷⁴. Mohit Bhattacharya, State Agency for Municipal Supervision in India, *Journal of Administration Overseas*, vol. 9, no. 3, July 1970, p. 186

transfer of control of local government from British bureaucracy to Indian political leadership had salutary effect in the beginning.

The provincial governments could not pay attention to local government. The provincial autonomy, guaranteed under this constitutional reforms, shifted the focus of attention from local to provincial government. In the final period of political struggle in the country, local bodies being under the control of political parties became more intent on national freedom than local problems.

In the fiscal field, the division of revenue resources in only two lists i.e., Federal and Provincial, obliterated the legal distinction between the sphere of taxation of local bodies and the provincial governments. Moreover, the incorporation in the federal list of the terminal taxes on goods carried by railways, the limitation on the amount of profession tax leviable on any one assessee to Rs. 50 per annum and the exemption of federal properties from local taxation, all tended to reduce the tax powers of the local bodies.⁷⁵ Despite considerable growth in the number of local self-governing bodies in this period, there was no corresponding development in their effectiveness as they were handicapped financially.

Post-independence scene

Unlike India, only a small area constituting Pakistan in 1947 had benefit from the different acts passed and the reforms introduced by the British during the pre-partition period. While rural areas in Pakistan remained mostly in the background, there were only a few urban areas which had been effected by the initiatives taken during British rule.⁷⁶

The fact that local government institutions remained largely ignored during the years preceding independence needs to be analysed in its broader perspective. Under the interim constitution of Pakistan, for which the Government of India Act of 1935 provided a basis, there came into being a highly centralised federal system ensuring full predominance of the central authority. For instance, the central government's powers in legislative, financial, administrative and political spheres were so great that for practical purposes the country's governmental structure could hardly be described as truly federal.⁷⁷ The leadership of the Muslim League, while conceiving Pakistan to be a federal democratic country, had promised to establish a federal system guaranteeing maximum autonomy to the provinces. Contrarily, a highly centralised system was

⁷⁵. Taxation Enquiry Committee . . . , p. 292

⁷⁶. Mohammad Mohyuddin Qazi (Dr.) holds the view that Karachi in Pakistan was one of the few cities where municipal administration, though in a rudimentary form, was established during the early days of the British rule. For instance, in 1846 a Board of Conservancy was established to deal with the epidemic of cholera which was ravaging the city in those days. See 'Law and Practice of Local Government in Pakistan, Lahore, Law Publishing Company, 1985, p. 4

⁷⁷. G.W. Choudhury, Democracy on Trial in Pakistan, *The Middle East Journal*, vol. 17, no. 1 & 2, Winter-Spring, 1963, p. 8.

introduced which proved fatal for the cause of national integration.⁷⁸ The ruling elite, believing in a strong centre, planned from there for political, economic and social development.

Political chaos and frequent change of governments

The biggest dilemma was that the whole first decade of the independence of Pakistan proved to be an era of rapidly changing governments. Each of these governments were required, as a matter of urgency, to settle certain grave problems such as the rehabilitation of large number of refugees,⁷⁹ the distribution of assets with India, the framing of the constitution,⁸⁰ and similar other vital problems of national importance.

Among these a significant problem which diverted the government's energy was the lack of an agreement on the constitution.⁸¹ The delay in framing a constitution and the shape it eventually assumed, did not prove helpful in promoting the cause of local government institutions beyond their pre-independence circumscribed scope. The struggle for power and the frequent change of governments,⁸² both at the centre and the provinces especially from 1953, made it difficult to implement the plans, whatsoever, of the provincial governments. The dearth of dedicated leaders coupled with political instability was a major factor hindering the development of elected institutions. The existing class of politicians were faced with problems of factionalism, regionalism and opportunism which characterised post-1947 politics of Pakistan bringing the political system under heavy strains from all sides.⁸³ The Pakistan Muslim League, which remained the politically dominant party in the initial stage, eroded rapidly which was not effectively filled either by the new group of national leaders or by a stable party system.⁸⁴ Thus the general political process characterised by uncertainty did not allow

⁷⁸. Syed Jaffar Ahmed, *Federalism in Pakistan, A Constitutional Study*, Karachi, Pakistan Study Centre (University Campus), 1990, p. 139

⁷⁹. Richard F. Nyrop et al., *Area Handbook for Pakistan*, n.p., 1974, p. 37. Pakistan was rocked by the problem of refugees and their relief and welfare. Some twelve million people migrated to Pakistan following the violence of the communal riots.

⁸⁰ Mustafa Chowdhury, *Pakistan, Its Politics and Bureaucracy*, New Delhi, Associated Publishing House, 1988, p. 44. The disagreement on two major questions delayed the formations of Pakistan's first constitution. These were: the role of Islam in the new state; and the relations between East and West Pakistan and the central government. Finally promulgated in 1956, the constitution had to be abrogated in 1959 following the military coup of October 1958.

⁸¹. The task of writing a constitution establishing and defining the political order proved to be difficult. The constitution prepared with the hectic efforts of ten years and promulgated in 1956, lasted little more than two and a half years. See Louis D. Hayes, *The Struggle for Legitimacy in Pakistan*, Lahore, Vanguard Books Ltd., 1986, pp. 82-94.

⁸². Keith Callard, *The Political Stability of Pakistan*, *Pacific Affairs*, vol. 29, 1956, pp. 5-20. Also see Huma Naz, *Bureaucratic Elite & Political Development in Pakistan (1947-58)*, Islamabad, National Institute of Pakistan Studies, (University Campus), 1990, p. 66. The author points out that the Muslim League disintegrated soon after independence and from 1948-58, the seven political parties that were formed out of its fragments produced nine highly unstable governments during this period.

⁸³. Hasan Askari Rizvi, *The Military and Politics in Pakistan, 1947-86*, Lahore, Progressive Publishers, 1986, p. 47.

⁸⁴. Huma Naz, *Bureaucratic Elite & Political*, pp. 67-68.

leaders to take up the question of local government.

Dissolution/supersession of Local Government

The general attitude of the government towards local government was negative. Local governments were frequently dismissed on flimsy grounds. The situation in the N.W.F.P., for instance, was discouraging in that by 1951-52, all the district local governments in the province had been suspended.⁸⁵ The findings of Local Government Reforms Committee (constituted by the Punjab Government in 1952) revealed that local government institutions were totally dependent upon the provincial government and could not initiate any project worth the name independently.⁸⁶ The situation on an all Pakistan basis in 1957 was such that twenty four out of thirty four district governments stood superseded⁸⁷ and administrators were appointed to look after municipal affairs. Similarly, eighty per cent of the local bodies⁸⁸ in the province of West Pakistan stood superseded by 1958-59.

While in operation, the councillors were not wholly elective and the franchise was so restricted that the elections were not a true index of public representation. No elections of local bodies took place for many years as a result of which the prestige of local authorities seriously diminished as representative institutions. Functionally, they were also unable to provide services because of financial constraints.

The low priority given to the local government is also evident from the observations made in the First Five Year Plan. The framers of the plan recognised the prevalence of various trends which were apparent in the rapid deterioration of the local bodies. These trends, characterising the administration of local self-government for some years before independence and their continuation, was illustrated in the following manner:

*". . . the need for developing local self-government institutions should be recognised by both the federal and provincial governments in clear and unequivocal terms. The tendency which is all too apparent, of curtailing the scope of the functions of local bodies should be effectively checked. The extension of bureaucratic control will tend to kill initiative, inhibit leadership, and prevent self-help enterprise among men and women all over the country . . . noticed trends to transfer educational, health, and animal husbandry institutions from local bodies to direct government management. Even if governments are able to operate them more efficiently, this would be little compensation for the resultant set-back to the development of democratic values in our society. The approach must be one of guiding and helping the local bodies so as to make them effective instruments of administrative and social progress and not one of curtailing their scope and crippling them for the sake of efficiency."*⁸⁹

⁸⁵. Shahid Ali Rizvi, Local Bodies in Pakistan, *Pakistan Quarterly* 14, 1966, pp. 50-57.

⁸⁶ Quoted in Mumtaz Ahmad, Local Government: An Essential Component of Rural Development Strategy, *Pakistan Journal of Public Administration* (N.I.P.A., Karachi), vol. 12, no. 1, June 1973, p. 102.

⁸⁷. Masud-ul-Hasan, Local Bodies in Pakistan 1947-1966, *Pakistan Quarterly* 14, 1966, pp. 65-73.

⁸⁸. Cited in Henry Frank Goodnow, *The Civil Service of Pakistan, Bureaucracy in a New Nation*, New Heaven, Yale University Press, 1964, p. 120

⁸⁹. (Ch.) Mohammad Ashraf, The Evolution and Expansion of Local Government Institutions in the Sub-Continent, *Public Administrative Review* (N.I.P.A., Lahore), vol. 25, no. 1, Jan-Jun 1987, pp. 73-74

Role of the bureaucracy

Beside political instability, the bureaucratic elite which played a pivotal role in the perpetuation of a highly centralised administration, was also a major hindrance in the emergence of elected institutions. During this period, the bureaucrats not only disorganised other elite groups by using the tactics of divide and rule but also made efforts to keep other elite groups (except the military) dependent upon itself through its generalist role-expansion. This concentration of political power escalated the conflict of the bureaucratic elite with other elite groups and led to the ethnicization of politics through the polarisation of national identities.⁹⁰

On the other hand, the progressive disassociation, at that early stage, of the district officers from the functioning of local bodies was a major setback to the system. The reason was the tremendous responsibilities which the former assumed following independence.

Under these circumstances the deterioration in standards was inevitable. The situation, instead of bringing improvement, was left to stagnate. When matters appeared to be too far gone in any sphere, the method usually adopted to correct the decline was, in the name of efficiency, a gradual whittling away of the functions entrusted to these institutions, or supersession and the appointment of administrators to replace the elected representatives.⁹¹ As service agencies, they were reduced to a state bordering on bankruptcy. Local government, therefore, remained a hotchpotch of decaying or defunct local self government institutions.⁹²

Early Attempts at improvement

The government's attempts to expand its activities to provide services in most spheres of life were frustrated by the lack of some machinery to secure public participation in administration at the district, sub-division, thana and village levels.⁹³ Provincial governments did attempt to establish or renovate the existing local government institutions. To inculcate a sense of participation to the people at the local level, the provincial government instituted certain reforms towards the development of local government. The party manifesto of the ruling Muslim League had declared:

"In principle, the Muslim League stands for the very widest extension of local self-government on the model of parishes and communes of the United States. It is not logical or possible to have democracy at the apex sustained by bureaucracy at the base; and in fact, democracy should be most extensive where it comes closest in touch with the ordinary life of the common man. In practice, this implies that we must train our people for local

⁹⁰. Asaf Hussain, *Elite Politics in an Ideological State*, London, Dawson, 1979, p. 74.

⁹¹. Henry Frank Goodnow, *The Civil Service of . . .*, p. 121. The author observed that the local authorities had no powers which could not be withdrawn by the district officer.

⁹². Habib-ur-Rahman, *Basic Democracies as Institution of Local Government in Pakistan*, *Journal of Local Administration Overseas*, volume 1, no. 1-4, 1962, p. 241.

⁹³. It was experienced through the execution of First Five Year Plan (1955-60), that the lack of popular involvement in the process of economic development proved to be a major impediment. See Inayatullah, (ed.), *Bureaucracy & Development in Pakistan*, Peshawar, Pakistan Academy For Rural Development, 1970, p. 335.

*self-government in all directions so that the decisions which are now bureaucratically taken and executed by deputy commissioners and superintendents of police should be arrived at and taken responsibility for by the elected representatives of the people.*⁹⁴

In pursuance to the above commitment, certain measures were undertaken such as the promulgation, in 1950, of a Municipal Act for the N-W.F.P., and the Punjab Village Panchayat Act of 1958.⁹⁵ Some other significant measures included:

- a) introduction of the universal adult franchise in place of the restricted franchise;
- b) making the district local bodies fully elective; and
- c) extending the panchayat system to selected places in the villages.

Since these attempts were undertaken while ensuring the preponderance of professional public servants, none of these succeeded in producing viable local government. These institutions remained largely adjuncts to central administration.⁹⁶

Adverse effects of V-AID

While meaningful participation of the people in the administration of local affairs could not be secured for the reasons enumerated above, some efforts were directed towards the involvement of rural communities in programmes of social and economic development. One such programme started in 1953 was known as Village-AID (Village Agricultural and Industrial Development Programme), which achieved greater results in terms of creating infrastructure like roads, schools, dispensaries, sanitation, adult education, women and youth programmes etc.⁹⁷

The programme, despite certain remarkable achievements, proved to be a retrogressive step in the working of local government in that the government created a network of new institutions as a result of which many functions already performed by local councils were withdrawn. This, according to Masud-ul-Hasan, led to a great deal of hostility between the V-AID created organisations and the already existing local bodies with the result that the councils languished, but the V-AID failed to take root either.⁹⁸ The lack of strong political will, national government's lack of interest in the programme, and the reliance on foreign assistance for the execution of the programme

⁹⁴ Quoted in Inayatullah, Changing Pattern of District Administration in Pakistan, in Inayatullah, ed., District Administration in West Pakistan, Its Problems and Challenges, Peshawar, Pakistan Academy For Rural Development, 1964, p. 113

⁹⁵ Mohammad Mohy-ud-din Qazi (Dr.), Law & Practice of . . . , p. 6

⁹⁶ Muneer Ahmad, Rural Self-Government in Pakistan, An Experiment in Political Development through Bureaucracy, in Robert D. Stevens, et al., (ed.) Rural Development in Bangladesh and Pakistan, Honolulu, University of Hawaii Press, n.d., p. 218. The author has attributed three major reasons for the weakness of local government i.e., the continued dominance of the civil bureaucracy, the nature of the impact of public officials on rural people, and the weakness of the socio-economic base for the building of democratic values. Also see pp. 218-228.

⁹⁷ A. Jameel Siddiqui, A Review of Rural Development Programmes (1857-1980), Study No. 2, Government of Pakistan, Local Government & Rural Development Division, 1980, pp. 25-37.

⁹⁸ Quoted in Muneer Ahmad, Rural Self-Government in . . . , p. 217.

were some of the hindrances attributable to the termination of the scheme in 1959. The gains symbolised by several predominantly legal reforms were undone by the failure of the government to follow them up with positive action.⁹⁹

Conclusion

Circumscribed and truncated though they were, village panchayats were functioning in their splendid isolation all over the country. Their functions might have been limited, so also their powers; they might have been overwhelmed by caste considerations or local customs or old parochial ties and attitudes; but they did meet from time to time and transact their business and, above all, manage the local affairs of the village community. They had survived the onslaughts of indifference and apathy and the slow disintegration brought about by the alien rule.¹⁰⁰ With all its tyrannical and undemocratic characteristics, the self-perpetuating panchayats of the ancient time were certainly self-governing. The period between 1882 and 1918 was significant as numerous schemes were put forward in an attempt to associate the local population in the management of local affairs. Despite little achievements being made, the measures did succeed in imparting some necessary training and a sense of participation among the masses.

The system remained under the domination of district officers during the entire period. The Government's failure to initiate uniform principles for a balanced development in the sphere of local government made each provincial government free to progress at the speed it judged best. The practice of different provinces varied so much that any synthesis was impossible.

In financial matters too, the period under discussion was of less encouragement. The local councils depended on the financial assistance of both the central and provincial governments. Thus, the classic principle 'whoever pays for a service should be in control' was upheld. The condition of rural boards was worse because the control exercised by government over district boards was more extensive than over municipalities. Due to the financial constraints, the local bodies everywhere were marking time and not only that new development was impossible but even the problem of maintaining existing services was itself one of acute difficulty.

Among the three important measures put into practice during this period i.e., the Ripon Resolution of 1882, the Royal Commission Upon Decentralisation of 1909 and the Resolution of 1915, the first two seemed to be advantageous in terms of their deeper

⁹⁹. Muneer Ahmad, *Rural Self-Government in . . .*, p. 216. The author has referred to introduction of the principle of adult franchise, assigning of full elective nature to the councils of district governments with powers to elect their own chairmen from among themselves, and the plans to extend panchayat-style of local government to more villages in the Punjab and other provinces.

¹⁰⁰ B. Hooja, *Panchayati Raj Versus Decentralisation of Administration*, *Indian Journal of Public Administration*, vol. 24, no. 2, 1978, p. 655

impact on the gradual development of local government system. This is the period during which bureaucracy succeeded in subordinating the guiding principles of local government to its own intentions of maintaining the efficiency of administration under any circumstances. As regards the question of relationship between the central and local government institutions, none of the above measures stimulated any radical reform. Almost everywhere, the old hierarchy of official control remained intact.

Lord Ripon's reforms were the first coherent policy statement towards offering the educated elite an opportunity to take part in the management of local administration and this was taken to be a necessary precondition to expanding the future area of Indian participation in government and administration. Despite noble provisions contained in the reforms, local government could not strike root as the circumstances were still not conducive to the growth of self-governing institutions.

The British government gave more attention to the districts which assumed a major unit of administration entrusted with the tasks of law and order, and revenue collection. The development of local self-government hampered by the fact that it neither originated in popular demand nor was it firmly founded on any traditions and it rapidly became subject to general political trends. The system of local government evolved during the nineteenth century was not more than an appendage of the district administration. As Tinker put it, 'District Boards were at best little more than petty departments of the district administration.'¹⁰¹

It is beyond any doubt that the British occupation of India was for certain purposes of their own. In the process, there was made such innovations and concessions that could facilitate the realisation of those designs. Though it was not in their interest to awaken the vast masses of rural India and to politicise them, genuine local government was carried to the village level and into urban areas.

After independence, the concept of local government as a counterweight to the power of the central and provincial authorities, did not always find favour with the new bureaucratic-cum-political leadership of Pakistan.¹⁰² The struggle for sheer survival which the country was called upon to offer at birth, unfortunately made any immediate large scale changes in the administration impossible. Political instability further aggravated the situation.

The events preceding the independence testify the point that while there has taken place some improvement in the field of local government, the setback caused to the system had been greater. Under no ordinances promulgated so far, has local government been allowed to work independently because the country has either been under a military ruler or an elected government giving only lip-service to the cause of local democracy.

¹⁰¹ Hugh Tinker, *The Foundations of . . .*, p. 54

¹⁰² Niumtaz Ahmad, *Local Government in Pakistan . . .*, p. 28.

During the first decade, the system remained a neglected area and was distorted by the politicians for their selfish ends. The politicians did not attempt to invigorate the system in accordance with the changed circumstances. The little efforts that were made could not produce the desired results. Despite choosing parliamentary democracy for the country, the founding fathers of Pakistan had little time to consolidate the roots of democracy by embarking upon a process of political training and establishing elected institutions at the lowest levels.

Those local government institutions which might have served to involve the people in realistic planning and implementation had become ineffective. They had weakened by internal political rivalries and inadequate funds or had become victims of repeated supersession by the provincial government. Every time they suffered from piecemeal, sporadic and essentially hypocritical measures at reviving it.

Several elements have contributed towards this phenomenon. The general political attitude to centralise power at the centre, the role of the bureaucracy and the rising power of the army coupled with the existence of a multi-party system consisting of poorly organised political parties have not helped the emergence of viable, strong and stable democratic institutions including local government.

Chapter Two

A Review of the Federal Government's initiative under the elected and military governments towards the development of local government institutions in Pakistan

"The State shall encourage Local Government Institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women."

---Says the Constitution of the Islamic Republic of Pakistan (1973), Article: 32.

Declaring them as one of the organs of the state¹ being empowered to impose any tax or cess, the constitution seems to assign to the local councils a kind of legal protection. It is in the light of above constitutional obligations that the government of the federation is called upon to undertake measures aiming at the establishment and development of a sound system of local governance. In pursuance of the above, the following tasks fall within the purview of the Federal Ministry of Local Government and Rural Development:

1. Promotion of local government institutions;
2. Planning and co-ordination;
3. Grants-in-aid;
4. International aspects including liaison with community development and local government institutions in other countries;
5. Rural Development Programme i.e., policy, guidance, follow up action, co-ordination, foreign assistance and evaluation.²

A cursory view of the post-independence history of the development of local government in Pakistan reveals that it were mostly the military rulers who took up the question and, by giving local government institutions preferential treatment over the higher institutions of democracy, chalked out a comprehensive plan for their growth. In an attempt to provide a base for the development of a system of democracy, the military rulers have resorted to the revival of local government institutions. Despite criticism of the military take over and the resultant disruption of the steady democratic process, some scholars support the assumption of power by the military in the larger interests of the promotion of modern democratic institutions, economic development, social change and national integration.³ Being trained on the British pattern, the concern of the Pakistan Army about national politics until 1958 had been that its corrupt practices should not infiltrate the army and undermine its integrity. Because of unscrupulous politicians, who dragged the armed forces time and again to assist in the restoration of law and order situation whenever it went out of their control, the army could not keep itself aloof from the political processes.⁴ Under the peculiar circumstances in Pakistan,

¹. See the Constitution of the Islamic Republic of Pakistan (1973), Article: 7 (Part-II dealing with Fundamental Rights and Principles of Policy).

². Dawn of a New Era (Rural Development), A Report by the Ministry of Local Government and Rural Development, Islamabad, Government of Pakistan, 1990, p. 6

³. Hasan Askari Rizvi, The Military and Politics in Pakistan (1947-86), Lahore, Progressive Publishers, 1986. In the Introductory Chapter, the author has focused on the causes and consequences of military take over in the Third World countries.

⁴. Ahmed Husain, Politics and Peoples Representation in Pakistan, Karachi, Ferozsons Ltd., 1972, p. 65.

it has been the failure of constitutional government within the state more than external threat which has accounted for political activism by the armed forces.⁵ This military intervention has, afterwards, resulted in a successful restoration of civilian control, but the price paid for it had been tremendous in view of the shaky foundation of democracy. The army has wielded authority for almost half of the post-independence period of Pakistan--- a phenomenon that has rightly been termed as the Civil-Military Rotation.⁶ Having enthusiasm to eradicate corruption, nepotism in civil service, the realities of politics and the task of fulfilling the commitments made at the time of take over, make the military leaders conscious of the fact that to run the administration of the country smoothly, they need to make compromises. The first compromise of such kind, according to Hasan Askari Rizvi, takes place with the civil service. Having organised in relatively rigid hierarchies and sharing views with regard to political stability and modernisation, the understanding between the two results in a kind of civil and military collaboration in which the former serves as a fuel to the engine of the latter.

Viewed in this background, the military rulers in Pakistan, have focused on: 1). the eradication of corruption of all sorts; 2). economic development with an attempt to improve the lot of the masses; and 3). laying a foundation for a sound and viable political system. It is in the context of the latter that an analysis of the federal government initiatives directed towards the development of local government institutions will be made. The hypothesis is that institution-building process has largely been undertaken during military regimes, though for obvious reasons, and that the said institutions have suffered a major setback during representative governments. The developments that took place during two military regimes i.e., General Ayub Khan (1958-69) and General Zia-ul-Haq (1977-88) and the representative governments of Zulfikar Ali Bhutto (1972-77) and the post-1985 short termed successive elected governments have been analysed in this chapter which is divided into various sections for convenience.

⁵. The weakness of civilian authority and the failure of politicians to satisfy even the minimum need for stability, let alone to create a national consensus on behalf of democracy, social and economic problems confronting the nation's leadership, political violence etc., have been the grave challenges necessitating military intervention. Civil disturbances have required frequent intervention. The chaotic condition arising out of riots in Lahore during May 1953 ended in a proclamation of martial law and the deployment of soldiers to restore order against religious demonstrators. Then, in October 1954 Governor General Ghulam Mohammad took the army into confidence before dissolving the Constituent Assembly. Similarly, in 1957 the civil administration turned to help control the unstilted food smuggling across the border deteriorating the economic situation in East Pakistan (now Bangladesh). This reliance, on the army, of unstable governments during the first decade of Pakistan's independence opened doors for the dismissal of civilian governments and assume direct political responsibility in its place.

⁶. Aaron S. Klieman, "Confined to Barracks, Emergencies and the Military in Developing Societies" in *Comparative Politics*, vol. 12, No. 2, January 1980, pp. 154-161. Each attempt at easing the martial law regime and replacing it by a civilian one tends to be short-lived, ending in a return of the military to national politics once again. Civilian rule was terminated in 1958, in 1969 and again in 1977.

SECTION: A

General Mohammad Ayub Khan (1958-69)

Before the military take over in October 1958, local bodies were more or less lifeless institutions with faulty frameworks, inadequate finances, curtailed functions and little contact with the people whose affairs they were supposed to administer.⁷ The military coup of 1958 ushered a new era in the history of local government in Pakistan. The military leader demonstrated extra-ordinary enthusiasm in the 'restoration of democracy and preferred to take the initiative from the grassroots level. The promulgation of Basic Democracies Ordinance in 1959 was a first step of his perception of democracy.⁸

At the very outset it is desirable to mention that the unique system of Basic Democracies which Ayub Khan promulgated in October 1959 on the eve of first anniversary of the military revolution, was a central subject until mid-1962 when it was made a provincial subject.⁹ The central government, however, still exerted considerable control on policy determination.¹⁰ It was during the early period (when local government used to be a federal subject) that vital questions with regard to the political, developmental and judicial role of the system were decided by the policy makers at the federal level under the guidelines issued by the military regime. Some of the most important of these were:

1. The Muslim Family Law Ordinance of 1961 which gave authority to local councils to settle family problems i.e., women's rights, marriage disputes, polygamy, and other related matters.
2. The Basic Democrats were declared to form an 'Electoral College' for the election of the President of Pakistan and members of the National and two Provincial Assemblies of Pakistan.¹¹
3. The controversial 'Political Parties Bill' was passed in July 1962 enabling Ayub Khan to build one powerful all-Pakistan political party.¹²

⁷. Malik Mohammad Siddique, *Pakistan, I.U.L.A., Local Government in the 20th Century*, The Hague, Martinus Nijhoff, 1963, pp. 307-8.

⁸. Speeches and Statements of Field Marshal Mohammad Ayub Khan, vol. 1 (Sept. 1959---June 1966), Government of Pakistan, Ministry of Information & Broadcasting, 1966, p. 2. The military ruler believed that democracy must grow and evolve from the very first rung of the political and economic ladder so that it finds its roots deep among the people, starting at the village level in rural areas, and at the mohalla level in towns.

⁹. At the federal level, a Basic Democracies Unit in the Ministry of Information and Broadcasting served as an information centre. In each province all such matters, considered to be of policy nature, were the realm of the Governor and the responsible minister heading Basic Democracies and Local Government Department.

¹⁰. See A.T. Rafiqur Rahman, "Theories of Administrative and Political Development and Rural Institutions in India and Pakistan" in *Journal of Administration Overseas*, vol. 8, No. 4, October 1969, p. 251.

¹¹. While Defence Minister in the cabinet of Governor-General Ghulam Mohammad, General Ayub had, in the wake of 1954 political crisis, showed great distrust for universal suffrage and recommended an electoral college system. The Electoral College Ordinance was, though promulgated in 1964 but the idea for its so becoming was put forward by the General in 1961. See the President's Independence Day Message to the Nation (August 13, 1961).

An important characteristic of General Ayub Khan which distinguished him from many other military rulers elsewhere was his willingness to undertake the task of political institution-building for legitimising the regime and recruit support for its policies.¹³ General Ayub Khan's experiences, who governed Pakistan without the benefit of a written constitution from 1958 to 1962, had taught him that it was the politicians¹⁴ who had brought Pakistan to the brink of collapse. Although he recognised that Pakistan was facing the problem of national integration and he stressed the need for it, this was to be achieved by paternalistic leadership through his novel creation of the system of Basic Democracies. Being convinced that the people of Pakistan were too uneducated, divided, impoverished and unsophisticated to form democratic institutions, General Ayub introduced a kind of grassroots system which 'the people could understand and operate'¹⁵ and which, according to his perception, could form the basis on which the superstructure of the representative institutions would ultimately grow and flourish.¹⁶ The institutions that he established in the form of 'Basic Democracies' and the policies pursued regarding their working in the polity clearly reflected his perceptions about the country's politics.

The abrogation of the constitution of 1956 through a presidential proclamation of October 7, 1958 was the first significant step which not only banned all political parties but also eliminated the influence of professional politicians. For the coming forty-four months, during which military rule governed lives of the citizens, there was virtually no politics and no political party existing in the country.¹⁷ To prevent their re-

¹². As the Basic Democrats and the government functionaries expanded their areas of close collaboration, the question of granting autonomy to the Basic Democracy institutions went into oblivion and more and more elected members preferred to join the ruling political party. This furthered the already existing trend of building one powerful all-Pakistan political party.

¹³. Rounaq Jahan, *Pakistan, Failure in National Integration*, New York, Columbia University Press, 1972, p. 110. The author drew conclusions from several studies that three major political institutions were developed by the regime for the purpose. Two of these, the Basic Democracies and the 1962 Constitution, were parts of a deliberate political plan while the third one, formation of a political party (Convention Muslim League), was the result of political exigency.

¹⁴. *Speeches and Statements of Field Marshal Mohammad Ayub Khan*, vol. 1 (September 1959-June 1966). Ministry of Information & Broadcasting (Basic Democracies Wing), p.1. He treated politicians as a 'big joke' and 'dirty linen' and was firmly convinced that the affairs of the state of Pakistan could be very well managed without political parties and politicians. Thus the introduction of the Basic Democracies System in October 1959 was prompted by the apparent failure of parliamentary democracy, political instability, corrupt administration, and a lack of popular involvement in the process of economic development.

¹⁵. The military ruler and his bureaucracy had little faith in Western democracy and politicians' capabilities. His ideal was to give to the people of Pakistan a political system that suited their genius which meant a paternalistic government leading the politically innocent masses of Pakistan on the path and toward the goal which they were unable to chalk out for themselves. See Shahid Javed Burki, "Ayub's Fall: A Socio-Economic Explanation" in *Asian Survey*, March 1972, p. 212.

¹⁶. G.W. Choudhury, "Democracy on Trail in Pakistan" in *The Middle East Journal*, vol. 17, No. 1&2, Winter-Spring, 1963, p. 1

¹⁷. Saleem M. M. Qureshi, "Party Politics in the Second Republic of Pakistan" in *The Middle East Journal*, vol. 20, 1966 p. 456

entry into the political field, the EBDO (Elective Bodies Disqualification Ordinance)¹⁸ was issued on October 27, 1959 under which the politicians found guilty of improper exercise of authority in the course of their tenure as Ministers were debarred from holding elective or political offices for a period of six years i.e., until the end of 1966.

Though the system of Basic Democracies was fashioned to encompass both the rural and urban areas of Pakistan, more stress was on the former where approximately 85 per cent of the country's population resided. For seeking legitimacy for the dictatorial regime, the military ruler depended more on the rural population. Huntington holds the view that the Basic Democracies brought politics to the rural areas and created a class of rural activists with a role to play in both local and national politics. For the first time political activity was dispersed outward from the cities and spread over the countryside. Political participation was broadened which was a major step toward creating the institutional link between government and countryside as a pre-requisite of political stability in a modernising society.¹⁹

Though as a device for overhauling the political structure of the country, it succeeded in limiting urban participation, but failed to fully mobilise the rural areas in view of the fact that their participation in national affairs was quite restricted. The new rural elite created by the Basic Democracies had a narrow social base and limited capability in recruiting mass support for the regime. It did not envisage the idea of training the more important group (the educated urban classes) in the art of representative government who could operate democracy at provincial and national levels. Thus the balance of political power moved, for a decade, in favour of the new rural leadership and the urban elite were eclipsed.²⁰ The critics of Basic Democracies system, therefore, did not accept the system as a substitute for real local self-government.

Basic Democracies had to perform multiple functions e.g., administrative, developmental, local self-government, and constitutional. The objectives of the system were spelled out in the Second Five Year Plan (1960-65) in these words: "The institutions of Basic Democracies are devised to provide not only for self-government at the local level but also for a degree of public representation in administration at successive levels."²¹ In the performance of service-related functions, General Ayub Khan had the desire to assign to the system a paramount status. The District Council, for instance, was given twenty-eight obligatory and seventy optional functions to perform.

¹⁸. Khalid B. Sayeed, "Pakistan's Constitutional Autocracy" in the *Pacific Affairs*, vol. 36, No. 4, Winter 1963-64, p. 375. The politicians, according to the author, still enjoyed considerable support as the ordinance (approved by the National Assembly in April 1963) was supported only by 71 votes to 62.

¹⁹. Quoted in Rounaq Jahan, *Pakistan, Failure . . .*, p. 111

²⁰. P. Sharan, *Government and Politics of Pakistan*, New Delhi, Metropolitan Book Company (Pvt.) Limited, 1983, p. 43.

²¹. Quoted in Richard O. Niehoff, "Basic Democracies and Rural Development" in Inayatullah (Ed.), *Bureaucracy and Development in Pakistan*, Peshawar, Pakistan Academy For Rural Development, 1970, p. 314.

Among those things which the military government brought close to the people and to their level of understanding, judiciary was included. The promulgation of the Conciliation Courts Ordinance in 1961 provided for conciliation courts at the Union Committee and Union Council levels. These courts had jurisdiction on all such incidents which were of common occurrence and could be decided through goodwill and understanding. A number of studies²² conducted into their working revealed wide-ranging implications in the sense that they contributed significantly towards the development of more homogeneous society and integration of social life. The launching of the rural works programme in 1962 with massive investments and large scale participation of rural local councils gave greater impetus to the system. There was an upsurge of popular enthusiasm and the foundation was laid of an infrastructure to facilitate economic progress in the rural Pakistan.

Although it may be assumed that there was an advantage in elected representatives participating in the process of executing plans originating from higher authority, Basic Democracies could have become meaningful only if a measure of local programme and policy formulation rose upward to the points at which governmental decisions were taken. To Rafiqur Rahman:

*"The Basic Democracies scheme was planned primarily to assist the government in development and only secondarily to develop autonomous local bodies . . . The interest shown by the military government was, not in terms of their development as governing bodies, but in terms of their capacity to help government to execute their regular programs and development projects effectively."*²³

Apart from mobilising and recruiting mass support for the regime's policies and programmes, a major rationale behind the Basic Democracies was that the military rulers needed a support base separate from the military in their efforts toward civilianization.

There is no denying the fact that the system laid down, at least, a base for popular participation in governmental affairs. To Rushbrook Williams, "On the twin foundations of self-help by the people, and team-work between the people and the government, there were prospects of the erection of a safe and stable edifice of Pakistan's future."²⁴ Practically, a proper balance was not achieved in the manipulation of administrative ecology. For instance, the Basic Democracies were made an integral part of the civil administration and statutory local bodies. The official chairmanship of the councils (except the Union Councils), official membership, and official supervision

²². Salma Omar, "The Judicial Role of Basic Democracies in Pakistan" in *Journal of Administration Overseas*, vol. 5, No. 2, April, 1966, pp. 115-123.

²³. Quoted in Richard W. Gable, "District Administration: Its Development and its Challenges" in Inayatullah (Ed.) *District Administration in West Pakistan, Its Problems & Challenges*, Peshawar, Pakistan Academy For Rural Development, 1964, p. 13.

²⁴. L.F. Rushbrook Williams, "Basic Democracies as Institutions of Local Government in Pakistan-II" in *Journal of Local Administration Overseas*, vol. 1, No. 1-4, 1962, p. 256

and control marked the Basic Democracies more as administrative units than as autonomous local bodies.²⁵ Basic Democracies, being directly fathered by the Head of State and controlled by the central government, received much more effective political blessings than the states-fathered and politically and administratively heterogeneous panchayati raj institutions in India.²⁶

The military government endeavoured to break the paternal control of bureaucracy through decentralising administration and fostering the growth of responsible leadership at the grassroots level. But at all the tiers above the union councils, the civil servants continued to dominate the scene. As chairman of the thana/tehsil, district and divisional council, the administrator was not only a key position with powers to guide and canalise the people's development effort, but the Basic Democrats depended increasingly on the active participation of the civil servants.²⁷ Therefore, fears were expressed at the very outset whether the combination of officials and appointed public representatives might work satisfactorily. It was in view of the fact that government officers, armed with better education, higher social status and extensive administrative powers, were likely to dominate the council and reduce the public element to abject followers.²⁸

The preferences of the government to see the elected and official elements working together for the pursuit of vital national objectives could be determined from the contents of a letter addressed to the chairmen of higher local councils (March 1960) in which the military ruler wrote:

"It is one of the primary objectives of Basic Democracies to develop a new government-people relationship for tackling the tasks that face the government today. For this purpose, government officials have been associated with peoples' representatives not in any superior capacity but as equals. Officials are there to help the local communities not to domineer over them. In fact it is intended that government operations should be discussed in the councils, so as to make the administration accountable to the people and responsive to their actual needs and aspirations."²⁹

To Waseem, the system was an ambitious attempt to create a social contract between the state and society by co-opting locally privileged individuals into the lower levels of administration. It was so in view of the fact that the organisation of the Basic Democracies was highly coterminous with the class structure of the Pakistani society.³⁰ Designing the structure thus, one contention was that the demands facing Pakistan were

²⁵. A.T. Rafiqur Rahman, "Theories of . . .," p. 250

²⁶. A.T. Rafiqur Rahman, "Theories of . . .," p. 251

²⁷. Lawrence Ziring, "The Administration of Basic Democracies" in Guthrie S. Birkhead (Ed.) *Administrative Problems in Pakistan*, Syracuse University Press, 1966, p. 38.

²⁸. A.T. Rafiqur Rahman, "Basic Democracies and Rural Development in East Pakistan" in Inayatullah (Ed.) *Bureaucracy & Development in Pakistan*, Peshawar, Pakistan Academy For Rural Development, 1970, p. 338.

²⁹. Inayatullah, "Changing Character of District Administration in Pakistan" in Inayatullah (Ed.) *District Administration in West Pakistan*, Peshawar, Pakistan Academy For Rural Development., 1964, p. 108.

³⁰. Mohammad Waseem, *Politics and the State in Pakistan*, Lahore, Progressive Publishers, n.d., p. 159

numerous and complex whereas the bureaucracy at both the central and the provincial capitals was so limited that solutions to these problems could be achieved only with decentralisation of responsibility to sub-national units.³¹ It was also said that the inclusion of government officers at different tiers of Basic Democracies was to make effective use of the intellectual elite of the country for bringing about a regeneration of national life particularly in terms of helping the nation formulate its long term policies.³²

The association of Basic Democrats with the officials was to produce two wholesome results: in the first instance, it was to act as a check on the working of the government; while the second and more important was to provide the Basic Democrats with an opportunity to understand how government functioned and how to supervise and guide its functioning.³³

By developing mutual trust and confidence between officers and people through discussion and joint work, the institutions of Basic Democracies successfully filled the gap between the two. Ever since the inception of the country in 1947, there had been a breakdown of any real understanding between them due, mainly, to the decline of locally elected administrative institutions. In this perspective, one of the most important achievements of the Basic Democracies had been to bridge this gulf by bringing the elected representatives of the people closely and directly in touch with the administrative officers.³⁴ Through the prolonged gulf (that existed between the governing class and the governed), there had developed a certain amount of scepticism on both sides. This mechanism improved the situation considerably. At a later stage, the government officers were astonished by the value of the contribution which Basic Democrats from the grassroots were making to the work of higher level councils.³⁵ The government's idea that "these institutions would be in a position to influence the administration and determine the way it should be run and thus reduce the gap which exists between the officials and the people"³⁶ could not be fully materialised on account of the preponderance of the bureaucracy and the fundamental role that was assigned to

³¹. George M. Platt, "Building Local Government, The Case of East Pakistan" in Anwar S. Dil (Ed.) *Toward Developing Pakistan*. (Pakistan Studies Series-III), Abbottabad (Pakistan), Book Service, 1970, p. 145.

³². Masihuzzaman, 'Basic Democracies and Community Development' in *Community Development Review*, vol. 6, No. 1, March 1961, p. 82.

³³. Mohammad Ayub Khan (Field Marshal), *Friends Not Masters, A Political Autobiography*, New York: Oxford University Press, 1967, p. 228

³⁴. L.F. Rushbrook Williams "Basic Democracies . . .," p. 247.

³⁵. L.F. Rushbrook Williams "Basic Democracies . . .," p. 250. During his fact-finding visit to Pakistan during the years 1961-62, the author gained valuable information with regard to the trust, confidence and understanding that had developed between the Basic Democrats and the government officials.

³⁶. Ayub Khan's speech at the Lahore Basic Democracies Staff Seminar (1963) quoted in A.M.S. Ahmad, *Community Development and Local Government in Pakistan*, Rawalpindi, Ministry of Information and Broadcasting, 1966, p. 63

the deputy commissioner as 'Controlling Authority' for much of the activities of the council operations.³⁷

Habibur Rahman holds the view that though the principle of bringing representative and non-official elements in direct contact with the administrative machinery at all levels was accepted, many problems were faced in subjecting the administration, with a long tradition of benevolent autocracy, to non-official scrutiny and 'interference' without suffering traumatic effects and a sharp drop in efficiency.

Local institutions under Basic Democracies had a defective organisational structure compared to those of the government departments (Table: 2) While government departments had a network of agencies starting from the provincial capital down to the district level with subordinate staff in the field and an independent channel of communication, local councils, particularly the district councils, could reach the capital through the deputy commissioners and commissioners only.³⁸ The lack of ability on the part of elected representatives to reach the government greatly enhanced the chances of official opinion getting weight on some conflict that might have arisen between the two.³⁹ The appointment of official chairmen to all local councils, except union councils, further tightened the control of bureaucracy.

Practically speaking, therefore, the accepted pattern of behaviour could not be too drastically upset. It was, perhaps, the result of this caution that the non-official element at the upper levels was not as strong as might in theory have been possible.⁴⁰ In certain respects, the way Basic Democracies functioned negated the idea of 'bringing about an effective fusion of official and non-official agencies at different tiers of the system.'⁴¹

The laws with regard to the provision of services were laid open to wide variations in their interpretation and application which provided ample opportunities to the bureaucracy for exerting their influence. Perhaps its objective was to secure control over the activities of local councils at the district level. The role of bureaucracy, claiming the right of interpreting and protecting the polity of the state and the public interest, has been analysed by a contemporary in the following manner:

"While the peoples representatives liked a re-division of the boundaries of bureaucratic power and seek to obtain a much larger say in administration at the district level than they ever had before, the bureaucracy, helped by its ethos, its tradition, history and competence

³⁷. Albert Gorvine "The Civil Service under the Revolutionary Government in Pakistan" in *The Middle East Journal*, vol. 19, No. 3, Summer 1965, p. 331. The need for controlling authority was justified on the ground of being a safeguard to ensure proper functioning of these institutions.

³⁸. Masihuzzaman, "Basic Democracies", p.186

³⁹. Masihuzzaman, "Basic Democracies", p. 186

⁴⁰. Habibur Rahman, "Basic Democracies as Institutions of Local Government in Pakistan-1" in *Journal_of Local Administration Overseas*, vol. 1, No. 1-4, 1962, p. 245.

⁴¹. General Ayub Khan's speech broadcast to the nation on the eve of the second anniversary of the revolution (October 26, 1960). *Speeches and Statements*, vol. 1, (September 1959-June 1966), p. 29

*struggled to maintain their superiority and independence as they were before as the final interpreter and protector of the country's polity and the peoples interest."*⁴²

The bureaucratic attitude thus negated the idea through which the military ruler intended to create the institutional arrangement wherein bureaucracy and the elected members of the localities could achieve maximum co-operation in national development.⁴³ Complaints regarding the 'apathy and callousness' of the government officers were often heard and voiced from the platforms of the Basic Democracies Conventions held at the provincial capitals. The complaints made, generally, included: the reluctance of government officers to change their method; and the unwillingness to take the councillors into confidence.⁴⁴

There existed a greater realisation on the part of the military regime to transfer powers from the bureaucracy to the elected local councillors gradually. The President once said:

*"Let us hope a time will come when these councils (Basic Democracies) would have attained such maturity as education spreads in the country that local administration almost withers away and they run their own police, they run their own revenue system and they run everything. I like to see them in that direction. In ten to fifteen years time a situation may arise when the officials are only there to guide and not as administrators and rulers."*⁴⁵

While Basic Democrats were struggling to establish the power and the rights of the people in decision-making, attempts were made, on the other hand, by various government departments to take away from them powers which had long vested in the District Boards. An outstanding example was that of primary education. The Department of Education tried to wrest the control of primary schools from the Basic Democracies and vest it in the provincial governments. Other departments, particularly the Police, wanted to extend their control over agencies which in the past were run by the people through the District Boards. Thus, instead of the Basic Democracies gaining control over government departments, the process was reversed and the departments of the government wrested control of some of the functions and powers of Basic

⁴². Masihuzzaman, "Basic Democracies and District Administration," in Inayatullah, ed. District Administration in West Pakistan, Its Problems & Challenges, Peshawar, Pakistan Academy For Rural Development, 1964, p. 190. The author has cited the example of primary education, the provision and maintenance of which was the first and compulsory function of the District Councils. The Department of Education tried to wrest the control of these schools from the Basic Democracies and vest it in the provincial governments. Interestingly, it did not undertake to finance primary education which remained the responsibility of these councils. What it wanted was the administrative control over the school teachers. See p. 192

⁴³. K.M. Bhatti, Local Government for Rural Development in Pakistan, Peshawar, Pakistan Academy for Rural Development, 1990, p. 58

⁴⁴. Ahmed Hussain, Politics and Peoples . . . , p. 79.

⁴⁵. General Ayub Khan's Inaugural Address of Seminar on Basic Democracies held at Lahore (29 May-31 May, 1963).

Democracies. The mechanism to secure large-scale public participation in vital areas of decision-making in the district could only partially be evolved.⁴⁶

One major flaw in the system which did not allow the people to have a feeling of real self governing local bodies was, therefore, the supremacy of bureaucracy to whom belonged the real power and not to the elected councillors. The reason was perhaps the regime depended more on government officials than on the Basic Democrats, as noted by Rounaq Jahan, in recruiting support for itself. The different tiers of the Basic Democracies were linked not through their own political hierarchy but through the administrative hierarchy. Funds for works programme were channelled through the administrators and not through the politicians. Instead of being the base of a political hierarchy, the Basic Democracies were more like a government hierarchy. While the system did help the regime to survive one presidential and two assembly elections, in the process it created more enemies than friends for itself and the regime.⁴⁷

The nostalgic outlook and the exercise of authority in the traditional colonial way has been narrated by Karl von Vorys illustrating the general attitude of bureaucracy who considered the Basic Democrats as lethargic, incorrigible deserving strict treatment.⁴⁸ This had a deeper repercussions on the actual conduct of business by these institutions which functioned, in most of the cases, on the reverse of established principles. For instance, the chairman did not bind himself by the advice of the council rather the latter was obliged to obey the directives of the former. In them (the official chairmen) had been vested the unlimited power to quash all proceedings of the councils, suspend their resolutions, prohibit the doing of anything proposed to be done, with the right to give and enforce directions, hold inquiries into the activities of these councils and of superseding them or their individual members. Further the system of nomination, common membership of officials and nominated public representatives, and chairmanship by officials was all self-contradictory and led to the conclusion that the purpose was not local self-government but greater co-ordination between government and people. The appointment of officials as chairmen, to some critics, constituted a step backward in view of the fact that in the beginning of the 20th century the district officer had been replaced as chairman of the district board by a non-official member. This had been done to make the body more democratic. The principle of nomination was another retrospective step but thanks to the government that acceded to the demand of the Combined Opposition Party (COP) which stood for 'doing away with the nomination

⁴⁶. Salma Omar, "Rural Communities, District Administration and the Civil Service" in Inayatullah (Ed) District Administration in West Pakistan . . . , p. 192.

⁴⁷. See Rounaq Jahan, Pakistan, Failure . . . , p. 124.

⁴⁸. Karl von Vorys, Political Development in Pakistan, Princeton, University Press, 1965, p. 205. The author has narrated examples illustrating the kind of behaviour which the bureaucracy meted out to the elected local councillors.

system in respect of all local councils.⁴⁹ The matter was further aggravated by the fact that most of the Basic Democrats, drawn from simple rural folk, depended for most of their work on the local officers who were almost 'mai baap' (mother and father) for them.⁵⁰

Despite the bigger role which General Ayub Khan envisaged for Basic Democracies, the system could not find a place in the constitution which the military ruler gave to the country in 1962.⁵¹ The Constitution Commission, while explaining the reason for not assigning some place to the system in the constitution, felt that a decision to this effect would have been feasible, had it not been necessary to amend the constitution for bringing even a minor change to the law of local government.⁵²

The system was further incapacitated, when the Basic Democracies were given the status to perform the functions of an electoral college for election of President and members of the legislative assemblies. The initiative was taken despite rejection, by the Constitution Commission, of the idea of converting the basic democracies into an electoral college. General Ayub Khan was of the view that belittling the importance of basic democrats in any manner would develop chaos and confusion in the country.⁵³ Under the Electoral College Act,⁵⁴ each of the two provinces was divided into forty thousand territorial units and members elected therefrom constituted the 'Electoral College' for electing the President and members of the National and Provincial Legislatures.⁵⁵

The importance which the Revolutionary Government attached to the electoral role of the Basic Democracies is illustrated from the fact that the first thing which it asked the newly elected members⁵⁶ to do was to decide, by secret ballot, whether they wanted Field Marshal Ayub Khan as President and whether they endorsed his policies. It was in pursuance of the same line of thought that the Basic Democrats were turned into an electoral college for the choice of members of the national and provincial assemblies in Pakistan's new Constitution.⁵⁷ Prior to that on February 14, 1960, the

⁴⁹. Lawrence Ziring "The Administration of . . . ," p. 52. The principle of nomination throughout the Basic Democracies system was abolished on June 4, 1965 by the decision of the Governor's Conference. Thereafter only elected and official members comprised the councils including those in urban areas.

⁵⁰. M.S.K. Yousufzai, 'Basic Democracies of Pakistan, (Unpublished doctoral thesis), London University College, 1963-64, p. 315.

⁵¹. Masihuzzaman, What is Basic Democracy? in Aziz Beg, ed. Grass Roots Government, Essays on the Genesis, Philosophy and Working of Basic Democracies in Pakistan, Rawalpindi, Pakistan Patriotic Publications, 1962, pp. 25-26

⁵². Khan Mohammad Bhatti, Legislation for Local Government in Pakistan, Peshawar, Pakistan Academy for Rural Development, 1992, p. 70

⁵³. Khan Mohammad Bhatti, Legislation for Local . . . , pp. 70-71

⁵⁴. P. Sharan, Government and Politics . . . , p. 40. The Act was passed on April 17, 1964.

⁵⁵. In 1962 the Basic Democrats, elected in 1960, formed an electoral college for the election of members to the National Assembly and two provincial legislatures. Statistics revealed that a record number of votes were polled i.e., 96.6% and 97.8% for the National and provincial assemblies respectively.

⁵⁶. First elections to the Basic Democrats were held in the country between 26 December 1959 and 9 January 1960.

⁵⁷. L.F. Rushbrook Williams, "The Administration of . . . ", p. 248.

80,000 elected representatives were asked to express consent or disapproval in a secret ballot on the President's intention to set up a constitutional structure for Pakistan. An affirmative vote (almost 96%) had confirmed President Ayub Khan as President for a first term of office.⁵⁸ Next was the first general elections (held in 1965) for the office of President of Pakistan.⁵⁹

The new electoral assignment involving the Basic Democrats in campaign oratory, made them more interested in national rather than local problems thus diverting their attention from development projects. Consequently, development projects were retarded or curtailed and the rural population lost whatever drive it had achieved earlier. Now the government's reliance on this indirect mechanism for the pursuit of political ends gave way to other problems. To Rounaq Jahan, the Basic Democracies alienated, by disfranchising the urban areas, the previously mobilised and semi-mobilized groups. The groups it enfranchised were neither mobilised nor large enough to counteract this urban dissatisfaction. By monopolising electoral rights the Basic Democracies system became the most visible target for the discontent of all alienated groups, who looked upon it as the mechanism by which the regime perpetuated itself. Thus, the system not only failed to legitimise the regime but also lost its own legitimacy. Yousufzai holds the view that this kind of indirect Presidential election was borrowed from the example of France where General de Gaulle was elected president through the local councillors on somewhat similar basis. The method was adopted here despite significant gap in the level of education and political consciousness between the two countries.⁶⁰

Thus the National and Provincial Assemblies elected in May and June, 1962 respectively came into existence with no political parties and no political activity preceding them. The candidates were given the opportunity to offer themselves as individuals and present to their electorate their own manifestos. There were, therefore, no platform, no program, and no policy for the legislature as a whole and no basis for concerted action therein once it came into existence.⁶¹ While the opposition political parties approved the Basic Democracies as a reformed local government machinery, they condemned its electoral role. To them the purpose of the Basic Democracies as electoral college was to undermine the direct franchise and to develop a group of

⁵⁸. Consequently, Ayub Khan was sworn in as the first elected President of Pakistan on February 17, 1960.

⁵⁹. The contested took place between Ayub Khan and Fatima Jinnah who secured 49,951 votes (63.3 per cent) and 28,691 votes (36.4 per cent) of the total votes cast respectively. G.W. Choudhury holds the view that the indirect method of elections did not reflect the will of the electorate. The presidential elections demonstrated a big gap between the verdict of the people and the actual results of the elections. The combined opposition parties (COP) were much frustrated and seemed inclined to resort to violence after seeing the futility of ballots under the Basic Democracies. See the author's 'The Last Days of United Pakistan p. 107.

⁶⁰. M.S.K. Yousufzai, Basic Democracies . . . , p. 294.

⁶¹. Saleem M. M. Qureshi "Party Politics in . . . , p. 457

supporters who would sustain the existing regime in power.⁶² As a result of this opposition, General Ayub Khan, at one stage, appeared to have agreed to abolish the political role of the Basic Democracies and introduce the principle of adult franchise, but the idea could not be materialised for obvious reasons. A strong reason for it, from the government point of view, was to ensure the election of such members of central and provincial assemblies who might support the new regime.⁶³ To Kamal Azfar:

*"Had the basic democrats not been members of the electoral college, the system might well have served the purpose of ensuring greater participation of the people in the resolution of their day to day problems. The dual capacity of the system made the elected members susceptible to manipulation by the power elite. Committed and talented persons were not attracted by the ideal of basic democracy. Those part of the system were a motley crowd consisting in the main of adventurers and power brokers seeking the favour of government."*⁶⁴

The representative character of the Basic Democracies, therefore, and through this, the election of the President and the members of national and provincial parliaments was doubtful. Newman commented thus:

*"Although General Ayub received a vote of confidence from the local councillors, yet dependent as these Basic Democrats were on the sub-divisional officer of their respective localities, who can easily control them, and in view of the nature of the civil service now, it is open to doubt whether that service is the proper tutorial board for instruction in democracy. What is more, the entire system is vitiated by agencies of the Bureau of National Reconstruction, which are attached to each tier."*⁶⁵

The election of a governing elite through the electoral college stretched the power of the President to every organ of the state and this, in practical terms, set up a highly centralised form of government which considerably affected the workings of the local government institutions as well.⁶⁶ The parliamentarians so elected became tutees in the hands of the President because on matters, clashing with the interests and policies of the President, the legislators were not in a position to re-assert the popular will of the nation. In the event of legislators taking an independent view in disregard to the wishes of the government, they were liable to be thrown out by the Basic Democrats, who themselves were under the control of the deputy commissioners and the sub-divisional officers.

Yet another vital objective of political importance lay ahead to be achieved. Considering the lack of identification with the national movement as a major cause of the rural population's unawareness of its responsibilities, the military saw the solution in turning the community of Basic Democrats into an effective and purposeful political

⁶². A.T. Rafiqur Rahman, "Basic Democracies and Rural . . .", p. 247.

⁶³. M.S.K. Yousufzai, Basic Democracies . . ., p. 316.

⁶⁴. Kamal Azfar, Pakistan, Political and Constitutional Dilemmas, Karachi, Pakistan Law House, 1987, p. 74

⁶⁵. K.J. Newman, "The Constitutional Evolution of Pakistan" in *International Affairs*, vol. 38, ???, p. 360.

⁶⁶. M.S.K. Yousufzai, Basic Democracies . . ., p. 302.

organisation.⁶⁷ The government's earlier policy of disbanding party activities and party organisations had already relaxed in view of the changed circumstances. It was on the occasion of electing the speakers and two deputy-speakers that brought opportunity for concerted action on the part of members of the National Assembly. In the absence of national organisations, groups emerged on provincial lines.⁶⁸ The military ruler had no alternative but to make effective use of the Basic Democracies for making the 'Conventional Muslim League' a strong government party.⁶⁹ With a view to strengthening the foundation of this newly formed political party, he called for greater collaboration between the party and the Basic Democracies. This combination was to produce a fully mobilised, ideologically disciplined and centrally directed organisation of well over a hundred thousand persons. The political organisation was expected to reinforce the Basic Democracies and vice versa.⁷⁰ The following statement of the President exhibits his political designs which he wanted to accomplish with the help of Basic Democracies:

*"The Basic Democracies system should become the basis of the political party in the country. Apart from the fact that there is [a] serious lack of political workers outside the community of Basic Democrats in the country, there is also the question of funds which any political party would need to build itself into an effective organisation. Once political parties are identified with the system of Basic Democracies many of the administrative and financial difficulties will be removed. The Pakistan Muslim League as the chief protagonist of the system of Basic Democracies should, therefore, take the initiative in this regard."*⁷¹

Apart from bureaucracy, a formidable element was the influence of landed aristocracy which acquired a greater say in the working of Basic Democracies. The landlords dominated the councils particularly the district councils and thus acted as intermediaries between the common man and the administration. The district officers including the deputy commissioners and the superintendent of police were easily accessible to them. The influence of landlords and the data provided by them to the district administration determined the quality of decisions taken by the latter pertaining to law and order, and allocation of funds for provision of services in rural areas. As a result there was concentration of services in the villages of landlords. The problems of peasantry and lower classes were never forcefully impressed upon the district administration due to lack of channels of communication as well as absence of any organised pressure from these classes.

The hegemony of the rural elite could not be broken despite several attempts made by the government. Ayub Khan's land reforms, touted to reduce the power of

⁶⁷. Lawrence Ziring "The Administration of . . . , p. 60

⁶⁸. Saleem M.M. Qureshi, Party Politics . . . , p. 457

⁶⁹. Saleem M.M. Qureshi, Party Politics . . . , p. 466. On December 24, 1963 Ayub Khan was unanimously elected president of the Pakistan Muslim League (Conventional) by 400 councillors of the party in Dhaka.

⁷⁰. Lawrence Ziring "The Administration . . . , p. 59

⁷¹. The Pakistan Times (Daily, Lahore, 14.5.1965), quoted in Lawrence Ziring . . . , p. 60.

landlords but most analysts agree that they were ineffective.⁷² The Muslim League governments, during their working in the first decade of independence, could not achieve anything concrete despite their spirited declarations on the subject because they could not afford to annoy their supporters who largely represented the upper strata of rural society.⁷³ The system while limiting access to the district administration by members of the lower tier and establishing communication links between the rural middle class and the bureaucracy, did not significantly change the rural power structure. It formalised the informal hierarchical power relations already existing in rural society.⁷⁴

Despite some impressive strides in overall uplift especially in the rural areas, the system suffered from different types of shackles which inhibited its flowering into a viable superstructure of local government. With the fall of General Ayub Khan in 1969, the Basic Democracies also went into oblivion and were subsequently⁷⁵ abolished in 1972.

CONCLUSION

Though the conception and structure of Basic Democracies was bold, imaginative, tailor-made to fit the peculiar circumstances of the Pakistan's political and cultural traditions, it embodied the principles of a guided and controlled democracy. It remained under official tutelage, and as public investment in development planning increased, the dominance of the official component of the system was heightened. The rigour of the bureaucratic and feudal tradition was particularly strong in Western Pakistan. The Basic Democrats themselves became a vested interest closely linked with the military and civil bureaucracy, which found them to be easily manipulable. Because of its political affiliation and the manifestation of corruption in the disposal of large funds and jobs, the system fell into disrepute.⁷⁶ The system had a deeper political implications in terms of reliance on the military junta. These institutions were effectively used as instruments of social and political mobilisation and as such provided enough political support for the martial law regime. The Basic Democrats gained vast local influence as a result of the political/electoral role they were invested with and the patronage which the process of development put in their hand. No doubt that the contribution of Basic Democracies was exemplary for the first 3-4 years in terms of

⁷². A scheme of land reforms was announced and implemented early in 1959 according to which no land owner could retain more than 500 acres of irrigated or 1000 acres of non-irrigated land. For details see Ronald J. Herring, *Land to the Tiller, The Political Economy of Land Reform in South Asia*, New Haven, Yale University Press, 1983.

⁷³. In fact, General Ayub Khan's political support rested on well-known landowning families and prominent members belonging to these surrounded him and occupied key positions in the federal and provincial cabinets. See Khalid B. Sayeed . . . , p. 373.

⁷⁴. Inayatullah, *Basic Democracies, District Administration and Development*, Peshawar, Pakistan Academy For Rural Development, 1964, pp. 165-172

⁷⁵. (Ch.) Mohammad Ashraf, *The Evolution and . . .*, p. 74

⁷⁶. P. Sharan, *Government and . . .*, p. 44

involving the population and mobilisation of local resources for local development. A critical evaluation would, however, reveal that the government's policy of effective mass involvement in the management of local affairs was vague. Specially if the working of district councils is analysed, it would appear that this unit looked like an extension of the provincial administration because the government at the district level were asked to work in association with the elected representatives of the people organised within the councils or committees. The government's claim that the system had contributed to stability and economic development was fictitious. This so-called stability, according to Rafiqur Rahman, was more personalised than institutionalised and succession was likely to be marred by crisis rather than order.⁷⁷

After functioning for nearly twelve years, the system was abolished. The seeds of its destruction lay in the military regime's decision of turning the system into an electoral college for the election of the President and national and provincial legislators. When the military ruler was able to defeat opposition candidates by what the opposition alleged was manipulation of members of the Basic Democracies through coercion and corruption, the opposition committed itself to abolishing the system. The desire was fulfilled by the interim military regime of General Yahya Khan who struck the final blow to the system under the martial law order of 1971.⁷⁸ There is no denying the fact that local councils under the system of Basic Democracies proved a failure because the elective principle had been seriously watered down and great prominence was given to the participation of persons appointed by the government. The system was, hence, a negation of the principle of democratic self-management in view of the in-built mechanism of bureaucratic control which did not allow the representative element to acquire meaningful expertise in the management of local affairs.

The dissolution of Basic Democracies system, however, ended whatever experience had been gained in the field of local government. The period preceding the downfall of Ayub regime, proved to be a dark era in the history of local government in Pakistan.

⁷⁷. A.T. Rafiqur Rahman, "Basic Democracies and Rural . . .", p. 255

⁷⁸. M. Mohyuddin Qazi (Dr.). *Law & Practice of Local Government in Pakistan*, Lahore, Law Publishing Company, 1985, p. 7. The caretaker military ruler issued two orders for the purpose. The first (issued on May 27, 1971) relieved all elected chairmen and members of the local councils from their offices whereas the second (issued on June 23, 1971) dissolved all local councils constituted under the Basic Democracies Order, 1959 and the Municipal Administration Ordinance of 1960.

Table: 2
A STRUCTURAL CHART OF
BASIC DEMOCRACIES

Divisional Council (16)
Chairman: Commissioner
Members: Half or more elected, remainder officials
|
|
District Council (78)
Chairman: Deputy Commissioner
Members: Half or more elected, remainder officials
|

<u>In Rural Areas</u>	<u>In Urban</u>	<u>Areas</u>
<p style="text-align: center;">Tehsil/Thana Council (630) Chairman: Sub-divisional Officer, Tehsildar or Circle Officer; Members: Half or more chairmen of Union Councils, remainder officials.</p> <p style="text-align: center;"> </p> <p style="text-align: center;">Union Councils (7614) or Town Committee (220) Chairman: Elected Members: 10 to 15 elected.</p>	<p style="text-align: center;">Cantonment Board (29) Chairman: Official Members: Half chairmen of Union Committees, half officials.</p>	<p style="text-align: center;">Municipal Committee (108) Chairman: Official Members: Half chairmen of Union Committees, half officials.</p> <p style="text-align: center;"> </p> <p style="text-align: center;">Union Committee (888) Chairman: Elected Members: Elected.</p>

Source: Adapted from Guthrie S. Birkhead, *Administrative Problems in Pakistan*,
New York, Syracuse University Press, 1966, p. 32

SECTION: B

Zulfiqar Ali Bhutto (1972-77)

Zulfiqar Ali Bhutto assumed power (December 1971) when the country was engulfed in a deep political crisis followed by the cataclysmic events of the war and secession of the eastern province. To G.W. Choudhury, Pakistan at that time could be compared with 'a patient in the last stages of tuberculosis' as the country was beset with gargantuan problems in the socio-economic sphere in addition to complex political and constitutional issues.¹ Bhutto's rise to the office of the chief executive of the state had signalled the return of the politicians after an interval of about fifteen years.

A major contribution of Bhutto lies in giving to the country a permanent constitution that was framed by the elected representatives of the people. The constitution that was passed by the entire assembly with no vote cast against it.² The constitution was distinct from the previous two constitutions (1956 and 1962) in view of the fact that specific provisions were incorporated with regard to the establishment and development of local government institutions.³ The four years that followed the promulgation of the constitution in 1973, however, witnessed the pursuit of such policies and actions which furnished a strange contrast with the ideals professed by the new government and the hopes to which they had given rise.⁴

Though martial law was lifted after the promulgation of the interim constitution, a ratification was promptly obtained from the Assembly to continue the proclamation of Emergency under which most of the fundamental rights remained suspended.⁵ During the five and a half years of tenure (December 1971-July 1977), the elected government pursued a course of action leading to the establishment of near absolute authority. Having been associated closely with Ayub Khan's rule, Bhutto had learnt the new lessons of practical politics in Pakistan. These experiences facilitated him to perfect and expand Ayub Khan's instruments of control. The governmental actions appeared to have been aimed at emphasising the radical change in circumstances and at consolidating the ruling party's position. Armed with the powers of the President and Chief Martial Law Administrator (for the first four months period), the elected government made swift and resolute moves. To reinforce authority, party loyalists were appointed as governors in all the four provinces. As Chief Martial Law Administrator, his powers were practically unchecked and the emergency proclaimed by Yahya Khan, remained in force, and

¹. G.W. Choudhury, *The Last Days of United Pakistan*, London, C. Hurst & Company, 1974, p. 57.

². Kamal Azfar, *Pakistan, Political and Constitutional Dilemmas*, Karachi, Pakistan Law House, 1987, p. 86.

³. Articles 7 and 32 of the Constitution of 1973 deal with the subject.

⁴. Hamid Yusuf, *Pakistan in Search of Democracy 1947-77*, Lahore, Afrasia Publications, 1979, p. 138.

⁵. Hamid Yusuf, *Pakistan in Search . . .*, p. 143. Bhutto had, in fact, inherited the proclamation of Emergency but he retained it continually in operation throughout his tenure.

placed in the hands of government formidable powers over the life, person and property of a citizen.⁶

Though the constitution concentrated both executive and legislative powers in the office of the prime minister putting him beyond the control of both the president and the assembly,⁷ attempts were made to convert the parliamentary form of government into the presidential one in order to be able to push certain pieces of legislation through the parliament with practically no delay or obstruction.⁸

Khalid Bin Sayeed has explained two factors that reinforced this desire for power. First, being a premier hailing from Sindh, Bhutto felt insecure because he was never sure whether the other provinces would continue to support him. Secondly, like General Ayub Khan, he was convinced that given the social and political heterogeneous conflicts of Pakistan, only a strong centralised government presided over by an unassailable president or premier could keep the country united. The political style and system of General Ayub Khan had a direct bearing on his conduct of state business.⁹

The trend towards centralisation enhanced considerably as the executive enjoyed a dominant status within the state apparatus. The situation, in general, was moving in such a way as if there would emerge a one-party system in the near future. Despite guarantees provided with regard to provincial autonomy, the relationship between the centre and the provinces (particularly those of Baluchistan and the NWFP ruled by a coalition of two opposition parties at that time) was characterised by hostility and confrontation and which finally culminated in the dismissal of the provincial government of Baluchistan. Later, the provincial government of the N-W.F.P., resigned in protest.¹⁰

The idea of decentralisation, which the new government stood for, could not fully materialise in view of the fact that the constitution of 1973, compared to the previous two constitutions, was leaning more towards centralisation.¹¹ The task of institution building was not given adequate attention which was evident from the fact that despite advice to the nation to build and respect institutions and place less emphasis on individuals and personal leadership, the government preferred to adopt a style that was characterised by over-centralisation of decision-making, non delegation of

⁶. Hamid Yusuf, *Pakistan in Search . . .*, p. 128.

⁷. Golam W. Choudhury, *Pakistan, Transition from Military to Civilian Rule*, Essex (England), Scorpion Publishing Ltd., 1988, p. 24

⁸. Khalid Bin Sayeed, *Politics in Pakistan, The Nature and Direction of Change*, New York, Praeger, 1980, p. 106

⁹. Khalid Bin Sayeed, *Politics in Pakistan . . .*, p. 104

¹⁰. Mohammad Waseem, *Politics and the State in Pakistan*. Lahore, Progressive Publishers, 1982, p. 326 ff.

¹¹. Kamal Azfar, *Pakistan, Political and . . .*, p. 127. The author has made comparisons between the number of jurisdictions allocated to the federal and provincial governments under the three constitutions. The 1973 constitution allocated 67 items to the federal list, 47 to the concurrent and none to the provincial list. The 1962 gave 49 items to the federal government and none to the concurrent or provincial lists. The 1956 reserved 94 items for the provinces.

responsibility and correlating the country's stability with the Peoples Party's longevity in office. Contrary to the professed ideals of democracy and rule of law, stable and strong institutions, attempts were made to reduce even the ruling party's (PPP) effectiveness by way of personalising it.¹² The authoritarian style of leadership on the part of the governing elite was illustrated from the severe restrictions imposed on opposition parties, on the one hand, and purging the ruling party of such members who did not agree with the policy of the government, on the other.¹³

The introduction of reforms in various fields, according to Inayatullah, was a part of breaking the competing centres of power in the polity in an attempt to make the government effective, if not absolute. Restructuring the old institutions particularly that of the civil bureaucracy was one of the immediate reforms undertaken by the elected government. Initiatives taken in this field were particularly aimed at giving to the service a pliant and instrumental role rather than the political role which it had assigned to itself.¹⁴ The bureaucracy was thus subjected without much ado to a frontal attack. To weaken its power, certain drastic changes were introduced through the erstwhile administrative reforms of 1973. The administrative reforms, originally intended to decentralise governmental machinery, were welcome. The purpose was said to be the dismantle of the elite structure and its replacement with a more technocratic and efficient public service. The methods to achieve this, however, gave way to political patronage rather than attracting talent from the private sector.¹⁵ Though the centralised framework and centralising tendencies of the bureaucracy could be checked to a considerable extent, their attitude and orientation towards the people permitting them to face the bureaucracy in an organised manner was marginal and rhetorical. This phenomenon also had its effects on the question of provincial autonomy.¹⁶

The reservation of key administrative posts for the elite cadre was abolished and was substituted by a unique lateral entry system.¹⁷ This facilitated the appearance on the scene of a new kind of civil servant much politicised and untroubled by conscience.¹⁸

¹². Lawrence Ziring, "Pakistan, A Political Perspective" in *Asian Survey*, vol. 15, no. 7, 1975, pp. 630-6.

¹³. Manzooruddin Ahmad, *Contemporary Pakistan, Politics, Economy and Society*, Karachi, Royal Book Agency, 1980, pp. 15-17.

¹⁴. Inayatullah, "Decentralisation For Rural Development in Pakistan, A Critical Review" in *Building From Below: Local Initiative For Decentralised Development in Asia and Pacific*, vol. 3, 1988, pp. 224-269.

¹⁵. Omar Noman, *Pakistan, A Political and Economic History Since 1947* (2nd edition), London, Kegan Paul International, 1990, p. 62.

¹⁶. The dismissal of the elected provincial governments of Baluchistan and the N-W.F.P., and the installation of Peoples Party government there illustrated evidence of both administrative and political centralisation.

¹⁷. Charles H. Kennedy, "Analysis of the Lateral Recruitment Programme to the Federal Bureaucracy of Pakistan" in *Journal of South Asian and Middle Eastern Studies*, vol. 3, no. 4 (Summer 1980), pp. 42-65. As many as 1303 senior civil servants were dismissed from their jobs. This paved the way for appointing members of the ruling Pakistan Peoples Party (PPP) to important administrative positions.

¹⁸. Hamid Yusuf, *Pakistan in Search . . .*, p. 176. Through a number of actions, this core of public services was made the unquestioning instrument of an authoritarian rule.

The relationship of local party leaders with the bureaucracy was also the result of a random and not a properly designed mechanism. For instance, at the level of district and sub-district, the authority of government officers stood on an ambiguous footing. The local PPP chairman of mohallas, towns and union councils areas had been given the authority to nominate certain individuals for entitlement to charge of ration depots, licences for arms, and responsibility for local distribution of scarce commodities such as cement. These party influentials soon, for their own convenience, developed friendship ties with officers, especially from the police, which helped them rise in social status and accumulate discretionary powers. This process brought forth an entirely new corps of notables in various localities. Though the party appeared to be in full command of policy making at the federal level, and while at the provincial level it tried to extract as many favours as possible from the bureaucracy, at the local level it operated as a privileged group of people seeking to establish new patterns of authority on the basis of party-sponsored patronage. In this way, the district administration was instrumentalized by the local PPP stalwarts at the service-giving end.¹⁹

In contrast to Ayub Khan, Bhutto introduced two land reforms (1972 and then 1977) in an enthusiasm to weaken the hegemony of the landlords. The ceilings placed on the ownership of agricultural land were, therefore, lower than those of General Ayub Khan i.e., from 500 acres in the irrigated and 1000 acres in the non-irrigated areas to 150 and 300 respectively. On the other hand it was claimed that the effective ceiling may not be this much but anything up to 1800 acres or even more.²⁰ In practice, therefore, the outcome of these measures were not encouraging in terms of curbing the power of the landlords or in distributing land to the landless.²¹

Keeping the land-owning class undisturbed was in sharp contradiction with the social and economic policy professed by the new government. Interestingly every other class or interest capable of offering resistance to the government was rendered powerless or politically harmless. The landlords came, by and large, on his side to maintain their influence with the administration. They also successfully maintained their position among the rural electorate which had become independent of their hold and had become emotionally aligned with the new leader. They acted as a check against the emergence of radical leadership among the people who were now inspired with the ideals of a new social and economic system.²² By doing so they were able to predominate in the Assemblies and in political offices. In general, the government appeared to have reached some compromise with the traditional rural power structure,

¹⁹. Mohammad Wasseem, *Politics and . . .*, p.325

²⁰. Mohammad Waseem, *Politics and . . .*, p. 316.

²¹. Ronald J. Herring, *Land to the Tiller, The Political Economy of Land Reform in South Asia*, New Haven, Yale University Press, 1983, pp. 100-103, 117-125.

²². Hamid Yusuf, *Pakistan in Search . . .*, p. 142.

this impression being reinforced by the fact that the land reforms fell far short of expectations.

The basic power structure in Pakistani society thus remained more or less intact with only marginal changes. The vital tasks such as transforming the intermediary structure of power "the end of feudalism," ensuring greater participation to the deprived and poor in decision-making processes and decentralisation of power were only partially realised.²³

PEOPLE'S LOCAL GOVERNMENT

The hypothesis that local government institutions got little opportunities to flourish during the representative era needs to be tested in the perspective of above socio-political and economic scenario. The talk of launching a system of local government institutions to be elected on the basis of adult franchise was something heard from the time of assumption of power by Bhutto,²⁴ it was only during the last quarter of his tenure in office that some concrete shape of the proposed system could come out.

A three-tiered system²⁵ adding the word 'Peoples' i.e., Peoples Local Government Ordinance' comprising Municipal Committees for cities, Town Committees for towns and District Councils for the rural areas was introduced in accordance with size and population. The Metropolitan cities of Karachi and Lahore were to have more than one Peoples Municipality under the City Corporation. Thus, for the first time, the idea of constituting 'Zonal Municipalities'²⁶ in large urban areas was put forward. In practice, it did not materialise. Interestingly, there were no provisions for officially nominated or indirectly elected members.

During this period two ordinances were promulgated one after another. The first uniform law for all the urban and rural local councils called 'Peoples Local Government Ordinance 1972' remained merely a paper transaction. The second one promulgated in 1975 also proved to be an effort in futility as the objectives remained unfulfilled for want of elections.²⁷ In 1972, the central government had announced certain broad outlines to guide the future set up of local government institutions. These were meant to

²³. Inayatullah, "Decentralisation For Rural Development in Pakistan . . . , pp. 224-269. The author holds the view that the land reforms were neither radical in conception nor effectively implemented to yield enough land to affect the economic conditions of the rural power.

²⁴. See proceedings of the National Seminar on Local Government (Lahore, November 22-27, 1976), p. 21. Within a month of its coming into power, the People's Government appointed a Cabinet Sub-Committee in January 1972 to reorganise the system of local government. The committee was to examine what changes could be effected in the structure and functions of local bodies at different levels and what could be the qualifications, mode of elections etc., of the members of these bodies.

²⁵. Ahmad Hussain, *Politics and Peoples Representation in Pakistan*, Karachi, Ferozsons Ltd., 1972, pp. 220-22

²⁶. It was before holding the third term local government elections (1987-91) in the province of Sindh that the city of Karachi was bifurcated into four zones for municipal administration each to have its own Municipal Committees (ZMC). The primary motive behind this division was political.

²⁷. Mohammad Mohy-ud-din Qazi (Dr.), *Law & Practice of Local Government in Pakistan*, Lahore, Law Publishing Company, 1985, p. 7

serve as a general framework within which provincial governments could enact new legislation in the field of local government. Salient features of the system were as follows:

- ⇒ Nomination of government officers to local bodies was abolished;
- ⇒ The head of every local body was to be elected;
- ⇒ Elected members were not to constitute any electoral college;
- ⇒ A uniform law was to govern the rural and urban local councils;
- ⇒ Parallel developmental bodies in the major urban areas were to be amalgamated with the respective municipal councils of the cities;
- ⇒ Large municipal corporations were to be broken into smaller municipal units;
- ⇒ The concept of controlling authority was liberalised according to which the provincial governments, and not the district officers, were to exercise necessary supervision and control over local bodies;
- ⇒ To maintain liaison between the local councils of a district, a District Co-ordination Committee was constituted with the district officer to act as its secretary.²⁸

The organisational structure differed significantly from that of the Basic Democracies in view of the fact that the old Union, Tehsil and Divisional Councils stood abolished. The only local council at the rural level was to be called 'Peoples District Council.' Union councils in rural areas were abolished in view of their passive character i.e., not raising sufficient fund through tax and not performing vital administrative or developmental functions. In this scheme, the district council was to be structured along lines developed by the provincial assembly in electing its chief minister. The same structure was projected for the cities and towns.²⁹ Other characteristics of the proposed system were: Introduction of adult franchise, elected chairman, membership restricted to one local council only. The district based government functionaries were to be functionally responsible and answerable to the People's Local Councils.

Furthermore, unlike the Basic Democracies Ordinance of 1959, provinces were allowed to have their own laws and determine the extent and strength of local councils according to their circumstances. An immediate advantage of this policy was that the provinces were able to restore the status of those urban local councils which were down graded following the promulgation of Ayub Khan's Municipal Administration Ordinance.³⁰

²⁸ Mumtaz Ahmad, Local Government in Pakistan, An Analysis in Retrospect, *Journal of Rural Development & Administration*, vol. 10, no. 4, October-December 1973, pp. 26-27

²⁹ Lawrence Ziring, "Pakistan, A Political . . .", pp. 635-6.

³⁰ The ex-Mayor of Karachi Metropolitan Corporation (Abdus Sattar Afghani) told the researcher in an interview that the corporation had been degraded to municipality level. One reason for doing so was the military ruler's policy of assigning to the urban local councils only a limited role. The promulgation of Sindh 'Peoples Local Government Ordinance 1972 restored its previous position.

The ruling Peoples Party had established party branches down to the village levels in an attempt to stimulate rural political activities. Due to the party's loose organisation, however, the process of political recruitment and participation could only partially be achieved.³¹ The whole exercise proved to be a paper work only for want of local council elections which could not be convened during the five and a half year period despite fixing the dates for it on a number of occasions.³² One respondent disagreed with this notion saying that Bhutto had, in fact, issued instructions to the provinces to hold local councils elections in May 1972. But it were the vested interests including the bureaucracy who subverted the decision.³³

PEOPLE'S WORKS PROGRAMME

The absence of elected local councils hampered the growth of democratic traditions in the country and also affected the proper implementation of the federally launched public welfare programmes, particularly those designed for rural uplift. Reference in this connection may be made to the 'People's Works Programmes.' Formerly known as Rural Works Programme, it was launched in collaboration with the provincial governments who were responsible for the creation of organisational structure starting from the provincial level down to the villages.

On account of the absence of elected local councils, members of the National Assembly were associated in the formulation and implementation of projects. This, according to Waseem, was a new characteristic of rural development in Pakistan.³⁴ A kind of substitute of local government was provided. The whole process was, at large, governed by administrative orders and political expediencies. This was illustrated from the adoption of nomination in the project committees and district bodies. The PWP could not be faithful to its basic concept unless its activities were allowed to operate within the elected local bodies.³⁵ The concentration of power with the deputy commissioner remained intact and no accountability of district bureaucracy including

³¹. Inayatullah, "Decentralisation For Rural Development . . . , p. 17

³². See editorial "Local Government: New Hopes" in the Dawn (Daily, Karachi, 27.10.1974).

³³ Dr. Mohammad Afzal, ex-Secretary, Agriculture Price Commission, Government of Pakistan narrated to the researcher that he was personally observing the progress in that direction. The provincial chief ministers met at Lahore in March 1972 and decided not to hold elections. Once that opportunity was lost, the idea of reviving local bodies could never come true. Another respondent, Mr. A.U. Saleem attributed the reason for poor response from two provinces which, at time, were ruled by opposition parties.

³⁴. Mohammad Waseem, "Economic Development and Political Change at the District Level" in *Journal of South Asian and Middle Eastern Studies*, vol. 8, no. 1, 1984, p. 230. The findings of Sayeed are that such a strategy was also adopted during Ayub Khan's period when members of the National Assembly sought elections on the promises of constructing bridges and roads in their constituencies. This also proved advantageous for the ruling Convention Muslim League the strength of which rose to 120 in the House of 155. See Khalid B. Sayeed, "Pakistan's Constitutional Autocracy" in *Pacific Affairs*, vol. 36, no. 4, Winter 1963-64, p. 373

³⁵. A. Jameel Siddiqi, *A Review of Rural Development Programmes (1857-1980)* study no. 2. Islamabad, Local Government and Rural Development Division, 1980, p.55

the field staff could be evolved. The effects of the programmes of rural uplift were, therefore, marginal.

After abolishing the Basic Democracies system, there was an attempt to build a new local government. But the proposed system was never fully established and elections were not held confirming the earlier pattern that politicisation at national level was followed by the atrophy of local government and vice-versa. As a result, there was no political system at the grassroots which could articulate and resolve local problems, and support national and provincial government' rural development programme. Consequently, all local problems either remained unattended or were thrown up to higher echelons of the ruling party, particularly the chairmen of the District Councils who were the centre of political power. This retarded both political and economic development for which the PPP apparently had considerable potential. Why did the Bhutto regime fail to put into existence an effective local government system, despite necessary legislation enacted and introduced by, at least, the two provinces of Punjab and Sindh?

Apart from what has been written about the Peoples' Party's approach towards local government institutions, there is a point of view held by experts belonging to different walks of life. The respondents, interviewed by the researcher during field work in Pakistan, looked to the problem from different angles and, therefore, differed significantly with regard to the causes that hindered the development of the system during this historic period of first elected government in Pakistan. Those interviewed and their professional backgrounds are as under:

<u>Name of Profession:</u>	<u>Number of experts interviewed</u>
1. Educationalists	6
2. Journalists	2
3. Lawyers	2
4. Politicians	5
5. Civil Servants	6

1. The educationalists were mainly university teachers and prominent researchers.

Three respondents attributed the whole phenomenon to the crucial problems which the government inherited following the dismemberment of Pakistan in December 1971. The government, being product of a major crisis of national disintegration, was faced with a series of problems in both national and international spheres. The solution of these problems such as negotiating release of prisoners of war from India, evacuating the large territory occupied by India during the 1971 war, internally restoring confidence of the people and externally that of the nation in the comity of nations, preparation of a new constitutional document accommodating the changed

circumstances etc., required hectic efforts spread over a period of years. As a result, the question of institution-building could not be adequately attended. Local government was very low in the government's list of priorities. Therefore, the pre-1975 situation was not conducive for holding elections and involving the people in any sort of electioneering. One respondent, disagreeing with this notion, held the view that the party remained in power for slightly less than six years and, therefore, had sufficient time to institutionalise agencies of public participation and decision-making at the grassroots level.³⁶

Two respondents explained the position with reference to the new programme of socio-economic change which the People's Party endeavoured to achieve. The party, on the other hand, was politically shaky. Going to seek popular mandate for any level of elected institutions could possibly harm the already shaky position. The apprehension was that the party would be factionalised at the local level. Though factions at the local level already existed, if the party supported one faction, the others could join the opposition ranks. Therefore, the government's top priority was to keep the party united under all circumstances for the pursuit of its long term objectives.

Some respondents examined the question in view of the lack of willingness to share or abdicate powers. Introduction of elected local councils necessitated decentralisation of power while the government developed a trend towards centralisation in view of the peculiar political conditions. Centralisation was also the outcome of the consolidation of power at all levels. At one stage the government started losing ground and began to control everything from the centre. The experiences in the two provinces (Baluchistan and the N-W.F.P., ruled by a coalition of two opposition parties) led the federal government to restrict the role of provinces. Any thought which could have been given to the creation of local government institutions would have diluted the party's political base. Therefore, not intuitively but certainly, by oblivion or neglect, local government was not in the list of their priorities. One respondent linked the issue with the question of autonomy of the provinces. To him the tendency of guaranteeing something in the constitution and practising against it had harmed the relationship between the centre and the provinces. The question of local government remained, therefore, unattended.

In view of the existing political scenario at that time, one respondent held the view that the party's reluctance, despite a strong belief in democratic traditions, was due to the apprehension that the opposition might capture the local governments and become a source of trouble. The representative character of the government at centre could be challenged. It could not afford, therefore, to lose confidence of the masses at local level while ruling at the central and provincial levels.

³⁶. Prof. Dr Asrar Hussain, ex-Chairman, Department of Politics, University of Peshawar (21.9.1992).

Two prominent educationalists referred to certain sensitive issues which according to them constituted the crux of the problem. The biggest misfortune was the development of enmity with, almost, every vital section of the population such as the opposition parties, the industrialists, the bureaucracy, the army and the land-owning class. The party slogan of 'Socialism' (as a result of which the process of nationalisation of all means of production began) frightened the industrialists, feudal lords and others involved in the economic field. The general environment in the country was characterised by some sort of suffocation as a result of the drastic changes which the government introduced as a part of its economic programme. These initiatives could hardly gain general recognition and all elements in the society were affected by the changes introduced. One respondent commented thus:

"The style of government should be seen in the context of feudalistic background and exposure to western democratic norms. To remain in power, the government did not hesitate to promise too many things to the people. Developing mass awakening was one of his significant contribution but there was little readiness to consolidate this in an institutionalised manner simply because the establishment of true representative institutions could frustrate their vested interests."³⁷

2. Two eminent journalists of national stature gave their candid views of the situation. To them, the government of PP was characterised by centralisation, confrontation with the federated units, and the reluctance to revive elected local council on the basis of adult franchise. It appeared from their views that the federal government exercised considerable influence over the policy on local councils, despite their being subject of provincial domain. The respondents had an identical viewpoint despite their affiliation with different political parties. To them the party pursued a policy of full, complete and indivisible control of the governmental power. It was this thrust for power that ended ultimately in the imposition of one party rule in all the four provinces when elected governments in the provinces of N-W.F.P., and the Baluchistan were ousted from office. One respondent termed the era with 'politics of confrontation'. This necessitated the consolidation of power which was thought to be in the best interest of the party instead of following the path of decentralisation.

Another respondent, while referring to the statistics of 1971 general elections, stated that the ruling party represented only 36% of the electorate in Pakistan. Being aware of the party's limited popularity, the government had little prospects of winning local bodies' elections. Alternatively, local councils were controlled through administrators. The major urban areas had a constant war with the ruling party. Keeping these facts in view, the idea of going to polls could be tantamount to putting the fate of the party at stake.

³⁷. Prof. Dr Manzooruddin Ahmad, ex-Vice Chancellor, University of Karachi.

An interesting point raised by one respondent illustrated the extent of influence which the federal government exercised over the plans of provincial governments.³⁸ It was pointed out that the Punjab government had devised a local government law which provided a suitable organisational structure. Despite the approval given by the provincial assembly, the federal government was reported to have stopped the chief minister from implementing the scheme.³⁹

3. The two lawyers, both affiliated with the Pakistan Peoples Party and having seen the party's rule during that tragic period of Pakistan's history, interpreted the situation in such a manner that confirmed as well as disproved the viewpoints expressed by other interviewees. For instance, one of them confirmed that the conduct of elections to local councils and distribution of tickets for the purpose could cause dissension among party cadre and could weaken its already shaky position. The government found it unaffordable in view of the tremendous problems lying ahead. The government preferred to bring the people out of the condition of helplessness and hopelessness and undertook the task of introducing reforms with a view to promote the socio-economic well being of the masses.⁴⁰

Another respondent ruled out this contention calling it invalid on the ground that conditions were not that much threatening in, at least, two provinces i.e., Punjab and Sindh and the general elections held in March 1977 confirmed the popular support which the party enjoyed in these provinces.⁴¹

4. The politicians interviewed consisted of two categories e.g., those who had the privilege of holding important positions in the cabinet of Zulfikar Ali Bhutto and those who played an active role in the ousting of the government as a result of launching a national movement. Respondents of this group held the view that the government's reluctance to revive elected local councils was due to the general trend toward centralisation and the attempts to establish a one-party rule in the country. Obviously, the revival of elected local councils could create hindrances in the realisation of these designs. This also illustrates the fact that politicians, when in power, look hesitant to decentralise power.⁴² Another respondent from the opposition side held similar views. To him, that was a dark age from the point of view of fostering the cause of local

³⁸. Past press records reveal how the provincial governments waited a green signal from the federal government in order to go ahead with the programme of holding local bodies elections.

³⁹. From interview with Altaf Hassan Qureshi, Editor, Urdu Digest (Monthly), Lahore. The editor narrated how Hanif Ramay, then Chief Minister of Punjab had enthusiasm for establishing elected local councils in the province.

⁴⁰. Umar Yousuf Deda (Advocate), ex-Provincial Minister for Law & Parliamentary Affairs (Sindh) and ex-Deputy Mayor, Metropolitan Corporation of Karachi in his interview told the researcher that party members elected in the general elections of 1971 had considerable influence over the local councils affairs.

⁴¹. Pakistan had a general elections on March 7 and 10, 1977 for the National Assembly and Provincial Assemblies respectively. The provincial elections were boycotted by the opposition's PNA (Pakistan National Alliance) in view of the alleged large-scale rigging in the National Assembly elections.

⁴². Prof. Shah Faridul Haque, Vice-President, Jamiat Ulama-e-Pakistan, 16.6.1992.

government. The government was a party to the devaluation and perversion of the values of local government. By having a thrust for centralised and extensive authority, the government simply eroded the institutions of democracy including those which could serve as nursery of democracy.

Another respondent, affiliated with Peoples Party, defended the party's stand on the question saying that the premier had delayed reviving local government in view of the prejudices and the hatred which the politicians still had against the defunct Basic Democracies system.⁴³ Another respondent and one of the founding fathers of the People's Party in 1967 unearthed the secret while stating that the inattention to local councils was due to the reluctance to share power.⁴⁴ One respondent appeared to be balanced in his assessment of the phenomenon while saying that:

"Even if the government had shown willingness to go ahead with the plan of local government elections, party members in the national and provincial assemblies would have resisted to do so. Being under the influence of party members, most of whom came from the land-owning class, the Premier preferred to pacify the party members, this being a matter of mutual benefit and also in the interest of saving the party from disintegration."⁴⁵

5. Bureaucracy looked to the matter largely in its administrative and political perspective. While analysing the situation, the respondents gave equal weight to certain administrative and political problems faced by the government at that time. Apart from paying attention to several crucial domestic problems as a result of December 1971 tragedy, the framing of a constitution guaranteeing integration of the New Pakistan needed top priority. Local Government, though, manifested in the party manifesto of the ruling People's Party and later embodied into the permanent constitution (1973). remained a neglected task because of the difficulties faced by the government. Referring to the role of bureaucracy, one respondent commented thus:

"Bureaucracy had a substantial control over the working of local bodies and their influence on the financial and administrative spheres of these institutions extended to such an extent that [even] an overseer could not be appointed or transferred by a Mayor without the concurrence of the provincial government that meant officials in the local government department."⁴⁶

Some respondents blamed the provincial governments ruled by opposition parties. Their lack of co-operation created hurdles in the way of going ahead with the programme of conducting local elections. For instance, the government of N-W.F.P.,

⁴³. From interview with Malik Meraj Khalid. He explained how the government, in 1975, took practical steps for the development of local government and created a separate ministry to deal with policy measures in the field of local government. The interviewee was inducted in the federal cabinet as incharge of the ministry. Bhutto saw the solution in abolishing altogether the unit of union council in his system of Peoples Local Government. The credit for establishing a full-fledged ministry at the federal level goes to his government.

⁴⁴. Dr. Mubashir Hasan, ex-Finance Minister in Bhutto's federal cabinet.

⁴⁵. Ehsanullah Khan, ex-Minister of Local Government & Rural Development, Government of the N-W.F.P., 30.9.1992.

⁴⁶. Zakir Ali Khan, ex-Director General, Karachi Water and Sewerage Board (KW&SB).

was said to have been avoiding holding local council elections. Baluchistan's response too was unfavourable due to the resentment there against the military who were engaged against several tribes.⁴⁷

Views of another respondent carried some weight in view of touching the sensitive aspect. To him, the government simply wanted to avoid mutual rivalries between the elected representatives of national and provincial assemblies on the one hand, and those of the local councils, on the other. In the absence of elected local councils, the ministers and parliamentarians felt free in managing local affairs including allotting residential plots to the people.⁴⁸ Examples of duality in government policy and reluctance to hold even the general elections were cited. To another respondent, the government, lacking self-confidence and adequate public support, did not feel like activating elected local institutions at the expense of weakening the federal government.

CONCLUSION

After its disintegration, the new Pakistan could look forward to a brighter future with viable democratic institutions. The contribution of the first elected government in Pakistan towards the development of political consciousness was, undoubtedly, unprecedented. Bhutto, by taking a number of initiatives, stimulated political awareness but attempts at the organisation and mobilisation of the masses was marginal. Institutionalisation of this political awakening could have strengthened his position and that of his party, had the process been continued particularly in the rural areas. This resulted in the perpetuation of control in the rural areas by the land-owning class. The ruling elite itself assumed dictatorial style while governing the state affairs and set aside the observance of democratic norms which is reflected from their initiatives with regard to numerous domestic issues. The ascendancy of the party gave way to the rise of personal authority and democracy was robbed of all its substance.

Though the slogan 'All Power to the People' was raised, attempt to give it a genuine expression in the form of appropriate institutions at various levels or even in the shape of a democratically organised political party was marginal. Though a structure called 'People's Local Government' came into existence but it could not make its presence felt by the masses for lack of elections.⁴⁹ No doubt, that the question of

⁴⁷. A.U. Saleem, ex-Director General, Lahore Development Authority. The researcher differed with the views. Such elections could, at least, be conducted in the comparatively peaceful provinces of Sindh and Punjab being the stronghold of the ruling party as did Nawaz Sharif during his Premiership. Punjab was the only of four province going ahead with the forth term local bodies elections in 1991.

⁴⁸. From interview with Malik Mohammad Siddique, 30.5.1992.

⁴⁹. The government adopted delaying tactics in this respect. At one time it was announced that local council election will be held on March 15, 1972. These were postponed at the eleventh hour. Next date was sometime in May that year. Till August, they could not be held. Next announcement fixed end of the year. It was followed by another announcement of another six to seventh month period.

democratisation of the organs of local government had been largely overshadowed by political issues of fundamental nature but the question of substitution of representative rule in local bodies for bureaucratic management should have been treated as a matter of consequence.

Needless to say that in the history of post-independence Pakistan, no politician had pleaded with such passionate fervour as did Bhutto for the democratic right of the people and the need for social and economic justice in society. The assertion of rights, however, lacked a corresponding sense of obligation or the working discipline of democracy. This optimism, however, was replaced by a feeling of betrayal in view of the increasingly repressive rule of the People's Party.⁵⁰ A major contribution of Bhutto lies in incorporating into the constitution of articles which dealt specifically with the question of local government. Local Government was declared to be an organ of the state and to encourage the development of such institutions was also made an obligation of those in power.⁵¹

The promulgation of the People's Local Government ordinance did not bring any meaningful change in the system as official administrators continued to administer and control the affairs of local councils with varying degree of efficiency. Not only was the whole sector in a dismal condition,⁵² but the process of imparting training to the local leaders through involvement in decision-making and execution of local development plans, also came to a standstill. The failure to introduce participatory institutions, however, developed bitterness and mass anger culminating finally into the spontaneous outbreak of a popular movement in 1977. A grave price had to be paid for converting a mandate for democracy into a charter for an authoritarian government.

Postponement of these elections became a routine matter and, therefore, did not attract much attention on the part of civic and political leaders.

⁵⁰. Omar Noman, *Pakistan, A Political and Economic . . .*, p. 57

⁵¹. See Articles 7 and 32 (Part-II) of the 1973 Constitution of the Islamic Republic of Pakistan.

⁵². (Ch.) Mohammad Ashraf, "The Evolution and Expansion of Local Government Institutions in the Sub-continent," in *Public Administration Review* (N.I.P.A., Lahore), vol. 25, no. 1 (Jan-Jun) 1987, p. 74

SECTION: C

General Mohammad Zia-ul-Haque (1977--88)

Zia took over the government after deposing an elected civilian regime as a result of the political crisis emanating from the election results of 1977. The imposition of martial law, according to a prominent Pakistani sociologist, marked the end of a short interregnum of the ascendancy of politicians in the national political process and restoration of a military-bureaucratic complex which the Bhutto regime attempted to challenge and depoliticise.¹

The military take over was claimed to be the shortest one---90 days, as is illustrated from the following pronouncement of July 5, 1977:

*"My sole aim is to organise free and fair elections which would be held in October this year . . . During the next three months my total attention will be concentrated on the holding of elections and I would not like to dissipate my power and energies as CMLA on anything else."*²

The Martial Law Administrator projected himself as a reluctant ruler and like his predecessors regarded the restoration of democratic order to be the only task before the government. Despite the publicly reiterated commitment to hold elections it turned out to be the longest martial law regime in Pakistan.³ The tenure of the military regime was extended on account of the developing goals of the coup which, inter alia, aimed at introducing wide-ranging changes in the political and social spheres of the country such as provision of a stable foundation for democracy through the installation of elected local councils, decency in politics, Islamization, and the restructuring of the politico-economic system.⁴

In partial fulfilment of the promises, a date for the general elections was announced (November 17, 1979) but it was followed by major electoral changes. For instance, through an amendment of the Political Parties Act of 1962, political parties were asked to fulfil certain requirements which, called for a registration with the Election Commission as a pre-requisite for taking part in national elections. In fact, it was a survival strategy, consisting of a series of harsh electoral regulatory measures which were arbitrary in nature and aimed at the disqualification of undesirable parties.

¹. Inayatullah, Decentralisation For Rural Development in Pakistan, A Critical Review, published in Anil Bhatt, et al., eds. "Building from Below Local Initiatives for Decentralised Development in Asia and Pacific, vol. 3, 1988, pp. 224-269

². Hasan Askari Rizvi, The Military and Politics in Pakistan, Lahore. Progressive Publishers, 1986 (Revised edition), p. 226. The author has outlined the changes in the political priorities and goals pursued by the military government which lingered the duration of the military rule.

³. Promulgated on July 5, 1977, the martial law was to be lifted in December 1985. Thus coming to power for a transitory period of ninety days, the military ruler completed almost eleven years in power (5.7.1977 to 17.8.1988) during which he ruled in three capacities i.e., first as the Chief Martial Law Administrator, then as both President and the CMLA and finally as the elected President of Pakistan.

⁴. Louis D. Hayes, The Struggle for Legitimacy in Pakistan, Lahore, Vanguard, 1986, pp. 258--266

While the political parties hesitated to fulfil the conditions of registration, the military government changed its mind and decided to hold local bodies' elections on a non-party basis ahead of the already announced general elections. Through this unexpected change in the priorities of the military regime, the pretence of being an interim government was dropped. At a later stage, the army's intentions were publicly and explicitly disclosed.⁵ That necessitated certain effective measures that could entrench and consolidate the government's position.

For achieving legitimacy, Zia tried a number of methods such as the incorporation of some of the anti-Bhutto forces in a civilian-cum-military government; rule by dictate with the civilian bureaucracy playing the role of a surrogate political party; Islamization of the economy and the society in the belief that faith would provide the glue to hold together a country that had been created on the basis of religion in the first place; and a limited amount of popular participation through the establishment of a system of local government. It was the establishment of local government that was claimed to be a move in the right direction though it was only a small step toward the creation of a reasonably representative form of government.⁶

The system differed significantly from the previous ones in view of the following:

- ◇ The provinces and all areas under the administration of the federal government were allowed to frame laws of their own as a result of which eight different ordinances were promulgated;⁷
- ◇ All laws were made uniform in order to avoid duplication and making them easily understandable;
- ◇ Seats were reserved to give representation to peasants, workers, women and minorities;
- ◇ All local councils were to have elected chairmen;
- ◇ The principle of nomination was abolished;
- ◇ Local councils were given power to approve their budgets and taxation proposals;
- ◇ The system was developed on a non-party basis;⁸
- ◇ The concept of 'controlling authority' was done away with;
- ◇ Independent authority was vested with the local councils in vital areas such as sanction of budgets, imposition of tax, sanction of by-laws, and making of contracts without limitations.

⁵. In an interview with the 'Ittefaq' (a daily from Bangladesh) in April 1982, the military ruler was quoted to have declared that 'there was no possibility of an early end to the third and longest martial law (July 1977--December 1986) and that the military had come to stay.'

⁶. Shahid Javed Burki, *Pakistan, A Nation in the Making*, Karachi, Oxford University Press, 1986, p. 99

⁷. These were:

i). The Punjab Local Government Ordinance 1979; ii). The Sindh L.G.O., 1979; iii) The NWFP L.G.O., 1979; iv). The Baluchistan L.G.O., 1980; v). The Capital Territory L.G.O., 1979; vi). The Northern Areas L.G.O., 1979; vii). The Azad Jammu & Kashmir L.G.O., 1979; viii). The Federally Administered Tribal Areas L.G.O., 1979.

⁸. General Zia was of the view that in an Islamic republic, political parties had no role to play in the scheme of things. See Dilip Mukerjee, "Zia's Military . . .", p. 181.

- ◊ In contrast to the provision of supersession under the previous laws, the ordinance provided for the dissolution of an incompetent local council and the holding of fresh elections to reconstitute a new one.⁹

Despite severe opposition by the political parties and the threat to boycott them, the army ruler arranged to go ahead with his plan of holding local bodies' polls.¹⁰ The opposition parties demand to hold first the general elections¹¹ was turned down on the ground that parties were more concerned to come into power and then to manipulate the local bodies elections. With regard to the mode of elections, the military ruler strictly and constantly pursued his policy of not allowing political parties to take part in local government elections.¹²

Why then this non-party politics? The military ruler was, in fact, afraid of Bhutto's ghost.¹³

Apprehensive of a victory by the Pakistan Peoples Party,¹⁴ he preferred to test the credibility of the party by arranging first the local bodies elections. The results of local government elections held throughout Pakistan in 1979 proved the contention.¹⁵ Since the elections were conducted on non-party basis, there could only be formal claims, by political parties, of "winning" the polls. The election strategy was designed in this perspective though, apparently he gave the impression that in the Islamic concept of governance political parties had no role to play in the scheme of things.¹⁶ His policy of depoliticizing local government institutions was based on the assumption that politics in local councils leads to chaos and confusion.¹⁷

Political parties are an essential component of western democratic institutions which Pakistan inherited at the time of independence and serves as a basis for the regulation of governmental processes. The military regime was, however, averse to allowing any role to political parties in managing the affairs of the state even in a

⁹. K.M. Bhatti, *Local Government for Rural Development in Pakistan*, Peshawar, Pakistan Academy for Rural Development, 1990, pp. 65-66

¹⁰. Mohammad Waseem, *Politics and State in Pakistan*, Lahore, Progressive Publishers, n.d., p. 377 On 30 August, 1979 the president declared local body elections to be held in September on a non-party basis. These elections were to take place after a period of fifteen years.

¹¹. The promise of restoring democratic order by holding general elections within a period of ninety days could be materialised in May 1985 and that too in the form of non-party general elections.

¹². See the 'Nawai-e-Waqt' (Daily, Lahore, 18.2.1983) carrying text of the President's address at the Annual Fare in Sibbi (Baluchistan).

¹³. Z.A. Bhutto was hanged on April 4, 1979 for his alleged involvement in the murder of Nawab Mohammad Ahmad Khan Kasuri.

¹⁴. The party was established by Zulfikar Ali Bhutto in 1967 after parting with General Ayub Khan in protest against the signing of 'Tashkent Declaration' following the six-day Indo-Pakistan War of September 1965.

¹⁵. Keesing's Contemporary Archives (London), April 18, 1980, pp. 30202-03. Despite the PPP's disqualification from contesting the election, the results of the elections for local bodies paradoxically spoke for the PPP's popularity vis-à-vis Zia. See Veena Kukreja, "Military-Politics in Pakistan", in M.D. Dharadasani, ed. *Benazir's Pakistan*, Varanasi (India), Shalimar Publishing House, 1989, pp. 29-62

¹⁶. Dilip Mukerjee, "Zia's Military Legacy" *The Round Table*, 310, 1989, p. 181

¹⁷. General Zia-ul Haq's address to the one-day local bodies convention at Ziarat (Baluchistan).

democratic setting.¹⁸ Attempts were thus made to experiment the system in isolation of an essential component i.e., political parties. It is not out of place to mention here that the regime of General Zia was not the first one seeking to isolate parties from the political processes. His predecessor (General Ayub Khan) had also tried to fashion a political system in which political parties had little or no role to play.

A significant development with regard to the promulgation of his system of local government in late 1979 was the pronouncement in which the military ruler made it abundantly clear that it would not, unlike General Ayub's Basic Democracies, serve as an electoral college.¹⁹ The government envisaged three-fold objectives to be achieved through the new system of local government i.e., the creation of an effective channel of communication with the masses; undertaking speedy improvement of the socio-economic condition particularly in the rural areas and; securing a support base to claim legitimacy for the military regime.²⁰ In a nutshell, General Zia's scheme for incorporating civilians had, short of the electoral college, similar objectives to Ayub Khan's Basic Democracies. He intended to create a network of beneficiaries who could lend and canvass support for the regime. While Field Marshal Ayub offered a pivotal role to the bureaucracy in his scheme of basic democracies, General Zia saw no need to make such a gesture.²¹ At the top of it, the scheme afforded him opportunity to successfully contain the demand for democratic rule.²²

Under these laws, vast administrative and financial powers were given to the elected councils headed by elected mayors and chairmen. It was for the first time since 1933 that a local government system based on democratic principles, in terms of its entirely representative character, was introduced. Further, unlike the previous laws which provided for dual controlling authorities, i.e., one in the form of district officers being in-charge of the local councils and secondly, the provincial government, Zia's system abolished the middle layer of controlling authority by way of removing the bureaucracy's hold of the councils and placing them under the direct control of the respective provincial governments which enjoyed the power to supersede a local council. In most cases this was done arbitrarily and on political grounds.²³ The

¹⁸. Elections to the National and Provincial Assemblies were also held (1985) on a non-party basis but the partyless National Assembly (NA) yielding to compulsions of reality, did give birth to the party system, when the NA was formally politicised with the establishment of Pakistan Muslim League.

¹⁹. Manzooruddin Ahmad, *Contemporary Pakistan, Politics, Economy, and Society*, Karachi, Royal Book Agency, 1980, p. 37

²⁰. From interview with Altaf Hassan Qureshi, editor 'Urdu Digest' (Monthly) who said to have been in the advisory panel suggesting ways and means to the military ruler for shaping the system in such a way that could suit the peculiar needs of Pakistani society. The editor outlined the background perspective of the system as envisaged by the military ruler.

²¹. Dilip Mukerjee, "Zia's Military . . .", p. 182

²². Omar Noman, *Pakistan, A Political and Economic History Since 1947*, (Second edition), London, Kegan Paul International, 1990, p. 130

²³. The supersession, in September 1986, of the Karachi Metropolitan Corporation, the largest urban local council in Pakistan, provides a concrete evidence for this.

possession, by the provincial governments, of the powers to freeze accounts/funds of the local councils also gave a severe limitation to the autonomy of these institutions.

Needless to say, General Zia's system had a higher degree of autonomy in the conduct of local government than had existed at any previous stage in Pakistan's history. The powers of councils to elect their own Mayors and Chairmen, the latter's executive role and the freedom of councils to devise their own budgets and tax proposals were examples of this enhanced autonomy.

General Zia had the utmost desire to vest in the chairman of the district council the entire administration of the district with the deputy commissioner to serve as his secretary. This idea could not be introduced because bureaucracy was strongly opposed to such drastic reforms in district administration. Since the military itself relied heavily on the expertise of bureaucracy, it was difficult for General Zia to go against the interest of the administrators. The military ruler, on the other hand, went to the extent of proposing that only local councillors should be allowed to contest assembly elections.²⁴

Critics hold the view that the military ruler was not prepared to grant complete freedom to local councils or, at least, organise them on democratic lines in terms of allowing the political parties to participate in local affairs.²⁵ He made the provincial governments frame laws whereby party participation in local government was discouraged so much so that elected councillors found having connections with political parties were put into a disciplinary process and declared disqualified from elections in future. Zia though gave a representative character to these institutions but it did not complete it with the sufficient funds as had been done by his predecessor under the Basic Democracies System.²⁶

The military ruler unfolded his plans in a calculated manner by taking one measured step after another so that his political adversaries did not wrest the political initiative out of his hands. For example, in 1984 he declared that he might like to stay on as President. It was on the basis of this statement that several local bodies, elected for the second term in 1983 on a non-party basis, passed resolutions urging him to continue as President. This kind of understanding between the President and the local councillors had developed as a result of direct contact through the local bodies conventions which the military leaders tended to convene from time to time. These conventions convened at the federal level became a forum for the discussion of vital national issues.²⁷ These

²⁴. This he announced while addressing the 2nd All Pakistan Local Bodies Convention. See the 'Nawai-e-Waqt,' 13.5.1982

²⁵. Louis D. Hayes, *The Struggle for . . .*, p. 263. The military ruler was of the view that political parties are un-Islamic on the grounds that they divide the community and, therefore, is an unacceptable practice in Islam.

²⁶. From interview with Mohammad Ali Khan Hoti, Member, Senate of Pakistan (12.12.1992).

²⁷. The Pakistan Times (Daily, Lahore, 9.3.1980). The First All-Pakistan Local Bodies Convention took place at Islamabad (5-6 March, 1980) under the chairmanship of General Zia-ul Haque. Under similar arrangements, the second convention (12-13 May, 1982) at Islamabad. These conventions, most of the time presided over by the military ruler, used to take into consideration a number of problems

acquired great importance in view of the fact that the military ruler was able to take the chosen representatives of local population into confidence on vital national issues. The military ruler not only made the government machinery respond effectively to the suggestions of these conventions but also created a rapport between the government functionaries and the people. This development was much appreciated by the general public.

Promulgation of the new local government system was followed by another step towards the civilianization of the military regime when in December 1981 the 'Majlis-e-Shoora (Federal Council) consisting of 350 nominated members and with the purpose to 'aid and advise the government' was set up.²⁸ It was a bid to find additional civilian source of legitimacy for the military regime though it, unlike local government, essentially lacked an electoral link to the people.

The councillors elected in the first local councils' elections of 1979 were encouraged to become members of the nominated federal and provincial councils for the purpose of providing advisory assistance to the military heads at both levels. Members of these councils, most of whom came with the background of municipal working, tended to increase their involvement in matters of local development instead of filling the gap that had occurred as a result of the absence of elected provincial and federal assemblies. This intermingled the whole process and disregarded the possession of special skills to handle the distinctive tasks at the levels of government. This also created the problems of dual membership producing undesirable results.²⁹ These tremendous responsibilities were put on their shoulders without allowing them to seek first some necessary training at the local level. The result was that their poor educational background and experience proved a major hurdle in the performance of legislative functions at the provincial level and dealing with the problems of management at the local level.

The President's hopes for local government came true when it gave necessary encouragement to him to remove all doubts about his political plans. He declared that 'power would be shared³⁰ rather than transferred' to the representatives (referring to those elected in the general elections held in February 1985 on non-party basis).

confronting the society, for instance, the economy, government foreign policy, commerce and trade, education, health, law and order etc.

²⁸. Golam W. Choudhury, *Pakistan, Transition From Military to Civilian Rule*, Essex, Scorpion Publishing Limited, 1988, p. 55. The Majlis-e-Shoora became operational in January 1982. Such consultative councils (known as Provincial Councils) were also established at the provincial levels where their membership was largely drawn from elected heads of local councils.

²⁹. Javed Ahmed Qureshi, Chief Secretary, Government of the Punjab told the researcher that in the Punjab alone, there were some 132 persons holding memberships simultaneously on both provincial and local councils.

³⁰. Hasan Askari Rizvi, "The Civilianization of Military Rule in Pakistan," in *Asian Survey*, vol. 26, no. 10, October 1986, p. 1068

Yet another favour was done to the President when the elected councillors, along with members of the federal and provincial consultative councils, supported the former in gaining a positive vote in a referendum³¹ held in December 1984. In return for all these, the military government determined to turn the local bodies into an effective viable institution for resolving problems of the masses by delegating more powers and functions to them. The enthusiasm to strengthen local government in that era could be illustrated from the fact that a high powered reform committee was constituted to consider administrative, developmental and other aspects of the local government system in Pakistan.³² Though the report was not made public, few of the recommendations made were carried out. Among these, the question of imparting training to the elected councillors and staff of local councils also assumed a new dimension.³³ Special courses were designed for municipal staff and secretariat workers of the provincial department of local government and rural development.

CONCLUSION

The notion that the military tends to take up a permanent political role for itself once it intervenes in politics, genuinely applies to all past military revolutions in Pakistan including that of General Zia-ul-Haque. His take over in July 1977, created a political vacuum as political activities were completely banned and, later, in his endeavour to restore democracy, the military regime started with the grassroots level and introduced a system of local government.

Like General Ayub Khan, General Zia too preferred to revive local government as he had little trust on the national level politicians including the PNA (Pakistan National Alliance, a forum of leading opposition parties constituted during Bhutto regime) which had demonstrated enthusiasm to see the armed forces intervene following their failure to convince Zulfikar Ali Bhutto to conduct fresh elections. Like General Ayub Khan, General Zia too relied on two 'sources' i.e., the army and the local councillors. By quickly establishing local councils, the military ruler not only mobilised public opinion in his favour but also strengthened his image by calling those institutions as the first step towards the restoration of democracy. In the absence of elected democratic institutions at the higher levels, local bodies filled the vacuum and served as an important forum for the promotion of co-operation and understanding between the government and the people.

³¹. Hasan Askari Rizvi, "Civilianization of Military . . .", p. 1068. The vote of confidence was sought for the approval of the process of Islamization initiated by the military government in 1979.

³². General Zia-ul-Haq announced formation of the commission at the 2nd All-Pakistan Local Bodies Convention at Islamabad in May 1982. In a record period, report was submitted which, inter alia, proposed measures of far-reaching consequences.

³³. The training programme was widened and universities in all the provinces were involved to offer diploma courses in the administration of local government. Originally, the courses started at the Universities of Karachi, Multan, Peshawar and the Punjab.

The system served dual purposes i.e., first, as an agency of socio-economic development and secondly, as a political support base whereby the military ruler could perpetuate his rule for more than a decade. Though the local councils could not be a substitute for the elected national and provincial assemblies, they did establish a link between the masses and the military. The military government was, therefore, obliged to grant extra-ordinary and unprecedented powers to them for the solution of local problems. Later, when the national and provincial advisory councils were constituted, a greater percentage of their membership was drawn from these local councils.

By opting to introduce local government to provide an avenue of participation at the local level, the military regime followed the old strategy of depoliticization and curtailment of political participation at the national level and its substitution with controlled participation in local government to pacify the politically and economically discontented and win the support of the economically privileged rural classes.³⁴

While there was dictatorship at the national level, democracy was attempted at the grassroots level. The democracy under local government could flourish and take roots only had there been a genuine democratic set-up at the regional and national levels. The rulers intended to manipulate the system for the perpetuation of one-man rule in that an important element of democratic processes was denied by isolating political parties from the working of local councils. The installation of an elected government, following the general elections held in 1985, coupled with the restoration of limited political activities, it was observed that the quantum of attention given to local government slowed down considerably.

Irrespective of the drawbacks in General Zia's policy towards local government, one strong tradition established was the holding of regular periodic elections on fixed dates. During his stay in power, three successive elections to local bodies were held on a non-party basis in 1979, 1983 and 1987. These elections were free and fair with no allegations of governmental interferences or rigging of the elections whatsoever.

³⁴. Inayatullah, *Decentralization for Rural Development . . .* p. 22

SECTION: D

Mohammad Khan Junejo (1985-88)

The installation of Mohammad Khan Junejo, as the 8th prime minister of Pakistan following the non-party general elections of February 1985, was a novel development in the history of parliamentary democracy in Pakistan. The strategy adopted by General Zia to civilianize his military regime differed significantly from his predecessor General Ayub Khan. By hand-picking Junejo to head the civilian government, Zia gave an impression that powers could be effectively shared between the army and the elected politicians. The military ruler, as a matter of fact, had agreed to bring forward the kind of civilian leadership who could be willing to share powers on his terms and serve as a counterweight to his political adversaries. In order to be on the safe side, the military ruler first secured and strengthened his political future by seeking a mandate for five years through a referendum.¹ It was only afterwards that the bold step of holding general elections for the National and Provincial Assemblies was taken in response to the pressing demand of the opposition who did not seem contented with the establishment of elected institutions at the local level.

Junejo worked for the first nine months (March-December 1985) under the cover of martial law. The logic given was to enable the non-party assemblies to consolidate their positions. General Zia, while calling it a transitional period for the newly elected government, offered himself as a bridge between the government and the armed forces.² Like his local bodies elections, General Zia conducted the general elections of February 1985 on non-party basis in order to block the way of certain political parties firmly opposed to the military regime.³ However, it was soon realised that to run a parliamentary democracy, the need for a party led government was imperative. It was felt that unless the members of parliament were disciplined through some party platform, the results would be totally chaotic. The lack of decorum in the conduct of parliamentary business was pointed out by one sitting member while commenting thus:

*"We do not have one party, or ten parties, or twenty parties; we have two hundred parties. Each member of the assembly considers himself responsible only to himself, not to any other person, let alone to a higher authority."*⁴

¹. Before acceding to the Opposition parties' demand of restoring parliamentary democracy, General Zia took the oath of office as the seventh President of Pakistan for a term of five years (1985-90) as a result of securing a positive vote from the people in the referendum held in December 1984. The referendum was conducted for seeking public approval for the process of Islamizing society which General Zia initiated in 1979. The participation of people in the said referendum was claimed to be 62.15 per cent with 97.71 per cent votes in favour of the measures adopted towards Islamization. See Hasan Askari Rizvi. *The Military and Politics in Pakistan, 1947-86*, Lahore, Progressive Publishers, 1986, pp. 233 ff.

². *The Jang* (Daily, Lahore, 19.3.1986).

³. He was certain that Zulfikar Ali Bhutto's Peoples Party will win a large number of seats, and perhaps a majority in the National Assembly. Such an outcome was clearly unacceptable to the military generals.

⁴. Mahbubul Haque, as quoted in Shahid Javed Burki, *Pakistan, A Nation in the Making*, Karachi. Oxford UP., 1986, p. 92

It was with this background that the Muslim League, once playing a leading role in the movement for independence, was revived and the members were subsequently encouraged to band together under the umbrella of the newly formed party.⁵ The party was thus a product of sitting legislators lacking a mass base and launched with the sole purpose to provide legitimacy to the civil-military arrangement.⁶ Because of the random handling of things, it so happened that the party came first and the manifesto later.

The introduction of representative elements in government, though limited in form, represented an important symbolic change. The military still retained effective power.⁷ The changes initiated by the military ruler were thus cosmetic yet they had symbolic significance. Even the removal of martial law in 1985 did not alter the political power of the military.⁸ Though the withdrawal of martial law terminated the longest military rule (July 1977-December 1985), it restored, on the other hand, a carefully tailored constitutional system that civilianized the Zia regime, facilitated the co-option of a section of the civilian elite, and provided adequate guarantees for the entrenched position of the ruling generals. The much controversial and debated constitutional eighth amendment was passed during this period.⁹ Its basic purpose was to create a balance in the distribution of powers between the President and the Premier.¹⁰ In fact, the balance tilted decisively in favour of the former as a result of which the latter could not emerge as an autonomous power centre in the polity.¹¹ The lifting of martial law, thus, did not affect much the course of events that could lead to the promotion of democratic values.

The political framework which the military regime had evolved during the eight years of its rule (July 1977--December 1985) served as a parameter for the elected government to shape its policies for the conduct of state affairs. To ensure that the civilian regime maintained continuity of the major policies introduced during the military rule, the latter closely watched the working of the former. The elected government, relying on military's help for survival, found it difficult to deviate from the agenda set for it by the military. The hallmark of the post-martial law system was, thus,

⁵. The Pakistan Muslim League was formally launched on 18 January, 1986.

⁶. Mohammad Waseem, *Politics and State in Pakistan*, Lahore, Progressive, n.d., p. 417

⁷. On December 30, 1985 martial law was lifted and civil liberties were restored. General Zia, though no more holding the position of Chief Martial Law Administrator, was still Chief of the Army Staff.

⁸. Omar Noman, *Pakistan, A Political and Economic History since 1947*, London, Kegan Paul International, 1988, p. 130. General Zia was finally in a position to send the armed forces back to their barracks. This was done on December 30, 1985 by ending the third and longest period of martial law rule (July 1977---December 1985) in the country.

⁹. In March 1985 i.e., three days after the completion of the electoral process, General Zia promulgated an order that introduced sweeping changes in the Constitution of 1973. The purpose behind most of the changes was to concentrate political power in the hands of the President. See Shahid Javed Burki, *Pakistan, A Nation . . .*, p. 90

¹⁰. See Veena Kukreja, "Military-Politics in Pakistan," in M.D. Dharamdasani, (ed.) *Benazir's Pakistan*, Varanasi (India), Shalimar Publishing House, 1989, p. 45

¹¹. Hasan Askari Rizvi, "The Civilianization of Military Rule in Pakistan," *Asian Survey*, vol. 26, no. 10, October 1986, p. 1071

the continuity of policies and several key personnel from the martial law period. General Zia himself confirmed it in a statement saying: "the new order did not represent a departure from the policies of the martial law period. It is no rival or adversary of the outgoing system. It is, in fact, the extension of the system in existence for the past several years."¹² The government faced tremendous challenges, during the entire period of its working,¹³ caused by the severe opposition from the political parties, on the one hand, and by its inability to assert leadership over the military, on the other.¹⁴

The Premier was thus heading a quasi-civilian regime being at the mercy of the President. His political image was weaker, not simply by the mode of election which brought him to power, but also the type of elected members who won assembly seats. A majority of them with a rural background were consisted of the feudal elite, tribal chiefs, and the religious influential representing mostly the land-owning class of the society.¹⁵ Since the elected councillors were encouraged to contest elections of the future parliament,¹⁶ the candidates hardly discussed any major national issues (such as domestic or foreign policy) and the issues figured prominently in the election campaign were local in character e.g., construction of roads, streets, hospitals, and schools; improvement of sanitation conditions; installation of street lights and Public Call Offices (PCOs), supply of electricity and gas for domestic consumption etc.¹⁷ The government, coming to power with these promises, had to concentrate more on the provision of these basic amenities which the military rulers had already been supplying through the local government institutions.

¹². Hasan Askari Rizvi, "The Civilianization . . . , p. 1067

¹³. The government of Mohammad Khan Junejo was dismissed on May 29, 1988 on the charges of corruption. Against the mandated period of five years, the premier could remain in power for only 27 months (March 1986--May 1988). This was possible through the enormous executive powers with which the President equipped himself under the 8th amendment. Though its purpose was to create a balance in the distribution of powers between the President and the Prime Minister. In fact, the balance tilted decisively in favour of the former as a result of which the latter could not emerge as an autonomous power centre in the polity. The Constitution Eight Amendment (Indemnity) Bill was passed by the National Assembly on October 16, 1985. The bill, besides dealing with the distribution of powers between the head of the state and that of the government, aimed at validating the 1977 coup and absolving Zia and the military from any legal liability for action taken during the more than eight subsequent years of martial law. See Veena Kukreja, "Military-Politics in Pakistan . . .," p. 45

¹⁴. The Movement for the Restoration of Democracy (MRD) not only disputed the legitimacy of the civilianization process in view of the total reliance of the government and the parliament on the blessings of the armed forces but also regarded the premier as a docile to look after the day-to-day affairs of the state.

¹⁵. Hasan Askari Rizvi, "The Civilianization . . . , p. 1070

¹⁶. Large number of elected councillors, particularly heads of the major urban and rural local councils, had demonstrated well while having membership on the nominated 'Majlis-e-Shura' (Federal) and Provincial Councils.

¹⁷. Hasan Askari Rizvi, "The Civilianization . . . , pp. 1068-1070. With the introduction of controlled democracy after the 1985 partyless elections, legislators both provincial and federal, were getting money allocated for development projects in their constituencies. The idea was to keep the non-party legislators busy in local petty matters like construction of small roads, streets and schools, laying of gutter lines, improving sanitation etc., in their areas. This diverted their attention from their primary task of law making and formulating of policies.

The ruling party's manifesto called the 'Prime Minister's Five Points Programme'¹⁸ embarked upon a gigantic programme of development in which the share of rural areas was raised from 10 to 50 per cent of public service expenditures. The broad development programmes of the government, with greater emphasis on electricity, water supply, education (including adult education), health etc., were incorporated into the sixth five year plan (1983-88). The various targets in these areas envisaged: raising the literacy rate upto 50% (from the existing 26%), electrification of 90% villages, conferment of property right on the residents of urban slums, distribution of 2.2 million 7 marla plots for houses, water supply for 26 million and sanitation for 7 million people; 1180 Basic Health Units and 151 Rural Health Centres; construction of 11712 kilometres of rural roads; saving 4.5 million acres of land from waterlogging and salinity etc.

It was in the light of the above intended measures that members of both chambers of the parliament (324 in number) were asked to identify local development schemes in their respective areas to be financed by the government.¹⁹ The idea of associating the parliamentarians with the development projects took off mainly in two sectors of education and rural development.²⁰ These politically motivated development activities strengthened the hands of the powerful rural agricultural lobby in the parliament.²¹

As a result of these federally funded special development programmes, there was established a direct link between the Federal Ministry of Local Government with its counterpart in the provinces. The formal procedure required the Senators and National Assembly members to submit their schemes with the Ministry which, after preliminary scrutiny, were forwarded to the provincial departments of local government and rural development for detailed analysis and preparation of feasibility report. The kind of interaction that emerged between the ministry and the respective provincial departments is illustrated diagrammatically (Table-3).

The process illustrates how the local councils and their elected members were by-passed both in the identification of schemes as well as their execution. Schemes

¹⁸. Mohammad Waseem holds the view that Junejo started this programme of economic development and social welfare as a part of his struggle to dispel the public image of being a proxy for General Zia. See "Pakistan's Lingering Crisis of Dyarchy," *Asian Survey*, vol. xxxii, no. 7, July 1992, p. 623. The programme included: i). Establishment of Islamic Democratic Political System; ii). Promotion of equitable economic order; iii). Eradication of illiteracy; iv). Elimination of corruption; and v). Consolidation of national integration.

¹⁹. Each elected member of both chambers of the parliament were allocated funds to the tune of rupees five million. Likewise, members of the provincial assemblies (initially elected on non-party basis and later joining the ruling Muslim League) were also involved in programmes of local development, details of funds allocated could not be known. Majority of these members preferred to have their schemes executed by provincial line departments rather than local councils.

²⁰. Mohammad Waseem, *Politics and State . . .*, p. 418

²¹. The rural elite constituted almost 66% of the directly elected members in the General Elections of February 1985. See Omar Noman, *Pakistan, A Political . . .*, p. 127

proposed were often based on the priorities of the legislators rather than the felt needs of the local population.

The local government elections for the third term (1987-91) were held during this period. The interest of federal political bosses in these elections came into the limelight when vital issues with regard to the mode and schedule of elections were decided by the Premier, in consultation with the provincial chief ministers and with consensus of opinion favouring to keep the elections away from party politics.²²

Table: 3

The post-1985 elections mechanism of local development in the perspective of identification and execution of development schemes.

Members of the Senate		Members of the National Assembly
Submission of development schemes -----> (The schemes consisted mainly of the following: Drainage, water supply, electrification, school building, upgradation of school, street, farm-to-market roads, Basic Health Units etc.)	Ministry of Local Government & Rural Development V Referring the schemes for verification and authentication to V	Submission of development <-----schemes
	Provincial Departments of Local Government & Rural Development	
Provincial Public Health Engineering Departments (Main Executing Agencies)	Provincial Directorates of Rural Development (M.E.As)	Provincial Departments of Communication (M.E.As)

The duality in government policy was observed when the Premier, while announcing in the Muslim League Parliamentary Party, that the elections will be conducted on non-party basis, directed, in the very same meeting, the party workers to reach to the four corners of the country to motivate people to support the ruling party candidates.²³ The way local government elections, despite being a provincial subject, were influenced by the federal government was illustrated from the statement of a federal minister in which he justified the cabinet's decision on the ground that the involvement of political parties in them would mean harming local interests of the

²². See the 'Jang' 11.3.1987. Despite government's clear instructions, however, political parties actively participated in the local bodies polls held in 1987. See the 'Nation' (Daily, Lahore, 18.3.1987).

²³. See the 'Nawai-e-'Vaqt' (Daily, Lahore, 29.6.1987). The Prime Minister himself planned to tour the four provinces prior to the holding of local bodies polls.

people.²⁴ This also revealed the influence which the military exercised on the policies of the elected government.

CONCLUSION

Junejo's government faced tragic problems of its own. First, the foundations on which the government was built were shaky. There was a lack of harmony between the President and the Premier. Political pressure exerted by the opposition, particularly following the withdrawal of martial law, worsened the situation further. The regime was, thus, concerned with its survival through retaining, at all costs, the support of MNAs. The MNAs, elected in the 1985 general elections, were mostly local councillors who contested the general elections on the basis of solving problems of a municipal nature. They lacked necessary training and vision to serve as an effective counterweight to strong and organised political adversaries. Generally viewed as a political non-entity and destined to play the role tailored for him by the real wielders of authority, the Premier fought all along to assert his authority over the military but only with marginal results. Zia, despite having taken the back seat so as to meet the exigencies of parliamentary democracy, was very much the real boss on whose goodwill hinged the fate of Junejo's political career.

²⁴. Iqbal Ahmad Khan's interview at Lahore prior to the holding of third term local government elections. See the 'Pakistan Times (Daily, Lahore, 21.7.1987).

SECTION: E

Benazir Bhutto

(1988-1990 & 1993- Onward)

The Dismissal of Premier Junejo's government in May 1988 and the dissolution of national and provincial assemblies followed by the sudden and tragic death of General Zia in an air crash in August 1988 ended a long era of military regime and facilitated the restoration of parliamentary democracy for which elections took place in November 1988 based on an adult franchise and full party participation. Democracy emerged by default once the ruling regime voluntarily stepped aside and fulfilled the promise of handing over power to the elected representatives of the people.

The restoration of democratic order, however, had little effect on the role of the army whose influence continued to be a dominant element in the working of representative government.¹ The supremacy of the president and the influence of the army put strong pressure on the civilian government which relied more on the support of the military for its survival.² This phenomenon had a significant bearing on the working of the elected government. Apart from the army, the government also had a confrontation³ with the President who, while working with the former military ruler, had been a key figure in drafting the Eighth amendment bill of the constitution which gave a superior status to the president over the premier.

This section evaluates the policies of the People's Party government towards local government with reference to two different periods i.e., from December 1988 to August 1990 and again from October 1993 onward. The interval i.e., from November 1990 to April 1993,⁴ the period when Nawaz Sharif ruled the country on behalf of IJI alliance of political parties.

¹. Hamza Alavi, "Authoritarianism and Legitimation of State Power in Pakistan," in Subrata Kumar Mitra, ed. *The Post-Colonial State in Asia, Dialectics of Politics and Culture*, London, Harvester Wheatsheaf, 1990, pp. 63-67.

². The Premier however, infuriated the generals because of her insistence upon the removal of some high ranking military officers. These were such matters on which the president claimed exclusive jurisdiction. Her desire to postpone the retirement of one Lieutenant General and his subsequent promotion to the next position was turned down. Her policy preferences with regard to Afghanistan and India also annoyed the military. See Anwar H. Syed, "The Pakistan Peoples Party . . .", p. 592. Also see John Bray, "Nawaz Sharif's New Order in Pakistan," *The Round Table*, Issue 318, April 1991, p. 182.

³. A major controversy arose over the retirement of Admiral Sirohi, Chairman of the Joint Chiefs of Staff Committee, which the president declined to accept. See Mohammad Waseem, "Pakistan's Lingering Crisis of Dyarchy," *Asian Survey*, vol. 32, no. 7, July 1992, p. 624.

⁴. The general elections were first ordered for July 1993 but could take place three months later in October. The reason was the Supreme Court of Pakistan's ruling in May declaring the sacking of the Prime Minister, Nawaz Sharif, by President Ghulam Ishaq Khan, unconstitutional. The brief return to office of Sharif did not help improve relationship between the two incumbents. In view of the continued political crisis, the army stepped in and threatened direct intervention unless fresh elections were held. See Deepak Tripathi, "Pakistan, The Return of Benazir Bhutto," *The World Today*, vol. 49, no. 12, December 1993, p. 227.

A major hurdle in the smooth working of the government was the intense political confrontation between the PPP and the Opposition PML (N) ruling the centre and the Punjab respectively. It had never happened before that this largest province was ruled by a party in opposition to the central government. The IJI (Islami Jamhoori Ittehad) generally called an alliance of pro-Zia parties, emerged as a fierce opposition under the leadership of Nawaz Sharif. The People's Party's inability to win the Punjab proved crucial to the stability of Benazir's government. While showing no tolerance to one another, the centre pursued vengeful policies, the Punjab government indulged in ceaseless agitation. The political system suffered from institutional decay, widespread financial corruption, and spiralling ethnic, sectarian, and religious violence, leading to near-anarchic conditions.

The People's Party's confrontation with the IJI had a deeper impact on the relationship between the centre and the province.⁵ John Bray attributes this mutual animosity⁶ and reluctance to accept one another's political legitimacy to some past feuds. The Sharif family could not lightly forgive Benazir for Ittefaq's nationalisation in 1972 as a result of Zulfikar Ali Bhutto's (1972-77) policy of nationalisation, whereas Benazir Bhutto was unwilling to accept a politician so closely associated with Zia, the man responsible for her father Zulfikar Ali Bhutto's execution.⁷ The result of this rivalry was that the central government spent too much of its energies trying to undermine the opposition IJI, and not enough on practical administration.⁸ This is evident from the fact that during the twenty months of rule, the government brought forth no significant legislative proposals for Parliament to consider.⁹

The intensity of the conflict between the centre and the Punjab worsened further when heads of both the governments made unsuccessful attempts to topple the government of one another. The no-confidence moved against the PP government¹⁰ by the IJI which she could hardly survive, changed Benazir's mind and looked reconciled to

⁵. Benazir's appointment of a Chief Secretary and the Inspector General of Police was summarily turned down by the Punjab government and both the incumbents were sent back to the federal capital. See Anwar H. Syed, "The Pakistan Peoples Party and the Punjab . . .", p. 593.

⁶. John Bray, "Nawaz Sharif's New Order in Pakistan," *The Round Table*, issue 318, April 1991, p. 181.

⁷. Credit to bring Nawaz Sharif into the politics of Pakistan goes to General Zia whose martial law administrator in the Punjab invited him, in 1981, to become Finance and Sports Minister in the provincial government. The military ruler, later in 1985, appointed him chief minister of the province, a portfolio which he retained until 1990.

⁸. John Bray, "Nawaz Sharif's New Order . . .", p. 181. Apart from two annual budgets, the government neither passed nor even introduced a single piece of new legislation.

⁹. Anwar H. Syed, "The Pakistan Peoples Party and the Punjab, National Assembly Elections, 1988 and 1990," *Asian Survey*, vol. 31, no. 7, July 1991, p. 591. The author has analysed the performance of Bhutto government during the period in the context of military influence and the discretionary authority available to the President because of eighth amendment to the constitution. Also see Lawrence Ziring, "Pakistan in 1990, The Fall of Benazir Bhutto," *Asian Survey*, vol. 31, no. 2, February 1991, pp. 113-124.

¹⁰. Lawrence Ziring, "Pakistan in 1989, The Politics of Stalemate," *Asian Survey*, vol. 30, no. 2, February 1990, p. 131. The no-confidence motion was moved on November 1, 1989. In a house of 237, only 119 votes i.e., two-third majority of the members, were needed to bring down the government. The Combined Opposition Parties (COP) could bring only 86 votes against the government.

work under the rules of the games as defined by the eighth amendment and live under the shadow of the Presidency. The most critical issue faced was the constitution's eighth amendment. This had shifted the balance of power in favour of the president as opposed to the premier, with discretion available to the former to dissolve the parliament. The augmented powers of the president under the eighth amendment, which the former military ruler had introduced in anticipation of an electoral victory by the PPP., served as a sword of Damocles¹¹ that hung perilously over her head throughout the term of office and eventually ended her tenure.

A common view held in Pakistan was that the 'Establishment' (meaning the President, the military, and the higher civil servants) accepted Benazir only when she agreed to fulfil certain conditions.¹² The army also consolidated their position by stipulating conditions under which the PPP was allowed to form a government. Her party had to relinquish control over important policy decisions, notably foreign policy and the administration of the military.¹³ During the course of its working the government developed severe differences with the army specially over the deteriorating law and order situation in the country in general and in the province of Sindh¹⁴ in particular. The army, which the federal government deployed there to assist the civil administration, demanded a free hand under Article 245 of the constitution¹⁵ in order to be able to fulfil their responsibilities towards restoring order while the government was reluctant to accede to the demand.

The elected government, thus, began its first term of office on an unsure footing. With no clear ideology or plan of action, it was compelled to rely to a great extent on the legacy of the party's founding leader (Zulfiqar Ali Bhutto) and the promise of democracy as a panacea. The absence of a strong party and a coherent programme compelled the government to rule through patronage. The premier's shaky majority and her dependence on the army as a stabilising influence deflected attention and energies from pressing national and regional issues.¹⁶

Being an opponent of the Zia system of rule, Benazir regarded local government as the legacy of the military ruler and threatened to abolish it. The Punjab government where the opposition Muslim League was ruling, reacted harshly by turning down the federal directives in this regard and by re-affirming the provincial government's

¹¹. Seyyed Vali Reza Nasr, "Democracy and the Crisis of Governability in Pakistan," *Asian Survey*, vol. 32, no. 6, June 1992, p. 526.

¹². Bhola, P.L., *Benazir Bhutto, Opportunities and Challenges*, New Delhi, Yuvraj Publishers & Distributors, 1989, pp. 33-45.

¹³. Seyyed Vali Reza Nasr, "Democracy and the Crisis . . .", p. 526.

¹⁴. There started armed confrontation between Sindhis, serving as core constituency for the Peoples Party, and the Mohajirs (Muslim immigrants from India) now residing in the major urban areas of the province and a coalition partner of the ruling PPP both at the centre and the province of Sindh.

¹⁵. Acceding the demand would have exempted the army actions from challenge in courts as well as would have suspended the jurisdiction of the High Courts under Article 199 of the constitution.

¹⁶. Lawrence Ziring, "Pakistan in 1989, The Politics of Stalemate," *Asian Survey*, vol. 30, no. 2, February, 1990, p. 127.

determination to go ahead with the scheduled local bodies elections to be held for the fourth term in December 1991.

It is pertinent to note here that as a part of their political confrontation, the central government of Benazir Bhutto and that of Nawaz Sharif in the Punjab took certain counterproductive measures from each side. In one such move the Pakistan Railways suspended, under federal directives, the allocation of wagons to haul scrap iron from the Karachi port to the Ittefaq Foundries in Lahore owned by Nawaz Sharif. Nawaz Sharif, in his capacity as the Chief Minister of the Punjab, directed the provincial administration, particularly at the provincial headquarters and the district level, not to entertain People's Party legislators or honour any request made by them in connection with the delivery of certain services to their electorates--this being an effective weapon in the present day politics of the country for keeping the political support of the electorate intact.

Most probably it was in the context of above phenomenon and as a part of defensive measure that the federal government launched a federally funded 'People's Works Programme' which was administered through 'Development Committees' at the district level.¹⁷ A characteristic feature of this programme was the constitution of District Committees headed by federally appointed 'Administrators of the People's Programme' who were drawn mainly from the party leaders and in certain cases were those who had lost their seats in the general elections held in November 1988. The main objective behind it was to rehabilitate the party's image by accelerating the pace of development particularly in the rural areas.¹⁸ Interestingly, despite dealing with the problems of local nature under this programme, the federal government made futile attempts to bypass the respective provincial governments.¹⁹ It was perhaps the large scale embezzlements of public funds in the execution of such public welfare programmes, confrontation with the army, the president, the provincial governments that the government could last only for twenty months when it was dismissed by the President on grounds of alleged mismanagement, incompetence, and corruption.²⁰

The dismissal of Benazirs' government in August 1990 was, in fact, the consensus that had arrived between the president and the army who considered her

¹⁷. See "*Peoples Programme*," a publication of the Government of Pakistan, Ministry of Local Government & Rural Development, Islamabad, 1988, pp. 5-7. There were evidences that in a large many cases the defeated candidates of the party in the respective districts were appointed administrators of the Works Programme causing greater resentment in provinces like Punjab and Baluchistan where implementation of the programme was obstructed.

¹⁸. During the brief span of twenty months rule, some 18,507 schemes were approved and implemented with a cost of RS. 28860 million. Details provided by Mr. Rang Elahi, Deputy Secretary, Ministry of Local Government and Rural Development, Government of Pakistan, Islamabad.

¹⁹. See '*Peoples' Programme*,' Government of Pakistan, Islamabad, Ministry of Local Government & Rural Development, 1988, p. 5. The schemes were to be taken over, following their completion, by the provincial departments/local councils/voluntary organisations/NGOs for maintenance and operations.

²⁰. Andrew R. Wilder, *Changing Patterns of Punjab Politics in Pakistan---National Assembly Results, 1988 and 1993*, *Asian Survey*, vol. 35, no. 4, April, 1995, p. 377-393.

continuation in power intolerable in view her differences with the president on the one hand and her alleged interference in the army's internal affairs,²¹ on the other.

The People's Party came into power for the third time following the dismissal of Nawaz Sharif's government (November 1990--April 1993). Nawaz Sharif's IJI was able to form government at the centre and the four provinces of Pakistan. In Punjab, the party formed government independently whereas in other three provinces it was done through alliance with other regional and ethnic political groups.²² It was in the Punjab only that local bodies elections could be held after the expiry of their third term in December 1991. Other provinces were reluctant in view of their shaky position and the fear of defeat. There is evidence that the idea of 'District Government' (which was later put forward by the People's Party government as a part of its New Social Contract), originated during the IJI government of Nawaz Sharif with the difference that while the former advocated the transformation of the District Councils into District Governments, the latter stood for replacement of existing provincial assemblies by District Assemblies²³ (Annex. A).

The October 1993 general elections²⁴ in the country were preceded by dissolution of local bodies under the pressure of "People's Democratic Alliance" (PDA) which doubted fairness and impartiality in the outcome of the results if local bodies installed during the previous regime were still operative. This made the care-taker government of Prime Minister Moeen Qureshi order dissolution of local councils throughout Pakistan. The opposition claimed their apprehensions had come true in view of the major setback which the Muslim League had to suffer in the elections particularly in the province of Punjab.²⁵

Unlike the second time (November 1988 to 1990), the third PP government (November 1993--- onward) came with new vistas of introducing far-reaching changes in the polity through measures contained in its "Agenda For Change." The agenda stood

²¹. John Bray, "Nawaz Sharif's New . . . , p. 182.

²². Lawrence Ziring, Pakistan in 1990, The Fall of Benazir Bhutto, *Asian Survey*, vol. 31, no. 2, February 1991, p. 121. IJI won an overwhelming 208 of the 234 seats in the Punjab Assembly, and sufficient seats in the NWFP and Baluchistan to form coalition governments there. In Sindh, the party formed government in collaboration with the ethnic Muhajir Qauami Movement and a group of defected members of Peoples Party headed by Jam Sadiq Ali who became chief minister of the province.

²³. Government of Pakistan, (Cabinet Secretariat), Management Services Division, *Review of Local Government Structure in Pakistan*, 1991, (see summary of recommendations).

²⁴. The PPP, like its party position in the 1988 and 1990 general elections, could not secure a clear majority. It won 86 seats compared to 73 by the PML (N). The Junejo faction of PML, with six seats sided with the PPP. The support of third parties, independents, and minority representatives plus the alliance of PPP-PML(J) constituted majority of the 217-member National Assembly and re-elect Benazir Bhutto as Premier.

²⁵. Lawrence Ziring, "The Second Stage in Pakistani Politics, The 1993 Elections," *Asian Survey*, vol. 33, no. 12, December, 1993, p. 1181. The dissolution of local councils and the division of PML into Nawaz and Junejo Groups caused greater setback to the party's standing in the elections. It secured only 72 seats compared to 105 in the General Elections held in October 1990. For details see Lawrence Ziring, "Pakistan in 1990, The Fall of Benazir Bhutto, *Asian Survey*, vol. 31, no. 2, February 1991, pp. 119-121.

for the promotion of the modern structures of government. Considering the government from the centre as 'neither efficient nor effective' and regarding 'strong local government' as a pre-requisite of healthy democracy, the party embarked upon a programme of institutional re-structuring²⁶ based on the concept of 'New Social Contract.'²⁷ It emphasised a balance of power between the three branches of the government, on the one hand and between the three levels of the governmental machinery, on the other.²⁸

The 'New Social Contract' envisaged a balance of power between the local, provincial and federal governments.²⁹ Under this concept the government also intended to introduce certain drastic changes in the social, political, economic and legal system of the country. But the way different aspects of the plan were taken in hand revealed that not enough homework had been undertaken before the party's assumption of power.³⁰

One significant aspect of the programme was the idea of 'District Government' which was to replace the existing set-up of local government and was to be assigned with some unprecedented powers (See Annexure-B). The government claimed to keep the system autonomous and free from the influence of both federal and provincial governments. Initially, the plan was to abolish the existing provincial assemblies and substitute for them the District Assemblies, which could then choose an executive authority for the respective districts to be called Lieutenant Governors. To some critics, the idea of District Governors who were essentially to be drawn from the locally influential members of the ruling party, would result in dangerous political polarisation of society and open new avenues of party politics. These drastic changes will have deeper repercussion on the power-oriented culture and lead to more clashes rather than

²⁶. From the speech of Benazir Bhutto delivered at Lahore on the eve of silver jubilee of the Pakistan Peoples Party. According to this plan, power was to be decentralised from the federal government to each province and to constituent units of local government within province accompanied by devolution of authority so that such local and provincial units can reorder priorities and allocate resources within their respective spheres in accordance with the mandate of their respective populations.

²⁷. The term was interpreted in different manners. Some coincided it with a new constitution needed to give the country and its governance a new orientation and dignity. A new set up that could put the country on an even stable democratic keel where all citizens are treated alike and where place and role of all organs and individuals in the power structure is clearly spelled out in the constitution. See Kunwar Idris, "What is Social Contract," *The Dawn*, 20.4.1994.

²⁸. See the 'Agenda For Change', containing future programmes of action and issued by the Pakistan Peoples Party Central Secretariat, Islamabad, 1993, p. 5

²⁹. In an exclusive interview with the 'Pakistan' (daily) Lahore, 27.7.1992, Benazir Bhutto talked about fresh balance of power not only in the organs of the state (Legislature, Executive, and the Judiciary; but also between the three levels of government e.g., local, provincial and central.

³⁰. It is evident from the fact that soon after assuming power, the premier constituted several 'Task Forces' including the Task Force on New Social Contract, in order to translate the party's policy measures into reality. The chairman of the task force in an interview said: "We have no pre-conceived notions while introducing the NSC to the masses, because we want to communicate with all kinds of people to learn from them." See *The Muslim*, 2.12.1993.

compromise. Commenting on the practicability of the scheme, one prominent civil servant remarked:

*"The idea is, no doubt, very fascinating. Its execution will certainly be resisted by certain quarters in view of the reluctance to delegate powers downward. My prolonged administrative career suggests that both the elected people and the bureaucracy need to have lion's heart in order to relinquish powers from their hands."*³¹

The solution, analysts hold, does not lie in the abolition of some and strengthening of other institutions. They argue that by converting the existing set of district councils into powerful and development-oriented institutions, what guarantees exist that the same class of people who have been dominating the central and provincial assemblies would not control the district governments and would not be repeating all that they have been doing at the higher levels of elected institutions?³² The scheme of district government could not as yet be implemented for avoiding disintegration in the party ranks. The federal government has again resorted to holding local bodies polls on non-party basis.³³

CONCLUSION

Democracy, though restored after a prolonged political polarization following the general elections of 1988, the age old rivalry and confrontation between parties ruling the central and provincial governments created obstacles in the smooth functioning of the democratic structure. This is evident from the kind of relations that existed during this period (1988-90) between the two leading political parties ruling the centre, and the Punjab--the nerve centre of Pakistan politics carrying the largest number of the National Assembly seats. Survival being the primary focus of attention for the two ruling parties, both turned their attention from the vital issues confronting the nation. Beside other things the consolidation of representative institutions suffered from the adverse effects of party politics which is evident from the fact that, except in the Punjab, where the opposition IJI ruled, nowhere else could the periodic elections of local councils be held. Not only that, their functional jurisdiction was also encroached upon through the execution of special development programme with federal funding and with the active participation of members of parliament. The sort of environment needed for the progress of representative institutions could not develop mainly due the lack of accommodation and compromise between different political elements. These, while weakening the base of democracy, proved a source of strength for the traditional power structures such as the bureaucracy and the army.

³¹. From interview with Dr. Mohammad Afzal, Former Secretary to the Government of Pakistan, 1.12.1993.

³². From interview with Dr. Inayatullah, ex-Director, Pakistan Academy For Rural Development, Peshawar.

³³. See *The Jang* (Urdu Daily, London, 6.10.1995). The prime minister constituted a seven-member committee headed by the Punjab Chief Minister to assess the possibility of holding local bodies elections in the province by March 1996.

Though the overriding power of the president was no more a threat for the government of People's Party, during the second term of office, the incumbent being a party candidate, the government still faced other issues such as the continuing hegemony and influence of the army, the continued tussle with the opposition parties, a budgetary deficit affecting every vital economic matter which affected the adequate exercise of the peoples' mandate. Despite a constitutional obligation, the future of local government institutions look bleak in view of the fact that the federal government could not even give sufficient attention to the implementation of its own programme of district governments. Ever since the dissolution of local councils prior to the general elections of 1993, people are deprived of a participatory platform at the local level. Because of the tremendous problems surrounding the government, there seems to be little prospect of the restoration of elected local councils in the near future and the government's commitment of holding elections to these institutions could not as yet be materialised for fear of losing these local power bases. The idea of district governance, though fascinating, faces hurdles in its implementation. Besides resistance from the bureaucracy opposing such drastic measures of decentralisation, the politicians themselves look reluctant to share powers with people at the lower level. For these changes to become effective, constitutional amendments will be required which, in practical terms, does not look feasible in view of the conflict of interests around which the game of party politics revolves. Another point deducible from this discussion is that politicians in Pakistan are, generally speaking, in the habit of making promises which they often find difficult to transform into reality once they are accorded an opportunity of doing so. The fault is not solely of their own but the practical difficulties such as the poor enthusiasm and the lack of sufficient expertise at the local level to shoulder such gigantic responsibilities prevents the government of introducing such far-reaching reforms.

OVERALL CONCLUSION

The Local government system in Pakistan has, since the inception of the country in 1947, undergone different phases of development. While some attention was given to the problems of local government during the colonial period, the condition worsened after independence. Though, there were opportunities available to fashion the system according to the requirements of a free nation, no concrete policy could be initiated to enable these institutions to play their role in the economic and political development of the country. There have been periods when local bodies have been important as a matter of policy both with the federal and provincial governments. There have been times when these institutions were relegated to the background.

An analysis of the government's attitude towards the growth and development of local government institutions during the period covering two military and two civilian rulers testifies the hypothesis that these institutions have received priority of attention during martial law regimes and that the initiatives to reinstate them have invariably been taken by the centre. Their development during the British period too reveal that centre stood at the forefront in all reform efforts. For instance, the passage of Ripon Resolution of 1882 announcing the creation of local bodies with a view to impart political education and training. Again, during the period between 1909 and 1911 the Government of India took decisions with regard to the delegation of powers to the indigenous panchayats in the village with a view to widen their sphere of influence in the village life.

After independence, the uncertain and unstable political conditions gave way to the military to intervene and after acquiring power they needed some support base that could legitimise their rule but also manage state affairs in collaboration with a kind of elected element through which some sort of liaison between the rulers and the ruled could be established. The development in the field of local government since 1959 onward thus testify the assumption that military regimes, compared to the elected governments, have adopted generous policies towards the development and growth of local bodies. For instance, Ayub Khan geared them for socio-economic development of the country though they were misused politically and it was this political misuse which spoiled the whole character of the system.

One reason could be that the military rulers take shelter behind local government in order to avoid elections to the higher levels of representative institutions which, in their opinion, could cause a threat to their rule. As against this, they treat local councils as loosely organised and less dangerous to the stability of the government being manned by politically less conscious councillors. While the military ruler endeavours to keep the politicians away from political arenas, a civilian ruler confronts with threats caused by its own class of politicians, the military and the bureaucracy. The general trend has,

therefore, been to avoid initiation of such measures (e.g., holding local bodies' elections) that could incapacitate its own position.

Given the factionalism at the grassroots level, and in view of the poor organisation of party there, the elected government does not want to take the risk of losing control over local councils as that could exhibit a poor image of the party's support from the general public. Because of such apprehensions, the elected governments have generally avoided going to local polls with the only exception when there is consensus of opinion on such measures between the centre and a particular federated unit, both being ruled by one and the same party. Despite such consensus, the democratic pattern of elections are modified.

The study also pinpoints that the civilian/elected governments have generally shown reluctance to allow local governments to have a role in the process of local development which is illustrated from the launching, by the federal government, of massive development programmes (i.e., Five-Point Programme, People's Programme, and Tameer-e-Watan³⁴ Programme). The attitude of federal government towards local government institutions during 1972-77 and then 1988-to-date (1995) testifies to the hypothesis.

The only exception was that of Junejo's government when elections to the local councils took place in 1987 for their third term. The government, however, managed to avoid party defeat by holding those elections on a non-party basis so that the councillors thus elected could be absorbed into the officially supported groups controlling the council affairs.

A greater influence from the centre comes through the casual allocation of finances. Funds for foreign-aided projects are also processed and cleared at the federal level and then channelled down to the provinces where the schemes are intended to be executed. Local councils have been marginally involved in the identification of such schemes and their execution. Foreign funds received for the purpose are generally utilised by various line departments of the provincial governments.

A comparative analysis of the initiatives taken towards the development of local government would reveal that it were the measures taken by the military government of General Zia-ul-Haque which proved to be a significant milestone in this direction. Realising the importance of local government in the national life, the military government of Zia undertook efforts towards a renaissance of these institutions which had all along remained in a stage of dormant growth.

³⁴. The term meaning 'Nation Building' was given to the federally funded special development programme launched during Premier Nawaz Sharif government involving elected members of the National and Provincial Assemblies.

For the first time in the history of Pakistan, public representatives elected freely by popular will,³⁵ were afforded an opportunity of active participation in the administration of local bodies at all levels. As a result of this, the elected chairmen acquired a pivotal status enjoying full powers in the conduct of local affairs. For the first few years there was ensured adequate safeguards against all kinds of interference in the working of these institutions on the part of outside elements whatsoever.

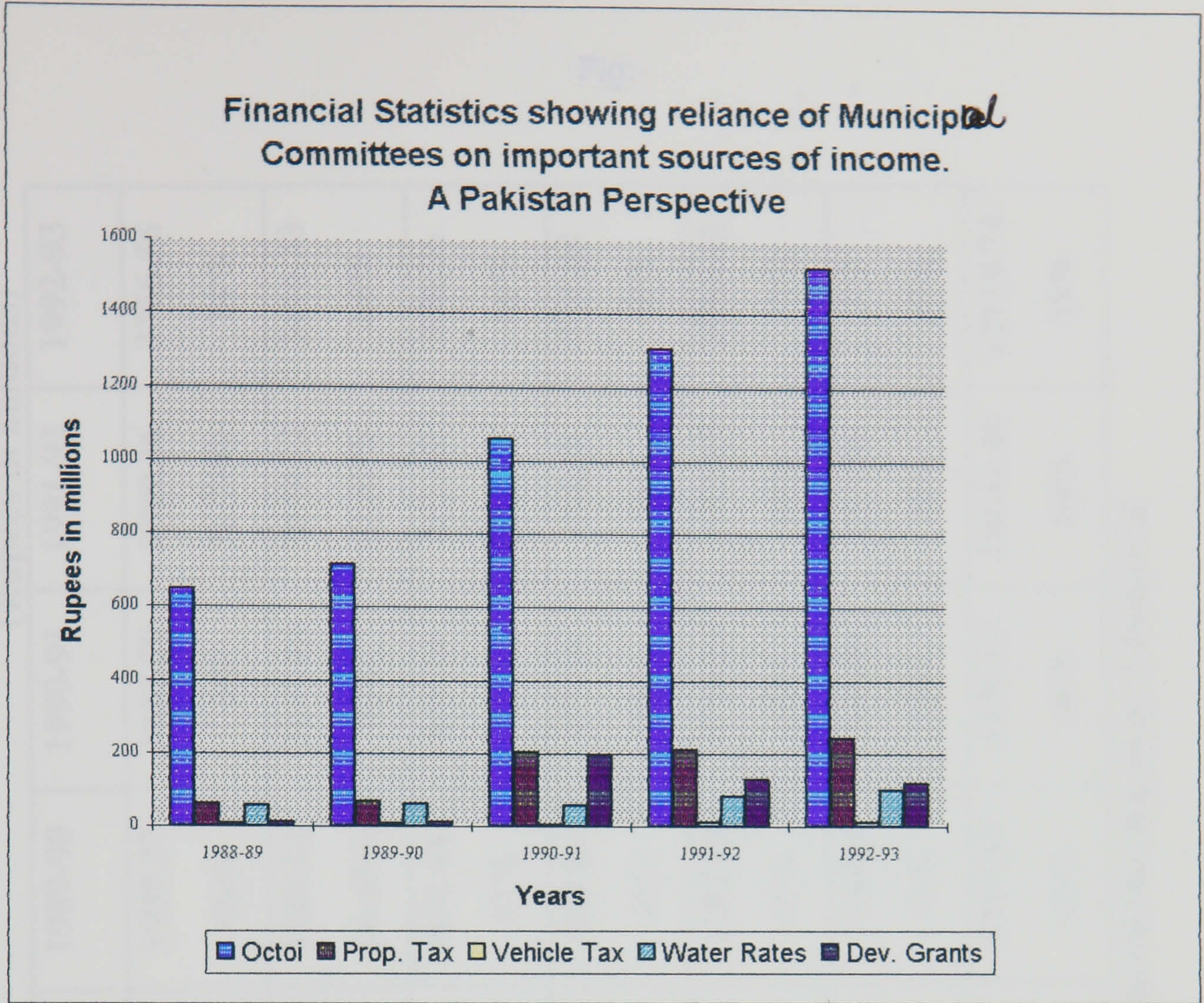
Absence of other political institutions till 1985, proved both a boon for and a bane of the local government set-up. The restoration of democracy in 1985 and the coming into being of elected institutions at the federal and provincial levels gave way to a process of conflict with the local government institutions which eroded their capability rather than strengthening. The concentration of powers in the hands of elected chairmen created a greater amount of jealousy on the part of parliamentarians. The lack of attention to maintain a balance between the spheres of influence of the two resulted in the deterioration of the image of local government. Local government institutions had another exit from the political scene with the coming into power of the People's Party government in 1993.³⁶

The working of the local government institutions in the light of above political scenario and during the three consecutive terms had facilitated the determination of the concrete shape of the system not only in terms of their competence in service-related perspective but also in terms of their autonomous character when analysed in the context of their relationship with the higher levels of government. The researcher studied four local councils in two provinces of Pakistan to determine the place and role of these institutions, the problems faced, and the prospects of their future growth.

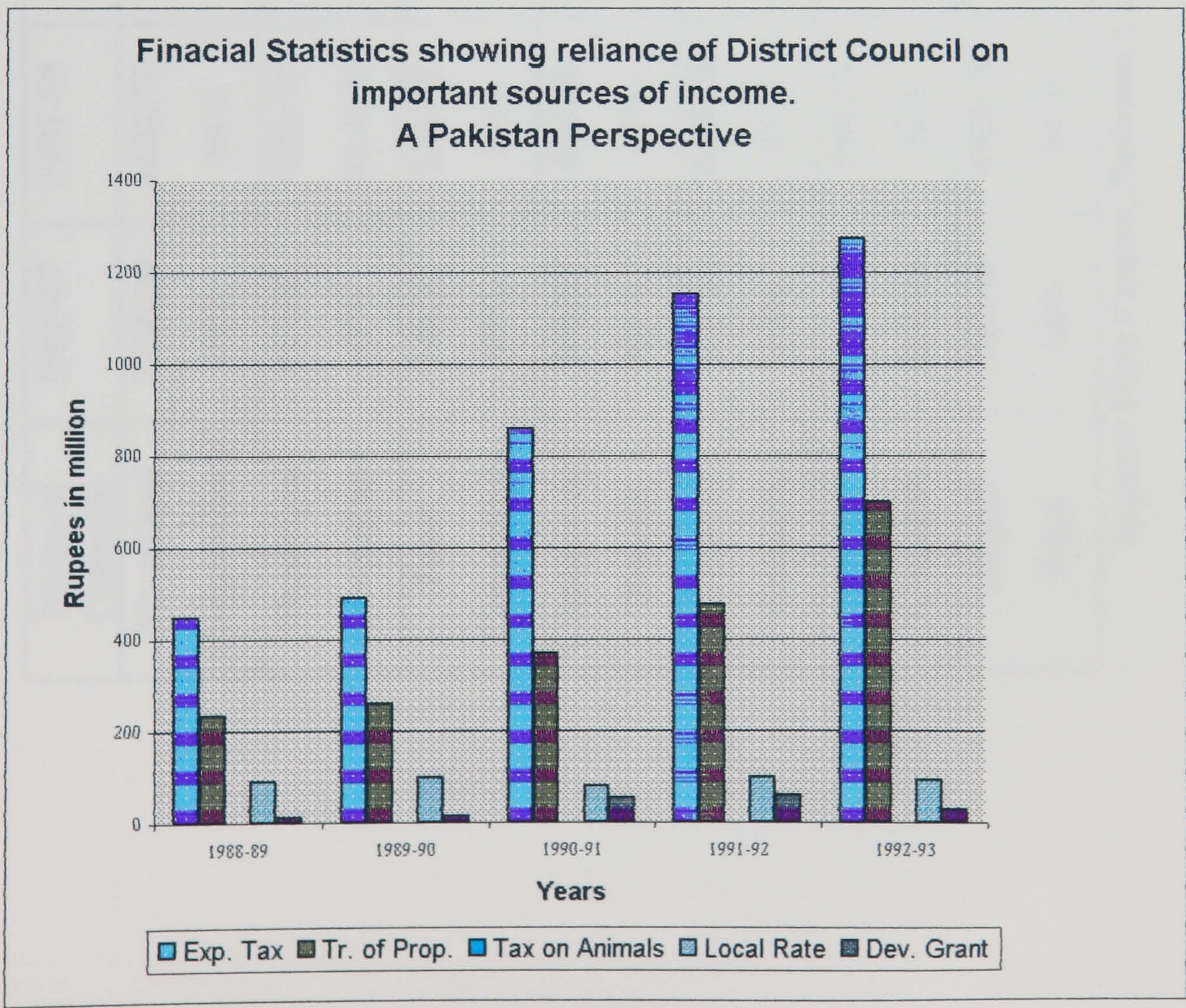
³⁵. After an interregnum of 13 years, local government institutions were restored in 1979 by the holding of free and fair local council elections throughout the country on the basis of adult franchise.

³⁶. (Ch.) Mohammad Ashraf, *The Evolution and . . .*, p. 74

Fig: 1



Source: Data Centre, National Centre for Rural Development, Government of Pakistan, Islamabad.



Source: Data Centre, National Centre for Rural Development, Government of Pakistan, Islamabad.

Table: 4

Financial statistics illustrating the reliance of local councils on tax sources
(Taxes, Fees, Rate, and Cess) in Pakistan.

Name of Councils	(Rupees in millions)									
	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93			
Municipal Corporations	2366.09 76%	1602.70 66%	1762.97 66%	1939.27 66%	3045.39 78%	2899.36 71.78%	3786.56 74%			
Municipal Committees	917.52 68%	992.57 66.45%	1091.83 66.45%	1201.01 66.45%	2242.84 64%	2939.12 53.57%	3416.33 64%			
Town Committees	448.92 59%	521.86 57%	574.04 57%	631.44 57%	639.24 65%	861.87 60.53%	986.76 66%			
Cantonment Boards	338.54 49%	404.20 45%	444.62 45%	489.08 45%	471.10 50%	684.68 45%	751.85 45%			
District Councils	880.36 62%	1059.52 67%	1165.47 67%	1282.02 67%	1799.03 67%	2505.87 69%	2900.42 72%			
Union Councils	129.23 30.45%	144.35 32%	158.78 32%	174.65 32%	204.06 33%	253.58 35%	277 35%			
Grand Total	5080.66 66%	4725.19 61%	5197.70 61%	5717.47 61%	8401.65 66%	10144.48 64%	12119.74 65%			

Source: Data Centre, National Centre For Rural Development, Islamabad.

Table: 5
 Financial statistics showing reliance of Municipal Committees and District Councils on important source of income
 the buoyancy of these resource generation. A Pakistan perspective:
 (Rupees in millions)

Name of councils	Name of taxes	1988-89	1989-90	1990-91	1991-92	1992-93
Municipal Committees	Octroi	648.55 39.47%	713.40 39.47%	1058.06 30.22%	1303.88 28.20%	1526.86 28.42%
	Property Tax	61.17 3.72%	67.28 3.72%	202.39 5.78%	208.19 4.50%	241.20 4.49%
Number of Municipal Committees in Pakistan: 156	Tax on Vehicles	5.50 0.33%	6.05 0.33%	4.38 0.13%	10.05 0.22%	11.06 0.21%
	Water Rate	55.17 3.36%	60.69 3.36%	55.17 1.58%	80.92 1.75%	99.29 1.85%
District Councils	Development Grant	9.40 0.57%	10.34 0.57%	194.12 5.54%	127.37 2.75%	115.78 2.16%
	Export Tax	446.83 25.76%	491.51 25.76%	858.96 32.10%	1150.73 31.89%	1237.41 30.67%
Number of District Councils in Pakistan: 93	Tax on Transfer of Property	234.60 13.52%	258.06 13.52%	368.10 13.76%	476.07 13.19%	698.61 17.32%
	Tax on Animal	0.08 0.00%	0.09 0.00%	0.43 0.02%	0.47 0.01%	0.56 0.01%
	Local Rate	89.83 5.18%	98.81 5.18%	78.25 2.92%	97.99 2.72%	92.03 2.28%
	Development Grant	11.57 0.67%	12.73 0.67%	53.20 1.99%	58.30 1.62%	29.00 0.72%

Source: Data Centre, National Centre For Rural Development, Government of Pakistan, Islamabad.

Chapter Three

The Municipal Committee of Mardan

Case Study No. 1

General Introduction to the Case Studies

The four case studies i.e., the Municipal Committees of Mardan and Gujrat and the District Councils of the above named districts, are of two urban and two rural local authorities in two different provinces of Pakistan. In each case study, the initial paragraphs deal with the location and character of the local authority, followed by an analysis of the nature of the councillors, officials, and the performance and activities of the councils, with some initial conclusions drawn there from as interim points leading to the later concluding chapter. The pattern adopted for the study of these councils consists of an analysis of the impact of party politics and the influence of local influentials on their working, the nature of administrative control exercised, and the place of finances in their service-related activities.

The sequence of the case studies in the presentation of the thesis was determined by the sequence of study investigations itself. There is, therefore, some elements of learning projections on the cases as the researcher developed his themes.

Each case study stands alone in some respects. It is complete within itself as an account of what happened during the period of investigation and what the researcher found to be the case in evidences located. The cases, however, are part of the more general issues about local government in Pakistan and some familiarity with these matters is presupposed in the cases as they are developed. The conclusions drawn are limited by the case study material itself, without the benefit of the fuller and more general discussions presented both earlier and later in the thesis.

N.B: For keeping unanimity of the respondents, fictitious names have been used in all the four case studies.

MARDAN---One of the divisional headquarters in the North-Western Province of Pakistan, is situated in the middle of the Peshawar plain which is itself in the centre of the province. It lies about 70 km East of Peshawar---the provincial headquarters. The current population of Mardan city (1981 census)¹ is about 166,244 which is 18.87 per cent of the total population of the district which comes to 881,000. The population of the rural areas consists of 714,755 (i.e., 81.13%). The city population is expected to reach a total of 266,000 by the year 2003 due, mainly, to the increasing migration² from the surrounding rural areas. The population of the city consists of a number of tribes,³

¹. Important District-wise Socio-economic Indicators in the N-W.F.P., 1991, Peshawar, Government of the N-W.F.P., Planning & Development Department (Bureau of Statistics) p.1

². Second Urban Development Project, N-W.F.P., Intermediate Towns, vol. vi, MARDAN, A study conducted by the Asian Development Bank in collaboration with the Government of Pakistan in 1991, p. 7

³. Ikram Ullah Shahid, Municipal Committee Mardan, A'ak Ta'aruf A'ak Jaiza (Urdu), Mardan, Kausar Press, 1987, p. 40

the most important of which are the Yousufzai, Afridi, Mohmand, Khattak, Mundar and Utman.

Mardan is the second largest city in the N-W.F.P. On the South of it lies the district of Nowshera, on the West the district of Charsaddah, on its East the district of Swabi and to the North lies the Malakand agency. The city is traversed by the Kaplani Nullah which is a perennial waterway bisecting the city. It receives most of the city's waste water and storm water.⁴ The Kalpani is itself fed by other nullahs and streams in and around the city which flow in the general direction of the river to the South.

The climate is semi-arid and is characterised by a hot summer and a very cold winter.⁵ Being situated in the agricultural area of the valley of Peshawar, Mardan has developed over the years as a market town and service centre for the agricultural hinterland. There are a number of processing plants for agricultural products including large sugar refining and tobacco industries. The economy in Mardan, however, is not growing as fast as the population. This could be partly due to the influence of Peshawar which overshadows Mardan in terms of attraction and services. The elderly people⁶ of the city claim that the term 'Mardan' is derived from the name of a pious person 'Mardan Shah' which later came to be known simply as Mardan.

Mardan has a chequered history of the development of its civic institutions. To serve the civic needs of Mardanites, there are, apart from the city-based provincial government line departments, three different civic institutions namely, the Municipal Committee of Mardan, the Cantonment Board, and the Mardan Development Authority.

Among these, the oldest institution is the Mardan Cantonment Board, the origin of which can be traced back to 1853 when the Queen's Own Corps of Guides, while making Mardan the permanent headquarters, initiated the construction of Mardan Fort and it was the same fort which, later on, assumed the shape of Mardan Cantonment.⁷ Since the British wanted their troops to be away from the local population they developed their camps, stations and posts into cantonments for security and sanitation purposes independent of municipal bodies in the neighbourhood. The British rulers introduced Cantonment Boards only in South Asia⁸ including Burma while no one is aware of them in other erstwhile British colonies anywhere in the world.

⁴. Second Urban Development Project , p. 2

⁵. Feeroz Shah, Mardan Tehsil at a Glance, Peshawar, Pakistan Academy For Rural Development, 1991, p. 7

⁶. From discussion with Mufti Midrarullah Midrar, District Khateeb and father of Ikram Ullah Shahid, Ex-chairman, Municipal Committee, Mardan.

⁷. Imperial Gazetteer of India (Provincial Series) North-Western Frontier Province, Lahore, Sang-e-Meel Publications, 1991, p. 163.

⁸. Malik Mohammad Siddique, "Role of Cantonment Boards in Local Government," in Sindh Local Councils Digest vol. 3, no. 12. December 1984, p. 3

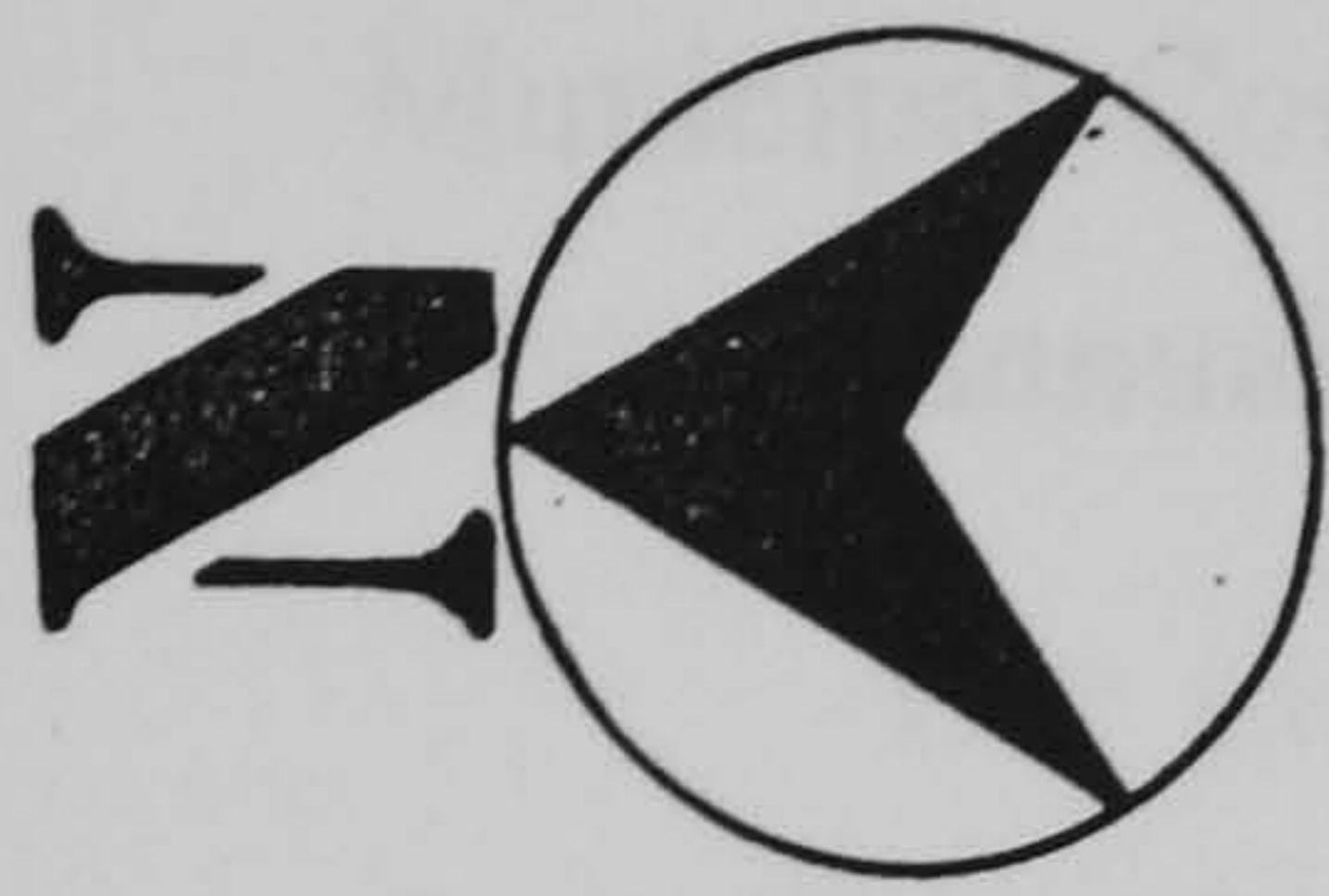
The original government notification regarding the declaration of Mardan Cantonment is not locally available. However, it is presumed that the cantonment was declared sometime in the 1850s. The boundaries of the cantonment were defined in 1890 by the then Government of the Punjab.⁹ The total area of the cantonment is 2.234 sq. miles and the population (according to the 1981 census) is about 6150. The area is separately governed by the Cantonment Board which collects taxes and provides municipal services which are subsidized by the defence budget. The Municipality of Mardan has no say in cantonment affairs even though it is enclaved in the city, occupying prime land in the centre of town with the best shopping area and most distinguished buildings. Apart from enjoying subsidized amenities, the people living within the cantonment pay lower taxes compared to those in the city areas despite the city's low per capita income. While the local bodies elections for the fourth term, scheduled to take place in December 1991 were postponed for some political and administrative reasons, the periodic elections of the Cantonment Board did take place in December 1991 filling the three seats reserved for the civilian population. The ratio between the nominated and the elected members is 4:3, the elected members being placed in a minority. The President of the Board is an officer commanding the station who enjoys a casting vote. The officially nominated members, therefore, carry much weight because of the ubiquitous control of the military and the Ministry of Defence over the municipal administration of the area and the elective element is allowed a severely restricted role.

Since the Cantonment provided better quality of life, well to do people began to settle in the area as well, purely for residential purposes. Over the years, the Mardan Cantonment, like many others in Pakistan, has neither retained its essential preponderance of military population nor its segregation from the civilian population, having been swamped and engulfed within the expanding city (Fig: 2) which is administered by the Municipal Committee. The Cantonment Act of 1924 probably envisioned such an eventuality and kept the boundaries of cantonments flexible, with provision to expand the jurisdiction of the cantonments or to withdraw from certain areas. The Military Land & Cantonment Directorate under the Ministry of Defence is reluctant¹⁰ to withdraw from Cantonments with essentially civilian populations because of their revenue generating potential. The Cantonment Board of Mardan, for instance, raised an amount of Rs. 1.85 million (equivalent to US \$54030)¹¹ through the levy of

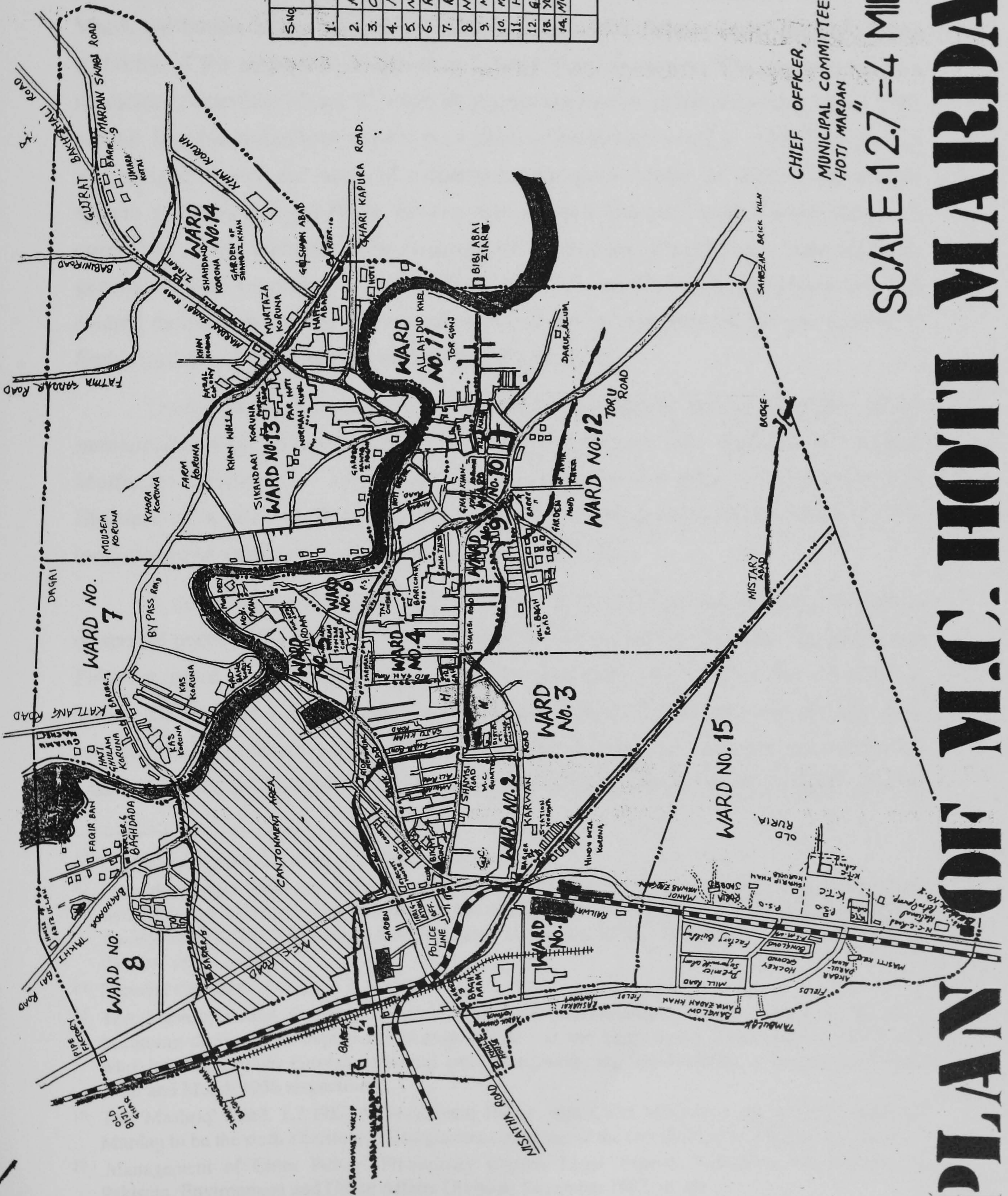
⁹. Cantonment Board Mardan, Annual Administration Report, 1992 (Chapter-1), p. 1

¹⁰. Management of Cities Policy (Draft Final Report), Islamabad, Government of Pakistan, Environment and Urban Affairs Division, (August 1984), p. 2.26

¹¹. This is according to the market index of April 4, 1996. See the Jang (Urdu daily from London) of the appropriate date.



S-NO	LEGEND
1.	RAILWAY STATION.
2.	MUNICIPAL COMMITTEE LIMITS.
3.	CANTONMENT LIMITS.
4.	METREED ROADS.
5.	NON-METREED ROADS.
6.	RAILWAYLINE WIDE GAUGE.
7.	RAILWAY LINE SMALLER GAUGE.
8.	MULLAH.
9.	M.C. OFFICE.
10.	M.C. BUS STAND.
11.	HOSPITALS.
12.	G.C. MARDAN.
13.	YUNAS STADIUM.
14.	MUNICIPAL LIBRARY AND TOWN HALL.



CHAIRMAN,
MUNICIPAL COMMITTEE
HOTI MARDAN.

CHIEF OFFICER,
MUNICIPAL COMMITTEE
HOTI MARDAN

SCALE: 12.7" = 4 MILES

PLAN OF M.C. HOTI MARDAN

rates and taxes¹² during 1991-92. Similarly, a concurrent flow of funds¹³ from the Municipal Committee to the Cantonment Board enables the latter to receive a huge amount annually.

The municipality, on the other hand, had its origin in the form of a Notified Area Committee constituted sometime in 1880 during British rule. When the population of the city reached to 13849 (according to the population census conducted in 1901), the city was declared an Area Committee¹⁴ under the Punjab Municipal Act of 1910. Municipal bodies at that time were mostly run by administrators under the controlling authority of the respective Assistant or Deputy Commissioners. The city was made a municipal committee (Class-II) when its population rose to 39200 according to the 1941 census. Mardan at that time used to be a tehsil of Peshawar. It was in 1937 that the city was assigned¹⁵ with the status of a district headquarters. Under the Basic Democracies system of General Ayub Khan, the city was divided into six Union Committees each consisting of ten members. The chairmen of these union committees, responsible for general welfare functions, were ex-officio members of the municipal committee. An elected member used to be the vice-chairman of the municipality but he was a nominal figurehead as powers were vested with the administrator.

During the martial law government of General Zia-ul Haque, the status of the municipality was further upgraded in July 1979 when it was declared an A-Class Municipal Committee.¹⁶ After a vacuum of almost fifteen years, Local Government Elections were held in December 1979 and the elected representatives of the people took charge of municipal administration in January 1980.

A new phenomenon in the administration of civic affairs has been the emergence of special purpose agencies that have been established in almost all major urban areas of Pakistan more commonly known as the Development Authorities. The concept of having Development Authorities for performing separate developmental and planning functions in big cities is of relatively recent origin in Pakistan. The first such authority was established in Karachi in 1957 known as the Karachi Development Authority.¹⁷ The

¹². Cantonment Board Mardan . . . , (Chapter-III), p. 4

¹³. From the Budget statement of the Cantonment Board Mardan for the year 1992-93. The municipality, while bearing some financial liability towards the Cantonment Board, pays 11% of the net income through Octroi. The Cantonment Board received an amount of Rs. 3.7 million through octroi during the year under review.

¹⁴. Imperial Gazetteer of India . . . , p. 163.

¹⁵. The 'Mashriq' (Daily, Peshawar, 1.7.1988) special supplement released on the occasion of Mardan's becoming divisional headquarters. Iskandar Mirza was the first Deputy Commissioner of Mardan who, later on, became Governor General and subsequently, the first President of Pakistan in August 1955 and March 1956 respectively.

¹⁶. The 'Mashriq' dated. 1.7.1988. General Fazal Haque, then Chief Minister of the province, declared Mardan to be the sixth Divisional Headquarters consisting of the two districts of Mardan and Swabi.

¹⁷. Management of Cities Policy (Preliminary Report) Legal Aspects, Islamabad, Government of Pakistan, Environment and Urban Affairs Division, December 1982, p. 20

emergence of widespread problems in the fields of land development, physical planning, housing, water supply, sewerage and roads was thought to necessitate the creation of such agencies. These agencies have, over the years, encroached¹⁸ upon the traditional municipal responsibilities and their mutual relationships have never been smooth.

In fact, it is the lack of technical expertise and financial limitations on the part of municipal bodies to cope effectively with the problems of urban planning and management i.e., housing and the related urban development programmes that has given rise to the establishment of development authorities. Despite government's direct involvement in matters such as housing and related urban development programmes, the urban crisis is still a much talked about question among the city dwellers.¹⁹

While on the one hand, the government has adopted measures to strengthen the elected municipal bodies, the desire to have a rapid development of cities, at the same time, has led to the creation of development authorities. This new device of urban development has deprived the municipal bodies of a lucrative source of revenue through land development in all major urban areas where the development authorities exist. The municipality of Mardan also suffered from the dilemma when the Government of the North-West Frontier Province created a Building Control Agency²⁰ under the Mardan Development Authority and empowered it to prepare a plan for the surrounding areas of Mardan. The building control function henceforth shifted to the Mardan Development Authority from the Municipal Committee causing to the latter a loss of Rs. 0.20 million²¹ annually. Such measures have thus diminished municipal institutions from their importance as the leading civic bodies.

The demands of decentralization and autonomy to local government institutions have thus been countered by the transfer of municipal functions to development authorities. An argument that has been put forward in support of the establishment of development authorities is the need to reconcile democratic aspirations with efficiency of service. The existence, at the urban level, of these parallel institutions for urban management with consequent functional and jurisdictional overlaps and lack of co-ordination, tends to defeat however, the basic planning and development purposes for which they have been formed.²²

18. Management of Cities Policy (1984) . . . , p. 2.19

19. Management of Cities Policy (1984), . . . , p. 2.1

20. Government of the N-W.F.P., Notification No. 5-03-01/13302 dated. 28.11.1992. The decision also lately appeared in the 'Mashriq' dated. 6.2.1993 The building control is substantially a municipal function and the transfer to the Local Area Authority was resented by the municipality. Apart from the legal aspects favouring the municipality, building control is not a highly technical function. Reversal of the function back to the municipality would be a desirable step as the council possesses capability to handle the matter.

21. Figures derived from the budget statement of Municipal Committee Mardan for the year 1992-93.

22. Management of Cities Policy (1984) . . . , p. 3.5

While there are provisions in the Local Government Ordinances of the provinces of Sindh and Baluchistan which envisage the gradual take-over of the powers, functions, assets and liabilities of the development authorities, there is no such evidence in the Local Government Ordinance of N-W.F.P as a result of which urban local councils do not appear to be on the top of the urban management hierarchy.²³ Established in February 1976, the Mardan Development Authority has been specifically concentrating on the control and regulation of haphazard land use and development.²⁴

In the light of the mandates prescribed by the N.W.F.P., Urban Development Ordinance,²⁵ the Mardan Development Authority, working under the supervision of the Provincial Urban Development Board, is required to perform the following functions within the jurisdiction of Mardan Municipality:

- a). Preparation and adoption of a master plan for the city which includes both future direction of growth in urban settlement and changes in land use and density in the existing built up area;
- b). Exercising planning control over individual land use and development proposals;
- c). Adoption and enforcement of building regulations for the municipality.

The problem is further compounded because the municipal bodies and development authorities report to different departments of the provincial government. Mardan is one such urban area in Pakistan which is confronted with the problems of duplication and functional overlapping and the conflicts of jurisdictional co-ordination. The three civic institutions report to different command centres. The diagram illustrates the position (Table: 6)

The Cantonment Board, working within the jurisdiction of the cantonment, is equivalent of the urban local council, enjoys considerably more autonomy and is under the control of the Army General Headquarters (GHQ). This control is exercised through the Director General, Military Lands and Cantonments. Down to the cantonment level, the military officer in command of the forces in the cantonment or a civil or military officer nominated in his place by the officer Commanding-in-Chief or the Station Commander is the President of the Board. Under the Cantonment Act of 1924, the Cantonment Board is empowered to make regulations regarding certain specified matters with the approval of the Central Government. Similarly, the Cantonment Board is required to submit an annual administration report²⁶ to the central government. The Central Government and particularly the Ministry of Defence exercises control over the

²³. Management of Cities Policy, (1984), p. 3.10

²⁴. Interview with the Deputy-Director, Mardan Development Authority, dated. 27.3.1993

²⁵. N-W.F.P., Urban Planning Ordinance 1975, Department of Physical Planning & Housing cited in the Urban Financial Management and Accounting Project-Pakistan (Interim Report), May 1993, p. 6

²⁶. Section 45/A of the Cantonment Act 1924.

Cantonment Board and enjoys power to override decisions of the board and can even supersede the board. The cantonment is thus a real centrally administered area placed under the direct administrative control of the Ministry of Defence in the Central Government and in sharp contrast to the other civic agencies in the city which are under the control of the provincial government.

Table: 6

Government of Pakistan Ministry of Defence	Government of the N-W.F.P Department of Physical Planning & Housing	Government of the N-W.F.P Local Government & Rural Development
Secretary	Secretary	Secretary
Director General Military Land & Cantonments	Chairman Provincial Urban Development Board	Director General Local Government & Rural Development
Station Commander President, Cantonment Board Mardan	Project Director Mardan Development Authority	Chairman/Administrator Municipal Committee Mardan

The tight control that is exercised over the working of Cantonment Board, it is worth-mentioning to note that while the municipality in the neighbourhood suffered from continued crisis in the performance of her mandated responsibilities, the cantonment board worked smoothly and indeed in a democratic style by vigorously involving the elected element (one of the elected members being Vice-President of the Board) in board deliberations thus enabling them to represent the interests of 34% civilian population of the cantonment.

While the municipal councillors have been strongly advocating the merger of the cantonment board with the municipality or at least making it work under the control of the latter, the cantonment authorities bitterly oppose²⁷ the idea saying that either of the suggested measures would result in gradual deterioration of the existing level of services. To them, the municipality is, after all, a political institution and its relationship with the provincial government is based on political considerations and the nature of such relationship always differs after a change in power at the central government level in general and at the provincial level in particular. The problem of uncertainty prevalent always in the working of elected local council is not conducive to the relatively peaceful and stable environment in which the Cantonment Board functions.

²⁷. From discussion with the Cantonment Executive Officer, Cantonment Board Mardan, 13.3.1993.

In contrast to the other two civic institutions of the city, the Mardan Development Authority is a body dominated by the bureaucracy. Headed by a Project Director, the authority consists of a hierarchy of officers well-versed in the process of urban planning and development. It works under the supervision of the chairman, Provincial Urban Development Board²⁸ (PUDB)---an organization constituted in 1976 as the principal urban planning agency for the Government of the N-W.F.P. To fulfil its official mandates, the agency has established a number of Local Area Authorities and the Mardan Development Authority is one of them which has, since its inception in 1976, engaged itself in the solution of most pressing issues of urbanization in the city. Despite being a local agency for provincial urban development planning and execution, the authority works alongside a number of other government and semi-government agencies who also plan, execute, support, regulate or otherwise influence urban development in Mardan. The PUDB in general and the MDA in particular have been unable to make progress in co-ordinating and regulating urban development²⁹ for reasons, inter alia, that these agencies operate under their respective ministries and are, therefore, subject to different sets of policies, priorities, procedures and practices. The existence of so many actors in the urban environment has major implications for an orderly pattern of urban development. It compounds problems in co-ordination of both preparation and execution of sound urban development schemes. Such schemes, undoubtedly, occupy a very high profile in their overall activities but little benefit to the population at large. Furthermore, there has not been found a solution to the operation and maintenance³⁰ of completed schemes. The MDA is currently seeking to handover maintenance liabilities for township schemes to the municipality in the knowledge that by doing so it would be passing on a significant financial burden which the municipality has no means of meeting. Though the provisions of the law regarding the creation and operation of the development authorities allow,³¹ amongst other things, that part of the surpluses generated through land development may be made available to the respective city council so that it could take over the township schemes for maintenance purposes, beyond their substantial completion. The first-ever township scheme undertaken by the MDA (i.e., Sheikhmaltoon Township) is near completion and the probability is that the maintenance will remain with the MDA in view of the financial and technical incapability of the municipal committee. Reference in this connection may be made to

28. Urban Financial Management and Accounting Project Pakistan. A Study conducted by the Asian Development Bank in collaboration with the Government of Pakistan in May 1993, p. 2

29. Urban Municipal Management Organization Study, p. 28

30. Though not mentioned in the Local Government Ordinance, the municipal bodies are required by the N-W.F.P., Urban Planning Ordinance to maintain urban development schemes completed by the Local Area Authorities. The subject has generated much controversy as LAAs do not have the mandate to maintain such schemes after completion, while the municipal bodies do not have funds to do so.

the construction of Public Library and Town Hall³² in June 1987 at an estimated cost of Rs. 12.70 million. The Provincial Government and the Municipal Committee of Mardan still owe to the MDA an amount of Rs. 0.493 m and 0.801 m respectively. The scheme was, following completion, handed over to the municipality for operation. The municipality, later on, sold it back to the Provincial Government in 1992 so as to accrue funds in order to meet several financial liabilities.³³ For example, the municipality owed to the Water & Power Development Authority (WAPDA) an amount of Rs. 25.1 million for electricity dues in September 1992. In terms of total operating costs of the municipality, energy is second only to pay-roll. One cause of such huge liabilities is that whenever actual collections fall short of needs, the municipality tends to accumulate liabilities.

The Municipality of Mardan is subject to the control of a hierarchy of officers starting from the Divisional to the Provincial Headquarters level. At the Secretariat level, the officials including the Secretary formulate policy and regulate³⁴ the activities of the local councils in the province in different sectors. Next to the Secretary is the Local Council Board which acts as the supervising agency assisting the Department of Local Government in monitoring performance of the municipality. The Director General, on the other hand, acts as the Department's primary monitoring arm for the rural development side. Additionally, however, he has a role which involves periodic inspections of the municipal committee and exercise of specified administrative powers over the municipality affairs.

The existence of these parallel civic institutions for the management of urban affairs of Mardan presents a complex pattern of administrative control by the Federal and Provincial Governments over these institutions. Furthermore, the lack of direct co-ordination between these institutions tended to defeat the basic planning and development purposes for which they have been formed. There did exist a co-ordination channel in the form of Inter-Council Co-ordination committee³⁵ constituted under the N.W.F.P., Local Government Ordinance 1979 designed to co-ordinate the planning and development functions of various agencies involved in the urban management scheme. This linkage has, however, since long gone into oblivion. Particularly, with the dissolution of local councils in the province in August 1991, the only representative

³¹. Regulatory Framework For the Financial Management of Local Government, A study undertaken by the Asian Development Bank in Sept. 1993, p. 22.

³². Activities of Mardan Development Authority. Details provided by the Project Director of the Authority on 7.3.1993.

³³. Municipal Resource Generation, A study conducted by the Asian Development Bank in September 1993, p. 3. The matter was also confirmed by the Municipal Accounts Officer, Mardan during interview.

³⁴. A Handbook of Instructions, Laws, Bye-Laws, Rules etc., Peshawar, Department of Local Government & Rural Development (Part-1). pp. 1-3.

³⁵. A Handbook of Instructions (Chapter- XIX) Section 161, pp. 84-85.

body of the three civic agencies i.e., the Municipal Committee has turned into an administrative unit of the provincial government for reasons, inter alia, of the assigning of additional responsibilities to the Assistant Commissioner, Mardan to look after the municipal affairs. Thus, apart from functional overlapping among these institutions, a fragmented system of city administration exists from the point of view of horizontal and vertical linkages. In addition to these, a number of provincial government line departments deal with subjects which are the direct concern of the Mardan Municipality. For example, water supply, drainage and sewerage, road construction, land acquisition and development (Mardan Development Authority), housing and slum clearance etc., are being dealt with by the respective functional departments. Thus, under such a fragmentary arrangement, the urban affairs in the city do not get viewed as one integrated activity. Consequently, there is a haphazard and piecemeal development bearing an imprint of lack of co-ordination. It is, therefore, not unusual to find a Basic Health Unit, a primary school or a tube-well fully completed yet remaining inoperational for want of electricity, staff, or both.³⁶

While the municipality itself is under great pressure to cope effectively with the proliferating civic problems due to the strong urbanization trend, certain factors such as political, financial and administrative have equally added to its poor performance. Despite having a representative character, it essentially lacked the driving force that could give stability to a civic institution at the city level. These reasons, beside the poor capacities of the elected councillors, followed from the government's policy of partyless polls that remained a continuous element in government's election policy³⁷ since the promulgation of the present Local Government Ordinance of 1979.

From the perspective of election processes, the present system too inherited the traditions of the two Martial Law periods. The three periodic elections conducted so far--two under Martial Law i.e., 1979 and 1983 and the third one under a civilian government in 1987 were all on a non-party basis although politics has now penetrated deep into even those areas where it was not intended to have been allowed entry. The irony of the situation was that once the municipality was elected to power, it not only started operating under the name of parties but also passed through some of the worst public political wrangling³⁸ ever known in Mardan particularly when the time came to elect the chairman and vice-chairman.

³⁶. From interview with Councillor Noor Alam Khan (Advocate), 5.1.1993.

³⁷. The election policy based on a non-party system was, in fact, a violation of several constitutional provisions. For example, Article-33 of the constitution binds the state to discourage parochial, racial, tribal and sectarian prejudices but by resorting to partyless polls, these tendencies were promoted. Similarly, denial of the right to contest election from some party platform was also in contravention of the spirit of Article-17(2) which gives the citizens the right to form or be a member of a political party subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan.

³⁸. The 'Jehad' (Daily, Peshawar, 18.10.1979).

It was against the background of this fragmented civic administration and the partyless character of Mardan's Municipal Committee that its working was examined in the context of its relationship with the provincial government of the North-West Frontier Province. Out of the total strength of 17, 13 councillors possessing diverse political background³⁹ were interviewed with the following educational, professional and age background:

Table: 7

Educational Qualification	Number of members	Percentage
1. Graduate & above	6	46
2. Intermediate	3	23
3. Matriculation	3	23
4. Primary Standard	1	8
5. Illiterate	Nil	Nil
	13	100%

Age composition of the councillors interviewed:

Table: 8

Age	Number of members	Percentage
65 & above	Nil	Nil
55-64	Nil	Nil
45-54	4	31
35-44	9	69
25-34	Nil	Nil
Below 25	Nil	Nil
	13	100%

Occupational background:

Table: 9

Occupation	Number of members	%
1. Landlords	4	31
2. Businessmen/Contractor	5	39
3. Lawyers/Journalists	2	15
4. Public/Private service	2	15
	13	100%

³⁹. The municipality had, at the time of this field work, the strength of 17 councillors. The provincial government had, however, conducted delimitation of the electoral wards as a result of which the numbers of wards had increased from 17 to 25. 13 councillors were interviewed, five affiliated with Pakistan People Party, 4 with Awami National Party, 3 with Pakistan Muslim League and one, elected in the reserved seat, represented the minorities (consisting of Christians and Hindus) in the city.

In order to understand the type of people who run the affairs of the Municipal Committee, this data with regard to the socio-economic background of the elected members was gathered. The age composition of 69% in the age range between 35-44, is encouraging in terms of meeting the aspirations of an emerging society.

Experience when first elected:

Table: 10

Period	Number of members	%
a) 1959	Nil	Nil
b) 1965	Nil	Nil
c) 1979	3	23
d) 1983	1	8
e) 1987	9	69
	13	100%

Source: Information gathered through interview with individual councillors.

The educational background of the members was encouraging in the sense that a majority of them i.e., 46% had graduate degrees followed by 23% who were educated upto Intermediate level. The academic characteristic carried a promising future for the local population. One thing deducible from the academic details is the fact that there was no single illiterate member in the municipality which is a marked improvement on the group of councillors who were elected to the council in the local bodies polls held in 1979 and then in 1983. The following table illustrates the difference:

Table: 11

Educational Qualification	1979-83		1983-87		1987-91	
	No. of members	%	No. of members	%	No. of members	%
1. Graduate	5	29	6	35	7	41
2. Intermediate	2	12	2	12	3	18
3. Matric	2	12	2	12	4	24
4. Primary	6	35	6	35	3	17
5. Illiterate	2	12	1	6	Nil	Nil
	17		17		17	

Source: Details gathered from councillors during interview.

Despite this marked improvement in educational background, the factor which hindered the orderly functioning of the municipality during the third term was the low profile of the incumbents in terms of experience. The vast majority of the members i.e., 11 out of 17 (65%) were elected for the first time whereas 6 (35%) had served the municipality during the previous two terms. Interestingly, none of the elected members was given training so as to inculcate among them a certain degree of perception of the role which they were supposed to play in the administration of civic services.

The councillors, however, gave their candid opinion about the performance, in general, of the municipality and the impact which the existing legal framework has had on the pattern of relationship between the municipality and the provincial government. A common view was that the promulgation of the ordinance reviving local government institutions in the country in 1979 was a bold initiative of the military government which ensured participation of the chosen representatives of the people in the municipal administration of the city.

The nature of working of the municipality and the pattern of its relationship with the provincial government has been determined in this study in the light of replies given to a set of questions asked in scheduled interviews from the elected councillors, municipal staff and the government officials responsible for exercising control over municipality affairs. The first question sought to ascertain whether the Local Government Ordinance of 1979 contributed anything significant towards the involvement of elected people in the administration of municipal affairs. Councillors were divided on this question. Five out of thirteen respondents (38%) expressed their heartfelt satisfaction over the new legal framework governing the municipality. To them the system introduced under the new ordinance was illustrative in terms of vast administrative and financial powers given to the municipality and the chairman and various sub-committees under the municipality. It was on account of these generous powers that the municipality was able to undertake development activities unparalleled to the developments that took place during the previous twenty years.

Three of the respondents gave a mixed reaction. While being happy over the revival of elected institution at the city level, they expressed their anxiety over the absence of a programme of decentralization through which the sphere of influence of the municipality could be clearly determined. They specifically referred to the vital areas such as education, health and communication which, despite being compulsory functions of the municipality⁴⁰ could not be adequately attended to. This state of affairs provides sufficient ground to presume that the question of devolving power and function to the municipality has not been taken seriously as in the past. Vital decisions taken by the council (especially on financial matters) are required to be placed before higher authorities for approval. Government's unilateral decisions (particularly those of the courts of law)⁴¹ in financial matters (such as granting stay orders against the notice of the municipal authorities) have caused insurmountable financial loss to the municipality.

⁴⁰ N-W.F.P., Local Government Ordinance, 1979 (Chapter- X), pp. 48-60

⁴¹ The 'News' (Daily, Lahore, 20.1.1994). One suggestion is that the courts, before issuing stay orders regarding the decisions of the local councils, should first listen to the view-points of the concerned council. The disputes concerning these bodies should be handled on priority basis and within the shortest possible time.

Five of the replies given were indicative of the view that the politician's claim of strengthening the system of local government was a total myth because local government is not on government's priority list. The elected governments at the centre and the province are faced with uncertainty and, therefore, to avoid pressure and confrontation, they prefer to adopt the policy of strangling local authorities. The ordinance does not provide for a reasonable method of election⁴² to the seats reserved for minorities and women. Denial of regular periodic elections and thus disassociating representatives of the people from the administration of municipal affairs has had an adverse repercussion on the overall interest and morale of the electorates.

The control exercised by the local government officials was bitterly resented because matters of immediate concern would, despite council's decisions taken therein, reach the top-most officials in the department for consideration. Bureaucracy, according to them, enjoyed an upper hand on account of possessing powers to validate the council decisions on matters like giving approval to the deed whereby a certain tax would be leased out to private contractor for collection. The chairman, although more powerful, having access to the provincial chief minister, found it difficult to question official directives governing his actions.

With regard to the autonomy available to the municipality, three councillors expressed the view that the council had much power prior to the lifting of martial law in 1985. Not only could the council take decisive actions to promote the general welfare but the provincial line departments, under special instructions from the martial law administrator, would extend all possible co-operation in achieving these objectives. The chairman was delegated special powers of making posting and transfers of employees below BPS-6 in all city-based nation-building departments. Similarly, these departments would prepare their Annual Development Programmes (ADPs) in consultation with the chairman of the municipality. This sort of situation developed harmony and understanding between the provincial line departments and the elected representatives of the local council. These powers, however, were not used to the advantage of the local population at large because, firstly, most of the councillors were new entrants into the system with no clear perception of their roles and, secondly, despite their partyless character, they got involved into mutual rivalries and petty differences which caused set-backs to the smooth functioning of the municipality.

Six of the respondents while agreeing to the generosity which the government demonstrated prior to the installation of representative governments at the central and

⁴². The N-W.F.P., Local Councils (Election to seats reserved for women and minority) Rules, 1979 prescribes the procedure according to which the elected members on regular seats shall constitute 'Electoral College' to elect such number of members to the reserved seats in a local council as Government may, by notification in the Official Gazette, allocate to it. A member thus elected finds it difficult to maintain neutrality and gets inclined to the group which elected him/her to the seat.

provincial levels, held the view that the foundations of the system lacked legitimacy and needed some sort of political support which could viably be provided by grass-roots institutions. The immediate basis of the introduction of the system was, in fact, certain short-term objectives, with the result that when martial law was lifted, the municipality as a part of the overall system suffered a set-back and the powers once available to it regarding the overall administration of the city started declining.

Party politics had a devastating effect on the working of the municipality. While the government preferred a partyless local government system in order to provide to the incumbents an environment free from the effects of party-politics where the elected representatives could devote their energy to the solution of local problems and, while doing so, gain maximum knowledge and experience in the art of local administration, the hopes proved ineffective when the partyless polls culminated in the emergence of leadership who, filled with political ambitions, gave priority to the monopolization of local councils in favour of the respective parties with which they were affiliated. The municipality of Mardan was no exception. Starting with the election process to the formation of post-election groups for the election of chairman and vice-chairman, conducting the business of the council, constitution of sub-committees, removal of chairman/vice-chairman through a vote of no-confidence etc., were vital matters, all dominated by party considerations.

Presently because of the indirect election of the chairman and vice-chairman of local councils, an important event in the politics of local government is the post-election constitution of groups. It brings into being hectic political manoeuvring involving different groups based on economic, social and political factors and including the existing political parties. Party-based elections produce a clear party position making it clear which party is in a position to hold authority and who are chairmen and vice-chairmen in the council. The partyless polls, on the other hand, brings in its wake a number of problems, one of them being the absence of a strong foundation on which a sound and stable structure of the local council could rest. The councillors interviewed narrated interesting stories about this particular aspect of group formation in Mardan Municipality. They explained how the political parties who remained in the background sought to manipulate the elected councillors in an attempt to get their respective party-candidates elected to the chairmanship.

Eight councillors confirmed such manoeuvres on the basis of what they personally had experienced. While the political parties were less involved during the local bodies elections campaign, their interest did arise in seeing their nominated candidate assuming leadership of the council and to achieve this they would leave no stone unturned. In this power struggle were involved the local influentials and notables. Their role was much greater and effective than the district level chiefs of the various

political parties. The provincial chiefs of some leading parties were also seen to be campaigning for their party candidates. A major political party in the province utilized the service of a prominent figure of the city who, though personally affiliated with another political party, carried out the task most successfully. The background of the whole event was narrated by a respondent thus:

"Soon after the announcement of the schedule of elections by the Provincial Election Authority (P.E.A) for the election of chairmen and vice-chairmen of local councils in the province, one Mr. Ajab Khan (Fictitious Name), having friendship with the (military) chief minister of the province invited a group of ten elected councillors to dinner. They were affiliated with three different political parties and most of them were newly elected. The other six councillors (three of whom had been elected to the municipality since 1979) were deliberately ignored. One of the three old members was a prospective candidate for chairmanship on account of his profound experience in this capacity during the previous two terms i.e., 1979-83 and 1983-87. Because of the divergent political backgrounds of the councillors, the host offered his service for developing consensus upon an all-agreed candidate for the seat. It revealed to us at a later stage that the whole show was organized to pave the way for the election of one affiliated with a party having fundamental political differences with that of the host. The reason was the personal family terms with provincial chiefs of the said political party. The host not only was able to persuade the councillors to support the 'desired' candidate but also provided them a place for staying overnight preceding the date fixed by the Election Authority for electing the chairman. The group could not be approached by the campaigners of the rival group. The minority member who was approached by, at least three influential elected councillors for his support, was advised by his employer to vote for a 'desired' candidate."⁴³

It appears thus that the actual competition for the post of chairman was between the two main political parties who later formed a coalition government in the province. One view was that the local influential who played a pivotal role in ensuring the election of the desired candidate, was doing all this as per instructions from the military chief minister who, on account of his political differences with a notable local family, wanted it to be dislodged from local politics. From this point of view, the indirect interference of the provincial government in the process of chairman's election was confirmed.

Five councillors, however, gave a contradictory view of the impact of party politics on the post-election emergence of groups. While strongly refuting any pressure from outside, they held the view that in their choice for the leader of the council, they were motivated by nothing more than personal conscience. The municipality, according to them, has been able to attract educated and politically mature people who could hardly be dictated from outside. They exercised complete freedom in their choice to join a particular group and while doing so, their main preference was to ensure the election of a competent, qualified and energetic chairman because, after all, it were they who had to face the consequences (good or bad) of their choice. 'How could the parties influence the formation of groups in their favour while no party had a clear majority?', was the view of one respondent. The councillors, in their enthusiasm to choose a chairman of

⁴³. From discussion with Haji Awal Khan, 22.1.1993.

their own, did not consult even the District or City chiefs of their respective political parties so much so that two councillors who had affiliation with the same party, joined opposite groups—one being a candidate for chairmanship, facing thus the opposition of his co-party member. The influence of parties or local notables had negligible effect on their choice and in one case they boldly turned down the idea of choosing a candidate coming from a leading family of the city simply because of the past bleak record of the family in the overall development of the district, in general, and the city of Mardan, in particular. The respondents ruled out the evidence of any interference by the provincial government. The efforts of the councillors to choose a chairman from the middle class in order to be easily accessible by the general public was defeated by a lack of adequate support.

An analysis of the two sets of replies reveal that while certain examples authenticate that party affiliation did not serve as a constituent element in the formation of post-election groups, other replies duly confirm that the choice of selecting a chairman was not an independent exercise. The choice of the councillors, most of them newly elected, was influenced by elements such as factionalism, group interests, vested interests of the local notables and, of course, party directives etc. On the other hand, the councillors deviation from the party guide-lines, voting against a co-party candidate for chairmanship were examples which not only demonstrate political maturity but also the way opinion and voting was free from any kind of effective pressure---something unparalleled even with the higher levels of representative institutions in the country.

The overall responsibility for such state of affairs lies, inter alia, on the politicians who have not attended to the proper organization of their party structure at the local level particularly the spreading of their party programmes. The governments in power, particularly during the military regimes, have benefitted fully from this phenomenon. Whenever they attempted to isolate the political parties from the electoral process, it was welcomed by the general public and as is evident from their heavy turnout in the partyless local bodies polls in the country held so far for, at least, three consecutive terms. The voters were willing to choose their local leadership on the basis of their personal characteristics rather than their party affiliations.

How far did the party politics effect the actual conduct of business in the council was another vital question put to the interviewees. Nine councillors confirmed that the council deliberations were overwhelmingly dominated by party politics. The environment in which council proceedings would take place used to be overshadowed by an element of distrust. To one respondent, the council meeting was nothing more than a get-together because most of the councillors attending the session would come

without doing the necessary homework for reasons especially their lack of knowledge⁴⁴ about the 'Green Book'. Party politics seemed to be a major hinderance in achieving a spirit of team work between the councillors of both sides. Suggestions put forward by the opposition could summarily be turned down by putting them to voting no matter how useful they otherwise seemed. There were also reports of the alledged unequal treatment in the allocation of developmental funds to the councillors. The opposition councillors, duly backed by few ruling group members, were able to put the chairman to accountability. In one such occasion, the chairman was deprived of his strong ally and a right hand, the vice-chairman, through a vote of no-confidence, alerting the chairman executing the council decisions in letter and spirit.

The conclusion drawn from this set of respondent replies indicate that the internal environment of the council was largely dominated by party rivalries consisting of attempts directed towards weakening the strength of one another. Even the motion of no-confidence was motivated by similar considerations. If parties were not involved in the internal transaction of business, what made all such developments to occur? One view given was the personal differences between the sitting chairman and a notable councillor who held the post during the previous term (1983-87). The sitting chairman, then a member of the opposition group, had played a pivotal role in the removal of the latter through a vote of no-confidence.

As a result of the defection of certain councillors from the ruling group, the balance of power turned in favour of the opposition as the ratio of members belonging to the ruling and opposition came to 8 and 9. The opposition, though not powerful enough to remove the chairman from the office made him conduct the council business with a sense of responsibility, justice and fairplay.

The early trend was to join the group of a prospective chairman because of his enjoying the moral, material and political support of the government in power---a phenomenon which made the incumbency of chairmanship unresponsive and arbitrary. The situation significantly altered the position by balancing the strength of the rival group. A small gap between the two kept the chairman under the threat of a no-confidence vote. The changed party position in Mardan Municipality contributed significantly towards the achievement of the desired objective of conducting the council affairs on the basis of equality and justice. The chairman, in view of the changed circumstances, had to adopt a fresh strategy for the allocation of funds and this was on

⁴⁴. While collecting details from the councillors, the researcher came to know that only three out of thirteen councillors interviewed, understood the language of the Handbook containing instructions, laws, bye-laws and rules governing the activities of the municipality.

the basis of 40:60 for the ruling and opposition groups representing 8 and 9 councillors respectively.⁴⁵

Four councillors, however, held a different viewpoint. To them, the conduct of council business was never subjected to an external political climate. The rules of business as laid down in the N-W.F.P., Local Government Ordinance 1979 were strictly observed in that the questions of vital significance which essentially included the distribution of developmental funds among councillors, would first be referred to the respective sub-committees for scrutiny and recommendations and decisions would follow in the light of suggestions submitted therein. There was no simple evidence of depriving someone on political differences. The removal of the vice-chairman, maintained the respondents, was solely on account of his poor experience and the resultant inability to handle council business.

Councillors were then asked to pin-point what impact, negative or positive, did the indirect election of chairman have on the working of the municipality. Views expressed by the respondents also revealed that the performance of the municipality was effected by the inclination of the chairman, on account of his indirect election, to his group. While the partyless polls developed a situation where no political party could claim victory, the councillors did give thought before casting a vote in the chairman's election. A significant factor which guided their electoral behaviour was the linkage of the prospective candidate for chairmanship with the political party ruling the province. A chairman elected with such background tended to lose the balance, while managing council affairs, between promoting his group's interests and promotion of the general welfare of the local population. Due to the inclination of the chairman towards some councillors, there were examples indicating that the biased attitude of the chairman was a primary cause of discontent, confrontation and uneasiness. In all, seven councillors gave their views on the question. Four denied any such situation arising out of the indirect election of the chairman. To them, the chairman exercised his authority with a sense of responsibility. He enjoyed special powers in the preparation of agenda for meeting and brought all significant questions suggested by both the ruling and opposition councillors which could help to strengthen the position of the council with regard to the achievement of the set objectives. He tried always to discuss matters of common interest freely followed by formal decisions based, as far possible, on a consensus of opinion. Deliberations in the council meeting were always free and fair and in which the members of opposition group were involved. Ultimate decision-making rested with the council where every effort used to be made to accommodate the constructive views of the members. These respondents strongly supported the indirect method of chairman's election in that it provided a built-in check and balance

⁴⁵. Interview with Haji Awal Khan.

mechanism. They were against the substitution of the method of a direct vote of the people saying it would be impracticable for a population of hundred and eighty thousand to ensure accountability of the chairman. Rather the chances are that a direct vote would develop authoritarianism on the part of the chairman.

Three councillors including an ex-chairman were critical of the way the chairman performed his function. The chairman, instead of being spokesman of partyless councillors and working for the general welfare, tended to promote group interests. One respondent remarked thus:

*"Indirect election makes the chairman dependent on the will of his group of councillors, effecting adversely the overall performance of the municipality. The principles of justice and fair play are set aside. The chairman does not respect his opponents and safeguards only the interests of his supporters inside the council."*⁴⁶

An assessment of the above observations indicate that the municipality, consisting of partyless members, was open to manipulation by the chairman, by the majority group inside the council, by the local influentials⁴⁷ and finally by the provincial government which found it easy to manipulate a chairman working always under the threat of no-confidence. However, real controversy existed as to whether this was in fact the case.

Within the municipality, the situation could have been balanced, had the vice-chairman, elected in the same way as the chairman, been given some powers to exercise, no matter how secondary in nature to those of the chairman. The N-W.F.P., Local Government Ordinance 1979 is not, unlike the Basic Democracies Manuals, silent about the exact role of the vice-chairman. It provides for certain general powers⁴⁸ and functions to be exercised by the vice-chairman. The nature of these powers, however, suggests that these are not decisive and exercise of them is dependent, to a large extent, on the goodwill of the chairman. The chairman, on the other hand, wields greater authority as he not only presides over all meetings of the council but also takes decisions in policy matters. The mutual relationship between the chairman and vice-chairman in the municipality of Mardan was characterised, sometime, by cordiality, friendliness and goodwill and, in others, by confrontation, rivalry and prejudices.

Ten councillors expressed their views with regard to the powers and role performed by the chairman and vice-chairman and the nature of relationship between

⁴⁶. Councillor Riaz Mohammad Khan said this in his interview, 21.12.1992.

⁴⁷. In an interview (Mardan, 12.12.1992) Senator Mohammad Ali Khan of Hoti denied any influence being exerted on the working of the municipality including the chairman's election. One prominent member of the family, however, contested elections of the municipality held in December 1979 but resigned from his seat following his failure to win the subsequent election for chairmanship.

⁴⁸. These powers were given to him vide a Government Notification No. ADMN (LG) 7(24)/83 dated. 11.1.1987 which are prescribed on p. 411 of the N-W.F.P., Local Government Ordinance of 1979.

the two. Six out of ten councillors described the position of the two incumbents on the basis of the powers available to them and on the basis of certain general principles which, according to them, determined the nature of their mutual relationship. For instance, a vice-chairman, under normal circumstances, was just like an ordinary councillor with no important powers that could make him an active participant in the administration of the municipal business. It was only during the absence of the chairman (on account of illness, leave etc.) that the vice-chairman exercised those powers as acting-chairman. The lack of adequate and clearly specified powers was a major obstacle in the way of performing a meaningful role by the vice-chairman. Beside this imbalance in powers, another factor determining their mutual relationship was their party affiliations. There prevailed peace and tranquillity as long as the two incumbents were affiliated with the same political party. During the third term of the municipality (1987-91), when party-backed councillors returned to the council as a result of partyless polls, things were calm and quiet as long as the two incumbents belonged to the same party. The situation took a sudden turn when the opposition's attempt at the removal of the vice-chairman succeeded who was then replaced by one who had affiliation with a party other than that of the chairman. With this began a period of tussle and turmoil which ended finally with the dissolution of local councils in the province.

Two respondents, authenticating the existence of unhealthy relations between the two, attributed two reasons to this phenomenon namely, the partyless structure of the municipality and the denial of adequate powers to the vice-chairman. The extent of the hostility could be determined from the fact that the chairman never relinquished charge of office to the vice-chairman while going on leave for a period exceeding ten days, this being in contravention of the rules⁴⁹ under which the former was required to hand over the charge to the latter.

Another two respondents, while denying any valid cause of confrontation between the two office-bearers stated that the two belonged, during most part of the term, to the ruling group and were a source of strength for one another. One councillor explained the situation thus:

“The independent status of the councillors enabled them to change loyalty as a result of differences with the chairman on matters such as allocation of funds and filling in of vacant posts under the municipality. Such a situation was fully exploited by the opposition in an attempt to dislodge the ruling group from power. The vice-chairman, being a member of the ruling group never fully benefitted in the event of removal of chairman through a vote of no-confidence because his assumption of power as acting chairman lasted for maximum three months after which the council was to meet to elect a new leader of the house.”⁵⁰

⁴⁹. N-W.F.P., Local Government Ordinance 1979 (Chapter-1), para 175 (Rule-4), p. 88(a).

⁵⁰. From interview with Councillor Taj Mohammad Khan, 10.3.1993.

An analysis of the replies given to the above three questions indicate that an indirectly elected chairman in the council did all he could to consolidate his position and ward off any possible threat of no-confidence. This informal channel through which the councillors, loyal to the chairman, benefitted much was based on the whole-hearted support of the former to the latter despite the fact that they had diverse party affiliations. It was in view of this background that the respondents were asked as to which channel did they find convenient the solution of their ward problems i.e., the formal channel of convening council meetings as prescribed under the Conduct of Business Rules, 1980 of N-W.F.P., Local Government Ordinance, 1979 or the informal channel based on friendship and support to the chairman.

Seven respondents gave their views on the question. Five of them belonging to the ruling majority group confirmed that they, being in the chairman's group, received preferential treatment. Indirect election made the chairman rely heavily on the support of his group. Within the ruling group itself, it was the comparatively influential and active councillors who benefitted much from this favour. One such influential councillor in the chairman's group explained thus:

*"The chairman depended more and more on the influential members of his group simply because they were in a better position to keep the support of other (less influential) councillors to the chairman intact. The chairman was, therefore, surrounded by a small group of powerful (both financially and politically) councillors and it was in return for this loyalty that the chairman did favour to them mostly in the form of making additional financial allocations out of his discretionary funds."*⁵¹

It appears that the funds placed under the discretion of the chairman could be utilized the way, he deemed fit and that he was not required to submit to the council a utilization report therein. In addition to financial matters, yet another significant way of obliging the supporters in the council was the grant of contracts to favourite parties duly recommended by councillors loyal to the chairman.

Another two respondents, belonging to the chairman's group, gave a different interpretation of the basis on which additional funds were given to a few councillors of the ruling group. These were the expanded size of the ward as a result of merger of the adjacent areas in the outskirts of the city and secondly, the greater population of the ward. Provision of additional funds to such wards would result, sometime, in the exchange of hot words during council deliberations because some councillors demanded the distribution of funds on the basis of size and population of the wards while others pressed for equal distribution to all fifteen wards. The chairman normally adopted the latter formula. One respondent⁵² belonging to the opposition refuted the assumption and clarified that had the size and population of the ward been a criterion for

⁵¹. Views expressed by Taj Mohammad Khan.

⁵². Haji Awal Khan.

distribution of funds, he would have been one of those to receive special funds because the ward he represented stood third in population in the city.

Two respondents, both belonging to the opposition, described the council meeting as the only channel available to them for airing their concern regarding ward problems, which, unfortunately, was not much effective in terms of drawing chairman's personal attention to the problems faced by the ward population.

An analysis of the above comments reveal that while the Local Government Ordinance, 1979 (N-W.F.P) does not provide any definite formula for the allocation of development funds to the councillors representing wards which essentially differ both in size and population, it gave to the chairman an opportunity to settle the question through exercising his discretionary powers which benefitted a majority at the expense of many.

One method of keeping the chairman within his bounds could have been the exercise of a collective check over his alleged unauthorised measures while allowing him a free hand in the exercise of legitimate powers. A balance between the two could lead to a situation whereby an orderly pattern of relationship between the two could develop which in turn might reduce the problems of injustice, discrimination and favouritism. This question when put to the councillors, was answered by only four of them. Agreeing, on the one hand, that such traditions could have led to an ideal situation in the working of the municipality, they apologized for not being able as yet to develop such characteristics. They attributed, however, certain reasons for the lack of such feature on the part of elected councillors. These included the lack of continuity in the system of local government, poor educational background and resultantly the poor perception of the role and responsibilities on the part of councillors, lack of training etc. The element of uncertainty attached with the system coupled with the partyless character of the councillors enhanced the need for inter-dependence among the councillors and the chairman and the enthusiasm for mutual survival did not allow them to think on such lines. In the words of one councillor:

*"The system of check and balance based on these principles could have been a constructive development which, unfortunately could not take root on account of the lack of mutual trust and confidence. Some sort of surveillance over the activities of the chairman was indeed there, but was not aimed at improving his actions rather it was a part of the overall strategy to dislodge him from power. The continued hostility between the ruling and opposition groups did not allow them to think about the growth of such democratic traditions."*⁵³

The Local Government Ordinance of 1979 is said to have done away with the concept of controlling authority, a device that had most effectively been used by the government in the past over the local councils. The respondents were asked to comment as to what extent this claim of the government was valid?

⁵³. Views expressed by Haji Awal Khan.

Five councillors were of the view that the government's claim was a myth. Though it is correct that the ordinance has, for the first time in the post-independence history of Pakistan, laid down the foundation of a completely representative structure of local government, these institutions have not yet been relieved of the bureaucracy's control. The control device is, in fact, an effective instrument in the hands of bureaucracy to regulate the activities of local councils. The control exercised in administrative and financial matters was rigorous. They referred specifically to areas such as leasing out of certain taxes for collection by private contractors, new tax proposals in the light of the tax schedule prescribed by the government, and submission of work plans for technical sanction etc., which were required to be placed before the provincial government for sanction. Government retains such powers under section 157 of the L.G.O. Agreeing to the need for certain category of control over the municipal activities, the respondents suggested the maintenance of a balance between the autonomy guaranteed to the council and the control exercised by the government. While the government's supervision is essential, it is equally essential that the government undertakes periodic assessment of the problems faced by the municipality e.g., administrative and financial, and ensures their early solution. One respondent, analysing critically the existing control mechanism observed:

*"It is inadequate in that it does not help the municipality in improving its performance. Periodic reports are sent whenever asked for, but there is no effective feedback arrangement in the light of which the municipality could take corrective measures for the errors involved in its operations."*⁵⁴

Four councillors expressed their satisfaction over the freedom available to the municipality subject only to genuine governmental control. Reference in this connection was given to the process of plan formulation (ADP) and the preparation of annual budgets which are subject only to governmental guide-lines. They specifically referred to the offices of divisional and deputy commissioners who have been assigned no role in municipal administration while in other provinces such as Baluchistan and the Punjab, these officers do exercise powers to manage certain aspects of municipal administration.

The deputy commissioner, during the early years of the promulgation of N-W.F.P., Local Government Ordinance, 1979, had powers to remove⁵⁵ a local councillor on grounds such as involvement in political processes or having affiliation with a political party. Similarly, the resolution of local councils could be suspended. Their tutelage over local councils was, later on, abolished through amending the relevant

⁵⁴. From interview with Ikramullah Shahid, ex-Chairman, 27.2.1993.

⁵⁵. These power were, later on, withdrawn from the Deputy Commissioner and transferred to the government vide N-W.F.P., Local Government (Second amendment) Ordinance, 1984 (Chapter-1), p. 26.

provisions in the ordinance. The deputy commissioner was a source of greater strength to local councils in the past (particularly in Ayub Khan's Basic Democracies System) on account of his all-out support and particularly his role as co-ordinator between the local councils and the district-based functionaries of government line departments. Under the present system, he seems to have been completely isolated from local government administration. Councillors' opinion was sought regarding the impact, positive or negative, of this isolation on the working of Municipal Committee of Mardan.

Six councillors replied to the question. All of them, while happy with the abolition of the hegemony which the deputy commissioner had over local councils in the past, emphasised the need for greater understanding and a certain degree of involvement of the district officers in municipal activities in that this co-operation could assist the municipality significantly in vital matters such as recovery of arrears of taxes, removal of encroachment etc., because the municipality does not possess enough powers to deal with such matters independently. Currently, on account of his enormous administrative and judicial responsibilities, the deputy commissioner hardly finds time to handle even genuine demands of the municipality.⁵⁶ To this effect one respondent said:

*"He (the Deputy Commissioner) is, after all, a government functionary liable to transfer to any place any moment. While staying in the district, he remains pre-occupied with enormous executive tasks. Such a busy officer could hardly be relied upon. A municipality better acquires her own expertise for the management of vital civic functions."*⁵⁷

One opinion was that though the deputy commissioner was not very co-operative in the management of municipal issues, he did not interfere either in municipal affairs particularly in the process of electing a chairman. A revealing consensus of opinion from the representations of the councillors is that in order to develop a meaningful working relationship with the deputy commissioner, some institutional arrangement is needed whereby the district officer could be practically or emotionally involved in the working of municipal government.

The Local Government Ordinance provides a uniform set of functions⁵⁸ for all urban councils irrespective of their size (in terms of area and population) and status (e.g., Municipal Corporation, Municipal Committee or Town Committee). These functions are then divided into two categories i.e., Compulsory and Optional. Out of the long list of these two sets of functions, the municipality of Mardan has been able to concentrate on a few such as construction of streets, drainage and sanitation, water

⁵⁶. For instance, the Deputy Commissioner of Mardan was of little help in getting few bungalows vacated which had unlawfully been occupied by executive officers belonging to different line departments of the provincial government stationed at Mardan.

⁵⁷. Iqbal Mohammad Khan, Councillor, 17.12.1992.

⁵⁸. Local Government Ordinance (N-W.F.P) 1979, Chapters X & XI (pp. 48-70) prescribe the compulsory and optional functions of the municipal committees respectively.

supply, street lighting. This is evident from the sectoral allocations in the Annual Development Programme for the year 1992-93 which prioritized the services thus:

Table: 12

Services	Rupees (in million)	Percentage of the total ADP
1. Communication, Drainage and Sanitation	8.08	61
2. Water Supply	2.42	18
3. Electrification/Street Lighting	0.60	4
4. Building Parks	1.13	9
5. Petty Works.	1.00	8
Total	13.23	100%

Source: Figures derived from the Annual Development Programme, Municipal Committee, Mardan for the year 1992-93, p. 1

It appears from the above that major portion of the developmental allocation is earmarked to sanitation followed by water supply. The municipality, in its various annual development programmes, allocated the following amounts for the installation of a piped water supply:

Table: 13

YEAR	Total ADP Allocation (in rupees)	Allocation for water supply	% of the total ADP
1987-88	13786000	560000	4
1988-89	48847570	2899995	6
1989-90	22553797	2240696	10

Source: Figures derived from the budgets of appropriate years.

The water supply system for Mardan is based on a ground water source which is exploited by a network of tube-wells. There are a total of twenty-nine tube-wells in the city but the number of working tube-wells⁵⁹ is sixteen and out of these only eight have elevated storages. These tube-wells, as well as the elevated storages and major distribution lines, have been constructed in a number of phases by the Public Health Engineering Department. The total number of domestic connections, according to the municipality's record⁶⁰ is 5520 which means that if a single family is taken to be consisted of ten members, then the required number of connections for the city population of 166,244 would be 16624. Thus only one-third of the total population has access to piped-water supply. One study⁶¹ reveals that the rest of the population relies on other sources such as private wells, hand-pumps, street taps, neighbours taps and mosques etc. Even those having piped-water supplies are not fully satisfied with the supply system and give the following reasons for their dissatisfaction:

Low pressure, short duration, poor quality, no fixed timing and inadequate water.

⁵⁹. Details provided by the Chief Officer, 8.3.1993.

⁶⁰. Details provided by the Taxation Officer, 6.3.1993.

⁶¹. Second Urban Development Project p. 22

Poor service delivery in respect of potable water has been mainly due to the poor payment recovery system. The following table illustrates the position:

Table: 14

Year	Previous Balance	Current Demand	Total Demand	Collection	Collection as % of total demand
1987-88	978700	1500000	2478700	1342709	54
1988-89	897680	1500000	2397680	1294508	54
1989-90	892272	1700000	2592272	1285539	50
1990-91	992427	1300000	2292427	881418	38
1991-92	1084288	2100000	3184288	1154979	36

Source: Taxation Department, Municipal Committee, Mardan.

It thus appears that the water rate, the only significant user charge currently in force, provides very limited cost recovery. The taxation staff seemed to be completely devoid of any orientation to the concept of cost recovery. In an effort to increase water revenue, the municipal committee, like other urban local councils in the province, made a move to privatize water billing and collections from July 1993. A comparison of the previous year's departmental collection of Rs. 0.81million with that of the contract bid of Rs. 1.97 million offered for the year 1993-94 gives a percentage increase of 143. It is presumed that unless the present level of improvement is maintained, there is apprehension of the constitution of a separate agency to manage the water supply sector. The argument made in support of such an agency is that this would be better able to mobilize resources, identify needs, prioritize and build infrastructure, realize economies of scale and improve collection performance. There are possibilities that if the idea of a separate agency to handle the water supply in the city materializes then, like the transfer of building control from the municipality to the Mardan Development Authority, the structure and finances of the municipality will be significantly affected.

A review of the budgetary allocation of the municipality reveals that establishment charges stand at the top followed by electricity charges paid annually to the Water and Power Development Authority (WAPDA). There has been virtually no involvement in other essential services such as education and health. The respondents were asked what capacity does the municipality possess to handle these services including police if they were transferred to them? Six councillors, including an ex-chairman and an ex-vice-chairman, expressed their views. Two of them held the view that the municipality, under the existing financial and technical difficulties, would find it difficult to assume these responsibilities. They specifically attributed this to the reluctance of the bureaucracy to devolve power to the localities in such vital matters. Four respondents, on the other hand, strongly suggested that the local councillors, being fully aware of the local needs in their respective areas, were fully capable to discharge these responsibilities. The municipality, they maintained, had demonstrated such

capability in the past when it performed a significant role in the provision of these services between 1980 and 1985. Finance was regarded as the major hurdle in the way of undertaking these services at present. They argued, however, that there was no reason why a start could not be taken by placing the basic institutions such as primary schools, dispensaries and small-sized medical centres under the control of the municipality. It depends, they asserted, as to how far the provincial government is willing to hand over to the municipality the budget which is currently being utilized on these services through the district based government functionaries of the provincial education and health departments. While police powers could not be sought under existing circumstances, the respondents suggested that involvement of local councillors in police initiatives, directed towards the prevention of crimes, could go a long way in improving the law and order situation in the city. Some sort of formal liaison between the local police officers and prominent local councillors would (through developing understanding and co-operation between the elected representatives and officers of law enforcing agency) ensure peace and stability in the municipal jurisdiction. One of the respondents advocated that traffic management⁶² within the city should fall under municipal control.

Assumption of these and many other vital services are dependent on how far the municipality has acquired self-sufficiency in financial matters. A close review of the financial health of the municipality of Mardan reveals that it is characterized by an imbalance between income and expenditure on the one hand, and between recurrent (establishment) and development expenditure, on the other. The income of the municipality showed an increase with the assumption of its charge in 1980 by the elected councillors. Compared to the total budget of Rs. 8.8 million in 1979-80, it rose to Rs. 23.32 million in 1982-83, i.e., almost trebled within a span of three years. The surplus budget in the latter year showed⁶³ an income of Rs. 23.32 million and expenditure of Rs. 22.7 million. The municipality, however, could not maintain the tempo during the succeeding years. The table (No. 15) explains the position.

The municipality's unstable financial position is also evident from the allocations earmarked for development and non-development activities as is revealed from details given in Fig: 3. The views of the respondents were, therefore, sought regarding this imbalanced financial status of the municipality. Nine councillors gave their opinions. Five of them, while discussing the major causes of this phenomenon, referred particularly to the unsound financial management system, the general tendency of seeking not to pay tax because of the poor relationship between taxes and service

⁶². This being one of the compulsory functions of the Municipal Committees prescribed under Chapter-X of the Local Government Ordinance (N-W.F.P), 1979, p. 60

⁶³. The 'Muslim' (Daily, Islamabad, 7.5.1982).

delivery, ineffective audit machinery and the lack of proper follow-up on the use of council money. The municipality relies heavily on Octroi as the major component in resource generation, but the rates of which have long remained static. The departmental collection machinery has not been much effective with the result that almost all major taxes are leased out for collection to private contractors. The contracting by itself is not free from defects in that a gap exists between the rates on

Table: 15

year	Receipts	Payments	(Rupees in thousand)	
			<u>Trend Analysis (%)</u> Receipts: Payments	
1988-89	32942	32697	100	100
1989-90	25142	24540	76	75
1990-91	33945	32413	103	99
1991-92	28577	30267	87	93
1992-93	47860	48192	145	147

Source: Municipal Financial Management and Expenditure Control.

A study conducted by the Asian Development Bank in collaboration with the Government of Pakistan, Sept. 1993.

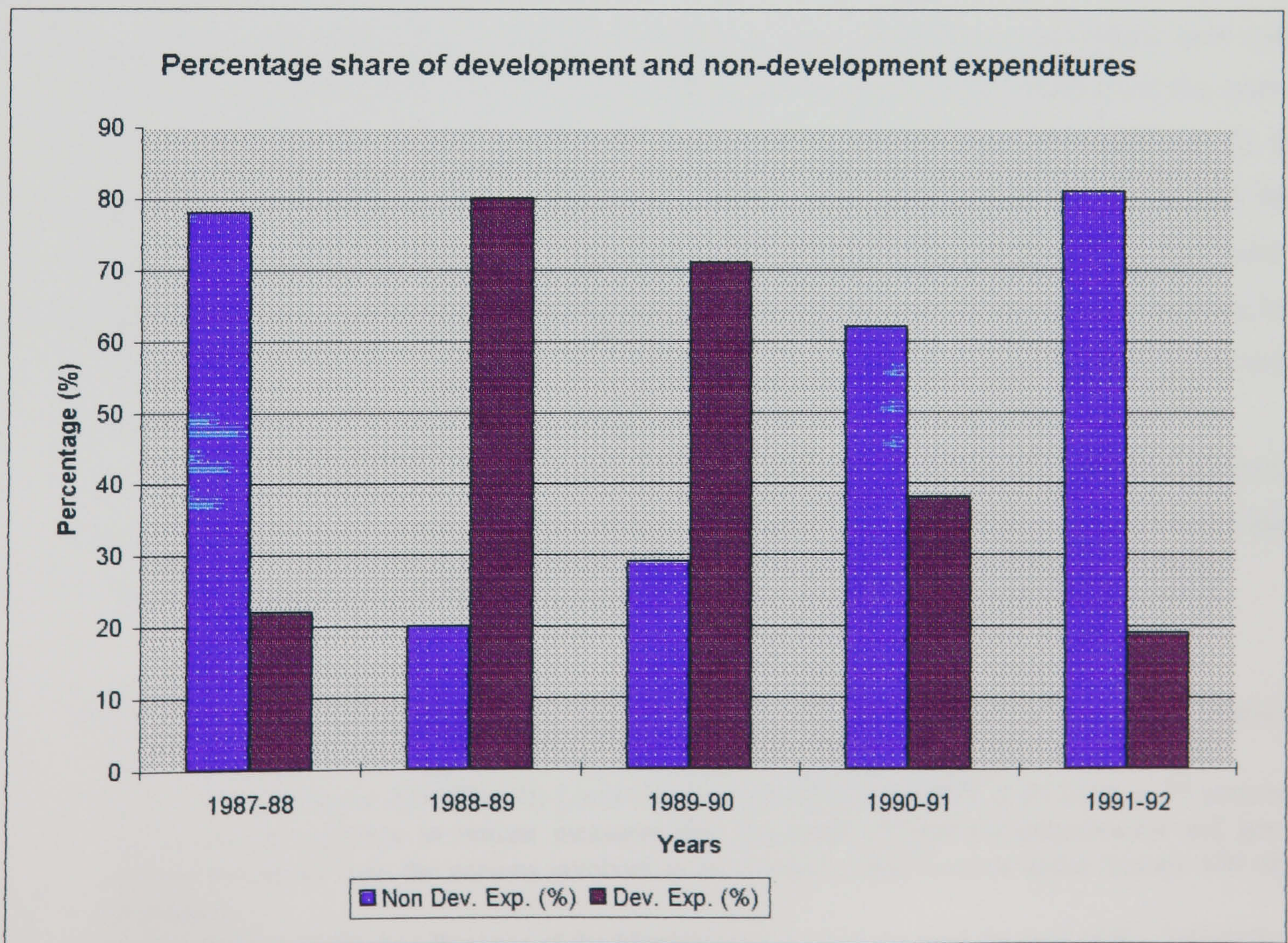
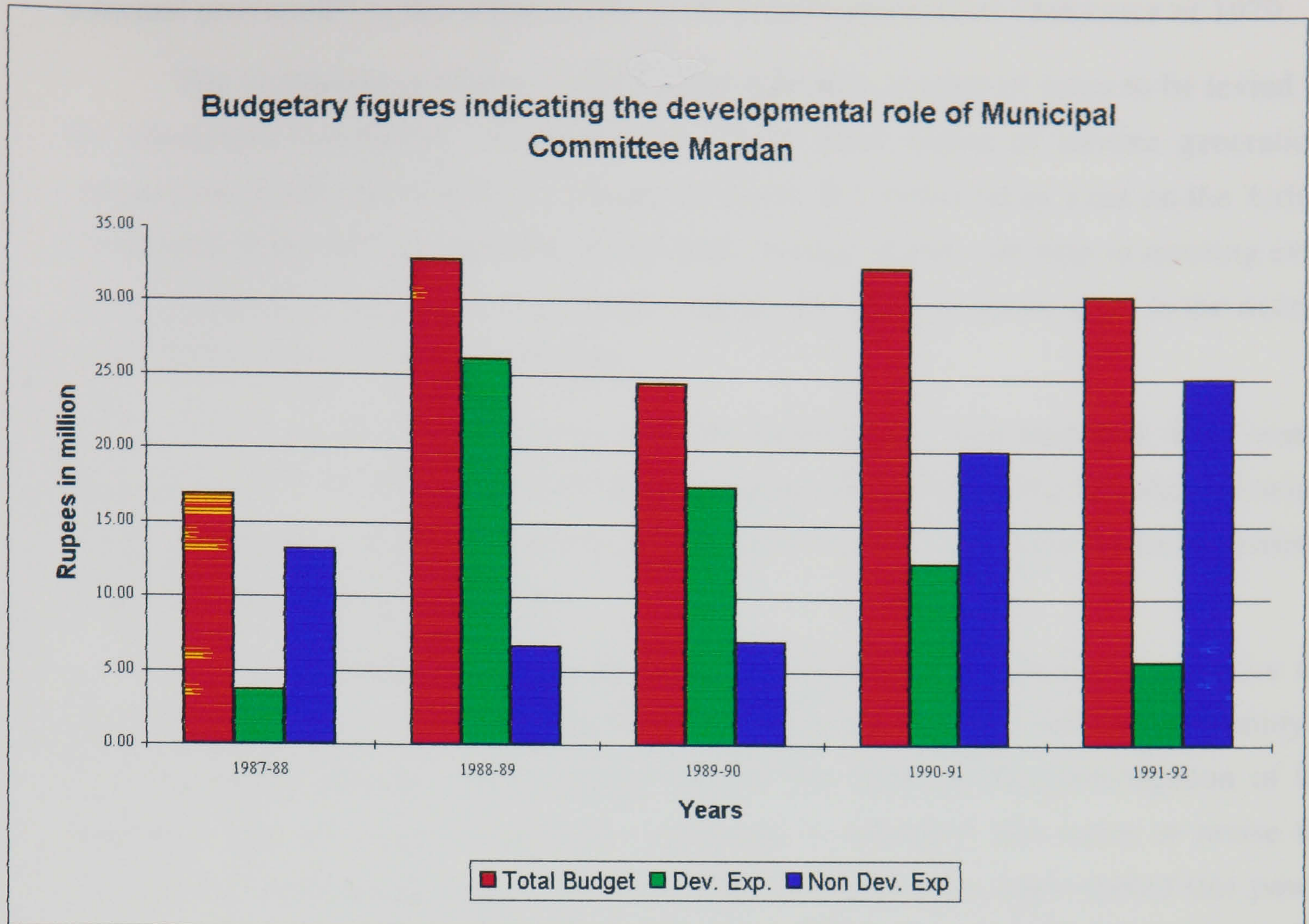
which taxes are levied and those actually collected by the contractors. The targets set by the municipality are thus not achieved. Reference was also made to the financial liabilities of the municipality which keeps on increasing as a result of the merger of new areas in the municipal jurisdiction but with no additional funds forthcoming to meet the civic demands of the areas so merged.

The other four councillors narrated the initiatives which the municipality had undertaken thus far to meet the situation arising out of this imbalance. Approaching the provincial government for the provision of special grants was one way to get out of the crisis. While the system of grants to local bodies in Pakistan is based almost on adhocism,⁶⁴ the municipality of Mardan was fortunate enough to get a favourable response from the provincial government whenever approached for the purpose. On two occasions grants of ten million and five million rupees were provided to the municipality. It was to the good fortune of the municipality that on these occasions the provincial administration was being run by a military governor and a civilian chief minister respectively and both came from the district.

The researcher, on the other hand, observed that lack of economy, efficiency and sincerity in the financial management coupled with the poor accountability devices to recover embezzled or misused council funds from those held responsible were the inherent causes of the weak financial health of the municipality. Cases of embezzlement, misappropriations and irregularities were brought to light in the special

⁶⁴ Hafiz A. Pasha et al. Municipal Finances in Pakistan, Karachi, Applied Economics Research Centre (University of Karachi), p. 227, n.d

Fig: 3



Source: Local Council Board, Local Government and Rural Development Department, Peshawar.

audit report⁶⁵ but action to recover the funds could not be initiated despite the fact that a formal provision⁶⁶ to this effect exists in the Local Government Ordinance of 1979.

The Ordinance provides, in the second schedule, a range of taxes to be levied by the Municipal Committee (Annexure: C). Of all these source of income generation, Octroi contributes significantly in raising the funds. It is followed by a tax on the 'Urban Immovable Property' and then the 'Water Rate' though it does not help in meeting even the cost recovery. The Fig: 4 (next page) explains the place of above taxes in the overall revenue generation of the municipality.

The financial data collected from the municipality indicated that there was a reliance on these taxes with less effort in resorting to the rest in the schedule of taxes. Councillors were asked why despite the wide powers of taxation, the financial position of the municipality was still weak?

Eight councillors answered the question and attributed different reasons for the phenomenon. An ex-chairman disagreed with the notion that the municipality enjoyed vast powers of taxation. It was during the first few years of the promulgation of the ordinance that the council used to be competent to introduce new taxes or revise the rates of the existing ones. Later, an amendment to the taxation rules shifted this power to the government with the result that all such measures are referred to the government for approval. Four respondents described the citizens' inability to pay and the reluctance of councillors to put more burden of taxes on them as the major hurdle in the way of any meaningful improvement in revenue generation. This reluctance to introduce new taxes was attributed to the poor financial condition of the people and the failure on the part of the municipality to improve the standard of services, people were charged for. In this connection, the example of water supply was cited, the monthly rate of which had been ten rupees in 1979-80 and twenty-five rupees in 1985-86 but little attention was paid to improve the service in terms of quality and quantity. The revised water rate did not help to improve the financial position as is evident from the recovery of a small percentage of the total demand⁶⁷ for the year 1992-93.

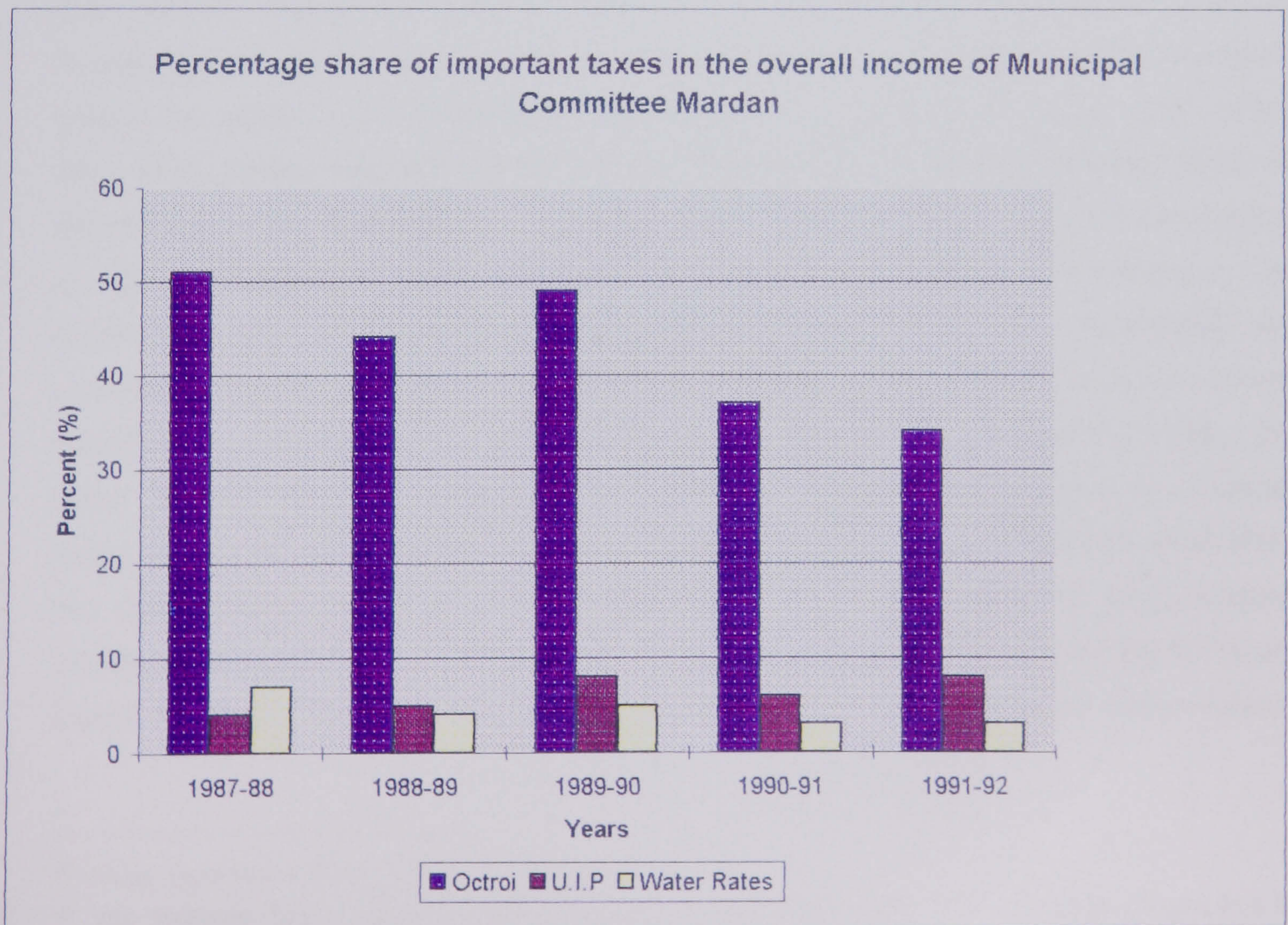
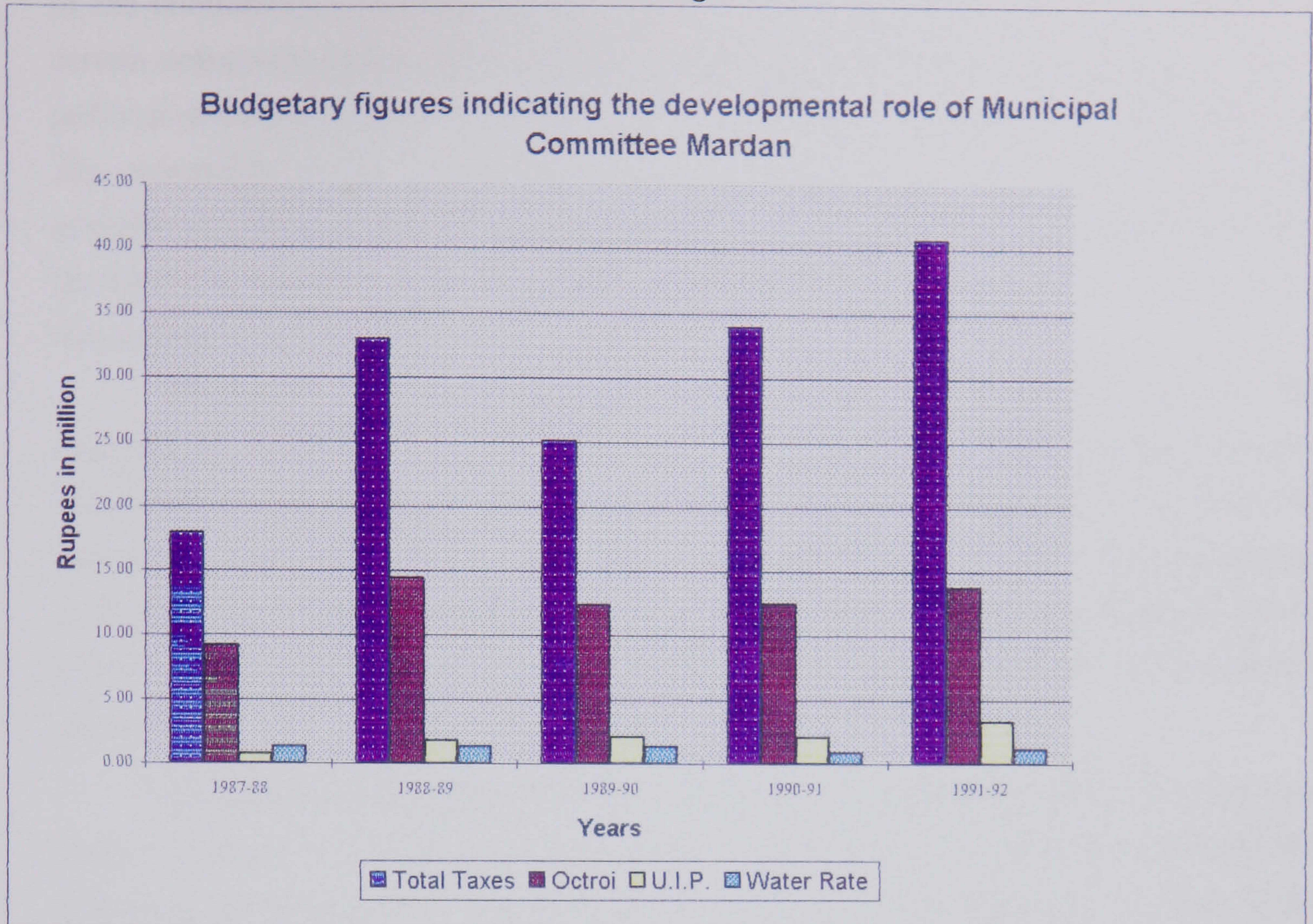
Three respondents referred to the weak collection machinery as well as defective recovery system in the event of dues. While the departmental taxation staff is not trained to handle the collection adequately, the collection through private contractors also

⁶⁵. Special Audit Report (Mardan). Some 31 cases involving amounts ranging between rupees 55876 and 9260976 and spread over a period of four years (July 1987--May 1992) were brought to light.

⁶⁶ Section 132 of Chapter-XIV (Part-II) Local Government Ordinance (N-W.F.P) 1979, p. 75 empowers the competent authority to initiate measures into the cases of financial irregularities and get the amount recovered from the persons involved as an arrears of land revenue under Section 139 of the Ordinance.

⁶⁷. The Demand & Collection Register of the Municipality showed the total demand of Rs. 3303469/- for the year 1992-93 but the amount recovered till Feb. 1993 was Rs. 558490 (17%) thus showing a balance of Rs. 2744979 (83%).

Fig: 4



Source: Figures derived from the budget statements of the appropriate years of Municipal Committee Mardan

suffers from severe shortcomings. It not only deprives the municipality of the net profit of the contractors, they also try to shift the losses to the municipality suffered due to certain unforeseen circumstances arising out of heavy rains, floods, strikes as a result of political demonstrations, by seeking remission of the losses suffered due to these causes. The researcher observed that the contractors received lenient treatment from the government officials whenever they were approached for the grant of remission despite the fact that no such provision existed in the contract rules of the N-W.F.P., Local Government Ordinance.

The grant of these remissions caused tremendous financial loss to the municipality. Further the appointment powers given to the chairman were exercised indiscriminately resulting in the overstaffing which, in turn, brought huge financial liabilities on the funds of the municipality. The municipality was able to save an amount of rupees two hundred thousands per month when the provincial government issued orders terminating the services of some 169 surplus employees on the municipality's pay-roll.⁶⁸

A contrasting development in the working of Mardan Municipality was the time when in August 1991 its affairs were assigned to an officially appointed administrator following the dissolution⁶⁹ of local councils in the province. With the removal of the representative element, the municipality became an organ administered by an officer (the Assistant Commissioner) in collaboration with the municipal staff headed by the chief officer. Due to the peculiar nature of his official responsibilities, the Assistant Commissioner sat in his chamber in the District Courts premises and occasionally visited his office in the municipality and, therefore, mostly relied on the chief officer who, while having constant liaison with the Administrator, kept him informed about the happenings in the municipality. The chief officer seemed to have acquired the position of the municipality's chief executive who, under the existing circumstances, had assumed a large share in the decision-making process. While the municipality was relieved of the adverse effects of party politics inflicted upon its working by the elected councillors, the consequences of the official administrator was not positive either. The loose control over the municipal staff by the administrator resulted in disorder, indiscipline and inefficiency. With the removal from the scene of elected councillors, the municipality turned into an administrative unit of the provincial administration which, working under the supervision of a civil servant, is controlled by the Secretary, Local Council Board as well as the Secretary of the Provincial Government's

⁶⁸. From interview with the Accounts Officer, 3.3.1993.

⁶⁹. The 'Pakistan Times' (Daily, Lahore, 25.8.1991). Local bodies in the N-W.F.P., were dissolved on the charges of corruption. Government announced to constitute committees for conducting special audit of the accounts of local councils aiming at recovery of the public funds embezzled, misappropriated and misused. The matters remained into the cold storage till the filing of this report.

Department of Local Government and Rural Development. Under the existing organizational set-up of the municipality, what changes had occurred in comparison to that under the elected chairman was a question asked from the respondents. The respondents expressed conflicting views about the new arrangement. Two, out of six, strongly supported the replacement of elected chairman by an administrator who, according to them, had undertaken development activities in all wards of the municipality at an accelerated speed. The municipality had been relieved of the prolonged political crisis and the primary task of service provision could be undertaken in an orderly manner. Four respondents, on the other hand (all belonging to three different political parties) were opposed to the dissolution of local council and the appointment of administrator from the bureaucracy. While agreeing that the municipality was confronted with severe internal crisis based on political differences, discrimination, favouritism etc., it did well in terms of representing the will of the electorate and endeavouring to handle local problems with their moral and financial support. Under the administrator, they argued, things have worsened because of the absence of linkage with the people, defective planning based on inadequate statistics, and remote and loose control over the municipal staff had culminated into the deterioration of the overall performance of the municipality. With the switch over to bureaucracy's control, not only the element of public accountability had ceased to exist but the one time nursery of democracy had virtually turned into a unit of the district administration. Describing the present bureaucratic control, one respondent said:

“There could have some hope of improvement, had the administrator been a full-time functionary drawn from neutral citizens of the city on the basis of his reputation as an eminent scholar, social worker or one having concern for the improvement of city life. An administrator drawn from the bureaucracy cannot be a substitute for an elected chairman on account of the former's pre-occupation with magisterial and administrative responsibilities and lack of adequate involvement in municipality affairs.”⁷⁰

The nature of development work being undertaken by the municipality under the administrator was regarded as haphazard and random because of the fact that the development plan was formulated with the help of inadequate data and poor statistics and the process was influenced by a few ex-councillors having access to the administrator.

At the time of dissolving local councils in the province, the government had assured the public that they would revive the elected councils by holding fresh elections as and when conditions were found conducive for the purpose. Later on, the successive postponement of these elections unexpectedly prolonged the tenure of the administrator leading to a situation synonymous to that of the national politics where a military chief,

⁷⁰. Views of Taj Mohammad Khan.

while imposing martial law in the country, would declare his intention to restore democracy by holding fresh general elections but would rule for years and years by postponing them for one or another reason. The change of political scenario both at the central and provincial level and the centre's fresh initiatives regarding the idea of District Government have added to the uncertainty as to how long the present situation will persist.

Conclusion

In this case study an attempt has been made to analyse the working of an urban local council in the North-Western Frontier Province of Pakistan with a view to determine to what extent local government institutions have acquired competence and calibre to handle urban problems ever since the inception of the present system of local government in the country in 1979. To draw some concrete conclusions, the working of the municipality, chosen for case study purpose, has been analysed in the context of impact of the partyless politics, the typical situation in the city arising out of the functional and jurisdictional overlapping (i.e., as a result of the existence of these parallel civic institutions like the Mardan Development Authority and the Cantonment Board of Mardan), governmental control and the competence of the municipality in terms of maintaining an equitable service standard in the wake of financial self-sufficiency or otherwise. It appears that Mardan Municipal Committee is one of the urban local councils in the province reflecting the typical situation with which most of the municipalities are confronted.

The governmental policy of disassociating political parties from the electoral processes could not materialize the pre-determined objectives in that it could not stop the indulgence of parties in the municipality's working. Large number of examples have brought to limelight the fact that all those elected had party affiliation in one way or another. While the elected councillors did not identify their partisan character from fear of disqualification, the government in power took full advantage of the situation in terms of manipulating and making them to work under the government's patronage.

Another significant point revealing from this case study and, of course, applicable to other major urban areas in the province, is that the government, instead of strengthening the capability of the municipality (by improving its financial position and upgrading its level of technical know-how), adopted the approach of urban development through a new device of 'Development Authorities' performing municipal-like functions and with the professed objective of assisting the urban local councils in the discharge of greatly increased responsibilities in the wake of large-scale rural migration. But the result has been to steadily strip the municipality of its powers and thus creating the problems of overlapping of functions as well as jurisdiction.

On the other hand, despite the restricted role of the municipality in the already narrowed sphere of influence, its performance has not been upto the mark. The provision of services has been constrained by resource shortfalls, political influence, haphazard growth in human settlements, resistance to increased user charges and, of course, the demoralized work force of the municipality.

The weakness of the municipality could also be attributed to the poor resource generating capacity despite avenues of enhancing the revenue base as well as an imbalance between development and establishment expenditures as a result of which a satisfactory level of service standard could not be ensured. The basic problem involved here was the poor initiatives for efficient, economical and honest utilization of the available municipal resources.

Though the installation of the elected municipal committee generated a kind of institutionalized leadership at the city level after two decades (1969-79) acting successfully as shock absorber on many local issues, the poor perception of the role played by the councillors and their involvement in petty rivalries discarded them to play a meaningful role in the materialization of people's expectations. While the attitude of the provincial government was equally complained against, the plain truth is that the politically disorganised house, being built on a partyless foundation, was one of the significant variables responsible for causing anarchy, mismanagement and the overall environment of doubt and suspicion in the working of the council. The partyless character of the municipality not only deprived it of striving in an organized manner for the attainment of the set municipal objectives, it also afforded opportunities to the provincial government, in general, and the bureaucracy, in particular, to enhance their controlling influence over its working.

Thus a strong political influence and the prolonged disassociation of elected element from the municipal scene has not permitted the concept of local self-government to develop and mature and which is evident from the performance of elected local councillors lacking full maturity as politicians and business managers.

Chapter Four

The Municipal Committee of Gujrat **Case Study No. 2**

Gujrat is one of the industrial towns in the Punjab situated on the Grand Trunk Road at a distance of 116 kilometres from Lahore toward Rawalpindi which are the provincial headquarters and the Army General Headquarters respectively. Because of its location beside the Grand Trunk Road and the main railway track, Gujrat is also directly connected with other major cities in the province and outside. With an area of 3.78 sq. miles, Gujrat is a district in the Gujranwala Division.¹ As for geographical location, the city is bounded on the north-west by the Jammu territory of Azad Kashmir, on the north-east by the river Jhelum, on the South by the river Chenab separating it from the districts of Gujranwala and Sialkot, on the east by the river Tawi which divides it from the Sialkot district, and on the West by Sargodha district.

The population² of the city, according to the 1981 census, was 154,203 which is about 7% of the district population which comes to 2,254,699. The population of the city is increasing due to rapid migration from the surrounding villages as a result of the city's emergence as one of the important industrial towns in the province. As an industrial hub, the whole city is dotted with heavy and light manufacturing units. There are some 233 production³ units in Gujrat which consists mostly of fan manufacturing units.

There is little known about the history and origin of the city. The town is said to had grown up around a fort established by the Emperor Jalaluddin Akbar in 1580 and in which the Gujjar inhabitants of the neighbouring areas extended to the emperor their fullest co-operation. It was perhaps in recognition of their whole-hearted support that the fort was named jointly after them and the Emperor "Gujrat Akbarabad." Thus the present day Gujrat occupies the site of a city that grew up around that fort.

Another story reveals that the city was originally known as 'Udanagri'⁴ meaning the everlasting or sweet smelling city. This is confirmed from the Settlement Report prepared jointly by General Cunningham and Captain H. Mackenzie which serves as a principal work of reference concerning all matters connected with the affairs of the district.

The present tehsil boundaries were fixed in 1856. The city acquired municipal status⁵ in 1918 consisting at that time, of 14 members (three nominated and eleven elected), and headed by the deputy commissioner as its president. The past records of the municipality reveal that it functioned in an orderly manner in that basic services

¹. District Census Report, Gujrat (Parts 1-V), Population Census of Pakistan 1961 (Chapter-4), p. 1-2.
The size of the city has since doubled as a result of large-scale rural migration in the wake of rapid industrialisation and merger of the city's outskirts in the municipal jurisdiction.

². Economic Survey 1992-93, Government of Pakistan, Finance Division (Economic Adviser's Wing), Islamabad, p. 25

³. Gazetteer, Gujrat District, published by the Deputy Commissioner, Gujrat, n.d., p. 4

⁴. Punjab District Gazetteers (vol. XXV-A) Gujrat District, Chapter 1-B (Part-A), 1921, p. 14

⁵. Punjab District Gazetteers, Part-A (Chapter III-E), p. 145

such as a civil hospital (funded by a special grant from the District Board), two boys and one girl's school, conservancy, drainage and lighting were maintained successfully.

This case study on Gujrat is distinct from the other case study on Mardan Municipality for a number of reasons. Firstly, the municipality of Gujrat is the only elected body in the town catering to the civic needs of the population. Secondly, the council carries more strength being composed of 39 elected members, each representing a population of 3,953 as against 11,100, represented by each of the fifteen councillors in Mardan Municipal Committee. Thirdly, the Gujrat municipality was not confronted with the problems of duplication and overlapping of functions in view of the non-existence of other civic institutions in the city--- the Cantonment Board, Improvement Trust and the Development Authority. Operational capability of the municipality does suffer from the loose co-ordination with the provincial line departments stationed at the district headquarters level. Fourthly, municipal elections held in December 1991 were contested, mainly, on biradari considerations, though the political factor was equally involved which is evident from the post-elections developments when a good number of councillors belonging to biradaris other than the Khattak, opted to join the Mohmand Group because of the fact that the party of the group was in power at both the centre and the province.

The municipality, at the time of this field work, consisted of 46 members including the chairman and two vice-chairmen. Four seats were reserved for ladies, two for labourers and one for minorities. In addition to the elected element, there were some 806 paid employees of the municipality serving in different departments. Senior officials (five in number) belonged to the Punjab Local Council Service and the lower staff belonged to the service group known as 'Servants of the Council.' The officials belonging to the P.L.C.S., are appointed by the provincial government and their transfer, promotion, conduct, pension, benevolent fund etc., are controlled by the provincial government. The employees in the second category are appointed and controlled by the chairman.

A brief description of the characteristics of the elected members in terms of their educational qualification, occupation, and level of experience in the local government administration is now relevant. The table (No. 16) describes the educational qualification of (a) the elected members, and (b) the members interviewed for this case study. It is revealed that a majority of the elected councillors (55%) held bachelors degrees, followed by those who read upto secondary school level. There was no illiterate which is indicative of the fact that those with no education are either hesitant to run for a municipality seat or are rejected by the voters through the ballots. The majority of the councillors interviewed were graduate with adequate experience in municipal administration and had some perception of the role they were expected to perform for

Table: 16**Educational Background of Gujrat Municipal Councillors**

Educational Qualification	Number of elected members	%	Number of members interviewed	%
Graduation & above	22	55	7	70
Intermediate	2	5	1	10
Matriculation	13	33	2	20
Primary	3	7	---	---
Illiterate	---	---	---	---
Total	40	100	10	100

Source: Data gathered from individual councillors during interview.

the general welfare of the local population. The following table illustrates the age composition of the councillors:

Table: 17**Councillors in their age perspective:**

Age in years	Number of members	%	Those interviewed	%
65 & above	---	---	---	---
55 to 64	5	12	3	30
45 to 54	7	18	3	30
35 to 44	26	65	3	30
25 to 34	2	5	1	10
Total	40	100	10	100

Source: Figures gathered from individual councillors during interview.

It appears that the largest number of councillors consists of those between the age-group of 35 and 44 which is indicative of the fact that the local government system developed enthusiasm in the younger generation to be involved actively in the management of local affairs. The interview schedule was so designed to draw equal number of members from all the important age-groups. Similarly the occupational background of the councillors and particularly of those interviewed, exhibits another significant aspect in the working of Gujrat Municipality.

Table: 18**Councillors in their professional background**

Occupation	Number of members	%	Those interviewed	%
Landlords	5	12	1	10
Industrialists	10	25	6	60
Businessmen/Contractors	14	35	1	10
Lawyers/Journalists	3	8	1	10
Miscellaneous	8	20	1	10
Total	40	100	10	100

Source: Details gathered from individual councillors during interview.

The table indicates that persons belonging mostly to the industrialist and business classes dominate the municipal seats. Those interviewed⁶ consisted mostly of the industry owners. Equal weight was, however, given to representatives belonging to other professional classes. Similarly, the choice of the candidates for interview purpose was made in such a way so as to seek opinion of those representing different segments of the population and representing groups in the municipality. The fact that the number of interviewees was not in proportion to their actual strength (specially those involved in business and contracting as reveals from the fourth row of the above table) was due either to their reluctance to be interviewed or pre-occupation with their professions.

The non-party polls were contested under the banners of Mohmand Group and the Khattak Group (representing the ruling Pakistan Muslim League and Pakistan Peoples Party respectively). Despite the families' dominant position in the district, the candidates belonging to the Khattak Group⁷ had a neck to neck fight with the Mohmand Group of councillors and won 17 seats out of 39. The group, however, managed to gain a clear majority because of the support accorded by few independents and the defection of some Khattak group councillors as a result of this it was possible to choose like-minded candidates for filling the seven seats reserved for special interests such as women, labourers and minorities. A few councillors, originally elected as independent candidates, were also interviewed, who had lost their independent character, at a later stage, as a result of joining either the ruling Mohmand group or the opposition Khattak Group. The table (No. 19) illustrates the group affiliations of the interviewees.

Of those interviewed, one had been a member in Ayub Khan's Basic Democracies System in 1962, another had been consecutively elected to the council since the promulgation of the present ordinance in 1979, three had been councillors since the second term started in 1983, four were from the third term in 1987 and one was elected first in 1991. Further, it was through the participation in municipal processes that the councillors had acquired experience in the municipal administration. No formal training was imparted to them despite the fact that the Punjab's Local

⁶. In fact, questionnaires were supplied to 22 councillors with response given by only ten of them. The poor response was for reasons such as: a). there occurred a rift in the ruling group consequent upon the removal of Muslim League government and the installation of an interim set-up in connection with the fresh general elections in Pakistan. The 'Jazba' a local daily of Gujrat gave coverage to the developments from the rift in the ruling group in its issues from 14.5.1993 to 21.7.1993; b). there was a possible fear of a vote of no-confidence as a result of which few prominent councillors including the chairman could not spare time for interview. The chairman could not be interviewed despite several visits on fixed appointments as he would be surrounded by supporter councillors discussing measures to ward off the threats of no-confidence; c). interviews with another two councillors were not very informative as they refused to give more than brief answers to the questions and their names were dropped from the list of interviewees. Some others, including a lawyer, were reluctant to be interviewed for a doctoral thesis.

⁷. Pakistan Peoples Party announced to contest the local bodies polls under the banner of 'Awam Dost,' see Daily 'Imroz' dated. 5.11.1987

Government Training Institute at Lalamusa was just 12 kilometres away towards the north-west of Gujrat city.

Table: 19**Party affiliations of the councillors interviewed**

Name of Group	Number of councillors	%
Mohmand Group (Pakistan Muslim League)	4	40
Khattak Group (Pakistan Peoples' Party)	4	40
Independents	2	20
Total	10	100

Source: Facts gathered during interview.

Apart from a number of questions put to the respondents with a view to determine the pattern of relationship between the municipality and the provincial government under the Punjab Local Government Ordinance of 1979, the respondents were asked how far they understood the contents of the said ordinance generally called the "Green Book?" The answers given were as follows:

Table: 20**Familiarity with the laws governing the council business**

Nature of knowledge	P.P.P	P.M.L	Independents	Total
Fully Understood	2	1	1	4
Partial Knowledge	1	2	---	3
Not studied	1	1	1	3
Total	4	4	2	10

Source: Individual councillor provided the details.

To determine how far the municipality enjoyed freedom to initiate and execute measures directed towards the betterment of city population, a similar set of questionnaire was used as was done in the previous study. The councillors were asked, first of all, how far they were satisfied with the powers and autonomy granted to the municipality under the Punjab Local Government Ordinance of 1979. The respondents, while appreciating the bold initiative taken by the military rulers in 1979 for involving locally elected leaders in the management of local affairs, disagreed with the government policy of disassociating political parties from the process, as a result of which these nurseries of democracy became instruments in the hands of those struggling for the strengthening of the sectarian and biradari hold over the local affairs. This state of affairs, they maintained, had adversely effected the non-party structure of the local council in that the municipality had virtually turned into a tool in the hands of local influential trying to manipulate it for personal ends. They specifically referred to the two powerful families of the city who, while representing the Jats and Gujjars

respectively along with other smaller communities taking their side, dominated the municipality since its assumption of representative form in the year 1979. The early enthusiasm seen in the dedicated service on the part of the council has since slowed down which is evident from the deteriorating civic condition of the city. "Things could have been on their proper track, had the powers been exercised by the council in a corporate manner," said one respondent. The participatory trend in the council deliberations was increasingly reduced in view of the fact that it was the group meeting wherein important matters on the agenda were settled with a view to develop a consensus of opinion among the treasury members with the result that most of the council meetings which suffered from crisis situation⁸ had virtually become a formality. Powers delegated to the local councils are supposed to be exercised in a corporate form, the best way of doing this is the regular council meetings. A cursory view of the municipality record pertaining to the number of meetings called and the frequency of the attendance of the councillors (as shown below) is indicative of the fact that the use of council platform as a medium of decision-making was least effective in this case.

Table: 21
Frequency of council meetings and attendance of members

Date	Nature of meeting	Attendance out of 46 members	Attendance of lady councillors
30.1.1992	Ordinary	41	3
30.3.1992	"	36	1
12.5.1992	"	39	1
3.6.1992	Emergency	17	2
23.6.1992	Special (Budget)	38	3
23.7.1992	Emergency	30	---
5.10.1992	Special	31	4
21.10.1992	Emergency	21	3
2.1.1993	Ordinary	35	3
23.2.1993	Emergency	34	1
12.4.1993	"	27	2
9.5.1993	Ordinary	39	2
18.5.1993	Special	35	2
Total	13	Ave: 33	Ave: 2

Source: Chief Officer, Municipal Committee, Gujrat.

It appears from the above table that in all thirteen meetings took place during a period of nineteen months which is a positive sign in view of the fact that the statutory

⁸. The researcher had the opportunity of watching several proceedings of the council meetings particularly those held on 9th May, 10th May and 20th July, 1993 in which no single item on the agenda could be discussed in view of hot tempers, heated discussions, personal criticism and scuffles especially in the last meeting.

requirement⁹ is to hold at least one meeting in every two months. Another vital aspect revealing from the table is the frequency of attendance by the councillors (both male and female) and the number of resolutions passed. Furthermore, a cursory view of the nature of matters dealt with at full council meetings revealed that a substantial number of questions discussed were such which could have been settled at the sub-committee level or by one of the principal officers and, of course, subject to the approval of the chairman. The less important matters which did not merit consideration by council meeting included: considering an application wherein a demand for an increase of Rs. 100/- in the monthly rent of a shop acquired by the municipality was made; considering a complaint lodged against the encroachment in a certain street of the city and parking of horses there which created a terrible smell, causing an inconvenience to the surrounding population; considering an application from the council employee asking for the grant of a selection grade in view of his being the senior most among a group of octroi inspectors; considering an application from the head of the traders association asking for the allotment of certain plot for office accommodation as promised by the provincial local bodies minister while administering the oath of office to the newly elected office-bearers of the association; and a joint motion on behalf of few ruling group councillors recommending the installation of an air conditioner in the office of the chief officer in view of the hot weather.¹⁰ This pre-occupation of council meetings with such petty and ordinary matters was, perhaps, due to the inactivity of committee system in the municipal administration. The reason was not the absence¹¹ of subject-matter sub-committees but the lack of enthusiasm on the part of members constituting them to take up matters falling within their purview for evaluation and reporting thereon. The observation made by the Inspection Team of the Director General (Inspection) merit consideration. Its report said:

*"... sub-committees are not meeting regularly . . . each member stands represented in one or more sub-committees."*¹²

One respondent (also vice-chairman of the municipality), while expressing his views with regard to the attitude of the chairman towards the sub-committees stated:

"In the beginning of the forth term (1991-94), the chairman constituted some fourteen sub-committees. Seven each were placed under the supervision of each of the two vice-chairmen with the authority to verify and recommend the decisions taken on certain matter

⁹. Mushtaq Ahmad Chaudhry, *New Local Government Laws in the Punjab*, Lahore, Municipal Law Publishers, 1992, Section 38 (3), pp. 154-55.

¹⁰. Items Nos. 2,4,5,7 and 17 from the agenda for the ordinary meeting held on May 9, 1993.

¹¹ In the council meeting held on 30.3.1992, the chairman constituted fourteen different sub-committees. These were dissolved following a rift in the party and new sub-committees were formed under the powers delegated to him in the meeting held on May 9, 1993. Also convenors of these committees, mostly consisting of those in the forward-block were replaced by those loyal to the chairman.

¹². Inspection note on the working of Municipal Committee, Gujrat from 12-14 March, 1991, p. 3

*or proposals made by them. Practically, no single matter was channelled through the vice-chairmen till their dissolution in May, 1993. One sub-committee on Finance asked the chairman to furnish details of accounts in view of his alleged involvement in gross financial irregularities. Instead of doing the needful, he announced the dissolution of all sub-committees simply because these were headed, mostly, by those treasury members who parted with the chairman and formed a forward-block aiming at the removal of chairman. The chairman, later on, constituted fresh sub-committees giving representation on them to councillors of his own choice."*¹³

Sub-committees, with the exception of few such as Finance, Works and Auction, were largely inactive. Opposition members were given representation on each sub-committee but none of them was headed by an opposition councillor.¹⁴

In the thirteen meetings, an average number of 33 (out of 42) councillors attended each meeting. The frequency of attendance by lady councillors was, however, not satisfactory as it comes to only two (50%) in each meeting. Thus the overall involvement of councillors in the decision-making process and particularly the kind of decisions taken are indicative of the trend which the municipality had toward the management of civic affairs in view of the large number of functions it is called upon to discharge under the ordinance.

Under these circumstances, and particularly the personal feuds in which the groups were involved, there was little incentive for the municipality to undertake any meaningful programme of action for the solution of pressing civic problems. The Inspection Team 'observed with great concern,'¹⁵ the non-compliance of statutory requirements and government instructions based therein for the approval by the house of the Annual Development Programme indicating specific schemes along with the estimated expenditure. Instead block allocations were made to individual councillors for getting the schemes of their choice executed out of the allocated funds. The reason why the municipality showed reluctance to frame a systematic and comprehensive plan of action could be attributed, inter alia, to the limited institutional and financial capability which precluded the performance of even the obligatory functions to a satisfactory level. While the ordinance requires the municipality to have such important departments¹⁶ on its organisational structure like General Secretariat, Finance, Taxation, Education, Social Welfare, Public Health, Medical, Animal Husbandry, Water Supply and Drainage, Building and Works etc., the organisational structure of the municipality at present (August, 1993) was designed in the manner shown in Table: 22

¹³. From discussion with Haji Imad-uddin, Vice-Chairman, 15.5.1993.

¹⁴. The Jazba (Daily, Gujrat, 19.5.1993). Members of the forward block in the ruling group (consisting of eight councillors including two vice-chairmen) were made members but none of them was appointed in charge of a sub-committee.

¹⁵. Inspection note on the working of . . . , p. 8

¹⁶. Budget Rules (Chapter-II) of the ordinance, p. 375.

TABLE: 22

MUNICIPAL COMMITTEE GUJRAT ORGANIZATIONAL STRUCTURE

|
|
CHAIRMAN
|
|
CHIEF OFFICER

1	2	3	4	5	6	7	8	9	10
Finance Department	Taxation Department	Engineering Department	Social Welfare Department	Education Department	Municipal Secretariat	Health Department	Medical Department	Animal Husbandry Deptt.	Water Supply Deptt.
Accounts Officer	Taxation Officer	Municipal Engineer	No Principal Officer	No Principal Officer	Office Superintendent	Health Officer	No Principal Officer	No Principal Officer	No Principal Officer
Accountant	Asstt. Taxation Officer	Sub-Engineers	One Sub-committee looks after the social welfare activities under the municipality	One sub-committee looks after the educational institutions established and maintained by the municipality	Head Clerk		Dispenser		Foreman
	Tax Collectors	Draftsman							Water Rate Clerk

Despite the freedom to modify the system of departmental organisation and departmental functions,¹⁷ subject only to the sanction of provincial government, the municipality leaders seem to have not yet realised the need to adjust the municipal organisation in order to be able to deal effectively with the changed circumstances and operating environment. In the absence of a professionalized development authority¹⁸ as are operational at other major urban areas of the province, the responsibilities of the municipality have enormously increased. The existing calibre of the staff manning various departments under the municipal secretariat are indicative of the low profile and less competence to handle the gigantic tasks. For example, the Public Health Department, headed by a Health Officer, is concerned only with sanitation and garbage collection. It has no significant role in the provision of medical services due, mainly, to the provincialization of hospitals and other medical centres by the government. The Engineering Department too lacked essential skills in project design, programming and implementation so far as the formulation of municipal development schemes were concerned. An addition of a Planning and Development Department to the organisational set-up could assist in a significant way toward the establishment of desired service levels as well as designing strategies for their achievement. In other words, the Planning Officer, in collaboration with his staff, could focus on the integration of physical, financial and human resource components of service delivery programmes into a definitive time-bound plan to which the municipality could, as a whole, relate and subscribe. The researcher also found the capability of the financial staff (including the Accounts Officer and Taxation Officer) inadequate in terms of the use of sophisticated tools for the handling of financial matters such as capital budgeting, service cost analysis, financial planning and control.

Surprisingly, even the Education Department was without a principal officer. This is, perhaps, due to the fact that municipality's control over education is weaker in view of the fact that only three educational institutions (two primary schools and one model high school) are presently being run by the municipality out of its meagre resources. The councillors were asked how they found the working of the municipality in view of the typical environment surrounding it. Eight councillors (five from the ruling and three from opposition) answered. It was noted with interest that not only the opposition members but a few from the treasury group also expressed their views freely

¹⁷. Section 130 (15) of the Ordinance, p. 377.

¹⁸. Development Authorities are operative mostly at the Divisional Headquarters level only. A movement had been launched by the people of Gujrat demanding the government to upgrade the status of the district to that of division. The acceptance of the demand could have entitled the city to several advantages including the establishment of a development authority that could cope effectively with the civic problems now prevalent in the city through the application of modern development techniques. The government was, however, hard-pressed on the issue as a result of a similar demand made by the leaders of public opinion belonging to the neighbouring district of Jhelum.

without any reservation while evaluating critically the conditions under which the municipality was working. This was perhaps due to the fact that three of the five councillors from the treasury group actually belonged to the forward-block which came into existence as a result of the rift which developed within the group. This situation occurred following the change of government in the province. The rebels, as they were named by the councillors loyal to the chairman, were firmly opposed to the dictatorial attitude of the chairman whom they called 'a spokesman of the Mohmands' and not of the electorate. The chairman, on the other hand, was less concerned with the division in his group because he was confident that the defected members could threaten his position only with the concurrence of the patrons. "The municipality works under the thumb of the chairman," remarked one interviewee, adding, "had the backing of local influential not been available to him, he would have since long been removed from the chairmanship."¹⁹ It thus appear that the political patronage kept the chairman beyond accountability to such an extent that in certain cases even the party councillors were denied access to the minutes of the meeting.²⁰

Commenting on the impact which the municipality had on its working from the powerful local families and the way electoral behaviour of the city population was moulded in terms of choosing their representatives on grounds other than leadership qualities, one elderly respondent observed:

*" . . . Particularly with the civilianization of the military rule in 1985, it became virtually impossible for a contestant to get elected without active support of the local MNAs or MPAs and especially the support of those in either federal or provincial cabinets. The influential families here occupy the position of king-makers so far as the constitution of the municipality is concerned so much so that the final decision with regard to the nomination of a candidate for the election of chairman lies with these influential which is decided on considerations such as the suitability of the candidate for biradari's strength and the party interests with which the family is affiliated."*²¹

The election of a like-minded candidate for the post of chairman is, in the words of another respondent:

*" . . . a matter of life and death for the influential families. Personal choice supersedes that of the elected councillors in the group because the family takes it not simply a matter of municipality headship but as a matter of its own political survival."*²²

¹⁹. The researcher also observed some trends of centralisation in that the application addressed to the Chief Officer seeking necessary clearance to go through the official documents was duly signed by the officer but it was required to be countersigned by the chairman.

²⁰. Opposition members refused to ratify the proceedings of the meeting held on 12.4.1993 because minutes of the said meeting were not supplied to them for study. The researcher attended the meeting held on 9.5.1993 which had to be postponed till the next morning on account of the heated debate by opposition and joined by the rebel group demanding provision of record of the previous session.

²¹. From interview with Irshad Ahmad Khan, Councillor, 20.6.1993.

²². Views expressed by Mujib-ur-Rahman, Councillor, 1.5.1993.

It was perhaps the result of this extra-ordinary involvement of the patron in the choice of a prospective chairman that a candidate so elected would show loyalty to his patrons instead of being obliged to those who voted him to power. This phenomenon had, subsequently, a retarding effect on the mode of relationship of the chairman with opposition members in general and with his own party councillors in particular.

This also speaks of the influence which the patrons carried over the sentiments of the rebel councillors, who, despite severe differences with the chairman were less courageous and did not join hands with the opposition in an attempt to replace him. This was for two obvious reasons: a). the rebels and the opposition members when joined together did not constitute 2/3 of the total number of members which is the statutory requirement²³ for the removal of a sitting chairman and; b). the undemocratic procedure²⁴ for voting in the motion of no-confidence which requires the presiding officer to call upon the members supporting the motion to stand up in their seats in order to be counted and the declaration of a result thereon. At a later stage, the group ruling the municipality had virtually turned into a minority²⁵ when a few more councillors joined the rebel group raising its strength to a level whereby the chairman could easily be removed but the attempt could not be made in view of the fact that the chairman enjoyed the continued support²⁶ of the patrons, and he could not be replaced by someone else unless and until the matter was determined by the local influential patronising the group.

The councillors were then asked how far they were content with the powers given to the council under the present ordinance. Three respondents answered the question. They differed sharply on the amount of powers given and the autonomy available to exercise those powers freely. An elderly councillor stated, in the light of his prolonged association with the municipality and also having the opportunity of serving as its chairman, that local councils enjoyed substantial powers and prestige during the first few years of the promulgation of present ordinance. With the revival of representative rule at the higher levels of the political system, there started a process of erosion in the range of these powers on the one hand, and tightening of the bureaucracy's control over the local councils, on the other. The influence of local political elite supplemented with the control of bureaucracy has beclouded the autonomy which they (the local councils) enjoyed sometime in the past. A common element in the views expressed was that council powers have been overshadowed by the

²³. Punjab Local Councils (Vote of no-confidence against Chairman or Vice-Chairman) Rules, 1980, sub-rule (5) of rule 6, pp. 115-16

²⁴. Punjab Local Councils ... sub-rule (2) of rule 6, pp. 115-16. The rule negates the principle of confidentiality. Secret ballot could, instead enable the members to express their opinion freely.

²⁵. See the 'Jazba' dated. 7.7.1993. In the house of 46, 35 turned against the chairman including twelve opposition councillors.

²⁶. Press interview with Hanif Hydari, councillor, published in the 'Jazba' 9.7.1993.

chairman working under the thumb of local influential. Powers are exercised with a view to promoting the interests of a party instead of promoting the common interests of the general population. One respondent (also leader of the opposition group) said:

*"Use of powers at this level and the resultant aim of providing service to the people is, in fact a source of strengthening the base for political gains at the provincial and federal level. In order to widen and secure the vote bank, councillors affiliated to a certain group, organised and guided by either of two influential camps, make it sure that all-out support and confidence of the people is retained because on this lies the future of their political survival. The exercise of powers at the municipality level is largely influenced by these considerations."*²⁷

Another respondent (also a close ally of the chairman) expressed his views thus:

*"The principle of active involvement of elected representatives in the process of decision-making seems to be a myth so far the working of this (Gujrat) municipality is concerned because the role of an elected councillor ceases with the election of chairman in that it then becomes the latter's discretion what amount of attention he pays to the solution of problems in the wards of individual councillors."*²⁸

Unlike the trends prevailing in Mardan Municipality, where the councillors did try to have their leader of the house on the basis of their own choice, the situation in Gujrat council differed significantly. Here, not only the elected councillors relied heavily on the discretion of local influential but the electorate also anticipated the final decision, with regard to the nomination of the prospective candidate for chairmanship coming from the patrons.²⁹ Six respondents (one from the chairman's group, two from the opposition and three from the rebel group) confirmed that the local influential had a deeper involvement in the choice of a candidate for chairmanship. A common view held by the respondents was that there were least chances for an elected councillor to become chairman in his individual capacity unless patronised by either of the two powerful groups representing the two main political parties in the city. The district level politicians in their capacity as heads of party's district organisation did not leave any stone unturned in ensuring that the party's nominated candidates won the local bodies polls. This testifies the general complaint against the way local councils are manipulated by the local influential for their vested interests.

Narrating the process leading to the nomination and subsequent election of a candidate to the post of chairman, one respondent stated:

"Local Government elections and, particularly, the post-election formation of groups of elected councillors inside the council are the processes not free from the direction of local influential. In the case of Gujrat municipality, the competition was between the Pakistan Muslim League (then ruling at both the federal and provincial levels) and Pakistan Peoples Party. Because of legal restrictions, the groups affiliated with these parties were known as

²⁷. From discussion with Shahab Uddin Khan (Advocate), Opposition Leader, 19.5.1993.

²⁸. From interview with Gul Zada Khan, ex-Chairman, 3.5.1993.

²⁹. See the 'Jazba' 20.1.1992.

*'Mohmand Group' and Khattak Group respectively. Apart from those elected councillors who were nominated by the former group, councillors having affiliation elsewhere, were also inclined to join the Mohmand group in view of the fact that their party was governing the province. Councillors, mostly people of small means, saw a stable and bright future while working under the patronage of the party in power. In return for the patronage of the local political elite, the councillors were to pay the price in the form of voting for their nominated candidate. The party leaders apparently acted in a democratic manner while seeking opinion of individual councillors in the group with regard to the choice of a prospective chairman. Out of the three to four elected councillors who offered their candidature for consideration as chairmanship, the one supported by the majority was declared to be the nominee of the group. The fact, however, remains that the personal likes and dislikes of the party bosses happen to be a decisive element in the making of a final choice.'*³⁰

The above observations speak of the stresses and strains which the elected councillors undergo at the time of starting their political career at the grassroots level. Apart from meeting the felt needs of the local population, a councillor is expected to be of substantial assistance in the management of numerous social issues such as arranging release on bail of some arrested by the police in certain civil or criminal offences, approaching the local police authorities for the release of one detained as a result of family feud over landed property. While such problems are faced by the councillor at a large scale in rural areas, urban areas are no exceptions. As a result, a local councillor finds these problems very difficult to solve while having to confront the ruling group in the council enjoying the support of the political party in power that regulates and controls the district administration. Seen in this perspective, the elected councillors, both returning as independents and those affiliated with other groups, found the Mohmand group more advantageous because one prominent member of the family happened to be a federal minister holding a key portfolio which meant control over all the law enforcing agencies. Another factor which made it more convenient for the patrons of majority group to keep the loyalty of the members intact was a typical method of chairman's indirect election by the councillor. The Punjab Local Government Ordinance (1979) provides that "a separate poll shall be held for election of chairman and vice-chairman of a local council and the poll shall be held by raise of hands."³¹ This was an undemocratic provision in that it violated sharply the principle of the secret ballot which enables a voter to exercise his right of adult franchise free from all sorts of pressures and compulsions. "Raise of hands," on the other hand, denotes a commitment on the part of the voter whereby he finds himself under an obligation to vote for a candidate on grounds other than his eligibility, experience and leadership qualities. Under this method of voting, even if a voter had been in disagreement with the choice of

³⁰. Views expressed by Haji Imad-ud-din, vice-Chairman.

³¹. The Punjab Local Councils (Elections) Rules 1979, Rule 60 (1 & 2), p. 82-A. This provision was inserted to the Elections Rules in December 1987 on the eve of local bodies elections for the third term held on November 30, 1987. The amendment came immediately through a Government Notification No. SOV. 2-4/79 dated. 7.12.1987, p. 82-A.

the influential patronising the group, he would find it extremely difficult to go against the choice. The immediate purpose of devising this method by the government was, perhaps, to consolidate the party's dominance over the local councils.

Related to this phenomenon, a question of central importance asked of the respondents was regarding the impact which this method of election had on the conduct of business in the council and, particularly, on the pattern of mutual relationship between the chairman and his colleagues belong to both the treasury and opposition groups. Unlike Mardan Municipal Committee, where the choice of chairman was based on a consensus of opinion among the elected councillors (though the chairman so elected certainly had affiliation with a certain political party), the situation in Gujrat was different in the sense that the candidate for chairmanship was essentially nominated by the influential and this very patronage had a deeper repercussion on his behaviour towards council members, as was revealed from the observations made by the researcher during interview and also from watching the council proceedings. Views about this question were given by six councillors, one belonging to the chairman's group, two from the opposition and three from the rebel group. The respondents supported, in principle, the existing method of chairman's election but also pointed out two defects inherent in the process namely (a) once elected, the chairman is inclined to favour those councillors who voted him to the position and; (b) the show of hands, instead of secret ballot, was disgraceful in that the councillor-voters supported a candidate irrespective of their personal likes and dislikes. The former defect, in turn, gives births to a number of bad habits which included: the chairman's indulgence in doing favours to his supporters in order to retain their perpetual support. Similarly, the chairman attributed holding of the chairmanship during the pleasure of the patrons, who, not only nominated him but also made those in the group to ensure his success. In support of their view-point, the respondents argued that it was based on their calculated contention (in the light of a number of eventualities) that matters which could be discussed and decided in the council meetings, were referred to the patron's consideration. This inclined the attitude of the chairman towards his group and culminated in the development of some ugly precedents in the council's working. For instance, all sub-committees in general, and the important ones in particular, were headed by the "most trustworthy." Because of the random constitution of these sub-committees and the total disregard of the principle of specialisation (in terms of giving representation to members on different sub-committees on the basis of their academic background and administrative expertise), these were largely inoperational. Rather, there were examples where a sub-committee was stopped from convening its meetings³² and matters falling within its purview were also unilaterally decided by the chairman. Yet in another case, the chairman by-passed

³². From discussion with Fajar Hussain, Opposition councillor, 5.5.1993.

the recommendations of the sub-committee on finance regarding the introduction of a new tax on the business class which culminated into a crisis situation as the traders called for a strike which brought the whole business in the city to a standstill.³³ Some respondents alleged discrimination in matters such as allocation of funds for developmental works but these could not be confirmed through independent sources. Rather a sensible clarification was given by another respondent³⁴ who, while sitting on the opposition benches but having sympathy with the chairman, lauded the role of the chairman who, as he stated 'had set unprecedented examples of fair treatment with all' and deviating thus from the previous practices of discrimination against the opposition members.

Commenting on the impact of chairman's indirect election on the working of the municipality, one respondent remarked thus:

*"It is largely the result of the nomination of candidate for chairmanship by someone other than the elected councillors that the leader of the house so elected assumes dictatorial attitude which is reflected in his relationship with his colleagues in the council. It is an alarming situation in that elected people at the grassroots are getting trained in a manner not conducive to the emergence of new leadership accustomed to the democratic principles of equality, fraternity and fair play. The weak performance of our democratic institutions at the higher levels is, in fact, the result of poor training at the local level."*³⁵

Did political parties interfere with the conduct of business by the municipality, was another question put to the respondent with a view to determine the impact of party-politics on the overall working of the municipality. Eight responses came: two from the chairman's group, three from opposition and another three from the rebel group. All respondents, while referring to the influence which a local influential family exercised, confirmed that not only the party councillors (Pakistan Muslim League) but the chairman himself worked under the directives of the patrons. The chairman was effectively used as an instrument to tighten party's hold over the municipality and ward-off any eventuality that could threaten party's control over the council. To handle this gigantic task, the chairman adopted measures that included: convening a party meeting prior to attending that of the council with a view to develop consensus of opinion on the items appearing on the agenda, providing convenorship to group councillors over all sub-committees particularly the most important ones, dividing all sub-committees into two broad categories and placing each under the supervision and control of the two vice-chairmen, who told this researcher that this supervision was nominal and the sub-committees worked under the direct supervision of the chairman. This sort of attitude

³³. On 30.8.1992 complete strike was observed in the city on the call of Anjuman-e-Tajran (Trader's Association), the day on which the municipality was to hold a special meeting for the approval of a tax to be levied on the traders and which the business community was severely opposed to.

³⁴. Points derived from the discussion with Mujib-ur-Rahman, Opposition councillor.

³⁵. From interview with Gul Zada Khan.

proved disastrous following the dissolution of political governments at the central and provincial levels and the resultant split in the party ranks. While the rebel group attributed this separation to the alleged involvement of the chairman in corruption and thus damaging the party interests, the chairman termed it defection as a result of the changed political scenario in the province.³⁶ The split in the ruling group proved highly disastrous in that it brought the municipal functioning to a standstill and adversely affected almost every council meeting including the budget session for the year 1993-94.

Party influence over the working of council was so extensive that the chairman, who also held the portfolio of party's city Organiser³⁷ could not deviate from the party guide-lines. While the chairman's position was severely threatened as a result of rift in the party councillors, the rebels had less courage to exploit the situation by way of joining hands with the opposition in an attempt to replace the chairman. The situation continued for more than three months affecting adversely every meeting convened to discuss municipal problems. The party leadership had its attention diverted towards the crisis in national and provincial politics as a result of dismissal of elected governments in the wake of opposition's demand for fresh general elections in the country. At one stage, the chairman was left with only nine councillors³⁸ as against twenty-one in the rebel group but neither the chairman was willing to resign nor the rebels had some plan of no-confidence for the removal of the chairman. While the opposition could play a decisive role, the treasury members did not allow them to take any undue advantage of their mutual differences. Despite the split, both demonstrated solidarity with the party's high command and showed allegiance to their decision with regard to the municipal crisis.³⁹

Party politics had also some influence over the finalization of the agenda for meeting purposes. Confirming this, one vice-chairman stated that the chairman used to give a second thought to the agenda and only those matters used to be included that were considered fit for discussion. Items suggested by opposition councillors that could likely affect the chairman's position, used to be summarily turned down. While the majority of the councillors contested elections from two party platforms, those elected as independents, played the role of a balancer by joining the majority group. They were, in fact, motivated by party consideration and an important element in doing so was the

³⁶. See the Jazba, 5.7.1993

³⁷. This was allowed following the 1986 omission of section 21-A and Clauses h and j of section 21 which enabled an elected councillor to be a member and an office-bearer in some party organisation. See the Punjab Local Government Ordinance (1979), p. 42.

³⁸. See the 'Jang' (Daily, Lahore, 25.7.1993).

³⁹. See the 'Jang' 26.7.1993. The chairman was persuaded to go on leave and powers transferred to the vice-chairman. The conciliator, a leading member of the family and an ex-Minister for Provincial Department of Local Government and Rural Development applauded the sentiments of the chairman for his sacrifices for maintaining unity in the party rank.

solution of ward problems which, under the peculiar circumstances of Guirat Municipality, could not be possible without getting affiliated with the group enjoying support of the party ruling the province. A councillor, failing to meet the expectations of ward people, would see little chances of re-election. Narrating the impact of party-politics on municipality's functioning, one respondent said:

*"Compared to my performance during the previous 4-year term while affiliated with the opposition, I feel myself to be better placed now because of joining the ruling group on account of my poor performance in terms of solving ward problems. The electorate still reposed their confidence in me. Realising that a councillor could be upto the mark if he is either a chairman or a vice-chairman or a convenor of a sub-committee or, at least, a members in the ruling group, I gave a second thought to my plan of group affiliation so as to be saved from a similar embarrassed phenomenon."*⁴⁰

One respondent referred to the impact which the party-politics and the resultant change of power had on the continuity of development programmes. The development strategy⁴¹ gets changed with the shift of power without looking to the merits of programmes designed by the outgoing group. The existing poor mechanism disturbs, instead of giving continuity to the developmental process.

It was revealed to the researcher that the municipal staff, both belonging to the Provincial Unified Grade of Functionaries and those locally recruited equally suffered from the effects of party-politics and fear of arbitrary decisions on their official conduct. While the chairman depended heavily on the administrative expertise of the chief officer, other influential members of the ruling group kept the staff under pressure who would find it difficult to maintain their neutrality⁴² in the performance of their assigned administrative tasks.

Political parties tend to exhibit greater interest in local government affairs and, particularly, in seeing what role they could play in strengthening the party's hold over its working. A situation like that was observed in Gujrat where the chairman of the municipality attempted to design an extensive development plan for the city in collaboration with the local (PML) members of national and provincial parliaments who were willing to contribute funds out of the huge resources allocated to them under the central and provincial government's Special Development Programme. The idea could

⁴⁰. From interview with Fazal Mueqem Khan, councillor, 2.5.1993.

⁴¹. The respondent emphasised the need for the establishment of an executive cell at all major local councils consisting of the principal officers who, while playing a pivotal role in the formulation of council's development plan, should perform the function of briefing the new incumbents to the office about the progress taking place in on-going development schemes.

⁴². The principal officers in charge of different departments under the municipality showed extra-ordinary allegiance to the chairman who possesses the initiating authority of writing their annual confidential report with first counter-signature by the respective deputy commissioner and, secondly, by the divisional commissioner. See Guide Book, Local Government & Rural Development Department, Government of the Punjab (Lahore) 1983, p.115

not materialise on account of the dismissal⁴³ of national and provincial governments on the demand of opposition who considered the action to be a pre-requisite for the purpose of a free, fair and impartial general elections. The way local government institutions are manipulated by the local influential was narrated by a respondent thus:

*"Here the Local Government laws appear to be made and remade to suit the peculiar interests of the ruling class. Directing the chairman of the local council to do something even if the matter contradicts with the provisions of law, make the organisation and its legal framework ineffective. Conducting council business in a way to retain the support of majority cause damage to the very image of these grassroots institutions."*⁴⁴

Pertaining to the mutual relationship between the chairman and vice-chairman, a common view was that the relationship is cordial and friendly if both come from the same political party. This appeared to be logical and valid when applied to the developments in Gujrat municipality. Views expressed by the respondents (six in number) revealed that in the council consisting of 46 members, the existence of two-chairmen was a source of strength for both the chairman and the ruling group and the spirit of team-work worked well during the first half of the 4-year term. The rift in the group took the two vice-chairmen along with several party councillors apart from the chairman which proved disastrous for the council as a whole. The respondents, in general, held the opinion that the office of the vice-chairman had no functions⁴⁵ except during the absence of the chairman from office. Its utility under normal circumstances was questionable. It was termed as a political gift designed to accommodate the comparatively influential councillors in the group to this prestigious position, the incumbent of which was, in relation to the role played by the chairman, nothing more than a passive spectator. The chairman, on the other hand, was reluctant, although authorised, to delegate some of his powers to his colleagues⁴⁶ (vice-chairmen) which could promote understanding and a spirit of team-work among them leading to greater efficiency in the municipal business. The councillors, rather, resorted to further strengthening the hands of chairman by provoking sub-section (2) of section 170. Under certain circumstances, it did serve the purpose of promoting the common interests of the group, but in others, it gave a greater set-back to the unity of the group in that the resentment which started developing against the dictatorial attitude of the chairman widened the gulf between the chairman and his supporters, on the one hand and the two vice-chairmen and his supporters, on the other. The rapidly deteriorating relationship

⁴³. First, the National Assembly of Pakistan was dissolved on April 18, 1993 followed by the dissolution of provincial governments. The dismissal of the PML-led governments had a deeper repercussion on the overall working of local government institutions.

⁴⁴. From interview with Mujib-ur-Rahman.

⁴⁵. Unlike the N-W.F.P., Local Councils Vice-chairman (Powers and Functions) Rules 1987, under which certain general powers and functions have been given to the vice-chairmen, the Punjab Ordinance is silent on the subject.

⁴⁶. Section 170 (3) of the Ordinance, p. 541

assumed an added significance when the rebel group, headed by the two vice-chairmen, established a parallel authority⁴⁷ within the municipality and started issuing directives to the municipal staff and asking the principal officers to sever links with the chairman. One respondent summed up the situation thus:

*"At this municipality, the pivot of all powers is the chairman who is not willing to share them even with the vice-chairmen. While a strong chairman could have been in a better position to promote the interests of the local influential and the party in power, the trend towards concentration of power and confrontation with the vice-chairmen caused damage to the image of the municipality. The solution lies in the exact determination of roles to be played by the chairman, the vice-chairmen, the council and the sub-committees."*⁴⁸

In this case, however, the chairman was seen to be less concerned with the uprising against himself and was looking more eagerly to the signals from party leadership rather than attempting to heal the wounds of colleagues caused by the rift. The facts narrated above exhibit the reasons why a collective check could not be exercised in order to restrict the chairman's activities to the legal parameters. The respondents (three belonging to the rebel group) held the view that the councillors were mostly hesitant to exercise a check over the chairman simply because he had the patronage of the influential family. A balance between allowing a free hand to the chairman in the exercise of his powers and a collective check on the part of the councillors could have been possible, had the chairman been chosen on the basis of consensus of opinion of the members. In fact, he was a choice of the patrons and was, in a sense, superimposed. The councillors, particularly those from the opposition group, had the enthusiasm and necessary talent, in view of the experience gained over the years, to keep the council business on its proper track, but the ruling group's commitment to promote party interests and the lack of necessary strength on the part of the opposition foiled all attempts to threaten the chairman's absolutism.

How far did this attitude of the chairman affect the taking of vital decisions in the council such as allocation of development funds to councillors. The answer came from six respondents: two from the ruling group, one opposition and three from the rebel group. The views expressed by them identified a number of realities. For example, despite the Government's clear instructions⁴⁹ with regard to the distribution of council resources for development purposes, there was little enthusiasm to frame council bye-laws through which a certain concrete strategy for the equitable distribution of funds could be designed in order to give effect to the governmental guide-lines. This, in turn,

⁴⁷. See the 'Jazba' 6.7.1993

⁴⁸. From discussion with Fazal Muqem Khan, councillor.

⁴⁹. The Commissioner, Gujranwala Division, while releasing grants-in-aid to the council vide letter No. DLG-93/A.O. ADP-1992-93/1409-55 dated 23.2.1993 issued instructions for strict compliance which, inter alia, included that the funds were to be utilised on equitable basis among all the councillors with their consensus.

gave birth to complaints lodged not only by the members of opposition group but a substantial number of councillors belonging to the chairman's ruling group were equally affected by this situation. For instance, the leader of opposition accused the ruling group of having control over the council resources. On the other hand, three respondents belonging to the rebel group gave a different interpretation of the situation. A statement of their common view-points is summarised below:

*"After separation from the chairman's ruling group, there is generally a reliance on the formal channel for the acquisition of development funds. We have little access to the special funds lying under the discretion of the chairman. Influential councillors surrounding the chairman are the ones who benefit mostly from the special funds . . . It is a wrong contention that only opposition members face discrimination in such matters. The factual position is this that quite a good number of treasury group councillors rely, like many others in the council, on the financial resources formally allocated to them in the annual development programme."*⁵⁰

Another significant point revealed from the views expressed by the respondents was that there had been virtually no criterion devised⁵¹ for the allocation of resources to elected councillors representing comparatively less developed wards. Under such circumstances, a general trend had been to approach the local member of national or provincial legislatures (MNA/MPA) asking him to undertake certain work out of his own development funds, which the local councillor was unable to do on account of the meagre resources received from the municipality. Obviously, in such attempts, were successful only those councillors who had some relationship, based on party linkage, with the respective parliamentarians.

The respondents were asked to give their comments about the existing controlling authority. The question could not be answered for lack of correct perception of the term. One elderly councillor was able, on the basis of his prolonged association with the system, to highlight certain general principles for the maintenance of a balance between autonomy and control. While an essential ingredient of local government is the availability of adequate autonomy, a considerable amount of external control is indispensable for restricting the council activities to the legal framework. It was revealed to the researcher, after studying official papers and municipality's correspondence with the government, that the control mechanism is somewhat tightened compared to the zone of discretion. There were evidences of external control on ordinary and simple matters. For instance, seeking clearance for the supply of

⁵⁰. Summarised version of the discussions with three councillors including one vice-chairman belonging to the rebel group.

⁵¹. Section 130 of the ordinance contains relevant rules, notifications and instructions with regard to the preparation and implementation of budget. Sub-section (18) of the aforesaid section provides for a schedule of new expenditure which could be used as a basis for devising a strategy whereby grievances voiced by the representatives of backward areas could be adequately redressed.

bicycles to peons⁵² (meaning the lowest grade government servants). In another case, the council, despite passage of a formal resolution to the effect, had to authorise the chairman to approach the government for granting approval for the purchase, out of the council's funds, of a Land Cruiser instead of a Nissan Sunny. Similarly, the Commissioner, Gujranwala Division, called for a detailed report with regard to the purchase of vehicles.⁵³ This provides evidence to the fact that in the Punjab, the control of bureaucracy over local councils has still been retained in certain respects. Reference in this connection may also be made to a formal request made by the chairman to the Deputy Commissioner, Gujrat asking him to grant permission for the payment of monthly salaries to the staff and the POL/Electricity charges.⁵⁴

The municipality is authorised under section 121 (2) to remove encroachment, movable or immovable and made anywhere within the jurisdiction of the council. Not only that the municipality was required to get the advertisement published in the local daily after necessary authentication by the Director General, Public Relations, Government of the Punjab, but was also required to send a monthly progress report to the Commissioner⁵⁵ regarding the removal of encroachments.

In financial matters too, control was exercised on such ordinary issues like seeking permission from the Divisional Director, Local Fund Audit for the payment of honorarium to certain categories of municipal staff--- a matter that could be tackled by the Finance Sub-committee. Furthermore, seeking technical sanction for the utilisation of a nominal amount of rupees one hundred and fifty thousand from the Superintending Engineer, Local Government & Rural Development looks anomalous⁵⁶ in that it causes delay in the implementation of work which, at times, could be of immediate concern.

In administrative matters, however, the chairman's refusal to relieve one sub-engineer of his services and thus facilitate his transfer elsewhere exhibited a courageous and bold initiative on the part of local authority which not only demonstrated that the chairman did not accede to all incoming official instructions but also resisted some of

⁵². No. 171/Gen dated. 12.2.1992 addressed to the Divisional Director, Local Fund Audit, Gujranwala, resolution No. 7 passed on 21.10.1992

⁵³. No. DLG-93/A.O. Transport/3990-4002 dated. 10.6.1993 addressed to the chairman of all local councils in Gujranwala Division.

⁵⁴. The budget estimates for the year 1993-94 were prepared under the supervision of the Deputy Commissioner in his office. The budget session, scheduled to be held on 28.6.1993 could not be convened in view of severe confrontation between the ruling and the opposition on the one hand, and the chairman and the rebel group, on the other. The immediate cause of the postponement of the session was the difference over the financial liabilities. See the 'Jazba' 28.6.1993

⁵⁵. Section 121 of the Ordinance, p. 368

⁵⁶. This power could be delegated either to the Audit Officer or the Municipal Engineer enabling them to decide such cases locally on their merit. In fact, such an arrangement exists in the N-W.F.P., Local Government Ordinance (1979) where a municipal engineer in BPS: 17 enjoys powers to accord technical sanctions to development schemes valuing RS. 150,000/- See N-W.F.P., Local Councils (Works) Rules 1980 (Chapter-IV), p. 120

them if they were issued in contravention of the relevant laws and which effected the normal working of the council.⁵⁷

A cursory view of certain sections of the Punjab Local Government Ordinance of 1979 reveal that apart from the officials of Local Government Department, the divisional commissioner and the deputy commissioner have also been given controlling powers over the local councils. It was in this perspective that the councillors were asked whether they felt any retarding effect of the control exercised by the deputy commissioner. Answer came from five respondents, one from the chairman's group and two each from the opposition and rebel groups. One view was that the District Officer had a sympathetic attitude towards the municipality and this presumably due to the fact that the ruling Muslim League was also dominating the municipality. In certain matters, the deputy commissioner was approached for assistance such as recovery of arrears for which powers were available to him under the Land Revenue Act. Similarly, the deputy commissioner was required to preside over the council meeting when a motion of no-confidence against the chairman or vice-chairman was to be debated followed by a voting. The sympathetic attitude of the district officer could also be attributed to the age-long tradition associated with the working of this office according to which the deputy commissioner happens to serve the district, in most of the cases, under the influence of the local elite. This was true so in the case of Gujrat where, compared to other biradaris, the Jats represented by the Choudhris exercised greater influence over the deputy commissioner.⁵⁸

Other respondents differed significantly who held the view that the traditional control of the deputy commissioner had still been continuing and that in certain matters this control was much deep rooted.⁵⁹ Another factor which strengthened the control of the deputy commissioner over the council was the general trend of the population who preferred to raise such questions, both verbally and in writing, before the deputy commissioner which essentially fell within the purview of the municipality. Perhaps the idea behind approaching the district officer was the quick redressal of their grievances. This attitude, in turn, had affected the relationship between the municipality and the

⁵⁷. In his letter addressed to the Secretary, Local Government, Punjab, the Chairman explained that the said employee had been posted there only eight months before and that he had been supervising a number of important on-going development schemes undertaken by the municipality.

⁵⁸. This was also confirmed when transfer of government officers started at a large scale following the installation of interim government at the centre and the provinces. The officer posted at Gujrat as the district's new deputy commissioner was resented to by the family terming it a part of the conspiracy directed towards causing political harm to the family. It was due to the heavy pressure exerted by the family that transfer of the said official had to be ordered after few months of his posting. The change, however, did not bring much benefit to the family because all national assembly and most of the provincial assembly seats were lost by the family in the general elections conducted by the interim government.

⁵⁹. The respondents referred specifically to the creation of a post and making recruitment against it in few self-financed educational institutions under the municipality. In both cases, approval of the deputy commissioner was required.

deputy commissioner. It was as a result of this phenomenon which made the chairman to approach the Secretary for ascertaining whether the deputy commissioner was still a controlling authority over the municipal affairs.⁶⁰

Irrespective of the official view on the subject, it is also revealed from a number of provisions laid down in the ordinance that the deputy commissioner has been delegated powers in respect of local councils. This is evident from a number of municipal representations referred to the deputy commissioner for approval. It is so because the ordinance empowers the latter to declare any expenditure incurred by the local council to be an appropriate charge on the local fund.⁶¹ With reference to this statutory requirement, the municipality referred cases of expenditures to the district officer on a number of occasions in order to be declared a valid charge so as to avoid audit objections. For instance, (a) payment of electricity bill in respect of ladies and children park (No. 406 dated. 8.4.1993), (b) an expenditure of Rs. 185,000/- incurred out of municipal fund on the visit of Chief Minister, Punjab (No. 669 dated. 9.5.1992, (c) a donation of rupees twenty-five thousand given to the widow of a police inspector who died in an encounter with the dacoits. An interesting thing in this representation was the involvement of the Provincial Local Government Minister who, in fact, made the chairman to take the decision (No. 1016/Gen. dated. 2.7.1992). In addition to these, the chairman also approached the deputy commissioner to move the government to grant permission for the appointment of a Municipal Magistrate⁶² as the municipality was facing hardships for the removal of unauthorised encroachments and trial of municipal challans. The ordinance does not provide for the office of Municipal Magistrate except that of Legal Adviser.⁶³

The researcher, on the other hand, witnessed a constructive aspect of the role of the deputy commissioner in relation to the municipality which not only facilitated the expedient intercourse of the latter with other city-based government agencies but due to the intermediary role of the officer, quick responses on matters of immediate concern could have been possible. Reference in this connection may be made to the deputy commissioner's directives to the Executive Engineer, Public Health Engineering Department whereby the latter was advised to negotiate and sort out the problem of Gujrat city's main disposal works in order to keep it functional on a permanent basis.

⁶⁰. No. 764 dated. 21.6.1993. The chairman stated that contrary to the statutory version with regard to the abrogation of the concept of controlling authority, it appeared that the Deputy Commissioner acted as a controlling authority in respect of Municipal Committee and Town Committees in the district.

⁶¹. Section 128 (f) of the Ordinance and powers delegated under section 14 read with Rule 170 of the ordinance.

⁶². The demand was made in the light of a resolution passed by the house in its special meeting held on 2.1.1993

⁶³. Section 47, (p. 307) provides for the appointment of a legal advisor initially for a period of two years and with the primary duty to tender legal advises to and to appear in legal proceedings on behalf of the local council which has appointed or engaged him.

A vital question raised centred around the finances of the municipality. The respondents were asked what impact did the financial powers have on the council's attempts at seeking self-reliance and self-sufficiency. Only one councillor could answer. The researcher, therefore, relied mostly on the data gathered during interviews with those dealing with the municipal financial management plus analysis of the council's correspondence on the subject with the government. This is how an attempt was made to determine the financial health of the council. A general phenomenon (which in fact, is common to all urban local councils in Pakistan) was the greater imbalance between income and expenditure. This could be attributed to certain external as well as internal factors. In external factors included the rigid governmental guide-lines regarding local government financial administration. While certain disbursements from the council's funds are requirement of the statute, compulsory payments are equally imposed by the government which include audit fees, expenses incurred on the visit to the city of a government dignitary, relaxation given by the government to traders on octroi tariff as well as other unilateral decisions taken by the government which affected municipal finance significantly.

Section 137 empowers the government to grant relaxation in respect of some taxable articles in terms of reducing or increasing the existing rate or exempting certain items from taxation. A similar decision with regard to the reduction of octroi collection rate of soda water from two rupees to fifty paise per crate made the municipality refund rupees 1.2 million as the rebate to the octroi contractors during the year 1991-92.⁶⁴ In yet another case, the government gave relaxation in Rule 7.4 simply on the presentation of an application by one octroi contractor allowing him to pay the monthly instalment of the amount of bid at the end instead of beginning of each month for which the instalment was due.⁶⁵ While considering the matter and taking decision thereon, the government did not ask for comments from the municipality. On the other hand, while the courts could protect the municipal bodies from undue financial losses, their own initiatives in the form of issuing stay orders on municipal decisions have not been favourable.⁶⁶ The municipality's measures with regard to its financial management were equally effected by the role of the divisional commissioner as arbitrator⁶⁷ between the

⁶⁴. Item No. 3 on the agenda for the council meeting held on 18.5.1993. It revealed from the contents of the said item that the chairman initiated and decided the matter as per verbal instruction from the provincial minister for local government. Under the rules, the government approves cases of rebate if these are duly approved by the house of the respective council. In this case under reference, this codal formality was not considered necessary and government approval to the rebate was accorded on 21.12.1991

⁶⁵ Government's letter No. SO.VI(LG)2-3/92(P-II) dated. 29.8.1992 addressed to the Chairman, Municipal Committee, Gujrat.

⁶⁶. An Octroi contractor got stay order from the Lahore High Court (Punjab) against the rejection by the municipality of his demand for rebate of Rs. 385,445/-

⁶⁷. Rule 19 (2) under section 137 of the Ordinance, p. 484 empowers the Divisional Commissioner to arbitrate in cases of lease.

local council and the lessee on any dispute with regard to the provisions of lease agreement reaching between the parties. In a case like that, the divisional commissioner quashed⁶⁸ a council resolution passed on 18.5.1993 which rejected the contract of tax on the transfer of immovable property.

The divisional commissioner also exercised influence, which, of course, was a step towards right direction, over the utilisation of grants⁶⁹ released to the local councils of Gujranwala division. Channelling the government grant to the councils through the commissioner was good in the sense that the objectives to be achieved out of those funds were clearly spelled out.

The municipality's initiatives towards enhancing the financial base was strongly opposed by the traders through calling a general strike in the city. Internally, the municipal authorities appeared to have little concern over the adoption of economy measures and improving the capability of the staff engaged in the departmental collection of taxes. Employees of the council (800 in strength) were exempted from water rate/sewerage rate charges⁷⁰ causing thus a loss of Rs. 240,000/- annually. The chairman, on the other hand, made adhoc and temporary appointments of work charge and ministerial staff which was against all governmental instructions and orders. He also made appointments against leave vacancies which doubled the expenditures.⁷¹ The internal audit also appeared to have been working under pressure in terms of making payments for which no legal provision existed.⁷²

The weak financial status adversely effected the overall performance of the municipality particularly its service-related functions. From a long list of compulsory and optional functions⁷³ the municipality had been able to concentrate on few such as sanitation, water supply, street-lighting, fire-fighting and education. Due to the poor allocation of resources to these subjects, there was a general complaint with regard to the poor quality of service. The Provincial Government's policy of transferring completed area development schemes to respective local councils could not be materialised, so far as the case of Gujrat municipality is concerned. The Housing & Physical Planning completed area development scheme Gujrat-III (for Pakistanis living

⁶⁸. The commissioner ordered continuation of the contract. The matter was reported to the Secretary, Local Government (Punjab) by the chairman vide letter No. 814/MCG dated. 29.6.1993

⁶⁹. An amount of Rs. 61 million was released vide No. DLG-93/A.O ADP-1992-93/1409-55 dated. 23.2.1993. Respective deputy commissioners were to monitor strict compliance of the instructions issued.

⁷⁰ The Chief Officer, Gujrat Municipality, Letter No. 766 dated. 21.6.1993 addressed to his counterpart in the Municipality of Jhelum.

⁷¹. From the Inspection Note of the Divisional Director, Local Fund Audit, Gujranwala on the accounts of the Municipal Committee of Gujrat conducted in May, 1993, para 8 on p. 3

⁷². Inspection Note para 8, p. 3

⁷³. Sections 52-121 of the Ordinance (pp. 320-370).

abroad) in 1982 and since then the department had been attempting to persuade the municipal committee to take control for further maintenance.⁷⁴

What capability had the municipality got to administer such vital services like education, health and police if these are transferred to the council exclusively, was a question put to the respondents. Six councillors gave their views. There was a consensus of opinion that the municipality had every capability to undertake these responsibilities. Supporting his views one respondent said:

*"Our council consists of several public-spirited and dedicated councillors who could be compared in talent with the members of national and provincial parliaments. If a gentleman with nominal education and little experience at the Town Committee level (referring to an ex-Chief Minister of the Punjab) could be assigned with the charge of a big province, there is no point why these basic tasks could not be handled by the municipality."*⁷⁵

The respondents, however, put certain conditions to be fulfilled prior to the assumption by the municipality of these functions. They, particularly, talked about enhancing the financial base and technical capability of the council. For this purpose, the central and provincial governments will have to allocate special funds to the local councils which they have been utilising at the moment through their own agencies. Local councils could, later on, be made to generate their own resources out of these services in order to administer them on a self-help basis. Two respondents gave a cautious view and feared whether such a transference could be successful. To avoid all sorts of future eventualities it would be desirable to transfer these services gradually on an experimental basis and in a few selected local councils. The progress should be watched carefully and the problems diagnosed systematically and, finally, in the light of conclusions drawn, a comprehensive national policy be framed for all provinces.

In support of their contention, the respondents referred to the achievements made so far in the provision of educational services to the local residents. The municipality has been running educational institutions (one Model High School, primary schools, two each for boys and girls) out of its own budget.

The councillors, while greatly dissatisfied with the present level of health services being rendered by the government-owned health institutions, were seemed reluctant either to gain control of them or establish their own presumably due to professional restraints and financial limitations. They, however, suggested inclusion of competent councillors in the hospital committee headed by either the District Health Officer or the Medical Superintendent of the District Headquarters Hospitals which, in

⁷⁴. Deputy Director, Housing & Physical Planning (Jhelum) No. 820 dated. 4.6.1992 in which the chairman was assured of a handsome amount to be arranged on account of property tax, water supply and sewerage charges from the allottees of the said scheme.

⁷⁵. From interview with Irshad Ahmad Khan, Councillor.

their opinion, could contribute significantly towards bringing improvement in medical services to the local population.

Regarding police, the respondents gave mixed opinions. While appreciating the idea of placing the police department under municipal control in view of the unsatisfactory performance of the department, the respondents (two) expressed apprehensions that the police personnel could be used by the influential for personal ends. Others argued that the number of councillors who think on such lines is marginal and such a tendency, even if it arose, could be checked by the majority who are decent, public-spirited and believe in the rule of law. Some suggested a gradual transformation beginning with a package of reform aiming at the decentralisation of police, on the one hand, and overhauling the structure of local councils, on the other. A good start, they suggested, could be through the establishment of a formal liaison between the citizens and the local police force. Such an arrangement could go a long way in restoring image of the police in the eyes of people and would contribute effectively towards law and order and elimination of crimes.

In this perspective of what has been claimed by the respondents, a review of the actual performance of the municipality in service-related matters would not be out of place.

Under section 58 of the ordinance, water supply is an obligatory function of the municipality. In practice, water supply seems to have been dealt with in a very general way. The system runs at a loss mainly because of lack of consciousness about the need for efficient management of this service. With growing industrialisation, Gujrat has been facing the problem of water pollution through trade and sewerage, effluents and other noxious industrial wastes. Presently, the facilities being provided by the municipality in the field of water supply and sewerage are, in fact, the result of extensive collaboration, both technical and financial, from the provincial government Department of Public Health Engineering. The department, under the standing policy of the government⁷⁶ initiates and develops water supply schemes upon an undertaking by the respective municipality to contribute its share of the total cost. The municipality is required to take full responsibility for maintenance and repairs including recurring charges and depreciation, once the scheme is completed. The water supply scheme in Gujrat was transferred from the PHED to the municipality in 1987. Out of sixteen tube-wells, six are still maintained by the former. The researcher was told that almost 70% of the city population had been provided with provision for 35 gallons of water per head per day. The number of connections stood at the figure of 16915 (i.e., approx. 1050 connections from each tube well). The government's instruction to run the service on

⁷⁶. Third Urban Development Project, Punjab 1993, p. 5

'No profit, No loss' basis could not be materialised. The Inspection Team noted that the service was running in deficit.⁷⁷ The fact is also revealed from the following table:

Table: 23
Expenditure incurred and income raised through water supply

Year	Expenditure	Income	% of cost recovery
1988-89	270,0000	250,6435	93
1989-90	340,2184	256,0756	75
1990-91	322,9359	274,5684	85
1991-92	558,6517	481,1130	86
1992-93	605,7462	415,8252	69

Source: Taxation Officer, Municipal Committee, Gujrat.

The above table shows projections of water revenue compared with its cost. It can be seen that the cost recovery ranged between 69 and 93 percent of the total costs. While the tariff rate remained constant, the cost recovery factor showed a fluctuating trend.

Education, like health, is a provincial subject, though the municipalities are allowed to initiate measures for the promotion of education in their respective jurisdictions. Section 68 read with Section 114 of the ordinance⁷⁸ call upon the urban local councils to establish, maintain and manage educational institutions for the promotion of literacy. Measures such as construction of buildings to be used as hostels, provision of scholarships and books, training of teachers etc., could be undertaken by the municipality depending upon the resources of the respective local councils. The role of Gujrat Municipality in this sector is illustrated from the details shown in the table (No. 24).

The newly constituted sub-committee on education seemed to had been formed randomly as it did not include any educationalist nor were any co-opted⁷⁹ presumably, because the primary concern of the sub-committee is the distribution annually of a fixed amount of scholarships among deserving students. The resources earmarked each year in the municipal budget for education, as appears from the table, revealed that there was considerable enthusiasm to expand the range of efforts directed towards the enrolment of more and more children and demonstrating thus the ability to take over the charge of

⁷⁷. Director General's Inspection Note (March 12-14, 1991), p. 37

⁷⁸. The Punjab Local Government Ordinance (1979), pp. 326 & 355.

⁷⁹. A formal provision to this effect exists in the Punjab Local Government Ordinance (1979), sub-section 5(2) of Section 37, p. 148

Table: 24
Educational institutions maintained by the:
1. Provincial Government; 2. Municipality; and 3. Private Sector.

Level of institution	Provincial Government		Municipal Committee		Private Sector	
	Male	Female	Male	Female	Male	Female
Colleges (Degree)	3	2	---	---	---	---
Higher Secondary	7	4	---	---	---	---
Secondary	9	7	1	---	2	1
Middle	2	6	---	---	7	4
Primary	10	8	1	1	8	6
Total	31	27	2	1	17	11

Source: Details supplied by: 1. District Education Officer (Male)
2. District Education Officer (Female)

primary education. Willingness to this effect was shown by the councillors during interview.

Table: 25
Budgetary allocations for Education

Year	Total budget allocation	Allocation for education	%
1989-90	3813,7033	284,3351	7
1990-91	3653,5828	414,4394	11
1991-92	4175,7877	485,4953	12
1992-93	5388,7800	675,0000	13
1993-94	5932,0700	758,6500	13

Source: Details supplied by Accounts Officer, M.C. Gujrat.

The trend reflecting from the above table also supports the claim of the respondents (eight out of ten) who held the view that education upto primary level could adequately be handled by them provided the funds presently spent on education by the provincial government was placed at the disposal of the municipality in order to be able to make a smooth start.

Though in the field of public health, the ordinance authorises the municipality to undertake all such measures that could promote public health⁸⁰ such as establishment and maintenance of health and maternity centres, hospitals and dispensaries, medical aid and relief and medical education as well as preparation and implementation of schemes for the prevention of the pollution of air, water etc. In actual practice, little attention could have been given by the council for materialising the objectives of public health and the fact is evident from the table (No. 26).

⁸⁰. Section 88-93 on pp. 341-42.

The table provides a self-explanatory view of the position and indicates how far the council lags behind in the provision of health service. The performance in this vital area is deplorable as is evident from the Inspection note which revealed that "malaria control measures were being undertaken in a haphazard manner in that the map showing the breeding places of mosquitoes was not prepared and the area of ponds was not worked out."⁸¹

Table: 26
Health institutions and their maintaining agencies:

Level of institutions	Provincial Government	Municipal Committee
Hospitals	1	---
Dispensaries	1	1
Maternity Centres	1	---
Child Health Centres	7	---
EPI Teams	21	4

Source: District Health Officer, Gujrat.

Like the Municipality of Mardan, the Gujrat Municipal Committee had been spending a substantial share of its budget on the establishment of street lights. In the non-development expenditure, a major share was earmarked for the payment of electricity charges accrued on street-lighting and tube wells. Random preparation of electricity bills as a result of the faulty condition of meters was a major complaint. The municipal authorities, on the other hand, seemed to have developed the trend of diverting resources to meet other liabilities instead of paying electricity dues regularly which resulted in a huge arrears of Rs. 10 million.⁸² The WAPDA (Water & Power Development Authority) had to depute an Inspection Team⁸³ to enquire into the grievances of the municipality which also complained that WAPDA was charging a commercial rate for the electricity consumed.

As an obligatory function under section 70, the municipality has been maintaining the fire fighting service with a staff of 19 and a fleet of four vehicles catering to the need of a 225,000 city population. The Fire Officer told the researcher that jurisdiction of the service extends to the whole of Gujrat district. The department, apart from its primary duty of fire fighting, also performs the functions of street watering and water supply during emergency when there is a supply break down. While

⁸¹. Inspection Note, Director General (Local Government & Rural Development), March 12-14, 1991, para 30, p. 42

⁸². Item No. 15 on the agenda for council meeting held on 9.5.1993. The municipality had been withholding payment of electricity bill since December 1988 to December 1992. It is revealed from the contents of the said agenda that the WAPDA disconnected supply to street lights for almost one year for not paying electricity charges.

⁸³. Such an arrangement is very rare and was perhaps possible due to the personal interest taken by the Federal Interior Minister, a prominent member of the family dominating the municipality.

there was a heavy demand by the industrialists to establish one fire station within the jurisdiction of the industrial estate, the municipality was finding it difficult to meet the demand due to the small allocations made to the department which, during the year 1992-93, came to only 2% of the total revised budget for the year.⁸⁴

Under section 118, the municipality is required to perform certain social welfare activities such as establishment and maintenance of welfare homes, asylum, orphanages, widow homes and other institutions for the relief of the distressed. In practice, little attention to many of these welfare services could have been given. The activities undertaken generally, as appear from the annual development plan of the municipality, consisted of the following:

Public Relations, Flood Relief, Civil Defence, Relief against climatic disasters, Burial charges, Sports, and Municipal Library.

The expenditures incurred on these services during the years 1991-92 and 1992-93 constituted one and a half percent of the total development expenditures during each year. The social welfare department of the municipality has not been organised in a manner that could enable it to take up the tasks as enumerated in the ordinance. Similarly, the financial allocations made also were inadequate in view of the responsibilities which the said department is required to perform under the rules.⁸⁵ The municipality appeared not to have complied with governmental instructions over the years while making financial allocations for different services of social welfare. This is illustrated from the following table:

Table: 27
Social Welfare activities in perspective

Women Welfare	1991-92	1992-93	1993-94
Total A.D.P	1242,5000	1763,0000	2008,4700
Amount allocated	100,000	150,000	200,000
% of the A.D.P	0.80%	0.85%	0.99%
Required % as per government instructions	2%	2%	2%
Sports			
Amount allocated	200,000	260,000	260,000
% of the A.D.P	1.60%	1.47%	1.29%
Required %	1%	1%	1%
Civil Defence			
Amount allocated	50,000	50,000	50,000
% of the A.D.P	0.40%	0.28%	0.24%
Required %	1%	1%	1%

Source: Figures derived from the budget statements of the Municipality for the years under reference.

⁸⁴. Estimated financial position of the Municipal Committee of Gujrat for 1993-94, p. 4

⁸⁵. Section 130 (9) of the Ordinance, p. 376

Services under women welfare, as is indicated above, received allocations far below than the required percentage of the A.D.P during these years. A gradual increase could, however, be noticed. As against this, the promotion of sports seems to have received priority of consideration in terms of generous allocations. But compared to the first, it shows a gradual decrease over the years. A similar trend could be observed like that of the welfare in both fiscal allocation, being below the statutory requirement and successive decrease. Interestingly, the functions to be performed by the council under civil defence are not clearly spelled out in the ordinance⁸⁶ and the funds earmarked for the purpose are placed at the disposal of the deputy commissioner in his capacity as Civil Defence Controller.⁸⁷

Under Section 52 of the Ordinance, sanitation is a compulsory function. A primary duty in this connection is the collection and disposal of wastes which falls within the purview of health branch of the municipality. The municipality employs, for the purpose, a huge staff consisting of some 346 persons headed by a Medical Health Officer and several other Sanitary Inspectors. On average, each sanitary worker serves six hundred and fifty persons if the population of the city is about 250,000 (current estimates). The researcher was told that the immediate problems faced by the sanitary staff was the shortage of places to dump the solid waste as well as the small number of vehicles (which are below the actual requirement). The uncollected portion of the garbage which amounts to about 40 percent of the total generated is deposited into drains and streets and onto open land. The sewers and drains, hence, tend to become clogged with uncollected refuse. It was observed that the coverage and effectiveness of sanitation was unsatisfactory (as was also noted by the Local Government Department).⁸⁸

The question of water disposal manifested a unique pattern of relationship between the municipality and the provincial government department of Public Health Engineering which has the responsibility, under the Government's Standing Policy⁸⁹ to develop certain services-related schemes such as water supply and sewerage within the municipal jurisdiction and, upon completion, hand them over to the respective urban local council for operation and maintenance purposes. The sewerage scheme was commissioned in 1978 and was completed in 1985. Ever since, the P.H.E.D., had been demanding that the municipality take over the charge of operation and maintenance. The municipality, on the other hand, was reluctant to do so in view of the defective character of the scheme as only one out of four motors was in a working condition. The

⁸⁶. Section 71 of the Ordinance, p. 328

⁸⁷. The Deputy Commissioner, in his letter No. CDGT-92/638 dated. 31.10.1992, asked the chairman, Gujrat Municipality to hand over to him the amount supposed to be earmarked for the purchase of civil defence goods under the budget for 1992-93.

⁸⁸. Cited in the Director General's Inspection Note . . . , p. 42

⁸⁹. Under this policy the municipality is bound to pay one-third of the total cost of water disposal scheme.

municipality insisted on the necessary repair work being done prior to its take over, whereas the P.H.E.D., stressed that the municipality should undertake the repair work out of its own resources. While the transfer of the sewerage scheme remained in dispute due to its disorderly condition, the city population relied heavily on the traditional open drainage system which, due to lack of proper cleanliness and regular emptying, had added to the sanitation problem.⁹⁰ While the municipality lacked technical expertise and financial capability to undertake such an expensive and technical project by itself, its collaborator (i.e., the P.H.E.D) handled the task almost unilaterally despite the municipality's financial contribution. This non-participation of the latter in the implementation process gave way to a number of conflicts and disputes⁹¹ which, later on, hindered the smooth transference of the scheme to the municipality for maintenance.

Conclusion

This case study on the Municipal Committee of Gujrat contains certain clear points on the operation of local politics. It reflects a number of significant factors giving way to a typical environment characterised by friction, confrontation, crisis and resistance within which the council was supposed to operate. It is on these characteristics that the foundation of a shaky and fragile structure of local government was based. The study, though restricted to the municipality of Gujrat, is common to many other similar situations. An attempt has been made to narrate the way a local council, despite its present so-called non-party character, was manipulated by local vested interests.

The rivalry between tribal groups and the resultant continued instability could, in fact, be traced back to the beginning of this century when the two groups, each supported by other small ethnic groups, entered into a struggle for supremacy over the other. Changes in time and the overall economic development had little impact on these trends and could, therefore, be seen reflecting the political processes taking place at all levels--national, regional and local. Acquiring political positions at the central and provincial levels has been an effective source of gaining strength at the local level and vice versa..

The reformed local government under the Ordinance of 1979 which introduced a full elective element in the system has had little impact on the composition of the council as is revealed from the professional background of the municipal councillors.

⁹⁰. Director General's Inspection Note . . . , p. 40

⁹¹. The basic cause of the dispute, as was revealed from the Director General's Inspection Note, (p. 41) was the selection of wrong site for the disposal works. Certain natural channels such 'Bhimber' and 'Bolay' nullahs are situated on two sides of the town while river Chenab flows at a distance of 4/6 miles but the ultimate disposal of sullage water of different areas was not made in the said channels.

Hailing mostly from the business and land-owning classes, the councillors had but little concern

for the general welfare of the community. The reliance of the opposition groups on the local influential patronising them was of paramount significance and exhibited a vital aspect in the working of the municipality. There was observed the retarding effect of the influence of local elite on the municipality's functioning. On occasions, it appeared as if decision-making existed somewhere outside. The degree of influence exercised could also be determined from the fact that the rebel group, which emerged in protest against the alleged incompetence of the chairman, still relied on the consent of the patrons---this being in utter disregard to the council's formal governing principle of corporate authority.

The overwhelming patronage accorded to the chairman (for his being party's Chief Organiser for the city) generated negative repercussions in that the council's attempt to enforce accountability of the chairman could not get enforced. The chairman's reluctance to share power with the vice-chairmen, the removal of the rebel councillors from the convenorship of different sub-committees consequent upon their disassociation from the ruling group, the chairman retaining the chair despite being in a minority, were the events which demonstrated the extent of support which he enjoyed from the local influential.

Though elected on a non-party basis, the impact of party politics during the first and second terms was stated to had been little compared to the third and particularly the fourth term when things changed significantly. This not only kept the inter party competition and tension sustained at a high pitch but also effected the neutrality of the local government personnel particularly those belonging to the Provincial Unified Grade of Functionaries cadre who acted as instruments in the hands of a dominant and powerful political group. The municipality became politicised to such an extent that the elected councillors, with the exception of the committed ones who firmly stuck to their party organisation, saw little chances of any meaningful achievements in terms of solving ward problems without getting affiliated to the group commanding majority in the council.

The abolition of a controlling authority under the present ordinance of 1979 was intended to ensure the autonomy of local government which, in many respects, was helpful in materialising the idea. But, from the point of view of serious efforts required for effective mobilisation of available resources for the enormous socio-economic development and effective co-ordination with the provincial line departments particularly those which come in constant contact with the municipality, the absence of an institutionalised arrangement to secure effective liaison was seriously felt. In the absence of such a mechanism, the municipal authorities approached the deputy commissioner time and again to ensure that business was transacted.

It appears from the organisational structure and performance evaluation that due to limited technical expertise and meagre resources, the municipality was able to undertake only a few functions. As a result, provincial line departments played a pivotal role in various service-related functions such as education, health, communication, social welfare, sewerage etc.

The municipality's performance in terms of provision of services revealed that it would not be desirable to rely on the council exclusively for the provision of all essential services in view of the financial constraints and limited man-power expertise. There exists brighter prospects of improved and better performance in the field of education provided the existing capability of the council is strengthened. A strong case for the transference of primary education could be made in view of its restriction to small jurisdictions and the greater scope for community involvement both at the construction stage and subsequently in management. Financing primary education in whole, at the initial stage, by a grant from the central/provincial government is likely to improve and enhance the quality of service.

Certain other basic services especially the garbage collection and disposal process need to be organised on the principle of decentralisation in view of the continued expansion in the municipality's territorial jurisdiction and increase in the density of human settlements. Placing sanitation workers under the control and supervision of each councillor, instead of working under the Medical Health Officer at the municipal headquarters office, would produce better results. Individual councillors would not only assume responsibility for the cleanliness of their respective wards but would also facilitate the effective and efficient use of manpower (approx. eight sanitary workers for each of the 39 wards).

The municipality seemed not to have made a full use of sub-committees presumably because either those were less competent to handle questions falling within their purview or through the centralised tendency part of chairman who did not allow them a participatory role in the decision making. It was largely the inactivity of sub-committees that council meetings were dominated, on several occasions, by petty and simple questions which could, otherwise, be decided upon by one of the several sub-committees.

Chapter Five

The Zila Council of Gujrat

Case Study No. 3

The district of Gujrat lies between the districts of Gujranwala and Jhelum. With a population¹ of 225,4699 (the share of rural areas being 181,7089 i.e., 81%), it is the sixth largest district in the Punjab. The district forms a part of Gujranwala Division and covers an area of 2264 square miles.² It lies between the Chenab and Jhelum rivers and marks the northern limit of the true Punjab plains. Geographically, the district is bounded on the north-east by Kashmir, on the north-west by Jhelum, on the south-west by Sargodha and on the south-east by Gujranwala and Sialkot. The rural area where 81% of the district population lives, comprises of 1532 villages. Administratively, the district is divided into three sub-divisions known as Gujrat, Kharian and Phalia. (Fig: 5) The recent administrative changes³ reduced the number of sub-divisions to two when Mandi Bahauddin was declared a district headquarters with Malakwal and Phalia as its tehsils/sub-divisions.

The district of Gujrat takes its name from the town at its headquarters. It became a district⁴ in 1849 and Mr. E.C. Bayley was appointed its first deputy commissioner. The actual date of the coming into being of Gujrat as a District Board could not be traced. Information contained in the Punjab District Gazetteer, however, reveal that the income of the Board started increasing from 1905-06 largely owing to grants from the provincial government for special purposes.⁵ At that time, it had the strength of forty members, eight appointed by official designation, five nominated by the commissioner and twenty-seven elected. With the deputy commissioner as its chairman, the elected element hailed mostly from the leading land-owners from the district. The dominance of this class remained so with the coming into force of the Punjab Local Government Ordinance in 1979. A substantial majority, with the exception of few coming from the business and professional classes, belong to the land-owning class as is revealed from the table (No. 28)

As far the administrative element, the council is headed, next to the chairman, by the Chief Officer assisted by an office superintendent, alongwith the supporting staff. An Accounts Officer and his staff look after the financial side. The collection of different taxes levied by the council is managed by a Taxation Officer and his staff. A District Engineer with the help of a Town Planning Officer, a Sub-divisional Officer and three sub-engineers along with other technical staff help the Chief Officer in designing and execution of all the developmental schemes. A Resident Audit Scheme is

¹. Economic Survey 1992-93, Islamabad, Government of Pakistan, Finance Division (Economic Advisor's Wing), p. 19

². District Census Report (Gujrat). Population Census of Pakistan, Part-1), p. 2

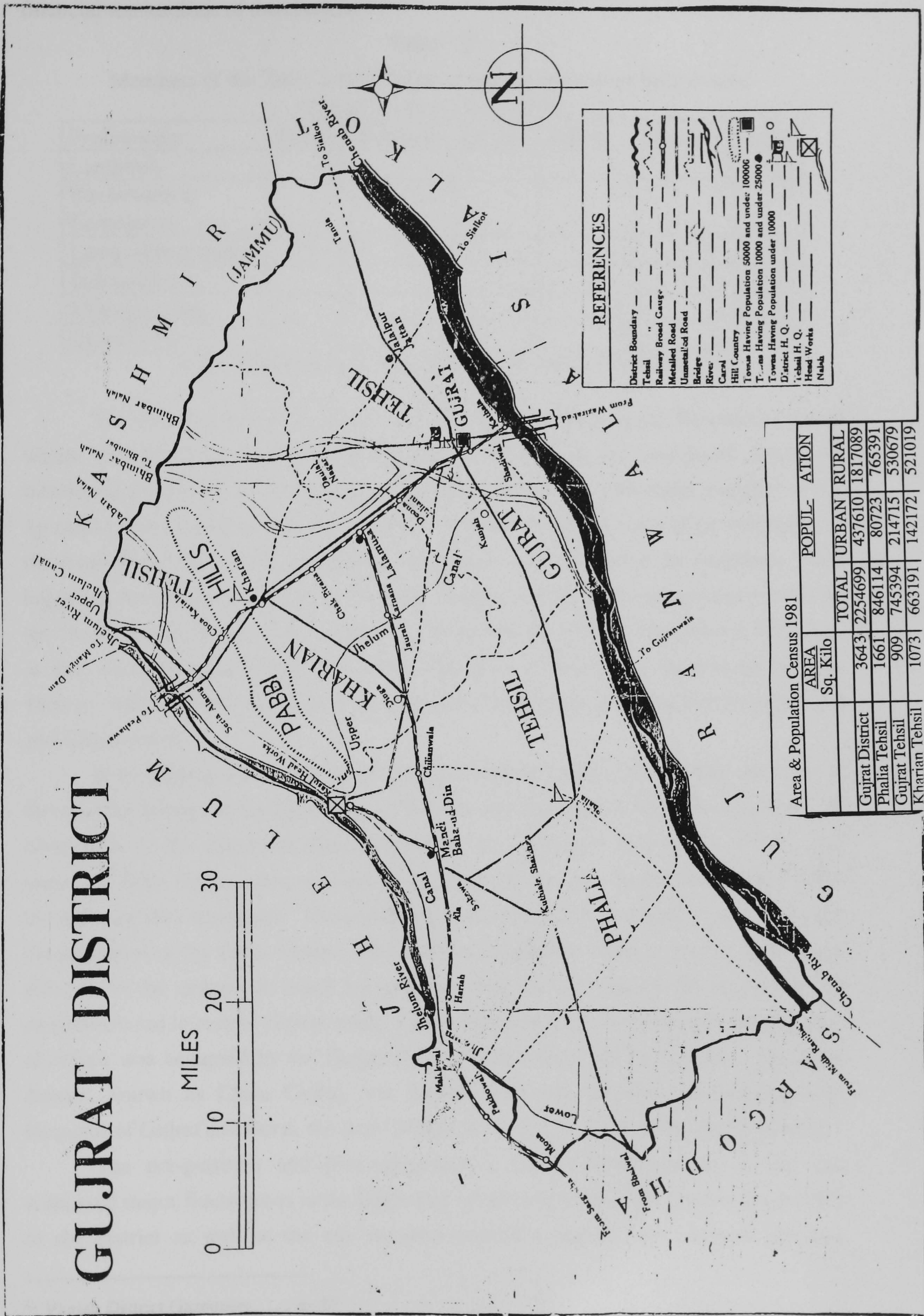
³. Notification No. 786-93/C-50/466 R&G SO-II dated. 20. 5. 1993 with regard to the creation of a new district of Mandi Bahauddin in the Gujranwala Division.

⁴. Punjab District Gazetteers (vol. XXV-A) Gujrat District (Part-A), 1921, p. 24

⁵. Punjab District Gazetteers . . . , p. 144

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Fig: 5



in practice at the Zila Council. The Audit Officer and an Auditor keep a check on the financial transactions of the council.

Table: 28

Members of the Zila Council Gujrat in their professional background.
(Elected in December, 1991)

Professions:	Elected	Peasants	Ladies	Labour	Minority	Total
Landlords	55	---	---	---	---	55
Businessmen/ Contractors	7	---	---	---	1	8
Lawyers/Journalists	9	---	---	---	---	9
Industrialists	4	---	---	---	---	4
Miscellaneous	7	4	4	2	2	18
Grand Total	82	4	4	2	2	94

Source: Details provided by the Chief Officer, Zila Council Gujrat.

The majority of the councillors i.e., 87 out of 94 were in the Makhdoom group which had the support of the ruling Muslim League at the provincial level. An interesting feature of the group supporting the chairman (an influential member of the Jat caste) was its diverse tribal background. A good number of councillors belonging to the rival Gujjar tribe with diverse party affiliations also supported the chairman. This happened despite the traditional rivalry and competition for gaining supremacy between the two dominant tribes of the district --- the Jat and the Gujjar. The politics of Gujrat, in fact, revolves around these two tribes. The roots of this rivalry goes as far back as 1450 to 1488 which is also said to be a period of colonization of the district by the Jat and Gujjar tribes.

It so happened that during the reign⁶ of Bahlol Lodhi (1450-1488), the tract of the country falling on the right bank of the Chenab (name of a river flowing from the north-west of the district to the south-west), and including part of the district was separated from the province of Jialkot, and formed into an independent charge under the name of Zila Bahlolpur. The century was an era of great confusion preventing the consolidation of the Delhi Empire. The Emperor Jalaluddin Akbar is said to have visited this part of the country to assert his authority and, having induced the Gujjars of the neighbourhood to restore Gujrat, made it the headquarters of a considerable district, half of which was occupied by the Gujjar clans and the other half by the Jats. This new district, known as Chala Gujrat, was divided into two primary sub-divisions---the Parganas of Gujrat and Herat, the latter being the Jat and the former the Gujjar country.

The pre-partition and post-independence (1947) developments in the area witnessed major fluctuations in the hegemony of the two tribes. The present day politics of the district as well as the city revolves around a tug of war⁷ between the Jats,

⁶. Punjab District Gazetteers , p. 17

⁷. In the General Elections of 1990, the Jat Choudhris, then affiliated with the Islami Jamhoori Ittehad won four out of five national assembly seats from the district. The party also won all the eleven

represented by the influential Makhdooms, supporters of which are mostly settled in the rural areas, and their traditional rivals, the Khitmatgars. Since the rural population is mixed, involving substantial elements of other small clans and biradaris (meaning religious or caste communities), it is virtually impossible for either of the two strong tribes to overcome the other without active support from these smaller communities. While the biradari factor is strong enough to unite the tribes, the party organizations are gaining equal strength, which is evident from the most effective utilization of party platforms for the consolidation of their strength. For instance, the Jats, represented by the Makhdooms, are inclined towards the right wing Muslim League. The Khitmatgars, on the other hand, who claim to be the spokesmen of Gujjar tribe, are active supporters of the Pakistan Peoples Party. The Khitmatgars remained undefeated in the Gujrat district for almost thirty-six years i.e., from 1926 when Nawab Sir Fazal Ali was elected District Board President, to 1962 when Fazal's son Nawabzada Asghar received the first ever defeat at the hands of Chaudhry Zahoor Elahi in the National Assembly elections. With this began the starting point of the political battle between the two dominant groups. The Jats along with few other small clans, organized themselves politically under Chaudhry Zahoor Elahi, a migrant from East Punjab (India) who rose successfully in the national political arena in the 1970s. He gained a considerable country-wide reputation on account of his sustained opposition⁸ to Mr. Zulfikar Ali Bhutto, then prime minister of Pakistan. The family, thereafter, gained profound influence in local politics as a result of the inclusion of its members in the national and provincial cabinets, particularly, during the martial law government of General Mohammad Zia-ul-Haque. This not only strengthened the power base of the Makhdooms but also gave them an upper hand over their traditional rivals-- the Gujjar Khitmatgars. Another significant factor which gave tremendous political advantage to the Jat Chaudhris was the Martial Law Government's policy of a partyless structure of local government which became effective in the Punjab, as in other provinces, with the promulgation of the Punjab Local Government Ordinance in 1979. The non-party elections, particularly the one held for the second term in 1983, gave the Makhdooms an opportunity to exert influence over the local councils of the district on account of their being already in power at the provincial level. The councillors elected in the fourth term elections⁹ held in December 1991, opted to join the group enjoying the support of the provincial government. Local councils in the district, including the Zila Council, were thus

provincial assembly seats. However, in the mid-term elections of November 1993, the Jats, affiliated then with the Pakistan Muslim League faced a major set-back as a result of losing all National Assembly and maximum number of the Provincial Assembly seats. See Report on the General Elections 1990 and 1993 (vol. II), Islamabad, Election Commission of Pakistan.

⁸. See the Elections '93 Supplement published by the 'Nawa-i-Waqt' (Daily, Lahore, 30.9.1993).

⁹. Punjab in Pakistan was, thus, the only province which arranged the periodic local bodies polls on their scheduled time. The other provinces i.e., Sindh, N-W.F.P, and Baluchistan could not do so for reasons such as deteriorating law and order, flood devastation and political instability respectively.

dominated by the Jats until the dissolution¹⁰ of local councils in the province.

Historically, among the rural local councils, the Zila (District) Councils have occupied a vital position in the system of local government. It is here at the district level that the policies of different government agencies are best co-ordinated in order to achieve a planned harmonization of governmental activities. Despite many changes since independence (August, 1947), most of the day-to-day problems faced by the common man i.e., matters relating to civic amenities, land and property taxes, police or judiciary, still relate to, and mostly end at, the authorities functioning at or below the district level. Under the present system of local government, introduced by the military rulers in 1979, the District Council emerged with a pivotal position around which were to revolve the activities of all other nation-building departments. The importance of the Zila Council also reflects from the fact that when the Punjab Government abandoned¹¹ dual membership, large number of MNAs and MPAs who also held the chairmanships of Zila Councils in their respective districts, preferred to retain the latter position in view of the influence and prestige which the position carried in the district. The chairman of Zila Council Gujrat during the third term (1987-91) opted, however, to retain his Punjab Assembly seat and finally got himself inducted into the provincial cabinet as Minister for Local Government and Rural Development. The Zila Council chairmanship was, thus, left for another member of his family who had, temperamentally, little inclination¹² to become a politician or to assume a leadership role. This very temperament was reflected, later, during the full tenure of his chairmanship of the council.

The Zila Councils were not only made, during the first few years of martial law (1980-85) the supreme repository of the popular will, but its chairman too was placed higher than the deputy commissioner in order of precedence protocol. This, in fact, reflected the government's anxiety to transform the local bodies into bastions of public welfare. Keeping this in view, a large number of nation-building departments were associated with the District Council with a view to accelerating the process of development in rural areas.

But the Zila Council of Gujrat, viewed from the above perspective, revealed few encouraging characteristics in view of the poor performance in the wake of tremendous responsibilities assigned to it under the ordinance. Apart from the hold of a particular

10. The care-taker government in the Punjab rather curtailed the term of office of the local councils through a notification (issued on 15.8.1993) by exercising the powers under Section 26-A of the Punjab Local Government Ordinance, 1979. The action was taken with a view to ensure free, fair and impartial general elections scheduled for October 1993.

11. See the 'Muslim' (Daily, Islamabad, 29.7.1991). As a result of this drastic measure, some one hundred and fifty members of the National Assembly and Punjab Provincial Assembly stood disqualified from contesting local bodies elections (held in December, 1991).

12. This he (the chairman) stated in a press interview appeared in the special supplement of the 'Jazba' (Daily, Gujrat, 9.4.1993), p. 8

family of influence over the council's affairs, many elected representatives, with certain exceptions, seemed less enthusiastic in terms of making a meaningful contribution to the general welfare of the rural population. Though a majority of the elected members came from financially stable families, their lack of a true perception of the role to be played by them had a retarding effects on the overall working of the council. This lack of perception was due, beside other things, to the level of education which the councillors had at the time of their election. Table: 29 gives details of their educational background.

With the coming into being of Mandi Bahauddin as a separate district taking away the tehsil of Phalia from Gujrat district (the largest among the three tehsils constituting 38% of the total district population), the Zila Council was left with fifty councillors. The break-up with other details is shown in the following table:

Table: 30
Profession and party affiliation of members (1991)

Profession	Number	Party Affiliation		Total
		P.M.L	P.P.P	
Landlords	31	28	3	31
Lawyers	5	4	1	5
Businessmen	3	3	---	3
Industrialists	4	4	---	4
Ladies	3	3	---	3
Peasants	2	2	---	2
Labourers	1	1	---	1
Minorities	1	1	---	1
Total	50	46	4	50

Source: Details from the A.D.P of the Council for 1993-94

It appears from the above that an absolute majority belonged to the dominant Makhdooms group. The opposition being too few had little to effect the council proceedings. A large number of councillors, though politically affiliated with parties other than the ruling Muslim League, joined the Makhdoom group for a number of reasons. Some of them saw brighter prospects of meaningful achievements compared to sitting on the opposition benches, others supported the chairman because he came from the same tribe to which their supporters belonged. One councillor had to come in terms with the chairman because, through the influence of his family elders, one murder case to which the councillor was a party, was amicably reconciled. To many others, joining the ruling group was advantageous because they could expect financial support from the local MNAs and MPAs all of whom belonged to the ruling Pakistan Muslim League. These legislators received funds under the Tameer-e-Watan (Nation-building) and Special Development Plan launched by the Federal and Provincial Governments respectively.

Table: 29
 Table showing educational background of the members (Elected in December, 1991), Zila Council, Gujrat.

Educational Qualification	Elected Members							Nominated Members					Total
	Landlords	Lawyers	Businessmen	Industrialists	Journalists	Ladies	Peasants	Labourers	Minorities				
Graduate & Above	20	7	2	4	1	---	---	---	---	---	34		
Intermediate	10	---	3	---	1	1	---	---	1	16			
Matric	28	---	2	---	---	3	---	1	1	35			
Middle/ Primary	4	---	---	---	---	---	3	1	---	8			
Illiterate	---	---	---	---	---	---	1	---	---	1			
Total	62	7	7	4	2	2	4	4	2	94			

Source: Details obtained from Chief Officer, Zila Council, Gujrat.

For this case study, a group of twelve councillors was chosen in such a manner that answers to the questions could be had from members with diverse professions, age group, academic background, experience and party affiliations. For example, five were lawyers, two landlords, two housewives and one each was a journalist, businessman and a factory owner. Educationally, seven were graduates, four were intermediate and one read upto matric. From the point of view of experience, two respondents were the senior most being associated with the system since its inception in 1979, four were elected to the council in 1983 (second term), two in 1987 (third term) and the remaining four became councillors from the fourth term elections held in December 1991. With regard to party affiliation, a majority of them i.e., seven belonged to the Pakistan Muslim League, three came from the Pakistan Peoples Party (one being the Opposition leader) and two were affiliated with Jama'at-e-Islami. One respondent was in the upper age limit i.e., 65 years, one in the group of 45-54, eight in the group of 35-44 and two in 25-34. Only one respondent out of twelve, was reported to have undergone a two-week training¹³ programme. Their educational background had a direct bearing on their understanding of the 'Green Book' (Punjab Local Government Ordinance). Four of the respondents had a full understanding of the rules contained therein, three had partially studied the book while the remaining five had not studied it due to their poor knowledge of the English language. This, in turn, had some bearing on the exercise of powers by the council and its general working condition. Facts to this effect came to light when the respondents gave their views with regarding to the working, in general, of the council. In all, nine councillors including one from the opposition answered. While admiring the government's initiatives to involve local leadership in the administration of local affairs, a majority of the respondents expressed dissatisfaction on the way Zila Council was functioning. One view was that the council was not working in a democratic manner because it was completely subservient to an influential family of the district. The role of the chairman was specifically subjected to criticism because his constant absence¹⁴ from the scene had badly affected the performance of the staff. The state of affairs, in general, were explained by one respondent thus:

" . . . The opposition is largely inactive and discouraged in view of the fact that a large number of councillors who were elected on the ticket of PPP were obliged to join the ruling Muslim League. Weak opposition (consisting of seven members in the house of ninety-four) reduced the enthusiasm in council deliberations making the proceedings almost unilateral and in contrast to the active role of the opposition in the Municipality of Gujrat. The vice-

¹³. The Nawa-e-Baldiat (Monthly), vol. III, No. 2 & 3 (Feb-March, 1993), p. 42 reported that over four thousand and five hundred people were trained connected directly or indirectly with the local government ever since the promulgation of present ordinance in 1979. Those in the neighbourhood did not seem to had benefited from this arrangement.

¹⁴. The chairman was reported to had been looking after the family's business establishments located outside the district and was, therefore, unable to attend to his council duties except once or twice in a week and that for too few hours.

chairmen¹⁵ who could make the availability of some responsible figures felt by all concerned, were unable to fill the gap for want of powers."¹⁶

The council, however, complied fully with the statutory requirement of holding a session in every two months. The following table illustrates the fact. The details given indicate some encouraging trends in terms of the participation of councillors in the local decision making process. The attendance of lady councillors was not so encouraging. One major and genuine reason given to this phenomenon was the reluctance¹⁷ of competent women candidates to come forward for elections. Even those elected behaved as "stooges" of their male counterparts.

Table: 31
Meetings and attendance in the Zila Council of Gujrat.

Date	Nature of meeting	Attendance (Out of 87)	Ladies (Out of 7)	Resolutions passed.
30.1.1992	Ordinary	83	2	Oath-taking
22.3.1992	Special	82	4	53
28.4.1992	Ordinary	80	2	51
1.6.1992	Ordinary	82	3	80
24.8.1992	Ordinary	83	5	91
20.10.1992	Ordinary	81	5	57
12.12.1992	Ordinary	74	5	71
23.1.1993	Ordinary	63	5	56
8.4.1993	Ordinary	76	5	76
26.5.1993	Special	64	3	37
Total	10	Ave: 77	Ave: 4	Ave: 57

Source: Minutes Book, Zila Council Gujrat.

Another lady councillor complained against the poor response given by the males to ideas which, according to her, "did not go beyond a lip-service". They did not receive regular funds equivalent to those of the male councillors except a fixed percentage¹⁸ of the annual budget to be utilized on services of women welfare throughout the rural district. Keeping in view the relative backwardness and poverty scale of rural women population, this allocation was said to be extremely poor. The council's sub-committee on women welfare, like several others, was not effectively geared to handle questions falling within its purview. Though, there had been much

15. The Zila council had two vice-chairmen who represented the other two tehsils of the district i.e., Phalia and Kharian having thirty-nine and twenty-six councillors in the house respectively.

16. Interview with Noor Mohammad Khan, councillor (19.6.1993).

17. Opinion given in writing by Mrs. Musa Khela, lady councillor, 15.6.1993. She suggested that in order to involve dedicated and public-spirited ladies in the programmes of rural women welfare, a high powered special sub-committee, working under the Zila Council, be constituted consisting, apart from the sitting lady councillors, of lady social workers of repute. Selected Headmistresses of rural educational institutions could also be included through co-option.

18. Presently, government instructions are to make two percent budget allocations for the welfare of women. See Punjab Local Government Ordinance (1979), p. 395

enthusiasm in the constitution of sub-committees, but with the exception of few, such as Auction and Purchase, the most had been largely inoperational.¹⁹

The male councillors, on the other hand, were faced with a similar hardships. They expressed similar concern with regard to the annual allocation of two hundred thousand rupees (equivalent to £4255/-) for a huge constituency of twenty thousand people spread over²⁰ the territory of 2-3 Union Councils each consisting of 6 to 8 villages. This disproportion between the resources available to an individual councillor and the quantum of problems faced by constituency people tended to produce poor results. The following table depicts the nature and level of development work undertaken by individual councillors during 1993-94:

Table: 32
A.D.P of Zila Council Gujrat for 1993-94.

Ward No.	Name of Councillor	Nature of schemes	Estimated expenditure
1	Ch. Bashir Ahmad	Road-making, Drains, Culvert & Streets	190,000
2	Ch. Asghar Ali Ghural	Earth work, Bridge, Streets, Drains	205,000
3	Ch. Dilawar Khan	Schemes not submitted.	190,000
4	Ch. Fazal Haque	Community Centre, Street Drains, Soling	190,000
5.	Malik Mohammad Sadiq	Streets, Drains, Soling	190,000
6.	Ch. Azhar Hussain	Stone laying	190,000
7.	Deputy Bashir Ahmad	Community Centre, Link Road	190,000
8.	Ch. Babar Ali	Stone laying	190,000
9.	Azmat Hussain Syed	Schemes not submitted.	190,000
10	Ch. Shifaat Hussain	-do-	190,000
11	Ch. Amanullah	-do-	190,000
12	Syed Waqar Hussain	-do-	190,000

Source: Details derived from the A.D.P for the year under review.

The researcher found that in the above ADP (containing details of schemes to be executed in forty-five wards of the district and which the council discussed in its meeting held on 29.6.1993), as many as twenty-nine councillors, had not submitted their proposals in order to be discussed and incorporated in the ADP. This was indicative of the fact that the government instructions²¹ for drawing up and execution of the annual works programme were not complied with accordingly. The nature of the schemes to be executed during the year also revealed that the role of Zila Council in the process of rural uplift was not widespread as its attention was confined only to the pavement of small streets, constructions of drains and shingles etc. The essential services which are considered to be vital in any programme of rural development such as education, health,

¹⁹. The Director General's Inspection Note on the working of the Zila Council Gujrat (March 9-11, 1991), p. 3. It was noted that most of the sub-committees did not convene a single meeting ever since their constitution.

²⁰. Gujrat district consisted of hundred and forty Union Councils and some 1532 villages. With the separation of Phalia and Sarai Alamgir (May, 1993) and their subsequent inclusion in District Mandi Bahauddin and Jhelum respectively, Gujrat district was left with seventy eight Union Councils.

²¹. Chapter-V under Section 40 of the Ordinance, p. 168.

agriculture, economic welfare, livestock and dairy development etc., which have been prescribed as basic functions of all zila councils, could not be taken up due, mainly, to the resource constraints and limited technical know-how. These vital functions, central to the well-being of rural populace, have largely been pre-empted by the provincial government's line departments. Reference in this connection may be made to the social welfare²² and community development services, in which the role of zila council, compared to its counterpart i.e., the Department of Social Welfare, Punjab, was almost negligible as revealed from the following table. It appears that those government instructions which require local councils to earmark two percent of their budget allocation for the welfare of women were grossly violated.²³ Evaluation of the council records revealed that it had also been a routine affair²⁴ in the past.

Table: 33

A comparison in the area of social welfare and community development.

Year	Zila Council, Gujrat	Rupees.	Social Welfare Department, Gujrat	Rupees.
1992-93	Amount for distribution among the social welfare institutions of the district having the strength of eighty-eight. Beneficiaries: N.A	50,000	Amount for distribution among Non-Government Welfare Organization	248,8085
-do-	Financial assistance to be provided to Handicrafts Training Centres established at eight different places in the district.	400,000	Financial assistance to widows. Beneficiaries: 690	306,4257
			Stipends to students. Beneficiaries: 528	409,060
			Marriages & treatment of patients. Beneficiaries: 313	854,800
			Relief to disabled persons. Beneficiaries: 455	107,246
			Registered 750 disabled persons. 475 were assessed and 170 were provided with employment.	---
	Total	450,000		692,3448

Allocations made for the programmes of women welfare stood 0.58% and 1.45% during the financial years 1989-90 and 1990-91 respectively.

A general attitude found among the councillors was that of criticizing the government for tightening its control over the exercise of powers by the council. But this must be seen in the context of the above, when government instructions were clearly set aside, which would have, otherwise, provided much relief to a generally

²². A function of the zila council under Section 51(N) of the Ordinance, p. 320

²³. The council's budget for 1992-93 showed an income of Rs. 717,11000/- out of which the share for women welfare @ 2% comes to Rs. 143,4220/- Thus the amount actually spent for the purpose showed a deficit of nearly one million.

²⁴. Director General's Inspection Note . . . , p. 7

neglected section of the community such as orphans, widows, disabled, destitute and distressed women. The council had, either, no programme for the betterment of rural women, or resources were diverted to some other head of account to meet liabilities. Irrespective of the reason, the council's powers in this case were not exercised which adversely effected the lot of rural women. Councillors, when asked to comment on the quantum of powers under the present ordinance, gave mixed opinions. Six councillors, three from each of the two groups stated that the powers available, under the existing circumstances, were more than sufficient. They agreed that even the present set of powers were not being exercised in an orderly manner, the situation in the district, otherwise, would have been different altogether from the point of view of rural uplift. A senior councillor, while recalling the first few years of the assumption of charge by elected councillors (1979-83), referred to the dedication with which the council affairs were handled, as a result of which the resources generated through different sources almost trebled. The majority of these respondents confirmed that powers in areas such as finance and development were not effectively utilized. Others held the view that in view of the existing level of education and experience of elected councillors, the powers granted to the council are more than sufficient. They emphasised improvement in other aspects related to the exercise of powers such as the development, among the councillors, of a correct perception of their role and inculcation of a spirit of public service so that issues confronting the council could be handled not from tribal, factional or political considerations but from a purely humanitarian perspective. One respondent, while pointing to the referral of council decisions for governmental approval and, particularly, the government's authority to dissolve the local councils with the stroke of a pen, questioned the validity of the existence of these institutions. A consensus of opinion, however, prevailed with regard to the adequacy of powers but emphasised the need for their accurate, decent and modest exercise so that the common good could be achieved.

Keeping in view the peculiar circumstances in the district, a question with regard to the impact of party-politics on the conduct of elections, in general, and the election of the chairman, in particular, was asked in the wake of government's policy of non-party local government polls (held in December 1991). Ten replies came-- seven from the ruling and three from the opposition group. The view held by the majority revealed that despite the partyless character of the local council polls, the real battle for the zila council was between the Jat and the Gujjar tribes, the two influential families in the district, represented by the Makhdooms and the Khitmatgars. Unlike the previous elections (held in 1979, 1983 and 1987 for the first, second and third terms respectively), candidates were nominated by the political parties to which these families were affiliated. This was so because the family enjoying the support of the government party was itself engaged in all sorts of tactics in order to be able to win over the

maximum number of council seats. The elections had, thus, become unofficially party-based. Still the balance of candidates supported by the opposition was heavier in view of the election results which revealed that the strength of government-backed elected councillors was less than fifty per cent. Others, affiliated to parties other than the ruling Muslim League, opted to join the majority party group in the council for the sake of stability and continuity of their five-year term of office.²⁵ Particularly, the independents²⁶ saw brighter prospects by joining the group enjoying the support of the government. In certain cases, candidates who were elected from the platform of opposition groups i.e., a large number of People's Party councillors, made up their mind to join the ruling Muslim League group. One respondent enumerated the reasons thus:

"The Muslim League group offered better chances of survival because a government-backed defeated candidate happens to be in much better position for the good of his constituency²⁷ compared to an elected councillor who (if coming from the opposition) is in conflict with the ruling group in the council. Further, the ruling group, having the patronage of an influential family (which had its members inducted in both the federal and provincial cabinets) proved to be more advantageous in terms of having access to the district bureaucracy. Similarly, a new entrant to politics at the local level finds his upward movement much facilitated provided he had been successful in meeting the expectations of his ward population which, as matter of fact, could be possible if the surrounding conditions are supportive."²⁸

The non-party elections paved the way for big families to exercise their influence on the electoral behaviour of the rural electorate. As a result of the absence from the scene of political parties, biradari considerations became paramount and comparatively, the influential figures were preferred on account of their ability to be of some relief in crisis situations. Families, biradaris and similar other factors acquired prominence as result of partyless polls, the effect of which was far greater on the election of chairman and vice-chairmen, which, being a matter of prestige between families, is beyond the reach of independent candidates particularly those with meagre resources. The chairmanship of a zila council has, after all, become a prerogative of influential families who utilize this platform to get the family's new entrants to politics trained. This is exactly what happened in zila council of Gujrat. The candidate nominated by the family was unquestionably and unconditionally supported by a vast majority of the elected councillors irrespective of the nominee's personal leadership

25. Prior to the fourth term elections (held in December 1991), the Government of Punjab initiated two drastic measures whereby dual membership was abolished and the term of office of local councils in the province was raised from four to five years.

26. Independents have come to be known as 'Opportunists' whose primary purpose in contesting election from an independent platform is to join a group that appears to be stronger making its majority heavier but at the same time making it internally divided.

27. This reminds us of the erstwhile Peoples Programme (launched in December 1988 by the Federal Government), the execution of which rested, at the district level, on the officially appointed 'Administrators' who, in certain cases, were drawn from such party workers who had lost their seats in the general elections held in the October of the same year.

28. Views expressed by Zequat Khan (Advocate), Councillor, 16.5.1993.

characteristics in the background of his previous absence of an inclination to politics. The influence was not confined to the post of chairmanship but was also extended to the election of the two vice-chairmen despite their nominal importance. To this effect, details were given by a respondent thus:

*"Apart from the candidate nominated for the chairmanship, there was reached, in principle, an agreement with the family bosses that a candidate for one of the posts (to represent Phalia sub-division in the zila council) will be selected on merit. This proposal had the support of some twenty-two councillors out of thirty-four from the tehsil. Another candidate interested in the same position had the support of only six councillors but had the advantage of being a brother of an influential MPA from the respective constituency. This very relationship became a weakness of the Provincial Minister of Local Government & Rural Development who deviated from his earlier commitment of choosing by merit. This is how the choice of a party member in the parliament was given precedence over the opinion of a majority."*²⁹

Another respondent, while confirming the above state of affairs, added:

*"In fact, a group of twenty-two councillors could not cause that much harm to the party which a single parliamentarian could do in the provincial government of the Muslim League. The decision was thus carried despite the fact that the candidate recommended by the MPA was, in no way, eligible for the post of vice-chairmanship."*³⁰

The partyless system could have given a chance to eligible and talented individuals to assume charge of local councils. The emergence of public-spirited leadership, a few respondents held, could have contributed towards strengthening the foundation of local government in the country.

The councillors were then asked about the impact of this indirect election of chairman on the working of the zila council. Three respondents, two from the ruling and one from the opposition group, gave their candid view on the subject. The respondents belonging to the ruling group had, in fact, contested the elections from the platforms of the People's Party and Jama'at-e-Islami but had subsequently joined the Muslim League group for some obvious reasons.³¹ Commenting on the impact of indirectly elected chairman, the respondents held the view that under the existing circumstances, it was neither practicable nor desirable to talk about the election of zila council chairman through a direct vote. This could be possible at the level of Union Council only on account of its small size and ordinary status. To have this at the level of zila council, the prospective candidate will have to be a person of extra-ordinary influence, prestige and resource. To them, there was no viable alternate, at the moment, to the method of indirect election. The defects, whatsoever, attached with the method in terms of the subsequent repercussions, could be overcome through a number of means and over a

²⁹. From interview with Abdul Aziz Baba, councillor, 30.6.1993.

³⁰. From discussion with Khayal Mohammad Khan, Councillor, 30.6.1993.

³¹. The respondent belonging to the Jamaat-e-Islami told the researcher that the Jamaat had only three seats in the house of ninety-four. Maintaining, therefore, their independent status could have been of no benefit, neither for themselves, nor for the population which they represented.

period of time. Education, training and the inculcation of the correct perception of the responsibilities of local councillor could go a long way in correcting the existing shortcomings. The respondents had a consensus of opinion with regard to the influence and resourcefulness which a prospective candidate for chairmanship was required to possess as was revealed from the performance of chairman of the Municipality of Gujrat³² which was evident from the general lack of discipline in the municipality sessions. The respondents felt content with the working of zila council because of the support of absolute majority possessed by the chairman, his personal strong social and financial background and the warm relationship which he had with the Provincial Government's Department of Local Government & Rural Development---a line department headed by another member of the family. The chairman, himself foreign qualified,³³ was regarded to be a balanced individual believing in decency and fair play which, indeed, lessened the bad effects of an indirectly elected chairman who happens to be leaning on his group of supporters. One respondent, however, seemed critical of the role of chairman in that his constant absence from the council had demoralized the staff. The offices of the zila council appeared to be (from the point of view of command and control operations), a headless institution which, in practical terms, revolved around its principal officers.³⁴ Explaining the role of the chairman in handling the affairs of a (so-called) non-party council, the respondent said:

"His (Chairman's) impartiality comes to the limelight the moment he conducts the council business. Being a member of influential family, one of his priorities is to ensure how best he could promote the interests of the party with which his family is affiliated. The acceptance of even a concrete suggestion, particularly by a councillor from opposition group, depends how far the proposal is in line with the priorities of the ruling group and the preferences of the chairman."³⁵

Thus from the operational point of view, the zila council had turned virtually into a party-based institution where the will of the party majority prevailed. To ascertain details with regard to the impact of party-politics on the overall working of the council, the councillors were asked what positive or negative impact did this factor have on the conduct of council business. Nine replies came i.e., six and three belonging to the treasury and opposition benches respectively. The respondents, while giving their views, touched several aspects of the council activities. A view held by the majority was that the duality in Government's policy pertaining to the conduct of local bodies polls, had adversely effected the council working. Parties got replaced by biradari who

³². This time the chairman was drawn from the Arain tribe and he was generally referred to as a working class member.

³³. He obtained the Degree of Philosophy from the University of Leeds (UK).

³⁴. Members of the Punjab Local Council Service and heading such departments in the council like: General Secretariat, Finance, Taxation, Public Health, and Building & Works.

³⁵. Views expressed by Abdul Aziz Baba.

manipulated these nurseries of democracy for the promotion of their vested interests. Because of the isolation of political parties, the local families exercised their influence to have more and more like-minded people inducted into the system. The general trend of the electorate, on the other hand, to vote for those candidates enjoying the support of the government got confirmed. The elected councillors, too, found it feasible on account of their partyless candidature, to join the group of prospective chairman for reasons, inter alia, the following (in the words of a respondent):

"... Councillors who do not come upto the expectations of their voters have little chances of success in future elections. Voters in the rural areas particularly are least bothered about the political affiliations of their representatives. The matter which they are mainly interested in is how quickly does the councillor get their problems resolved. Under these circumstances, keeping oneself in the opposition is to put a political career at stake."³⁶

This was perhaps a part of the Provincial Government's policy of holding local bodies polls on non-party basis so that the councillors elected thus, get automatically absorbed into the existing political system. This came true when Gujrat zila council is taken as a case study where elected councillors with divergent political backgrounds joined the rank of ruling group for one or another reason turning it into an absolute majority with only seven members on the opposition benches. Referring, in this connection to the influence of local families, one respondent remarked:

"The dominance of an influential family has deprived it (the council) of independent working. Councillors having joined the group, patronized by the family, become bound by its party discipline. Thereafter, as a mark of demonstrating loyalty to the group, they keep quiet even if they see some wrong doing."³⁷

An interesting feature of the zila council was that its chairman, despite being elected indirectly, relied more on his family influence rather than his supporters for retaining his position exactly in the same manner as was done by the chairman of Gujrat Municipality despite the latter's lack of family linkage with the patrons. The councillors, therefore, saw it in their larger interest to extend whole-hearted support to a chairman whose family had some share in the government at both the federal and provincial levels because in that they saw some source of stability for their own survival. Party politics did not much effect the councillor's right of access to the council's resources on an equal footing.³⁸ It was confirmed by, at least, four respondents that the past policy of discrimination had vanished. One respondent however added:

"The ruling group does not seem to be much interested in the council's deliberations in that they have delegated their collective right of decision-making to the chairman particularly

³⁶. From interview with Noor Dad Khan, Councillor, 4.7.1993.

³⁷. Noor Mohammad Khan (Advocate).

³⁸. The allocation of funds to councillors for development purposes under the ADP for the year 1993-94 bear witness to the effect.

in financial matters with the result that decisions on financial matters are taken by him unilaterally without taking the house into his confidence. This de facto delegation has facilitated doing favours to the closed allies by the chairman out of his discretionary funds."³⁹

Discrimination in certain respects was retained insofar the constitution of sub-committees was concerned.⁴⁰ The council records revealed that out of the total number of nine sub-committees, none was headed by an opposition councillor though they did have representation on the comparatively less important committees, whereas the trusted ones were honoured with membership of the important committees.⁴¹

The way sub-committees functioned and the extent to which members were involved in their deliberations was narrated by a respondent having membership on the Finance Sub-Committee:

*"Personally I found its deliberations nothing more than a formality in that it was the Accounts Officer who enjoyed the pivotal position. He used to bring to its meeting certain ready made proposals, read them out followed by a brief explanation and would then ask the participants to append their signatures. We would find ourselves mere passive spectators with no opportunity being given to make some meaningful contribution. It would appear that the whole arrangement is based on some understanding between the chairman and the Accounts Officer."*⁴²

The same respondent also pin-pointed the fact that recommendations prepared by these sub-committees have but a little place in the decision-making powers of the chairman. A suggestion proposed by the committee with regard to change of venue of the proposed Rest House from Kharian to Phalia, the latter being the largest subdivision in the district, and the idea of approaching the provincial government for grants instead of spending on the said scheme out of the council resources, were both summarily turned down. "Sub-committees are," he continued, "to give an impression that an important statutory requirement has been carried into effect whereas, in practical terms, they have partially been activated for reasons such as their random constitution, involving personal likes and dislikes and the poor enthusiasm to give to their views adequate weightage."⁴³

It was perhaps a sigh a relief for the respondents belonging to the ruling group as they talked about the comparatively peaceful atmosphere in council deliberations in contrast with the situation obtaining in the Municipality of Gujrat. Though an

³⁹. Derived from interview with Dr. Nasim Irfan, Opposition Leader, 21.6.1993.

⁴⁰. Constitution of sub-committees, though a statutory requirement, fell within the discretionary power of the chairman. The house was only required to accord formal approval to the arrangement in its ordinary meeting.

⁴¹. The researcher noted that similar practices exist in the British system of local government. In all 24 committees and 29 sub-committees in the Labour Party dominated Leeds City Council, for instance, none was headed by a Conservative Party councillor. Details regarding membership of Committees and Sub-committees provided by the Leeds City Council.

⁴². Khayal Mohammad Khan, councillor and member, Finance Sub-Committee.

⁴³. Khayal Mohammad Khan.

immediate reason attributable to this phenomenon was the small number of opposition members, an equally retarding effect on the morale of the opposition was the improper trend on the part of treasury councillors to authorize the chairman to take decisions on their behalf on all vital issues which, in fact, were supposed to be taken by the council in a corporate manner/as a unified body. This overwhelming influence of a family over council affairs coupled with the ruling party's support could have been a source of strength for improving the lot of the rural population, but the practices, as revealed from the statements of the respondents, suggested that the opportunity was taken to expand and consolidate further the hold of the family over the areas serving as constituencies for their electoral battle for the several National and Provincial Assembly seats.⁴⁴ The area was stated to have received priority of attention and generous spending combining both the government grants and council funds, despite the fact that majority of their biradari people were settled in areas other than Gujrat. The researcher was told that the authorities turned a deaf ear to the proposal by councillors of spending in the proportions of 50, 30, and 20 percent in the tehsils of Phalia, Gujrat and Kharian respectively.⁴⁵

Unlike the Municipal Committee of Gujrat where, as a result of internal crisis within the ruling group, a rift had taken place which parted the two vice-chairmen along with a good number of councillors from the chairman, the relationship between the incumbents of these two offices in the zila council remained cordial and harmonious. A question to this effect was answered by eight councillors i.e., six and two from the ruling and opposition respectively. In view of the peculiar circumstances obtaining in the council and because of the affiliation of the three important office bearers to the Muslim League, there did not arise any sort of confrontation between them. An interesting point involved here was that while the chairman belonged to the Jat biradari, the two vice-chairmen came from the Gujjar and Arain tribes and were a source of strength for the former. The chairman, on the other hand, seemed reluctant to share powers with them even while going on a foreign trip despite a formal statutory provision⁴⁶ allowing him to do so. This could, otherwise, develop some kind of working relationship between them and, at the same time, could provide for an alternative control device over the council affairs during the absence of the chairman from the zila council offices. Had one of the vice-chairmen been from a slightly more extensive

⁴⁴. It was alleged that huge sums of amount was utilized in the tehsil of Gujrat out of the chairman's discretionary funds. The charge could not, however, be got clarified for want of documentary evidences and lack of contact with the chairman.

⁴⁵. The official statistics also revealed that the three sub-divisions had the population of 765,391 (Phalia), 530,679 (Gujrat) and 521,019 (Kharian). Though the demand was not in accordance with the porportion of the population of the three sub-divisions yet it was thought to be genuine in view of the largest population and relative backwardness of Phalia compared to the other two tehsils in the district. See 'Humlog', a periodical of the Federal Ministry of Population Welfare (1992), p. 20

⁴⁶. Sub-section (10) under Section 37 of the Ordinance, p. 153.

opposition, that would have moulded the chairman's approach towards the administration of council affairs and could brought him closer to his colleagues in the council. The support of an absolute majority and the family's far-reaching influence over the council, was a great source of relief for the chairman who mostly stayed outside the district looking after the family's business establishments. One respondent explained the situation thus:

*"The creation of two posts of vice-chairmen with virtually no powers is to strengthen further the position of chairman. This is more than anything else, a device to keep the comparatively influential councillors close to the chairman and through them the loyalty of other members was kept intact. The latter, however, does not act reciprocally, by way of involving the former in the exercise of powers. The result is that the vice-chairmen do not receive proper training to face eventualities which they are called upon to handle in the event of either death of the chairman, removal by a vote of no-confidence or resignation."*⁴⁷

What prospects existed to thwart the monopoly of an influential chairman over the council affairs by way of exercising a collective check over the exercise of his powers, was a question asked of the respondents. Seven replied to the question, five from the ruling and two from the opposition group. Most of them narrated the same reasons which they had rehearsed in response to the previous questions while referring to the general attitude of the chairman to the administration of council affairs. There was a consensus of opinion that so far the provision of a free hand to the chairman for the exercise of powers was concerned, it was already there. The main deficiency was on the part of councillors whose reluctance to ensure the proper use of those powers, for obvious reasons, had prevented such an environment from emerging where supremacy of law and not of influentials could prevail. The respondents looked at this particular phenomenon from different angles. One view was that the accountability of all office-bearers including the chairman could be ensured provided the members had access to the information of the council which under the existing rules of confidentiality was not possible.⁴⁸ How could one challenge the actions of someone without concrete evidence, was an opinion held by the respondents. Another view, held by the opposition leader and apparently in sharp contrast with the above, was that "had the spirit of exercising a check over the chairman been there, the councillors in his group would have not delegated powers to him to be exercised on their behalf."⁴⁹ An intermediate view was of those who held that the

⁴⁷. Zequat Khan (Advocate). Section 28 (3) of the Ordinance provides that the office of chairman or vice-chairman shall be filled within thirty days from the date such vacancy is notified. The Government can, however, extend this period for another thirty days. In order to enable the vice-chairman, a prospective incumbent of the office, both in the event of casual vacancy and the later filling in of the post through election, involvement of the vice-chairman in the exercise of power as a part of his training is highly desirable.

⁴⁸. The Director General's Inspection Team also noted that none of the quarterly/annual accounts were placed before the House despite it being a statutory requirement under the Punjab Local Councils (Accounts) Rules, 1981, p. 396

⁴⁹. Dr. Nasim Irfan.

mechanism was lop-sided in that the councillors, most of them newly elected, found it undesirable to develop a confrontation with the chairman over the use of his powers. The alleged over-spending in one of the three sub-divisions was cited as an example known to everyone but the courage to challenge such discrimination with full vigour was lacking. Some gave a moderate explanation to this situation by saying that the councillors were not altogether passive spectators. Some of them had been questioning the validity of different measures initiated by the chairman. The major obstacle faced by the new local leaders was their poor educational background. Apart from this, certain commitments which they wanted to materialize at any cost, made them absolutely dependent on the chairman because a harmonious relationship with the chairman was considered to be a pre-requisite for the pursuit of those goals. A stage, in their opinion, will certainly arrive when, with improved education and training and development of a participatory zeal, councillors would be able to work with the chairman on equal footing. To achieve this, another respondent held, the continuity of the system, guarantees with regard to the regular periodic elections based on party politics and the assurances of government's non-interference in the local councils were sine qua non. A respondent from opposition remarked:

*"It rather seems premature to speak about achieving a balance between the exercise of power by the chairman and a collective check by the councillors at this stage and particularly at the local level when such traditions are yet develop at the higher levels of our democratic institutions."*⁵⁰

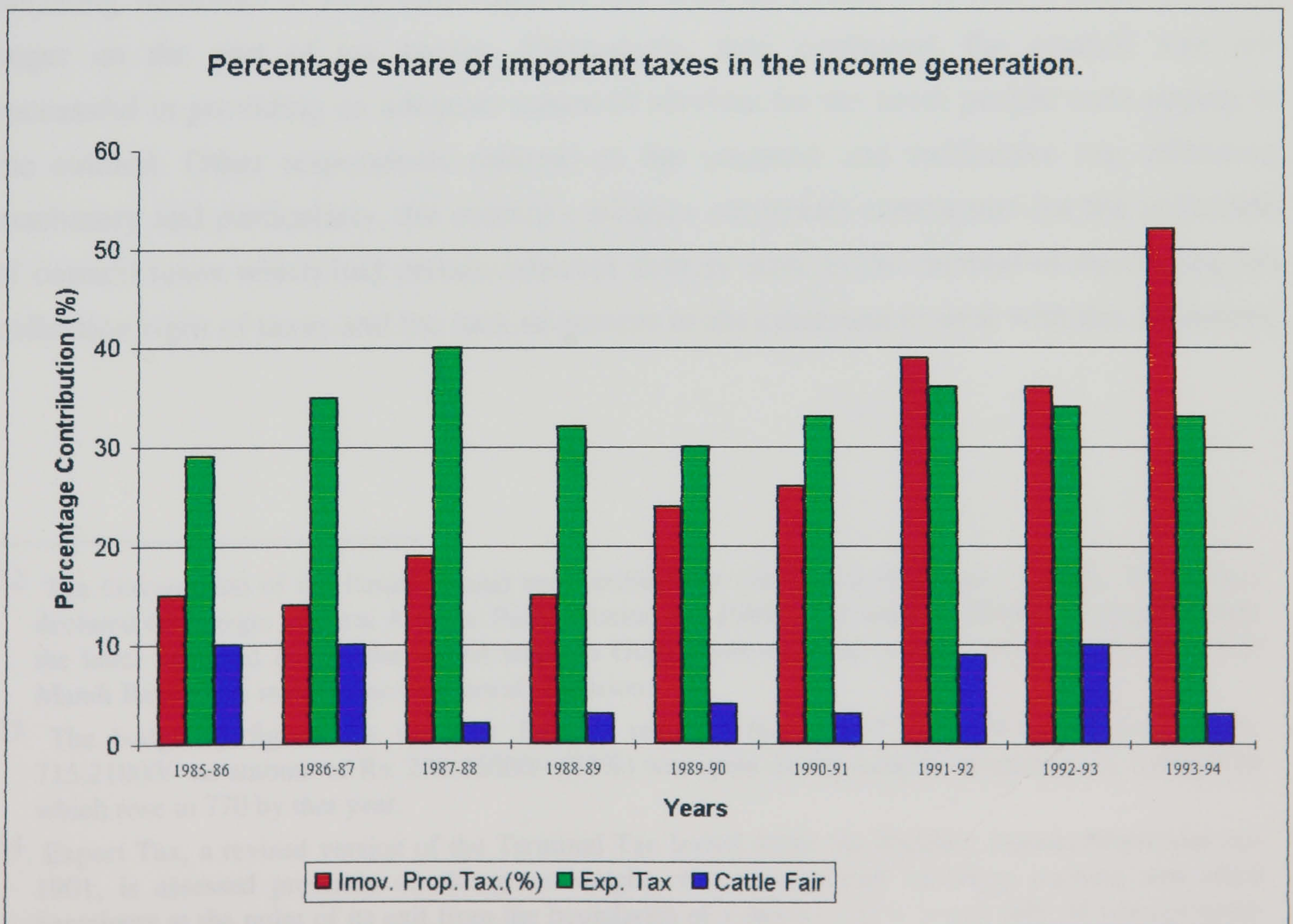
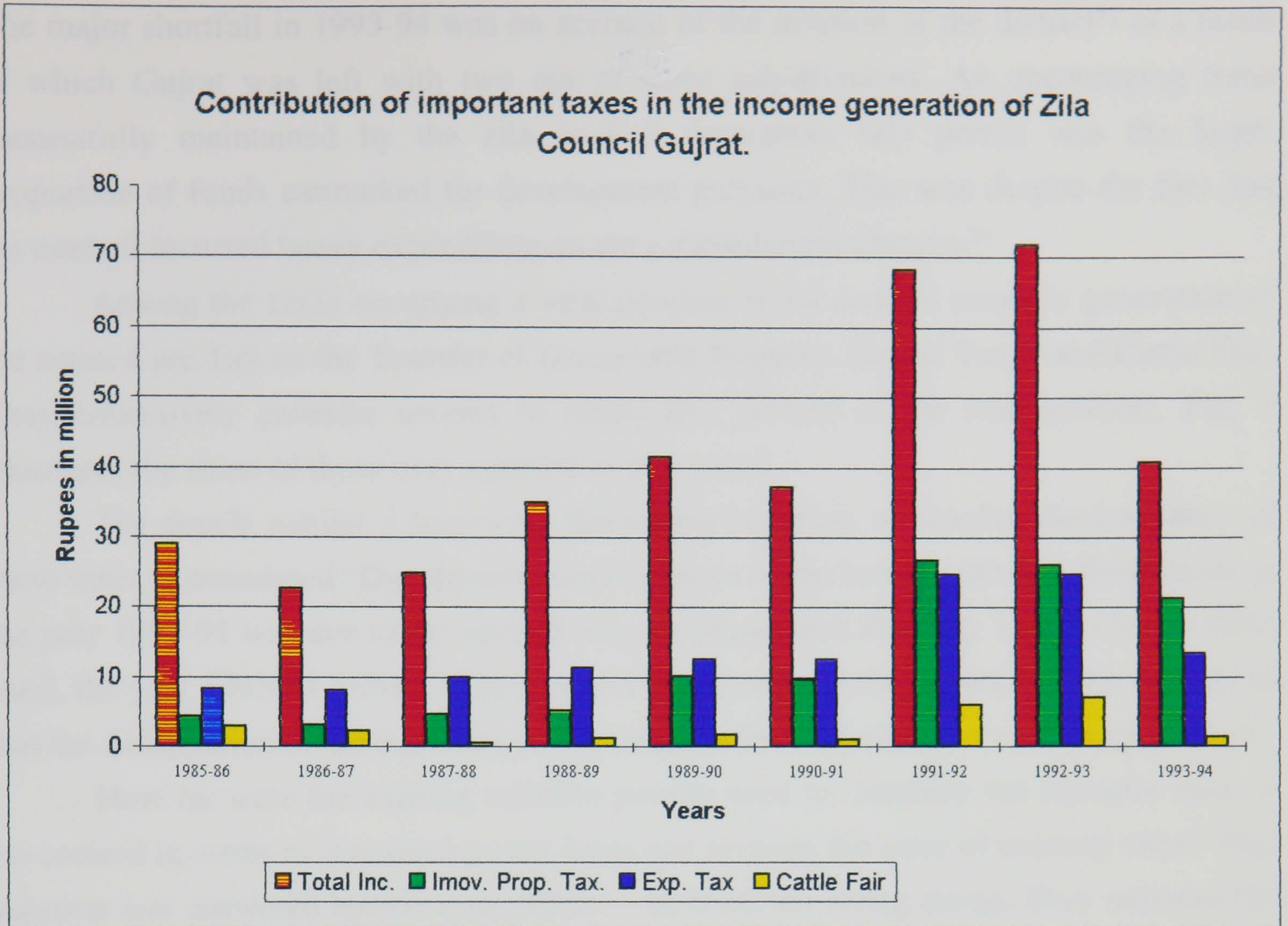
Which channel did the members find effective for benefiting from the council resources? The question was answered by three councillors, all belonging to the ruling group. While confirming that no discrimination was done against anyone, insofar as the formal allocation of funds for development purposes was concerned, the respondents did agree on the significance of informal channels for having favour of the chairman. This depended on the closeness of the relationship with the chairman which most of the councillors already had. Though the councillors relied on the formal allocations from the council, as a result of the attitudinal change, the problem of imbalance between local demands and available resources was a major issue faced by everyone. To cope with this, certain members approached the chairman⁵¹ while others had been successful in their contacts with party MNAs and MPAs.

A cursory view of the financial documents of the zila council, on the other hand, revealed an encouraging trend of upward movement which is illustrated from the table. An analysis of the financial data (as shown in Fig: 6) reveals that a steady growth in the income generating capacity for the first two years. The following two years showed a reverse position which, though, slightly improved next year (1987-88).

⁵⁰. From interview with Mohammad Bilal (Advocate), councillor, 17.6.1993

⁵¹. One respondent told the researcher how he managed to get an important road linking the market place with several villages repaired with the special financial assistance sanctioned by the chairman.

Fig: 6



Source: Figures derived from the budget statements of the appropriate years.

In 1990-91 it declined again but improved significantly over the preceding years. The major shortfall in 1993-94 was on account of the division of the district⁵² as a result of which Gujrat was left with two out of three sub-divisions. An encouraging trend successfully maintained by the zila council throughout this period was the larger proportion of funds earmarked for development purposes. This was despite the fact that the council incurred heavy expenditure on the establishment charges.⁵³

Among the taxes occupying a vital position in the overall resource generation of the council are Tax on the Transfer of Immovable Property, Export Tax,⁵⁴ and Cattle Fair. They collectively generate seventy to ninety-five percent of the total revenue. Fig: 7 illustrates the share of these over a period of nine years.

The details exhibit a somewhat fluctuating situation, as insofar, the buoyancy of these taxes is concerned. The apparent improvement in the income through these taxes in the year 1991-92 was due to the revised levy on Immovable Property Tax.⁵⁵ On the other hand, the year 1993-94 proved to be a period of major financial set-back to the council in that the delimitation of the boundary of the district affected both income and expenditure.

How far were the existing taxation powers used to enhance the resource base of the council in terms of introducing new taxes and revising the rates of existing ones? This question was answered by five councillors -- all from the ruling group. They narrated the difficulties lying in the way of an effective exercise of financial powers. Two respondents referred to the reluctance which the council was exhibiting in introducing new taxes or initiating measures to keep their rates in line with the inflation in that it could provoke anger on the part of tax payers. Particularly, they confessed, the council was not successful in providing an adequate return of services for the taxes people were paying to the council. Other respondents referred to the unsound and ineffective tax collection machinery and particularly, the council's reliance on private contractors for the collection of council taxes which had certain inherent defects such as the method of auctioning the collection right of taxes and the lack of powers to the chairman to deal with the defaulters.

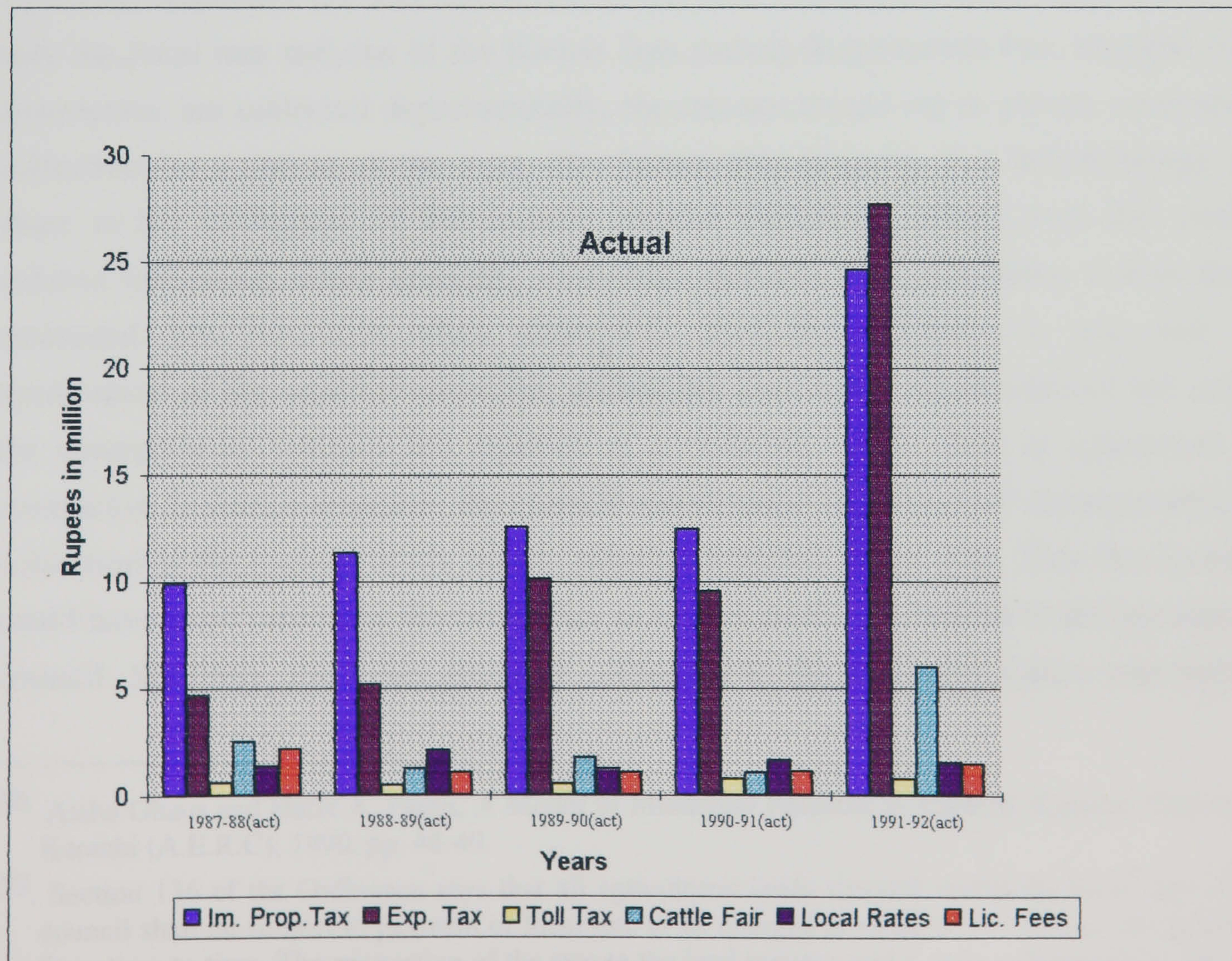
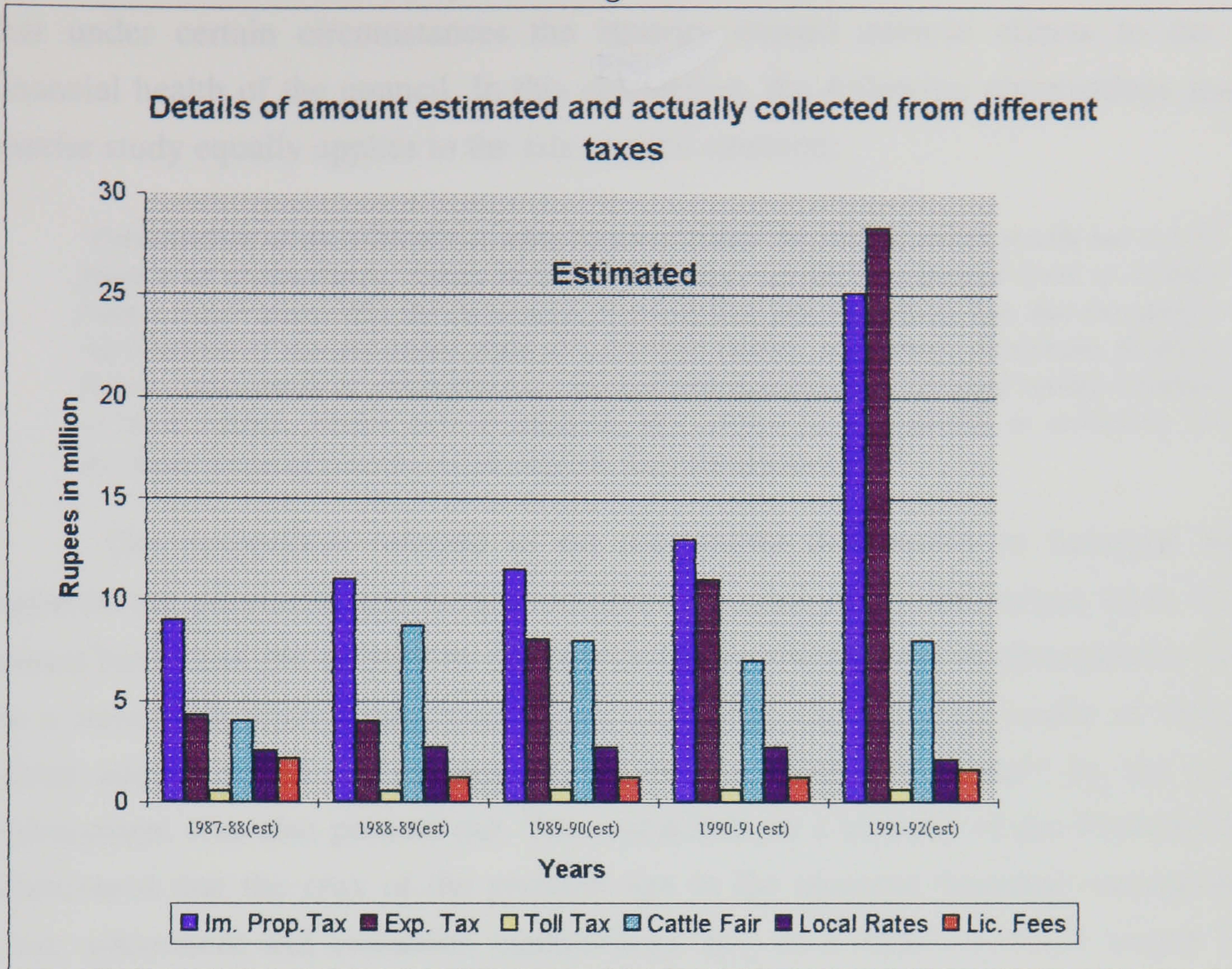
⁵². The Government of the Punjab issued two notifications dated 14.6.1993 and 1.7.1993. The former declared the merger of Sarai Alamgir Police Station and Pabbi Hills with the District of Jhelum while the latter detached Phalia--the largest tehsil in Gujrat, and included in the newly created District of Mandi Bahauddin in the same Gujranwala Division.

⁵³. The budgetary figures for the year 1992-93 revealed that out of the total expenditure of Rs. 715,21000/- an amount of Rs. 239,26000/- (33%) was spent on the salaries of employees, strength of which rose to 770 by that year.

⁵⁴. Export Tax, a revised version of the Terminal Tax levied under the Bombay District Municipal Act 1901, is assessed presently on the gross weight of a consignment including packing and other containers at the point of its exit from the boundaries of a district and is levied only on consignments by road.

⁵⁵. The rate was increased from two and a half to five per cent which (effective August 1991) doubled the income of the zila council from this source.

Fig: 7



Source: Figures derived from the budget statements of the appropriate years.

Despite the advantages of privatising the right of tax collection, the fact remains that under certain circumstances the strategy caused adverse effects to the overall financial health of the council. In this connection, the following observations made in a similar study equally applies to the zila council situation:

*"Privatisation of tax collection is advantageous in that the council which mostly has to self-finance its expenditures, comes to know in advance about the expected level of revenue from a major source like the Immovable Property Tax and the Export Tax. But the adverse implications of the privatized right of collection causes, sometimes, significant financial losses when cartels of contractors are formed and jurisdictions allocated among members of these cartels. Under such a situation, the council faces difficulty in achieving the minimum target of growth rate through the auctioning process."*⁵⁶

One respondent referred to the inequitable distribution of financial resources between the provincial and local government institutions in that certain taxes of a local nature have been pre-empted by the provincial government and the transference of which or a reasonable share from them could strengthen the financial health of the council. Some irregularity in the payment to the council of the local rate⁵⁷ by the provincial government was also pointed out. The researcher, in a scrutiny of the financial records, discovered that the crux of the problem lies in the unsound financial management i.e., poor assessment and collection methodology etc., as a result of which targets fixed in respect of different taxes are, sometimes, realized and, in others, not.

The amounts shown under the term 'Estimated' refers here to the accepted bid on which the respective tax was leased out for the year. Among the taxes enumerated therein, only the local rate and one of the license fees namely Registration Fee, charged from the contractors, are collected departmentally, the rest are leased out to private contractors for collection for a period of one year. The Immovable Property Tax which brings a lion's share to the exchequer of the council showed fluctuating trends over the years. The column indicating actual amounts sometimes exceeds and sometimes is less than that estimated. On occasions when collections exceeded estimates it was due to the termination of the contract sometime during the year either on account of the refusal of the contractor to continue the contract or a violation of the deed of agreement by the contractor. In such a situation, the council had to make departmental arrangements for the collection of the respective tax for the remaining period of the year. Thus the amount that could have been earned by the contractor as his net profit, is credited to the account of zila council. Similarly, the lower recovery compared to the estimated figure was because of

⁵⁶. Aisha Ghaus and Hafiz A. Pasha, A Model of Municipal Finances in Karachi, Karachi, University of Karachi (A.E.R.C), 1990, pp. 48-49.

⁵⁷. Section 136 of the Ordinance says that all agricultural lands situated within the local area of a zila council shall be subject to payment of local rate to be charged at a rate to be fixed by the government from time to time. The proportion of the rate to the land revenue and rent in a district does not exceed fifty per cent. At present, the provincial government's revenue department assesses and collects and credits to the fund of zila council. In turn, the council pays an amount equivalent to three per cent of the local rate as remuneration for the collection of local rate.

three reasons.⁵⁸ Firstly, the contractor's failure to deposit regular monthly instalments and the amount becoming arrears by the end of year. Such cases were referred to the deputy commissioner for settlement through powers available to him under the Land Revenue Act. Secondly, the exemption of certain items by the government from the levy of tax. Thirdly, the contractor's approach to the government, and of course recommended by the council, for the grant of remission on grounds such as natural calamities (floods, earthquake, hailstorm etc.), strikes and unstable conditions due to political crisis.

It was also observed that though a greater percentage of the budget was allocated for development purposes, a lion's share of the non-development expenditure was consumed by the salaries of the staff. A cursory view of the expenditures (shown in Table: 34) incurred on each department of the council and the annual percentage increase, though, in certain cases due to the increase in existing strength of the staff (as shown in parentheses wherever applies), indicates that the increase ranged (during 1991-92) between 22 and 51 per cent. The total amount spent on establishment charges reached to the tune of Rs. 1408,7000/- during 1990-91 thus constituting 37% of the total expenditure during the year.⁵⁹ This abrupt increase occurred due to a number of measures initiated by the government. First, the supervision of all rural dispensaries, health centres and vaccination units, heretofore, under the control of District Health Officer (though financed by the council) was transferred to the zila council and for which the government created a new post of Zila Council Health Officer and subsequently made appointments and postings thereon.⁶⁰ Secondly, the organizational structure of the council was enlarged by including a few additional posts to it, such as one lady doctor with staff for the mobile dispensary, one deputy chief officer, one assistant accounts officer, one town planning officer, two sub-engineers and staff for the newly created water and sanitation branch.⁶¹ Apart from these, the government's decision to increase prices of essential commodities also necessitated the council to give some financial relief to the staff. The creation of the several gazetted posts by the government merits consideration. Though information could not be ascertained whether similar changes were brought about to the structure of other local councils. In the case of the zila council, however, it appeared a political rather than an administrative exigency. Most probably the government, in order to reduce the

⁵⁸. The Accounts Officer, in his interview held on 16.5.1993 narrated the causes of surplus and deficit recovery.

⁵⁹. From the budget statement of the Zila Council Gujrat for 1991-92, pp. 1-3.

⁶⁰. Power to create posts under Local Council Service rests with the provincial government only. Even in the case of non-LCS posts, the powers to amend the schedule of establishment could be exercised by the council with the sanction of the government. See Schedule of Establishment Rules 1981, Punjab Local Government Ordinance (1979), pp. 302-6.

⁶¹. The council budget statement for 1992-93 reveals that three posts of Water and Sanitation Promoters in BPS-5 were created involving an annual expenditure of Rs. 72000/-. It was despite the government's instructions to the Provincial Public Health Engineering Department to take over all rural water schemes from the local councils which came true in 1991.

Table: 34
Table showing annual percentage increase in the establishment charges of Zila Council Gujrat.
(Rupees in '000)

Name of Branches	No of employees	1987-88	% increase	1988-89	% increase	1989-90	% increase	1990-91	% increase	1991-92	% increase	1992-93	% increase
General	23	408	n.a	564 [+2]	38	601	6	694 [+2]	15	860 [+1]	24	1151	34
Accounts	8	156	" "	200	28	211	5	235 [+1]	11	297	26	398	34
Taxation	20	328	" "	406	24	368 [-3]	-9	397 [+1]	8	486	22	546	12
Water Supply	12	159	" "	209	31	141 [-5]	-32	140	0.7	175	25	225	28
Civil Dispensaries	30	438	" "	573	31	600	5	603	0.5	758	26	924	22
Vaccination	44	466	" "	640	37	643	0.4	642	-0.15	794	24	1030	30
Public Health Rural Dispensaries	119	2200	" "	2762	25	2872	4	2899	0.9	3570	23	4394	23
Veterinary Dispensaries	121	1759	" "	2348 [+3]	33	2543 [+4]	8	2832 [+17]	11	4286 [+33]	51	5580	30
Engineering	63	898	" "	1176 [+1]	31	1162 [-2]	-1	1205	4	1602	33	2183 [+4]	36
Total		9705 (30%)	" "	12688 (36%)	31	13401 (34%)	6	14087 (31%)	5	18597 (37%)	32	23926 (33%)	29

Source: Figures derived from the budget statements of the appropriate years.

The table contains details about important branches only. The total refers here to the amount spent on salaries out of the total expenditure. What percentage did it constitute is shown in the parentheses below. The figures shown within the brackets indicate the increase or decrease in the strength of staff in the respective year.

pressure on it for tackling massive unemployment, shifted the burden onto the local council exchequer.

The separation of tehsil Phalia from Gujrat and its inclusion with the new district of Mandi Bahauddin had little effect on the capability of the zila council to attend to the problems of the rural population. The population of the zila decreased by 42 per cent reducing the annual income at the same time by 43 per cent.⁶² Thus the per capita allocation in the budget for 1993-94 was rupees eighteen.⁶³ With this negligible amount, how the gigantic task of rural uplift could be undertaken, is evident from the details given in Table: 35. It can be observed from details given therein that the largest share of the development expenditure which itself fluctuated between 55 and 62 per cent of the total expenditure of the council, was consumed by construction and repair of roads. This was followed by rural dispensaries which included both provision of medicines and construction of building and repair works. The veterinary dispensaries received about the same level of allocations with the similar pattern of expenditure. Allocations to these two services were significantly enhanced in 1992-93 when rupees 1.2 million and one million were earmarked for the purchase of medicines for rural dispensaries and veterinary dispensaries respectively. The allocations for building and repair also improved. It is interesting to note, however, that the establishment cost on these two services were several times higher⁶⁴ than the amount spent on the provision of the actual service to the local population. The council's lack of interest in the provision of drinking water could be determined from the recommendations of the Finance and Planning Sub-committee which proposed the constitution of special committee to report on the question how could the council get rid of the service which consumed expenditure but generated no income.⁶⁵ Surprisingly, education remained throughout at the bottom of the list, consuming only 0.5% of the total development expenditure. A significant improvement in 1990-91 was not due to some prioritization of the service but a special grant of five hundred thousand rupees to a public school. The marginal allocation for education was utilized mainly on the distribution of scholarships to college and secondary school students. Thus the role of the council, which during the early years had control over the establishment and maintenance of primary schools in the district, was restricted to the provision of a tiny amount to a selected number of students. A key role in the provision of these essential services remained within the sphere of provincial line departments as is shown in table:36.

⁶². See the difference between the estimated income for the years 1992-93 and 1993-94 in Table: 8.

⁶³. The budget allocated Rs. 1901,7100/- for development purposes which constituted 47% of the total expenditure of Rs. 4051,0000/-

⁶⁴. Budget statistics of the year 1992-93 revealed that the total amount allocated for health and veterinary services were rupees 8.614 million and 7.516 million respectively.

⁶⁵. A total expenditure of Rs. 585,500/- was incurred on water supply during 1993-94 and with no income. See budget statement of the ZCG., p. 22.

Table: 35

Table showing service-related functions performed by the Zila Council, Gujrat.
(Rupees in '000).

Service Description	1989-90	1990-91	1991-92	1992-93	1993-94
a). Roads (Construction)	12400+	14000+	15000+	19000+	14089+
b). Repairs	3500 (67%)	5000 (85%)	2000 (48%)	6535 (59%)	4928 (73%)
a). Rural Dispensaries	500+	600+	750+	1200+	1000+
b). Building & Repair	350 (3%)	200 (3%)	400 (3%)	500 (4%)	400 (5%)
a) Veterinary Dispensaries	600+	650+	750+	1000+	700+
b) Building & Repair	300 (4%)	200 (4%)	400 (3%)	800 (4%)	300 (4%)
a) Water Supply	50+	75+	100+	150+	150+
b) Building & Repairs	200 (1%)	150 (1%)	100 (0.5%)	100 (0.5%)	200 (1%)
Women Welfare & Sports	500 (2.5%)	351 (2%)	100 (0.3%)	600 (1%)	400 (1.5%)
Education	115 (0.5%)	640 (3%)	150 (0.5%)	150 (0.5%)	150 (0.6%)
Others	5346 (22%)	558 (2%)	15020 (42%)	13451 (31%)	3619 (14%)
Total Development Expenditure.	23861 (57%)	22424 (55%)	35670 (59%)	43486 (56%)	25936 (62%)
Total Expenditure	41668	40844	60131	77740	42080

Source: Figures derived from the Zila Council Budget statement of the appropriate years.

Table: 36
Table showing the extent of services provided by the Zila Council and Provincial Line Departments. (Rs. in million)

Education	Z.C	P.G	Health	Z.C	P.G	Communi- -cation	Z.C	P.G	Rural Drainage System	Z.C	P.G	Rural Water Scheme	Z.C	P.G
College (Degree)	---	n.a	R.H.Cs	---	17	1989-90	15.90	n.a	PP-91	4.7	34.2	1989-90	0.250	n.a
H.S.S	---	178	B.H.Us	---	139	1990-91	19.00	n.a	PP-92	5.0	18.38	1990-91	0.225	n.a
M.S	---	92	M.H	---	---	1991-92	17.00	n.a	PP-93	2.69	24.19	1991-92	0.200	n.a
P.S	---	1502	R.D	22	2	1992-93	25.53	n.a	PP-94	13.0	34.74	1992-93	0.250	20.3
			M.C.H.C	4	---	1993-94	19.01	n.a	PP-95	nil	28.9	1993-94	0.350	n.a
			S.H.C	---	51				PP-96	nil	25.4			
			S.T.C	4	---				PP-97	nil	14.0			
			E.P.I	---	140				PP-98	nil	27.0			
			M.D	1	---				PP-99	nil	31.9			
									PP-100	nil	36.3			
									PP-101	nil	33.8			
TOTAL	nil	1772		31	349		96.44			25.39	308.81		1.275	20.3

Source: 1. Figures derived from the budget statements of the Zila Council

2. Details provided by the Executive Engineer, P.H.E.Department, Gujrat.

Amount shown in column 11 was spent by the provincial government out of the S.A.P funds on schemes recommended by the Chairman, Zila Council and not from the Zila Council funds. Abbreviations Used: Z.C= Zila Council, P.G= Provincial Government, H.S.S= Higher Secondary Schools, M.S= Middle Schools, P.S= Primary Schools, R.H.C= Rural Health Centres, B.H.Us= Basic Health Units, M.H= Maternity Hospitals, R.D= Rural Dispensaries, M.C.H.C= Mother Child Health Centres, S.H.C= Sub-Health Centres, S.T.C= Small Treatment Centres, M.D= Mobile Dispensaries.

Apart from education where the influence of the education department remained overwhelming, the role of the zila council in other vital areas was marginal. In health, for example, though the success of the council could not be determined for lack of sufficient data in terms of the percentage of beneficiaries out of the total rural population, the number and nature of health institutions established and maintained by the zila council, compared to those of the Department of Health, is indicative of the fact that much is needed to be done to enable the council to provide an adequate standard of health service. The capability in road construction or repair of the existing ones also seemed to be marginal in view of the amount spent over a period of five years which, by average came to rupees 19.29 million annually covering some 1532 villages⁶⁶ spread over an area of about 3643 square kilometres. The rural drainage scheme, one of the vital components of the rural development programme was previously the task of the rural development wing of the provincial department of local government. The government spent, in all the eleven constituencies of the district through the respective members of the provincial assembly, an amount of Rs. 308.81 million on one hundred and two schemes of rural drainage during 1992-93. These schemes were identified by the elected members under the Social Action Programme⁶⁷ and processed further by the District Development Advisory Board. The widespread involvement of national and provincial level parliamentarians in the developmental activities undermined significantly the role of the zila council in the process of rural development in that it shifted both the identification of schemes and their execution from the ambit of the zila council to elected parliamentarians and numerous provincial government line departments respectively. The respondents, when asked to comment on the government's initiative of involving parliamentarians into the process of rural uplift, gave mixed reactions, some supporting the idea while others opposed it bitterly. Ten responses were given, involving the representation of the ruling and opposition groups by seven and three respectively. A general opinion held by the respondents was that instead of strengthening the capability of district councillors, in view of their greater familiarity with the nature of local problems, in the identification of schemes and their execution, this parallel arrangement consisting of the MPAs as its important component, is an encroachment into the functional jurisdiction of the zila council. An elderly councillor, having had the privilege of participation in local politics since 1965, placed on record the following observations:

"This strategy (participation of the National and Provincial Assembly members in construction and development sorts of works) has, on the one hand, diverted the attention of these legislators from their primary task of legislation and has, on the other, led to the

⁶⁶. Gujrat District Gazetteer, Publication of the Deputy Commissionarate, n.d., p. 3

⁶⁷. The Social Action Programme (S.A.P) was launched during 1992-93. It aimed to address the neglect of basic social services in co-ordinated and concerted manner. It focussed on the need of basic education, primary health, nutrition, family planning, rural water supply and sanitation. Its implementation was primarily the responsibility of the provinces. Beside, a number of programmes were launched with a focus on women's uplift and rural development.

*development of a dilutory situation where duplication and overlapping have become the major characteristics of the local development process. This phenomenon has caused damage to the sometime vital position of the zila council. The truth is that it is more a politically motivated, rather than a development-oriented, device which is designed to achieve desired political objectives particularly by way of floating funds in the name of development at a time close to the general elections.*⁶⁸

The ineffectiveness of the district councillors in the development process was due to the insufficient technical and financial resources whereas their counterparts i.e., the MPAs had enough funds as well as collaboration of the professionalized lines departments. An MPA representing a constituency only four times larger than that of the district councillor was allocated funds which were twenty-five times greater.⁶⁹ Fig: 8 illustrates the government's attitude towards the local council in comparison to the members of parliament.

N.B: The district of Gujrat has five and eleven seats in the National Assembly of Pakistan and Provincial Assembly of the Punjab respectively. The funds allocated to the parliamentarians under various programmes launched by the Federal and Provincial Governments differed in quantum. For example, an MNA received fifteen million while the MPA got five million rupees. Under special circumstances, this amount could be revised considerably. In the table, however, the actual amount fixed under the government policy has been shown.

It was pertinent to note that the respondents, irrespective of their group affiliations, looked critically at the involvement of the parliamentarians in development functions. They regarded it a major reason of the government's inattention towards the strengthening of local government because the legislators' support to the government carried much weight compared to that of the councillors. The legislators' role, in the perspective of local level development, was regarded as a 'mere wastage of time and resources' in that neither the initiators of the schemes were able to get their works supervised nor could they see them, under the circumstances, completed because of the rapid change of government. To save local development programmes from all such eventualities, the respondent emphasised the need for the establishment of a fresh mechanism whereby programmes of rural uplift could be identified and executed by giving a pivotal role to the zila council. Supporting this, a respondent said:

"... The legislators have linked these activities (works of construction and local welfare) with their popularity and the chances of their success in the elections are evaluated in terms of the achievements they have made towards the enhancement of services and solution of problems of local nature. On this very ground, contestants for the national and provincial assemblies run their election campaign and seek a mandate from the electorates. Members of the zila council, on the other hand, are not inferior to the MPAs in talent and the ability to cope with the local demands. The irony is that their potentials have not been fully exploited and utilized in the process of rural uplift. Their performance could be far

⁶⁸. Noor Mohammad Khan.

⁶⁹. A district councillor and an MPA received 0.20 and five millions respectively.

more better compared to the MPAs in view of their greater understanding of the nature of local problems and peculiarities of local circumstances."⁷⁰

The greatest disadvantage of the utilization of huge government funds through the MPAs has been the relative backwardness of local councillors in seeking practical training and expertise in order to be able to participate effectively in the formulation of local plans. The existing government funds forthcoming for rural development programmes are being randomly⁷¹ utilized by the MPAs short of integration with the local councillors, on the one hand, and MPAs of the neighbouring constituencies, on the other.

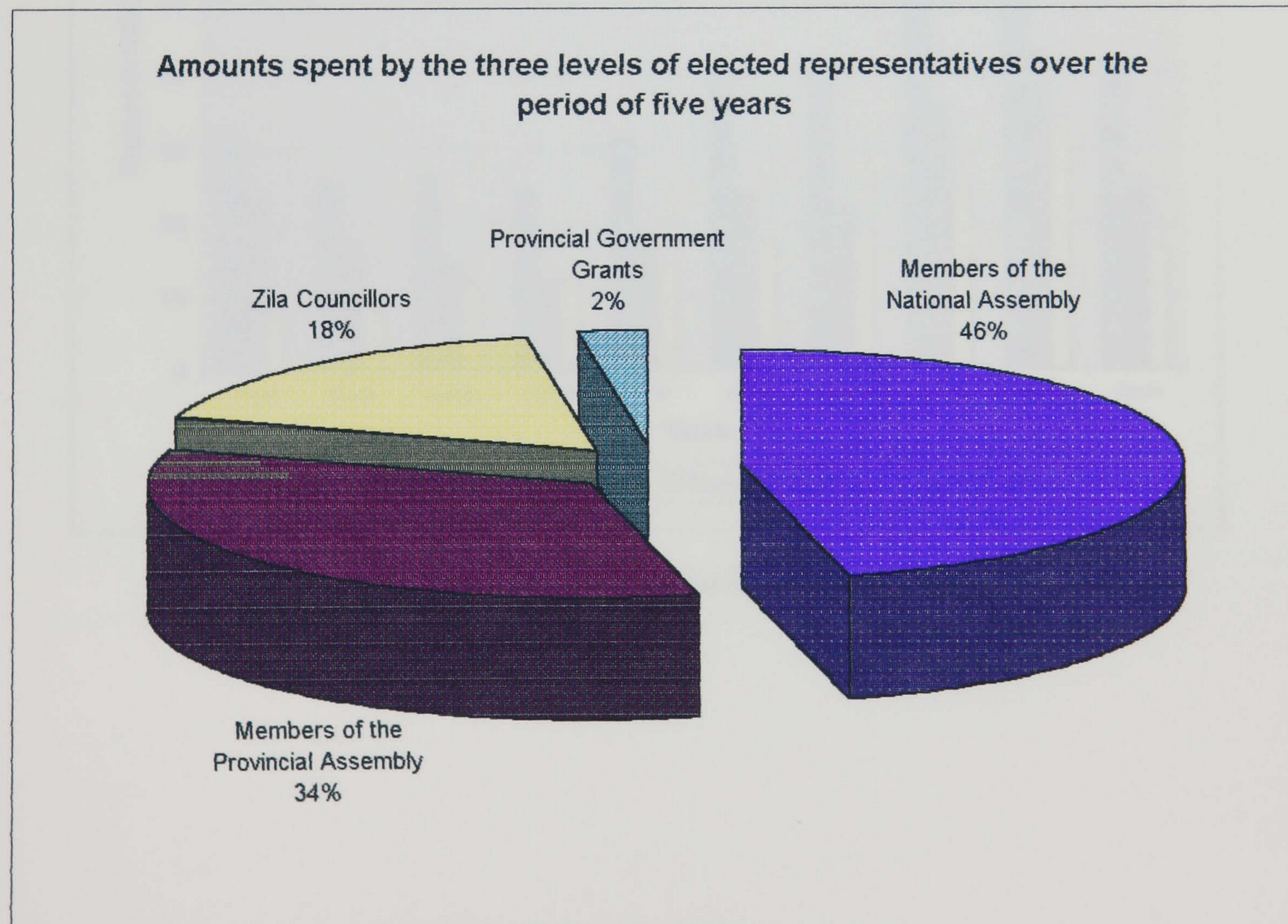
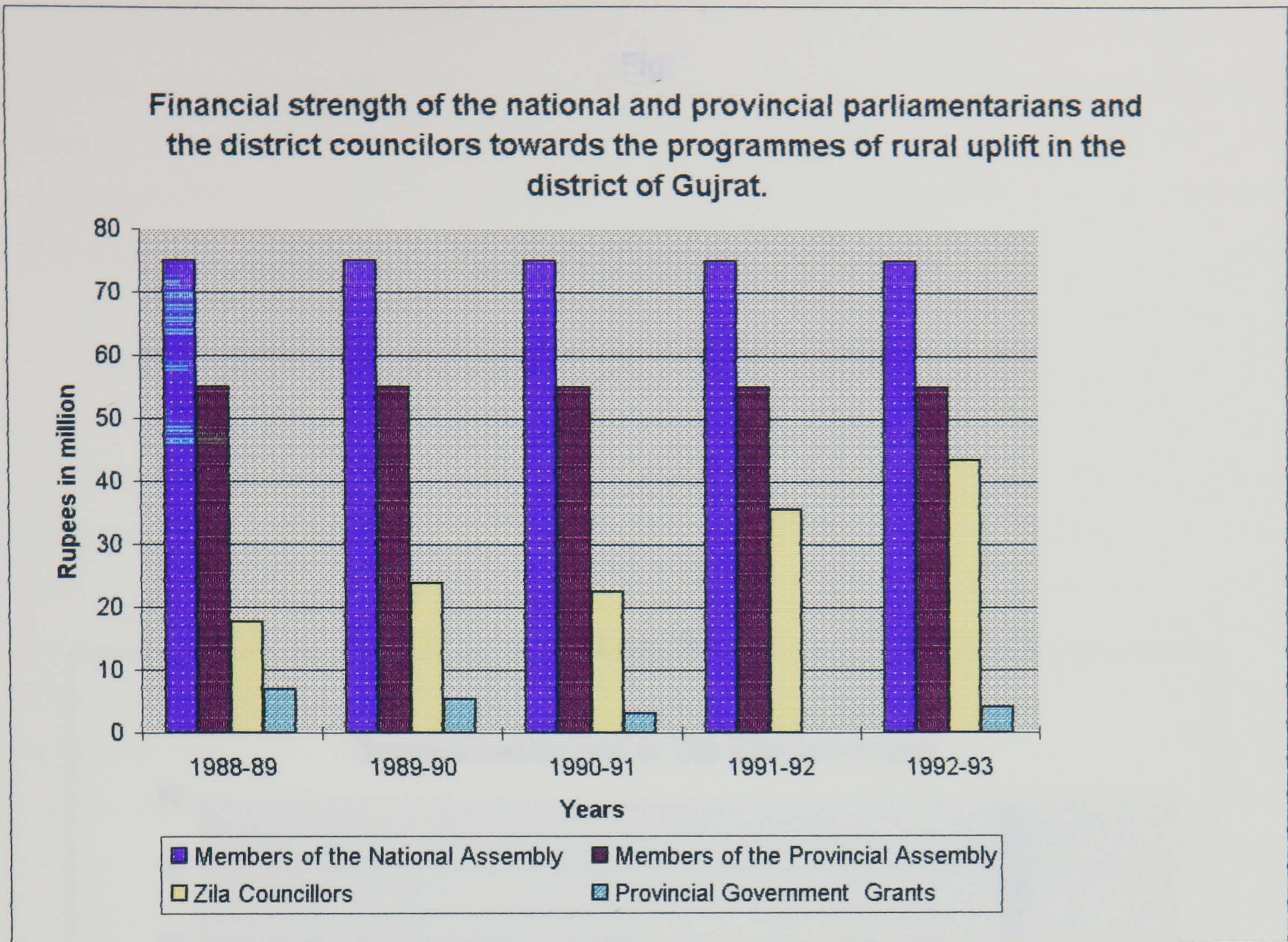
The participation of the parliamentarians in the process of rural development has, however, been a source of relief for the councillors as was revealed from the expressions of several respondents belonging to both the groups. While the council resources were too meagre to meet the local demands, the goodwill demonstrated by the respective MPAs towards the councillors in terms of accommodating their genuine proposals into their own set of schemes enabled the latter to undertake works over and above their financial capability. However this collaboration, though informal in its kind, did not benefit those councillors whose party affiliations differed. The number of beneficiaries was, however, substantial. It was confirmed by, at least, five respondents that with the co-operation of local MPAs they were able to seek solution to problems which could have, otherwise, been impossible to resolve. Certain factors caused this collaboration to happen.⁷² Apart from paternal ties, from which benefitted, at least, one councillor, the basis of this collaboration varied from councillor to councillor. Second in importance was the party affinity which benefitted a large number of respondents in view of the absolute majority of MPAs and local councillors which the ruling Muslim League had in the district. A third factor was the usefulness of the councillors to the respective MPAs in terms of conducting the election campaign of the latter. Of all these, the immediate factor compelling the councillors to make a recourse to the local MPA was the wide gap between the available resources and the magnitude of local demands.

⁷⁰. Abdul Aziz Baba. The interviewee narrated how two sitting members of the National Assembly and Provincial Assembly announced, while conducting their election campaigns, their plan to spend large funds for the solution of certain pressing local problems.

⁷¹. The opposition leader in the zila council narrated how the route of a rural road, constructed with the MPA fund and initially meant to interlink several of the villages and small settlements on the left of Bhimber Road leading to Azad Jammu & Kashmir, was constructed in such a way which benefitted a few local notables at the expense of a large number of the rural population.

⁷². One respondent, also a member of the influential Choudhri family, narrated how his father, an MNA., and elder brother, an MPA., and provincial minister, helped him in undertaking schemes of vital significance such as construction of school buildings, roads and small bridges, supply of electricity and installation of a telephone exchange. Another councillor benefitted from the said provincial minister in getting a local secondary school upgraded to the level of higher secondary with a cost of three million rupees. Similarly, another councillor asked an MNA and MPA, because of his efforts in their electoral campaigns, to provide electricity to certain villages and expand the size of one primary school by constructing a few additional class-rooms.

Fig: 8

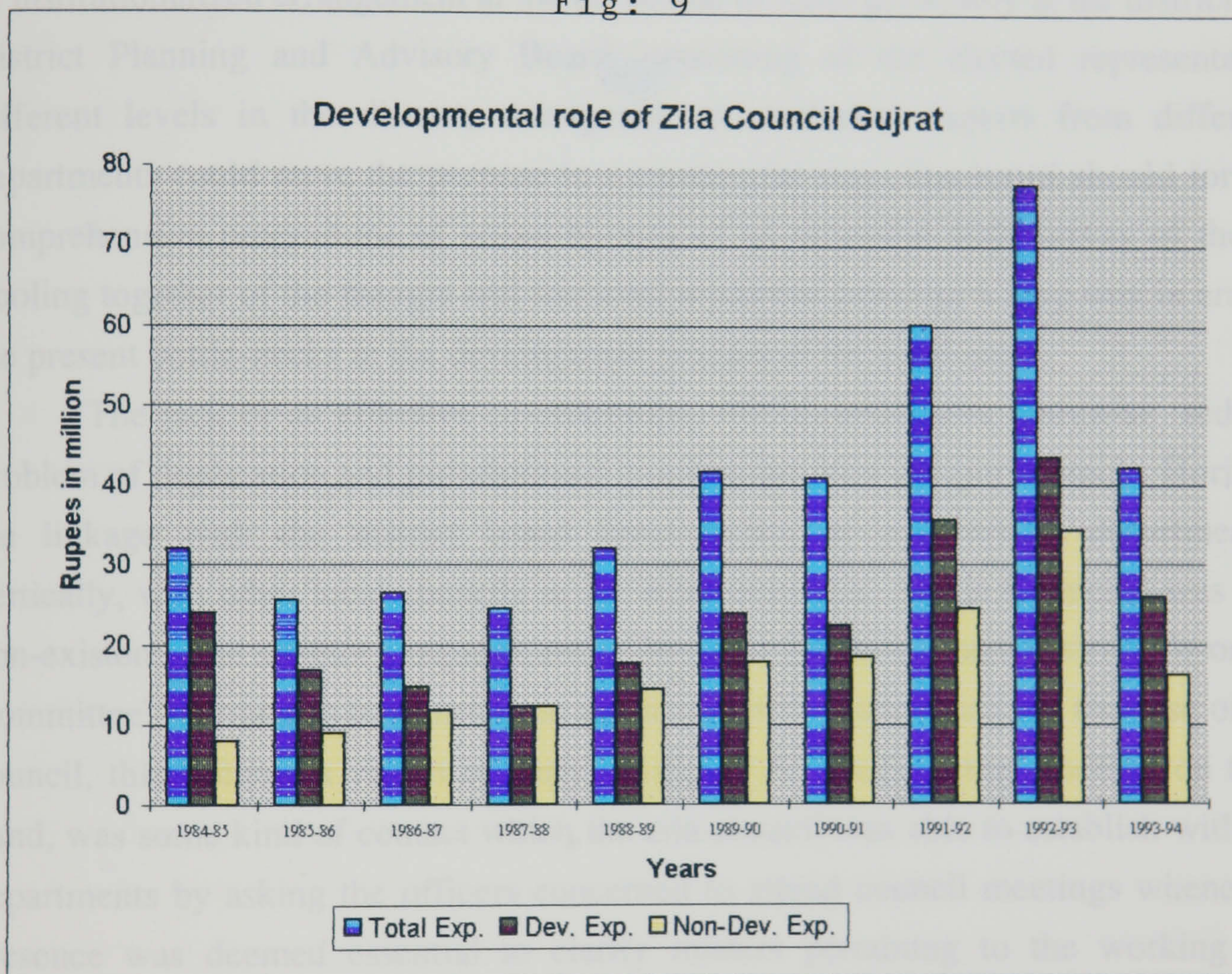


Source(1): Figures derived from the budget statements of the Zila Council of the appropriate years.

Source(2): Details provided by the Assistant Director, Local Government and Rural Development, Gujrat.

The councillors, despite doubting the view of involving parliamentarians in developmental works, were of the opinion that decentralising them at this stage, from the process seemed improbable. Before the stage when a clear line of demarcation could be drawn between the functional jurisdiction of the zila council and other agencies of development, certain steps aimed at establishing a better working relationship at different levels warranted immediate attention. The arrangement, in the opinion of respondents, could assume various forms. First, a certain percentage of the funds allocated to MNAs and MPAs in the district should be placed at the disposal of the respective zila council to be utilized on schemes suggested by it. Secondly, the government, at the federal level, should give priority to the state-level stating the kind of schemes to be undertaken by the zila council. Thirdly, the government should encourage the participation of elected members in the working of the government. Fourthly, the participation of elected members in the working of the government should be encouraged at the District Planning and Advisory Board level. A

Fig: 9



Source: Accounts office Zila Council, Gujrat.

73 Section 100-A of the Ordinance.

74 The incident was that in 1985, the general elections of 1985 were conducted through the organization of District Development Councils. The members of the MNAs and MPAs from the district were given the right to participate in the working of the council. The council was headed by the MPA. In the case of Gujrat, the members of the council were the Chaudhri family members. The council was established in 1985. The council and the zila council were given the right to participate in the working of the council. The council was also established in the constituency of D.C. as a result of the election. The council was established between the government and the council. The council was established in the constituency of D.C. as a result of the election. The council was established between the government and the council.

The councillors, despite disliking the idea of involving parliamentarians in development works, were of the opinion that disassociating them, at this stage, from the process seemed improbable. Before the stage arises where a clear line of demarcation could be drawn between the functional jurisdiction of the zila council and other agencies of development, certain steps aimed at collaboration between elected representatives of different levels warranted immediate attention. This arrangement, in the opinion of respondents, could assume various forms. First, a certain percentage of the funds allocated to MNAs and MPAs in the district, should go to the account of the respective zila council to be utilized on schemes identified and designed by it. Secondly, the government, at the federal level, should develop a policy guide-line stating the kind of schemes to be undertaken by the zila council, MPA, MNA and the Senators. Thirdly, the participation of elected members in the process of local development required some kind of institutionalized arrangement at the divisional or more preferably at the district level. A District Planning and Advisory Board, consisting of the elected representatives of different levels in the district, managerial and technical experts from different line departments could serve the purpose in a meaningful way. The board should formulate a comprehensive programme of action by way of an extensive field survey of the region. Pooling together of the meagre and scattered resources could go a long way in eradicating the present bottle-necks in the development process of the local areas.

The lack of an effective co-ordination, which could have otherwise reduced the problem of duplication and jurisdictional overlapping, was a major obstacle. Horizontally, the linkage with the district based functionaries of government departments and, vertically, with other local councils in the rural areas (i.e., Union Councils) was virtually non-existent. The statutory requirement of having a Divisional and District Co-ordination Committee⁷³ seemed to have not been taken seriously. Particularly, in the case of the zila council, this became a victim of party politics.⁷⁴ An encouraging practice, on the other hand, was some kind of contact which the zila council was able to establish with the line departments by asking the officers concerned to attend council meetings whenever their presence was deemed essential to clarify matters pertaining to the working of their respective departments. The record of the council proceedings revealed that the concern voiced by the councillors were mainly related to the inefficiency and poor service delivery

⁷³. Section 160-A of the Ordinance, p. 533.

⁷⁴. The researcher was told that following the general elections of 1985, some structural changes in the organization of District Co-ordination Committees took place in the province as the MNAs and MPAs from the district were given membership on it. The chairman of zila council who, heretofore, used to head the committee, was replaced by an MPA. In the case of Gujrat, a member of the influential Choudhri family happened to combine the three positions i.e., chairmanship of the DCC and the zila council apart from membership in the provincial legislature. Soon a tussle started with an MNA who was also interested in the chairmanship of DCC., and was able to win it. This widened the confrontation between the supporters and opponents of the newly elected chairman and the result was that no single meeting of the committee could be convened.

on the part of a few government departments.⁷⁵ The participation of these government officials, who were most of the times represented by junior officers, was not regular. Though it provided a channel where answers to the queries could be sought from the officers attending the meeting, yet it could not prove a substitute for co-ordination which obviously envisages the observance of certain formal principles on the part of those whose efforts are to be integrated for the accomplishment of pre-determined objectives. The same was true about liaison with the MNAs and MPAs of the district as a result of which duplication in development works became inevitable.⁷⁶ Similarly, there did not exist any linkage with the Union Councils at the grassroots level. The researcher happened to visit two union councils in the outskirts of Gujrat city⁷⁷ to determine the impact of this lack of co-ordination on their working. The conclusions drawn are illustrated in the table (No. 37).

The respondents confirmed that the co-ordination with government departments was effective only during the first few years of the promulgation of the present ordinance.⁷⁸ The existing liaison, though restricted to the answering by the government officers of the questions raised by the councillors during council session, could be made more effective, had the chairman been a full-time functionary. Concern voiced and grievances faced by the local population could be easily got redressed through the personal involvement of the chairman in view of his accessibility to the provincial ministers and, in certain cases, to the provincial chief minister. The respondents, while expressing their views about co-ordination with the Union Councils, looked opposed to the very existence of these institutions because of the factional rivalry which develop on the occasions of local bodies polls and every periodic elections renewed and widened it further. Electioneering at the lowest level, according to them, had caused damage to the goodwill, fraternity, solidarity and brotherhood---sometime characteristic features of the village life. In view of the passive character of the union councils i.e., particularly the nature and quantum of work undertaken by them, it was suggested that the election of a single individual with the direct vote of the people was enough. The candidate so elected could serve in dual capacities i.e., chairman of the union council concerned and as an ex-

⁷⁵. The minutes of the ordinary meeting held on 8.4.1993 revealed that in all forty-six questions were raised, most of which related to the working of the Departments of Health, Education, Highways and Irrigation.

⁷⁶. On one occasion, a councillor suggested to the House that a sub-committee be constituted to have liaison with the MNA/MPAs so that the zila council does not spend money on such schemes which are undertaken with the funds of the legislators. Likewise, the legislators do not spend their funds on schemes which have been included in the zila council's A.D.P. (Resolution No. 85 of the council meeting held on 28.4.1992).

⁷⁷. The Union Councils studied were Madina Sayyadan and Addowal.

⁷⁸. The District Co-ordination Committees during those years were headed by the chairmen of zila councils and the district based government functionaries were to strictly ensure their attendance in its sessions.

officio member of the zila council to represent there his respective constituency.⁷⁹ The deputy commissioner exercised some powers in respect of the zila council but was not much helpful in seeking co-ordination with the line departments which, in the past, used to be his pivotal role as the head of both district council⁸⁰ and the district administration. Five respondent, all from the ruling group, gave identical views with regard to the extent the deputy commissioner was helpful towards the smooth functioning of the zila council. Their opinion could be summarized as under:

*"His approach to the zila council affairs, under normal circumstances when the provincial government and the council in the district of his posting are governed by the same political party, is based on friendliness, sympathy and co-operation irrespective of his personal likes and dislikes. He assumes a violent attitude in the wake of a political change at the provincial level. He then concentrates on bringing about a change in the loyalty of councillors towards the new government."*⁸¹

It would, however, be incorrect to presume that the deputy commissioner had no powers to exercise in connection with the zila council. In fact, both the divisional commissioner and the deputy commissioner exercised powers on certain aspects of the council working. The following instances illustrate the position:

- a). The chairman, zila council, in his letter No. 904/A.O dated. 23.5.1990 entitled "Grant of permission for moving over to next grade," asked the divisional commissioner to accord the requisite sanction.
- b). The Chief Officer, in his letter No. 1005/RK dated. 4.6.1990 entitled "Complaint against Medical Technician," requested the divisional commissioner to place the employee under suspension so that an enquiry against him could be initiated in view of his alleged absence from duty since April 1986.
- c). The divisional commissioner appoints Health Technician (BPS:11) and then places his services at the disposal of the chairman, zila council for posting. The employee so posted is required to submit his arrival report to the District Health Officer.
- d). The chairman, in his letter No. 341/RK dated. 22.1.1991 entitled "Grant of leave on medical ground," forwarded an application of a Rural Health Inspector to the divisional commissioner for the grant of leave to him for a period of one month.
- e). The divisional commissioner, in response to the chairman's letter No. 1357 and 1358 both of 5.9.1992, accorded sanction to declare an amount of Rs. 60,000/- allocated to a Patient Welfare Association and in respect of a female patient as valid charge on the funds of the zila council.
- d). The divisional commissioner was approached to declare an amount of Rs. 106589/- spent on lunches served to the participants of the zila council meetings of April 28 and May 28, 1992 as valid charge on the zila council fund.⁸²

⁷⁹. From interview with Iqbal-uddin Khan (Advocate) and ex-councillor. He proposed that the adoption of this scheme would make the election process more understandable to the grassroots electorates many of whom, while casting two ballot-papers at a time one each for the candidate of Union Council and the Zila Council, were unable to differentiate between the two.

⁸⁰. This refers to the role of deputy commissioner under the erstwhile Basic Democracies system (1959-69).

⁸¹. Conclusion drawn from the opinions of five interviewees.

⁸². Informations derived from the Zila Council's: a). Minutes of meetings; b). Posting/Transfer File; c). Local Government Ordinance.

Table:37
Table showing the financial position of two Union Councils in the District of Gujrat.

YEAR	UNION INCOME	COUNCIL EXPENDITURE	MADINA PROVINCIAL GRANTS	SHARE FROM ZCG	UNION INCOME	COUNCIL EXPENDITURE	ADDOWAL PROVINCIAL GRANTS	SHARE FROM ZCG
1985-86	---	---	23040	---	---	---	20500	---
1986-87	---	---	20540	---	---	---	20000	---
1987-88	---	---	37127	---	---	---	8600	---
1988-89	---	---	---	1930	---	---	---	2000
1989-90	26174	17389	13000	---	20162	6856	15000	---
1990-91	17188	2521	---	---	17086	6738	100000	---
1991-92	25659	17503	---	---	14443	9810	---	---
1992-93	---	---	25000	---	---	---	25000	---

Source: Details supplied by the Secretaries of the respective Union Councils.

Note: Union Councils raised their income through the Birth Tax and Marriage Tax. Union Council Madina generated Rs. 4010,7780 and 8200 during 1990-91, 1991-92 and 1992-93 respectively. Union Council Addowal, on the other hand, generated Rs. 4545, 5120 and 5595 for the said period. They relied on the Provincial Government's grants, the irregular nature of which adversely effected the developmental role of these institutions.

2. Section 145 of the Ordinance provides for the share of income between the local councils. Accordingly, the zila council is bound to pay twenty percent of the income from local rate to the union councils in the district. Fifty percent of the amount raised through this source is distributed equally among all union councils whereas the remaining fifty percent is distributed in accordance with the ratio of population of various union councils. The uncertain and unstable income through local rate, as shown above, was given only once during the period from 1985-86 to 1992-93.

* Each Union Council in the Punjab received a generous grant of one hundred thousand rupees on the eve of the 4th term local bodies polls (held in December, 1991). The researcher was told that only party dominated councils could have access to this grant.

In view of the general complaint against the poor performance of certain government departments like education, health, communication and agriculture (as was also evident from the number of questions put to the respective government officials), the respondents were asked what capability did they possess if all these services or a few of them were transferred to them gradually to administer? The respondents, representing the ruling and the opposition groups by seven and two respectively, expressed with great confidence and enthusiasm, their ability to handle these services particularly the first two in which most of the zila councils in the province had proved their efficiency when these services used to be administered by them during the pre-1985 period. One view held by the respondents was that if these services were conveniently carried out by the District Council under the Basic Democracies System some thirty years ago, there was no question why these could not be undertaken more satisfactorily today. Through the involvement of the community and the personal supervision of the councillors, there could be greater prospects of an improved condition in the provision of these services. The respondents, being aware of the financial and technical limitations, were conscious of the difficulties involved and were, therefore, not in favour of a drastic change in government policy. Instead, they favoured a phased and gradual transference of these subjects so that the prospects of any major breakdown could be avoided. To strengthen the capability of the council in undertaking these services in a satisfactory manner, they proposed the initiation of certain administrative and financial measures at the initial stage of transference of these services to the zila council. These included, firstly, a policy statement by the government spelling out in detail the range and extent of activities to be performed by the council in respect of a specific service, say for example, the education. Secondly, community participation with particular reference to the involvement of experts in a given field whose recommendations and opinions could be of much assistance towards the formulation of strategy by the council. Thirdly, provision by the provincial government to the zila council of all necessary financial⁸³ and technical assistance which could enable the latter to take over the responsibility of administering these services. Apart from education and health, the respondents demanded a meaningful role in the development of agriculture which, in their opinion, was central to the well-being of the rural population. It was preferred over police, communication and water supply. Keeping in view the technicalities involved in the development of agriculture, they emphasised greater collaboration between the zila council and functionaries of the agriculture department.

The bureaucracy's approach to these demands was, however, opposite. While agreeing with the range of powers available to rural councils that could be exercised freely for the general welfare of the masses, there was seen some reluctance with regard to

⁸³. By this they meant the transference to the zila council of the funds allocated in the provincial budgets for purposes of primary education.

the transference of subjects like education and health in view of the existing calibre of the elected representatives at the local level. One opinion was that owing to a lack of conceptual clarity and capability to prepare operational plans for implementation,⁸⁴ there was little likelihood that local councils would be able to deliver the required level of services.

Conclusion

This case study exhibits a typical example of the landed aristocracy engaged in factional and tribal rivalry around which the politics of zila council of Gujrat revolves. The tension between the rival groups seemed to have been defused by way of a political contest in which no party affiliation was allowed. It was perhaps the success of this strategy that enabled the elected members from all factions to join inhesitatingly the ranks of the one that enjoyed the whole-hearted support of the party ruling over the province. The patrons seemed to have had little influence over the behaviour of the members nominated by them for the contest. While keeping the popular mandate could have, otherwise, been helpful in the emergence of a strong opposition capable of exercising an effective check over the conduct of council business by the majority group, the partyless local body elections paved the way for those who did not bother changing their loyalties. Moreover, under the peculiar conditions of the Gujrat district where none of the major tribal groups i.e., Jats and Gujjars, had the individual strength to gain an ascendancy over the other without the active support of the smaller communities, the criterion moulding the political behaviour of the latter was based on a search for conditions that could guarantee to them peaceful tenure for the period for which they were given the mandate. The group enjoying support of the provincial government, could best get these ambitions fulfilled. Without this, as it appears from the overwhelming majority of the ruling group, the councillors who came from independent platforms found themselves nowhere. This very situation reflected the lack of a political environment guaranteeing opportunities for survival and fair treatment to all irrespective of political affiliations. Such a situation could have enabled the elected councillors to honour the peoples' mandate without much embarrassment.

The study also reveals the fact that instead of using the local council platform for the inculcation of truly democratic behaviour, the promotion of the vested interests of local influentials was given preference over all other considerations. The situation assumed added significance when one of the influential groups happened to be a partner in running the provincial administration. Irrespective of the factors leading to the development of such a situation, the opportunities available to the influential group were not fully exploited in order to transform the half-hearted loyalty of the councillors who, despite their divergent political backgrounds, opted to join the group with which

⁸⁴ From interview with Khayal Mohammad Khan, the Deputy Commissioner, Gujrat.

they shared few common interests. Reasons could be numerous, but the lack of commitment, failure to designate a dynamic leadership capable enough to administer the affairs of a council that represented a population of eighteen hundred thousand were the central ones. Financial constraints were, undoubtedly, there but the lack of a formal mechanism did not allow the pooling together of the resources being spent by elected representatives of different levels. This was despite, in few cases, having a common political background. The proper utilization of these scattered resources could have benefitted a large segment of the rural population. These parallel endeavours for development gave way to duplication and jurisdictional encroachment.

On the performance of the zila council, in general, there was a feeling of dissatisfaction. This was revealed in from the expressions of few prominent members of the ruling group. An improvement could have been made in terms of both enhancing the financial base and ensuring economic and honest utilization of the available resources. This, of course, needed certain initiatives directed towards effective internal liaison particularly between the councillors and the staff on the one hand, and the taxation and works departments, on the other. It is here that a leadership, dedicated to the affairs of the council, could have been of pivotal significance. A strong opposition, which for obvious reasons did not exist, could provide a basis of constant check over the performance of the ruling group. But its negligible size prevented it from causing a threat to the hegemony which the ruling group had acquired. Apart from the internal drawbacks, the government's loose monitoring and evaluation system was also responsible for the council's poor performance. Tightening governmental control over questions such as asking the council to conduct its operations strictly in accordance with the rules of business, was not attended to. For instance, the Ordinance makes it incumbent upon the government to inspect the working of the local council 'at least once in a financial year'⁸⁵ but in the case of the zila council, a gross violation of the rule occurred in that the inspection conducted in April 1988 was followed by another in March 1991, involving thus an interval period of thirty-four months instead of twelve. Likewise, the use of sub-committees was not sufficiently encouraged which could, otherwise, develop a sense of participation in the elected element as a whole. Similarly, through the proper application of statutory provisions to other aspects of the council's working, an environment capable of delivering services to an acceptable level could be ensured. These hampered the operations of the council and despite having a role which was restricted to few of the long list of functions, a level of satisfactory performance could only partially be achieved. An alarming factor in the working of the zila council was the deficient system of taxation and particularly, the machinery responsible for the collection of taxes. Fluctuations in the level of recovery remained a source of uncertainty. In view of the overall situation obtaining in the council's working, it could be stated that much was needed to be done in order to enable the zila council to be an effective partner in the implementation of rural development programmes which the Government in Pakistan has been launching.

⁸⁵. Section 154 (1) of the Ordinance, p. 529.

Chapter Six

The District Council of Mardan **Case Study No. 4**

Situated in the most fertile part of the Peshawar valley, Mardan is the sixth largest district in the North-Western Frontier Province. Out of the total district population (1981 census) of 881,465, rural Mardan consists of 715,163 (81.13 percent)¹. Prior to the bifurcation of the district in July 1988 as a result of which the tehsil of Swabi separated and was declared a district headquarters, Mardan was considered to possess the most fertile land in the province as almost eighty percent of the rural work force depended on farming.² Spread over an area of 740 square miles, the district now consists of two tehsils i.e., Mardan itself and Takhtbhai. The latter is one of the historical places with a number of ancient monuments that remind us of the developments that took place over a longer period starting from the advent in this region of Greek Emperor Alexander in 326 B.C.

Geographically, Mardan is surrounded on the north-west by Buner and Swat, on the north-west by Malakand Agency, on the west by Peshawar and on the east by Swabi. The northern part of the district, as revealed from the map (Fig: 10), is mostly covered by hills which are generally barren. Before assuming the status of a separate district in 1937, Mardan formed a part of the Peshawar district.³

Economically, 80% of the rural population depend on farming. Due to the indigenous methods of cultivation, the productivity is low. The population of the district consists of a number of important tribes such as Pathans, Yusafzais, Khattaks and Mohmands. For the lack of accurate official statistics, particularly following the separation of Swabi in 1988, the strength of the tribe constituting a majority in the population could not be determined. The district has a chequered history of growth and has been affected by different civilisation which came to this region over a period starting from 326 B.C i.e., the arrival of Greek Emperor Alexander, to 1849 when the Sikhs were defeated by the British who annexed the Punjab. Hence, this area, being a part of the province came under the control of the raj.⁴ It was during this period that representative institutions based on party-politics grew. A characteristic feature of the growth of these institutions was that the process was less affected by the differences among the tribes who, as it appears from the historical documents, were seldom at war with one another in order to gain an ascendancy by one or a group of tribes over the

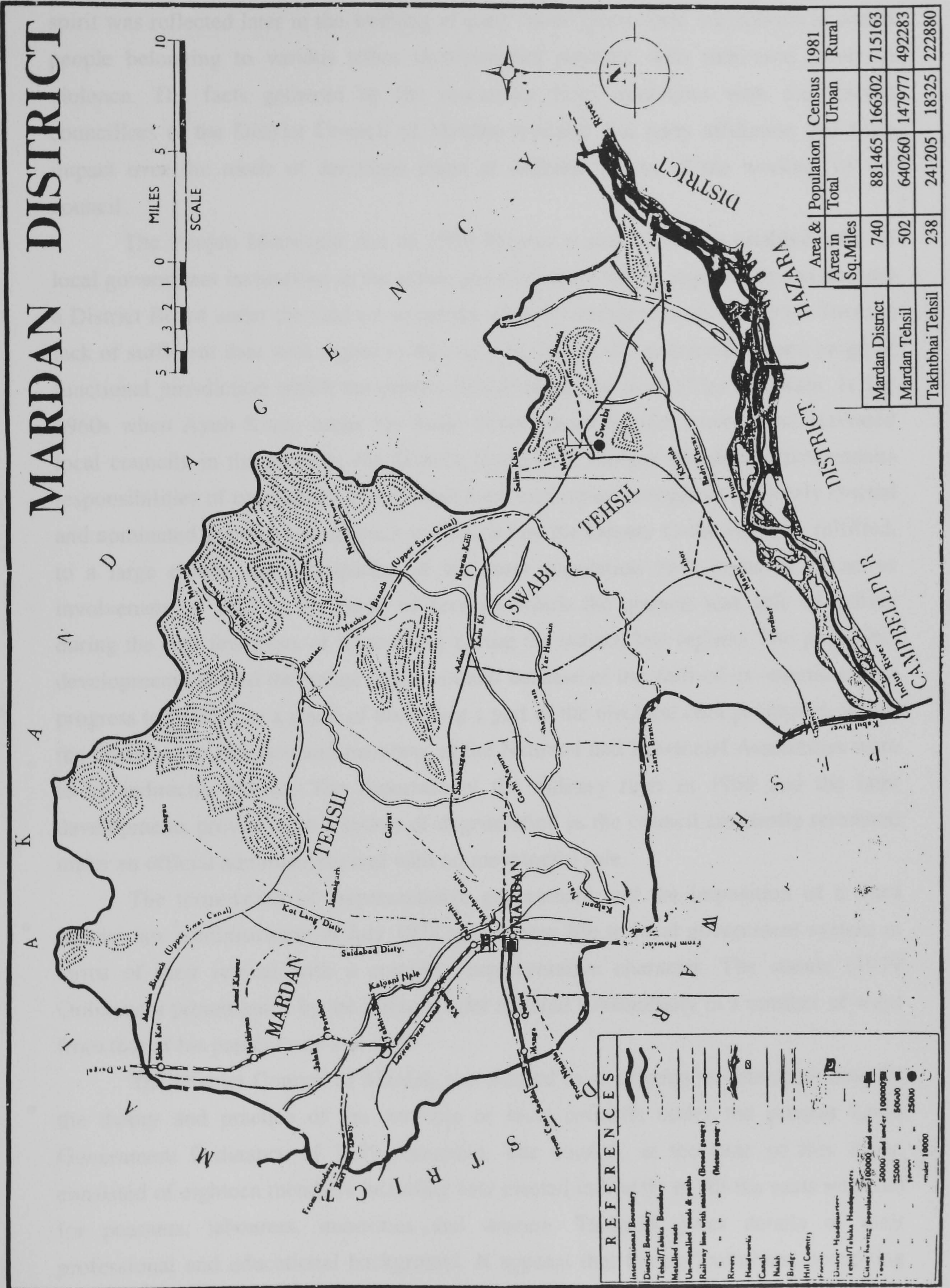
1. Economic Survey 1992-93, Islamabad, Government of Pakistan, Finance Division (Economic Adviser's Wing), p. 21

2. Feroz Shah, Mardan Tehsil at a Glance, Peshawar, Pakistan Academy For Rural Development, 1971, p. 5. The provincial military chief minister's decision, though upgraded his home town to the Divisional Headquarters level, it separated the district from an agriculturally prosperous region. Also, it was in the Swabi (now a district) that an industrial estate of vital significance attracting large-scale business, was developed at Gadoon Amazai which brought further prosperity to the area in terms of providing job opportunities to the local population.

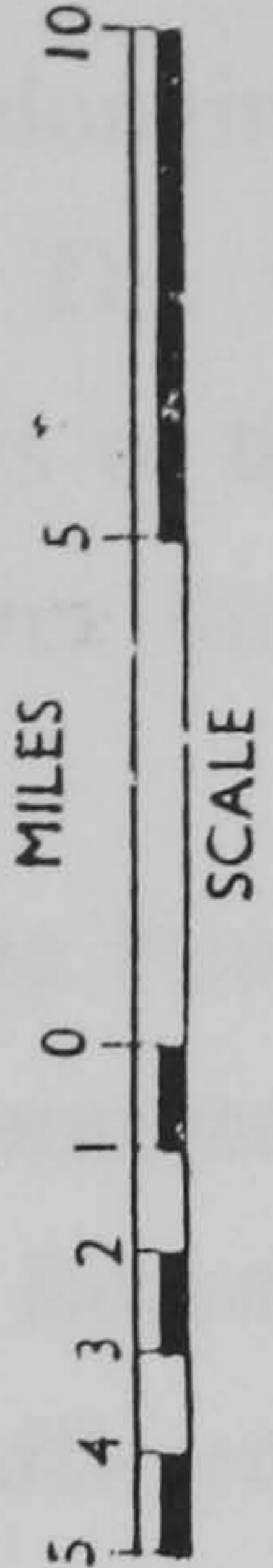
3. Mardan had the privilege of having Iskandar Mirza as its first Deputy Commissioner who, later on, became the Governor General of Pakistan in August 1955 and subsequently, the first President of the country in March 1956.

4. For a detailed account of the origin and development of different tribes in the region and their mutual relationship, see 'The Pathans 550 B.C--A.D 1957' by Olaf, Caroe, London, Macmillan, 1958.

Fig: 10



MARDAN DISTRICT



	Area & Population	Census 1981		
		Area in Sq. Miles	Total	Urban
Mardan District	740	881465	166302	715163
Mardan Tehsil	502	640260	147977	492283
Takhtbhai Tehsil	238	241205	18325	222880

REFERENCES

- International Boundary
- District Boundary
- Tehsil/Taluka Boundary
- Metalled roads
- Un-metalled roads & paths
- Railway line with stations (Broad gauge)
- Railway line with stations (Narrow gauge)
- Rivers
- Headworks
- Canals
- Nallah
- Bridge
- Hill Centre
- Forest
- District Headquarters
- Tehsil/Taluka Headquarters
- Cities having population 100000 and over
- 50000
- 25000
- 10000
- under 10000

others. Generally, there had been an atmosphere of goodwill and harmony among the tribes and it were largely the outside invaders with whom they had been at war. This spirit was reflected later in the working of party based democratic institutions in which people belonging to various tribes demonstrated patience with minimum resort to violence. The facts gathered by the researcher from interviews with the elected councillors of the District Council of Mardan revealed that party affiliation had little impact over the mode of decisions taken at different stages of the working of the council.

The Punjab Municipal Act of 1910 became a pioneer in the establishment of local government institutions in the urban and rural areas of this region. Mardan became a District Board under the said act sometime after becoming a district in 1937. There is lack of sufficient data with regard to the strength, nature of representation and range of functional jurisdiction which the district board had at the time of its inception. In the 1960s when Ayub Khan, under his Basic Democracies System revived and activated local councils in the country, the District Council of Mardan shouldered tremendous responsibilities of rural uplift. The council then, with equal strength of popularly elected and nominated government officials and headed by the Deputy Commissioner, fulfilled, to a large extent, the anticipation of the rural population both in terms of active involvement as well as the range of services which the council was able to deliver during the first few years of its working during the martial law regime. The post-1965 developments eroded the image of the council because of the shift of its attention from progress to politics as a result of becoming a part of the electoral college through which the President of Pakistan and members of the National and Provincial Assemblies were to be indirectly elected. The departure of the military ruler in 1969 and the later developments proved to be a source of degeneration as the council constantly remained under an official administrator and with no meaningful role.

The termination of representative government and the imposition of a third martial law administration in July 1977 gave a new life to local government system in terms of their revival with a complete representative character. The statute (1979 Ordinance) promulgated by the military ruler differed substantially in a number of ways from that of his predecessor's in 1959.

The District Council of Mardan was studied in an attempt to determine how far the theory and practice of the working of local councils under the present Local Government Ordinance of 1979 coincided. The council, at the time of this study, consisted of eighteen members including four elected indirectly to fill the seats reserved for peasants, labourers, minorities and women. Table:38 gives details of their professional and educational background. It appears that the agriculturists, occupying ten seats out of fourteen and filled through direct elections, constituted a majority. They were followed by an equal number of members from legal and business professions.

Table:38
Professional and Educational background of the members of District Council, Mardan.

Educational Level	Elected Members					Indirectly Elected Members					Total
	Agriculturists	Lawyers	Business-men	Ladies	Peasants	Labourers	Minorities	Against	Seats		
Graduation	1	2	1	---	---	---	---	---	4		
Intermediate	---	---	1	---	---	---	---	---	1		
Matriculation	3	---	---	---	---	---	1	---	4		
Middle/Primary	4	---	---	1	---	1	---	---	6		
Illiterate	2	---	---	---	1	---	---	---	3		
Total	10	2	2	1	1	1	1	1	18		

Source: Chief Officer, District Council, Mardan.

Academically, only four had degrees while others had education below matriculation. This low level of education, however, did not affect much their participatory calibre in view of the fact that a large number of the councillors had a prolonged association with the working of local councils and were thus able to gain sufficient experience in the administration of local affairs. Two elderly councillors, for example, had the privilege of being Basic Democrats i.e., being members under Ayub Khan's Basic Democracies System. The participatory experience of the rest, their party affiliations and other details are shown in the following table:

Table: 39
Personal Vitae of the members of District Council, Mardan.

Participatory Record	Party Affiliations				Training		Understanding of the Green Book			Total
	Since	A.N.P	P.P.P	P.M.L	J.I	Nil	Yes	Nil	Partial	
1979	1	1	1	1	1	3	1	3	---	1
1983	2	2	1	--	5	---	3	---	2	
1987	4	1	2	---	7	---	3	2	2	
Total	7	4	4	1						16

Source: Details provided by the Chief Officer, District Council, Mardan.

It appears from the table that majority of the councillors entered into local politics in 1987. For this case study, however, half of the members (nine out of eighteen including the chairman) were interviewed. Among these also included two former chairmen who served the council during the first and second terms. Party affiliations of those interviewed were as under:

Pakistan Muslim League	2
Pakistan Peoples Party	4
Awami National Party	2
Jama'at-e- Islami	1

The first question regarding the general working condition of the council was answered by seven respondents representing all the major political groups. While agreeing to the effect that the District Council successfully served as an effective channel of involving local leadership for attending to the solution of problems of local nature, almost every respondent complained against the unfavourable attitude of the provincial administration during both the pre-1985 military and post-1985 elected civilian administration. They talked freely about both the external and internal obstacles which, in their opinion, greatly hindered the smooth functioning of the council. Externally, an environment was not provided where they could concentrate on their statutory obligations. The District Council of Mardan was one of those several local councils which, under both the military and democratic regimes, happened to be headed by a chairman who was affiliated with a party which was severely opposed by both the military government and the military-installed political party which remained in power

for a longer period following the general elections of 1985 which restored the democratic set-up in the country. The opposition-dominated local councils had to face a tough time. Initiation of inquests on charges of malpractices and the dissolution of a council were some of the official measures which badly effected their working. Criticising such official steps, one respondent said:

“Dissolving the local government institutions with the stroke of a pen (referring to the chief minister's administrative order of August, 1991) is unethical, undemocratic and illegal. The alleged charges of corruption, embezzlement of public funds and irregularities of other sorts do not seem to be a genuine and logical ground for dissolving the popularly elected democratic institutions. Such arbitrary steps, in fact, exhibit the government's real designs with regard to local councils and negates her tall claims of promoting democracy in the country. Why not the government resorts to the remedial measures prescribed by the ordinance for bringing those involved in the misuse of power under trial.”⁵

The researcher noted a consensus of opinion in the views of the interviewees, most of whom had the privilege of having council membership since 1979 i.e., when the existing local government ordinance was promulgated. They found little difference in the attitude of both military and civilian rulers towards opposition. The idea that the military rulers adopted a liberal policy in terms of promoting the cause of local government was said to be not totally correct. One leading councillor and a well-known figure in the district (because of having been an ex-chairman of the council), narrated the involvement of the provincial administration in his removal from chairmanship through a vote of no-confidence by the councillors. He said:

“The provincial government left no stone unturned in instigating the councillors against me simply because I had affiliation with the Peoples Party. All techniques of pressure were employed against me. These included the stoppage of provincial grants, withdrawal of conveyance facilities and constitution of committee headed by the Deputy Commissioner to conduct enquiry into the allegations of financial irregularities. As a final resort, my opponents were made to move a vote of no-confidence. In the officially launched plan of ousting me from the office were involved the provincial chief minister and an influential cabinet member both coming from the district. The government did all this despite its professed policy of politics-free local government.”⁶

Internally, there could not evolve a mechanism whereby council business could be conducted in a corporate manner. Rather the chairman, coupled with few strong supporters, had great influence over the council deliberations. A major difficulty faced by the council, on the other hand, was that majority of its members were less educated and had, therefore, little knowledge of the council powers. Most of the members had not acquired a copy of the ‘Green-Book’. There was little use of the device of sub-committees as all except the ‘Finance Sub-Committee’, had little role in the council's decision-making process. Financially, the council seemed to be stuck between limited

⁵. From interview with Shad Mohammad Khan, Councillor. 1.4.1993

⁶. Views expressed by Abdus Salam Khan, Ex-Chairman, 10.2.1993

resources and the numerous local demands.⁷ This phenomenon had a direct bearing on the service delivery role of the council that remained restricted only to few areas such as construction of shingles roads, open drains, culverts, small water supply schemes and small bridges exhibiting, thus, a low profile compared to the tremendous responsibilities conferred on the council under the 1979 ordinance.⁸ The main cause attributable to this phenomenon was the lack of a clear line of demarcation between the sphere of influence of the council and the provincial line departments on the one hand, and the councillors and local M.P.As, on the other. Several functions meant to be performed by the council were dealt with by the respective departments of the provincial government. The council also lacked capability, because of financial constraints and limited technical know-how, to take up the operation and maintenance responsibilities of the schemes developed by government agencies such as the Public Health Engineering Department. One respondent, an ex-chairman who subsequently became an M.P.A., narrated, in the light of his experience, the changing role of the council thus:

“The pre-1985 role was exemplary in that the council was used as an effective channel for the rural uplift. Apart from satisfying numerous felt needs of the population, the council was also assigned with a supervisory role over the district based functionaries of government departments. The period was historic for two reasons. It guaranteed greater involvement of elected councillors in comparatively larger tasks which was also a source of training for them in terms of enhancing their level of experience in the administration of local affairs. It was the result of this encouragement which gave them necessary motivation to run for a parliamentary seat and the result of 1985 general elections revealed evidence to this effect. Secondly, the district councils appeared, in view of their pivotal role in the process of rural development, to have acquired the place recommended for them in numerous government reports and research studies. The post-1985 developments gave a major set-back, for there started a wave of confrontation between the M.P.As and local councillors which resulted in the erosion of the powers once available to the latter. Finally, there occurred a drop-scene of this whole process when the representative government took the arbitrary decision of dissolving local councils prior to the completion of their mandated tenure. It paved the way for M.P.As not only to stabilise their monopoly in the local areas but also have a control over the district council funds which, under the government directives, are now being utilised through them. The random use of the council resources has, however, bred disrepute and not support for them.”⁹

Similar views expressed by other respondents gave the impression that from the functional point of view, the role of the council eroded significantly, during the years preceding the restoration of the representative set-up in the country. This was, in fact, authenticated by four other respondents including two former vice-chairmen. In response to a question whether the ordinance of 1979 gave unprecedented powers as

⁷. One respondent narrated that it needed seven hundred thousand rupees to construct one-mile metalled road. Even if half of the distance had been covered, the councillor would be left with little to respond to other demands of the local population. The councils' A.D.P for 1990-91 revealed that, by average, a councillor received fifty five hundred thousand annually for the uplift of his constituency.

⁸. See chapter IX (Part-II) of the N-W.F.P., Local Government Ordinance, 1979, pp. 42-48

⁹. From interview with Malak Abdul Karim, ex-Chairman, 26.2.1993

was claimed by the military ruler?¹⁰ The respondents gave identical views. Drawing a corollary between the 1979 ordinance promulgated by General Zia-ul-Haq and the one introduced in 1959 by the then military ruler, one respondent said:

“The government seemed to have relied heavily on the strategy designed in the 1960s. While bypassing the existing class of politicians, the government has erected a self-styled democratic set-up making it a pivot of governmental attention and assigning to it a central role in the drive for development. In certain cases, the tasks assigned are such that the local councils have little capability to undertake them. The local councils received special treatment during the martial law. But there took place a shift in government policy when the politicians were allowed to get in. Now, with the increasing reliance of the provincial chief minister on the members of parliament, the former does whatever the latter demands of him and while acceding to their dictates, the provincial head has gone to the extent of getting rid of the elected local bodies.”¹¹

Another respondent, while referring to the pre-1985 period, confirmed that the council, apart from enjoying vast powers, had meaningful collaboration with the provincial line departments which significantly enhanced its capability in the delivery of wide ranging services particularly in the field of education, health and communication. The police used to seek co-operation of the local councillor while undertaking enquiries into certain cases. The extent of the councils' jurisdiction started reducing gradually. All important questions, particularly in the financial spheres and previously decided by the council independently, are now placed for government approval. The structure of the district council, in terms of its composition and party background of the members, differed from that of the Zila Council of Gujrat. While the non-party polls in the case of the latter absorbed a significant majority of the elected members into the group enjoying government support, there had been little effect of the partyless polls on the political affiliations of the former where the councillors successfully maintained their party connections intact. This factor hampered immensely the overall conditions inside the council. Due to the absence of a group constituting a clear majority, the prospective candidate for chairmanship had to seek the support of more than one group. Though successful as he was, still the presence of uncertain conditions hindered the smooth functioning of the council. It was in this background that the respondents were asked about the impact of group politics on the councils' working. Seven respondents representing all groups including three ex-chairmen answered. Their views contradicted one another. One group denied any major effect of the internal group politics as well as the external party politics. Supporters of this view-point maintained that the principle which guided the councillors for choosing leader of the house, for example, was the personal characteristics and leadership qualities of the candidate running for the post. Political affiliation did not influence much the choice of the councillors. They cited the

¹⁰. President General Mohammad Ziaul Haq's address to the First All-Pakistan Local Bodies Convention held at Islamabad on 5-6 March, 1980. See the Pakistan Times (Daily, Lahore, 9.3.1980).

¹¹. From interview with Shad Mohammad Khan.

example of electing the chairman after the 1987 local bodies elections who had affiliations with the People's Party but had the support of all other groups in the council. It was, however, agreed that the chairman so elected had a greater inclination towards those supporting him. For the chairman too, it was a tough time to retain support of the groups with divergent political backgrounds. "A little carelessness", maintained an ex-chairman, "could lead to devastating effects on the chairman's' position."¹² One reason for such an apprehension was the vice-chairman who enjoyed total support of the Muslim League ruling the province at that time.

An opposite view of the situation was given by those who not only supported the chairman but were also his co-party members. They were critical of the duality of government policy which, while claiming the detachment of politics from local councils, did all it could to ensure control of these institutions by like-minded councillors. How far was then the involvement of the government in the removal (through a vote of no-confidence) of the chairman? A respondent belonging to the chairman's' party clarified the position thus:

*"Personally I did not see any evidence of the provincial governments' involvement. The removal of the chairman was, in fact, the result of frustration and anger arising out of the discriminatory treatment given to his own party councillors. He favoured few influential at the expense of other trustworthy colleagues. Our requests fell flat on him and finally we made up our mind to oust him from the office. The vice-chairman took full advantage of the situation who, enjoying sympathy of the provincial government, An important aspect of this whole process was the post no-confidence developments when the vice-chairman assumed charge of acting chairman and continued serving in this capacity for almost one-and-a-half year. This illustrates the open support which the government extended to the party member in contravention of the statutory requirements."*¹³

The group politics inside the council had some effect on the allocation of development funds which, to some respondents, was unequal. Lack of documentary evidence could not confirm the complaint. The chairman, on the other hand, gave a different interpretation of the issue saying that the discretionary funds placed under the disposal of the chairman was used as per recommendations of the councillors. Other areas of its utilisation included: Special grants for religious institutions, donations for community welfare programmes, meeting expenditures of the chief ministers' visit to the district, and announcement by the chairman of special funds while paying a visit to a certain constituency in the district. It was observed that the members exercised vigilance over the utilisation of council funds to the extent that once the chairman had to justify

¹². From interview with Abdus Salam Khan.

¹³. From interview with Shad Mohammad Khan. The government was bound, under the rules, to hold elections to fill in the vacant post of the chairman within fifteen days from the date such vacancy was notified. Later, an amendment to this rule vide N-W.F.P., No. XXII of 1987 provided that in any case the extension in the election to the office of a chairman shall not be for a period of more than three months. See Section 33 of the Ordinance, p. 25(a).

his donating a nominal amount of fifteen hundred rupees to a welfare institution working in his constituency.

The respondents were asked whether they experienced any external pressure while forming post-election groups and, particularly, in the process of electing the chairman. Answers came from eight councillors whose views differed significantly because of their interpretation of the point from different perspectives. One idea was that since the local bodies' elections were not free from party politics, it did have its effects on the subsequent developments. Party considerations were deeply involved in both the formation of groups and the choice of candidate for chairman. They denied any external pressure in deciding these issues. Another view was that the whole processes were governed by non-party considerations because the choice of the candidate for chairmanship was based on the personal characteristics, leadership qualities and experience of the prospective candidate. A third view was that the government, being uncertain of any substantial gain in the elections, deliberately adopted the policy of holding these elections on non-party basis enabling the councillors so elected to join the group enjoying government support.

The analysis of the researcher is that the political developments inside the council reflected the outside political trends. For example, during the first term (1979-83) when parties were banned from participating in local government elections, councillors were even reluctant to identify their party affiliations, if any, for fears of possible disqualification for which specific provisions existed in the ordinance.¹⁴ Party-politics and its impact on council business became more apparent during the second half of the second term (1983-87) when the provincial government was jointly being run by civilian and military leadership. The military installed political party wanted to ensure its control over as many councils as possible and in this attempt it did not care to follow important statutory requirements.¹⁵ The third term (1987-91) was crucial in terms of the increased involvement of parties in local government politics though still under the cover of partyless elections.

Those confirming parties' influence held the view that it was the party affiliation of the elected councillors which facilitated the formation of groups consisting of like-minded councillors. The result was the emergence of, at least, three strong groups. Two of them, both opposed to the ruling Muslim League, created an alliance and this facilitated the election of a Peoples' Party candidate for the post of chairman. The influence of local notables or the use of money was ruled out. An opposite view, held by three respondents, was that the government's policy of party-free local elections was fully honoured and, therefore, only a candidate who could carry confidence of other

¹⁴. Section 28-A of the N-W.F.P., Ordinance (1979), p. 24

¹⁵. Both the District Council and the Municipal Committee of Mardan worked under acting-chairmen for about ten months following the removal of their respective chairmen through vote of no-confidence in August, 1984. See the *Nawa-e-Waqt* (Daily, Lahore, 16.6.1985).

groups was eligible to become leader of the house. For example, one respondent belong to the Jama'at-e-Islami supported PPP and PML candidates for the posts of chairman and vice-chairman respectively. Being the only candidate elected from his party platform, he did not enjoy enough support of other groups to run for either of the two positions. The respondents, in other words, were of the opinion that irrespective of party affiliations groups were constituted on personal understanding, friendship and the determination to choose a selfless, honest and dedicated chairman. There had reached an agreement among the elected councillors with regard to a candidate and government pressure for electing a 'desired candidate' was successfully resisted.¹⁶ Another point revealed to the researcher from a number of responses was that due to the absence of an active role of the parties, other factors like family background, financial status and, obviously, support from the district notables particularly the local MPAs played a key role in the determination of a choice of leadership by the elected councillors. The idea of choosing a leader of the house on the basis of his leadership qualities worked successfully only during the first and second terms. The changed circumstances during the third term led to the adoption of a unique method of choosing the chairman through lot. The method, perhaps as a trial, was adopted due to certain compelling factors such as the increased involvement of party politics for winning the post, the absence of a strong party group of councillors to settle the question on majority votes and the increasing pressure from outside to seek the election of a desired candidate. Although, this saved the process of electing the chairman from all sorts of undue pressures, both from within and without, the resultant drawbacks of the method were soon realised when the chairman so elected proved to be incompetent for the tremendous responsibilities which the incumbent of the post was called upon to perform.¹⁷ The councillors, most of whom had had the privilege of winning the election from 1979 and 1983, adopted this method as a precaution to protect the council working from the adverse effects of the chairman's indirect election which they experienced during the previous two terms. Could a chairman elected by lot ensure the intended safeguards? The answers given by seven respondents revealed that the method had little effect on the attitude of the chairman so elected. He still demonstrated some preferential treatment to a few politically influential councillors and, interestingly, this inclination was not essentially towards co-party members. Having satisfied with the loyalty and support of the party councillors, the chairman usually attempted to seek the sympathy of powerful councillors in other groups with a view to consolidate his authority. In such attempts, the chairman often demonstrated, over-enthusiasm which, sometimes, led to the

¹⁶. Shad Mohammad Khan narrated how an influential cabinet minister hailing from the district launched a hectic campaign for the election of his brother to the post of chairman.

¹⁷. The first chairman elected through lot had to be removed through a vote of no-confidence only six months after the assumption of office simply on account of his ineligibility to handle the council affairs.

development of bitter resentment among his own party councillors. Such an attitude culminated, once, in the ousting of a chairman through a vote of no-confidence in which his own party councillors played a pioneering role. A close ally of the chairman narrated the event thus:

*"The chairman could, at least, demonstrate neutrality and equality towards the members in view of winning the post through lot. He failed to fulfil the general expectations and soon got inclined towards the influential councillors. This developed frustration and agony among the rest and they, including his party councillors at the forefront, decided, at one stage, to tender a collective resignation in protest against the discriminatory treatment. Instead, the decision taken by the aggrieved members was to replace him through a democratic method."*¹⁸

It was confirmed by three respondents, including an ex-chairman, that the support given to a chairman by members of different groups did not essentially lead to stable conditions based on an affinity of thinking. Uncertainty still prevailed forcing, thus, the chairman to concentrate more on keeping the extended support intact than the service-related aspects of the council. Regarding this apprehension of the chairman of being ousted through a vote of no-confidence, one respondent said:

*"Presently, there does not seem to be a feasible substitute of the chairman's indirect method of election. His election through a direct vote would lead to several problems, inter alia, the question of ensuring his accountability. Certain defects are, undoubtedly, attached with the indirect election but the statutory requirements itself provide the remedy. The prescribed method of his removal provide necessary safeguards whereby the chairman can work with a peace of mind. After all, the requirement is not of simple but of a two-third majority and, therefore, only an extra-ordinarily inefficient chairman can provoke the anger of members constituting two-third of the total strength."*¹⁹

Apart from internal complications, the working of the district council was also effected from certain external factors in view of its peculiar composition i.e., being dominated by the members of opposition parties. The position reflected from the expression of a respondent was such that no chairman could hope to be successful unless he enjoyed sympathy of the provincial government and, internally, the support of influential members. He worked under constant pressure as the sword of no-confidence was always hanging over his head. The councillors, despite possessing the calibre to give a sense of direction to the collective human endeavours in a corporate body, were concerned more with the acquisition of as much benefits as possible for their respective constituencies. This was a question of their survival being connected with their ability to fulfil local expectations.

The dependence of the chairman, on the other hand, on the councillors for the sustenance of his position had a direct bearing on the way he exercised his administrative and financial powers. This phenomenon led to the development of a

¹⁸. Shad Mohammad Khan.

¹⁹. Views expressed by Malak Abdul Karim.

situation where the councillors, particularly those supporting the chairman, benefited much from the informal help which the chairman extended to them apart from the formal allocation of funds to the members which, under the rules, was required to be equal irrespective of the members' group affiliations. Answering a question whether the informal relationship of the councillors with the chairman i.e., blood, caste or political was a source of benefiting from the council resources, six respondents including an ex-chairman authenticated the fact that the indirectly elected chairman had to oblige his supporters. Four of these respondents belonging to two different groups confirmed that they sought from the chairman additional funds. Two of them, relatively more close to the chairman, worked as a channel for fulfilling the additional demands of group members. One of them, though affiliated to an opposition party, received additional funds, from the chairman's discretionary funds, for the construction of three streets in his constituency.

It revealed to the researcher, however, that the discretionary funds of the chairman, which the respondents referred to, was consisted of only a fraction of the council's annual budget and was, in fact, earmarked to meet unforeseen²⁰ expenditures. It was out of this limited funds that the chairman had to meet the additional demands of his group councillors. This nominal amount, coupled (perhaps) with some other under the head of 'contingencies' (for which no details or classifications could be found in the council's budgetary statements despite a statutory requirement)²¹ proved a headache for the chairman as he, under constant pressure from the loyal councillors, had to decide on 'priority basis' i.e., favouring a few and ignoring others which, sometimes, also included his own party councillors. One such respondent told the researcher how his demand for funds for executing a small scheme was turned down for want of resources while acceding, at the same time, to the demand of another party councillor for a scheme (construction of a bridge) that involved heavy expenditures. These alleged unfair practices caused insurmountable damage to the chairman's position. The chairman, while confirming the improper use of discretionary funds, gave the following explanation:

"In view of the limited council resources and the pressing demands of the members, the chairman has to be a bit cautious in terms of fulfilling the statutory requirements, on the one hand, and expectations of the members, both ruling and opposition, on the other. While handling such a complicated task, he often gives preferences to the relatively backward areas in the district. This preferential attention, however, slightly effects the quantum of allocation to other areas. The chairman's informal connections with the members does play a role in shaping his response to the individual demands. The underlying principle governing this sort of tendency is, obviously, consolidation of the chairman's position and,

²⁰. Para 94 of the N-W.F.P., Local Councils (Budget) Rules 1980 provides that a sum not exceeding one percent of the revenue income may be provided as a 'reserve' to meet unforeseen expenditures. See page 66 of the ordinance.

²¹. Para 89 of the above.

*at the same time, the promotion of the interests of his group---the materialisation of which, under certain circumstances, becomes his primary concern."*²²

The situation in the district council of Mardan, from the point of view of mutual relationship between the chairman and the vice chairman, was different from its counterpart in the Punjab (the Zila Council of Gujrat) where the incumbents of the two offices were a source of strength for one another on account of their affiliation with the overwhelmingly dominant ruling group. In Mardan, for instance, the vice-chairman despite possessing no formal authority, had been at the centre of all efforts directed towards the replacement of the chairman. No single group could ever hold both positions in the district council. The rivalry between the two office-bearers became more critical during the third tenure (1987-91) when the coming into power of the Muslim League gave necessary encouragement to the council's vice-chairman who was able to conduct a successful campaign against the chairman with the active support of the provincial administration. Five respondents including two ex-chairmen narrated their experiences with regard to the causes of tussle between the two and its adverse effects on the council's working. Representing a larger representative body like the district council, the chairman had accessibility to governing political figures and senior executive officers. The vice-chairman, on the other hand, found himself nowhere in terms of possessing no privileges and powers despite holding a position next to the chairman. This caused uneasiness on his part particularly if he came from a different party other than that of the chairman's. Internally, the chairman had a fragile support coupled with the threats from the vice-chairman who, as a former student leader, had enough experience of playing the game of power politics. Thus, the kind of environment available to the chairman, both internal and external, was not conducive enough to enable him to fulfil his statutory responsibilities with a peace of mind. This situation occurred both during the martial law period and later under the representative government.²³

The given circumstances, in sharp contrast to those of the Zila Council of Gujrat, which provided conditions for effective checks and balances, could not be overcome. The question with regard to the provision of a free hand to the chairman as long as he exercised the council powers genuinely and exercising a collective check in the wake of deviations, was answered by four councillors including two ex-chairmen. While agreeing to the point that such an environment had yet to develop, a greater improvement had taken place over the years in the mutual relationship between the

²². From interview with Abdus Salam Khan.

²³. It is evident from the fact that after the removal of the chairman in August, 1984, the affairs of the district council were administered by an acting chairman (the vice-chairman) for a period of one year simply because the elections for choosing a new chairman could not be held. Later, an amendment was introduced by the civilian government in 1987 fixing the period of holding elections in the event of a casual vacancy. This, too, was not observed when the vice-chairman continued serving the council for a period of one and a half years following the removal of the vice-chairman in 1990.

chairman and his colleagues in the council. Recalling their experiences as Basic Democrats (1959-69), they referred to changes in the behaviour of present-day voters and elected councillors. Elected chairmen, in their individual capacity, however, demonstrated an attitude which not only created greater rapport between the chairman and the councillors but also avoided the development of uncertainties that could hamper the overall working of the council.²⁴ The continuation of the system of local government in the country, the respondents held, could lead to the development of those conditions where an effective mechanism of checks and balances could gradually evolve. For this, the need to induct qualified and public-spirited individuals into the system was emphasised. Emphasising certain pre-requisites for the fulfilment of the desired conditions, one respondent said:

*"Apart from the inculcation of the spirit of public service through formal education and training, certain statutory provisions (by bringing amendments to the existing ones) could pave the way significantly in this direction. The chairman, for instance, could be required to release periodic reports pertaining to different aspects of the council's working. This will keep both the treasury and the opposition members informed about the day-to-day development of the council business. Thus, the opposition in particular, will be able to evaluate and discuss questionable matters in the council meetings . . . The minutes of the meetings should, likewise, be required to be signed not only by the chairman but by all those attending the meeting. Only then could it exhibit a true picture of the council's deliberations."*²⁵

From the point of view of service related functions, the District Council of Mardan, like its counterpart in the Punjab, did not give an impressive image of service provided. A comparison between the statutory requirements²⁶ and the actual role of the council, exhibited a wide gap. It was the few nominal activities to which the role of the council was confined. The following table illustrates the service scenario:

Table: 40

Range of services provided and the share of allocation from total expenditure.

Year	Metal Road	Shingle Road	Bridges/Culverts	Water Supply	Education
1984-85	11%	18%	33.5%	2%	2%
1985-86	N.A	13%	N.A	1.5%	3%
1986-87	8%	9%	8.5%	N.A	2%
1987-88	9%	25.5%	6%	5%	5%
1988-89	23%	8.5%	25.5%	N.A	4.5%
1989-90	8%	41.5%	16%	3%	3%
1990-91	10%	25%	8%	1.5%	4%
1991-92	23.5%	10.5%	9%	1%	3%

Source: Details provided by: 1. Accounts Officer, District Council Mardan
2. Data Centre, Local Council Board, Peshawar

²⁴. Councillor Said Rahman Khattak explained how an ex-chairman launched a successful campaign after a notice of no-confidence containing a set of allegations was served to him. It was following a series of deliberations with individual councillors that he finally persuaded them to withdraw the said notice.

²⁵. From interview with Shad Mohammad Khan.

²⁶. Part-II (Chapter-IX) of the N-W.F.P., Local Government Ordinance (pp. 42-48) provides for a long list of functions to be performed by the district councils in the province.

The prioritisation of schemes and the allocation made from the council's annual expenditure is indicative of the fact that the Annual Development Plan (ADP) lacked clarity and objectivity in terms of the formulation of the plan in a phased manner. The fluctuating percentage share to each sector in the overall budgetary allocation testifies the truth. Communication seems to be the most emphasised priority in the plan whereas education and water supply the least attended services while health seemed to be not a matter of concern for the council as no funds were earmarked for the purpose during these years. The council's role in promoting education was confined to the provision of scholarships to poor and other deserving students. Its capability in this sector would have been enhanced, had the council been authorised to utilise the so called 'Education Cess' levied on the export tax and credited to the provincial government accounts.²⁷ The following table illustrates the position:

Table: 41

Glimpse of the council's role in the promotion of education.

Year	Export Tax bid offered	Education cess charged	Allocation for education out of council resources	Council's measures for the promotion of education.
1987-88	810,0000	130,1250	600,000	Adult education, medical inspection of school children, grant to educational institutions and scholarships.
1988-89	941,4644	122,5000	738,000	"
1989-90	8067,000	106,4375	450,000	"
1990-91	1119,5500	164,2500	850,000	"
1991-92	1307,8044	201,0000	748,749	"
1992-93	1339,5834	180,0000	450,000	"

Source: District Council's budget statements of the appropriate years.

The respondents were asked whether it was due to the technical and financial constraints or from some changes in government policy. Six respondents gave their opinions. Five of them attributed the difference to the change in government policy whereas one respondent attributed it to the limited financial and technical capacity of the council. Those attributing the restricted role to the shift in government policy after the restoration of the democratic set-up in the country in 1985, held the view that prior to that political change, the district council had proved its worth in the provision of certain basic services such as education, health and communication and the performance was almost parallel to those of the respective government departments. The council had, particularly, acquired enormous technical expertise in the field of road building. The

²⁷. Currently the provincial government charges the education cess @ 15% on the total amount of bid offered by the contractor for the collection of export tax for the year.

respondents also claimed to have acquired greater efficiency in the administration of primary education through effective local supervision.²⁸

Apart from a substantial control over these services, the chairman of the council enjoyed greater prestige in the overall administration of the district and he had a say in the utilisation of funds on these services by the respective provincial departments functional at the district level. A major hurdle faced by the council in the administration of these services was that of finance and it was, therefore, compelled to play a supplementary role instead of assuming full control of these services. There prevailed a consensus of opinion among the respondents that the handing over of the funds, currently utilised through the government agencies on primary education, basic health and similar other social welfare activities, to the district council, would go a long way in strengthening the functional capability of the council.

An assessment of the council's range of service-related activities, in the light of details provided by the respondents, revealed that the functional jurisdiction of the council started narrowing gradually following the coming into power of an elected government after the 1985 general elections conducted by the military government on a non-party basis. With this started a reversal of the pre-1985 government development strategy which envisaged increased involvement of local government institutions. The civilian government, a product of partyless general elections and lacking the entire paraphernalia of a strong governing body with concrete programme, depended heavily on the country's traditional bureaucracy. This not only enhanced the already prestigious status of the bureaucracy but provided it with ample opportunities to tighten further its grip on the governmental structure. Thus the preliminary measures initiated by the military government and directed towards the shift of power from the bureaucracy to elected democratic institutions suffered from a transgressive reversal. There did not occur any meaningful change in the attitude of bureaucracy towards elected local bodies.

Apart from the gradual erosion of the council powers, another factor of vital significance was the government's introduction of a special development programme (the first of its kind was Premier Junejo's Five Point Programme) under which a new practice of undertaking works of construction and development through the national and provincial legislators started. This indulgence of MNAs and MPAs in development activities (mostly of a local nature) not only created problems of functional overlapping but also gave way to rivalry and confrontation between the members of the parliaments on the one hand, and the elected local councillors, on the other. This was revealed from the expressions given by the respondents in response to a question regarding the impact

²⁸. One respondent narrated how certain lady teachers of a primary school were warned, through the District Education Officer (Female) against their irregular and unpunctual attendance at the place of their work.

of the participation of the members of parliament in local developmental activities. The respondents, seven in number, termed the process something unprecedented and a direct encroachment into the sphere of influence of local councils. The following table gives a comparative view of the role of the three categories of elected representatives in the process of local uplift:

Table: 42

Comparative view of the role of elected representatives in local development. (1990-91)

Level of representation.	Party Affiliation.	Funds allocated.	Funds utilised.	Nature of schemes undertaken
Senators: 1	P.M.L	1289,4552	610,2197	Roads: 15 School building: 2 Irrigation: 1
M.N.As: 1	A.N.P	1392,4000	1250,4103	Roads: 25
M.P.As: 3	P.M.L: 1 A.N.P: 2	Details of funds and schemes executed could not be acquired. Under the Social Action Programme, however, each member of the parliament could propose schemes to the extent of five million rupees in his respective constituency.		
Lcal Councillors: 18	P.M.L A.N.P P.P.P & J.I	1168,4900	819,1644	Drainage, premix roads, street pavements and culverts.

Source: Divisional Director, Local Government & Rural Development, Mardan.

There was almost a consensus of opinion on the point that the parliamentarians (both national and provincial) should look to their respective businesses and their indulgence in matters like construction and development simply diverts attention from their primary responsibilities. The respondents claimed greater familiarity with the nature of local problems as a result of their permanent contact with the local population and the competence to solve them. Explaining the position, one respondent said:

*"We understand more what the people require at a certain time. While a parliamentarian tends to maintain some distance between himself and the people, a local councillor does not rather cannot. Due to the peculiar nature of our representation (in terms of people's easy accessibility to us) and the small size of the constituency, we happen to be in a far better position to comprehend what the local population requires at a given time . . . Taken in this context, the government's approach does not seem to be realistic in view of the fact that while it did not strengthen our hands in the administration of local problems, it has opened avenues of conflicts and tussles between the representatives of the two levels."*²⁹

The situation became troublesome when, following the dissolution of local councils in the province, the role of the district council came to a standstill as a result of handing over of its charge to an official administrator who, also holding the position of the Divisional Director of Local Government and Rural Development, could only exercise a distant control over the council affairs, leaving thus the principal officers under the chief officer to play a pivotal role. A significant development that followed was the distribution, on equal footings, of the council development funds among the

²⁹. From interview with councillor Hidayatullah Khan, 21.2.1993.

MPAs of the district for utilisation in their respective constituencies. One respondent, while criticising the way council funds were being utilised, remarked:

*"They (the MPAs) have been using the funds randomly without proper planning and without looking to the exigency of the local problems. They listen to the suggestions of only those who have been campaigning for them in their constituencies. Actually, they are enlarging their vote bank by obliging the people in one way or another."*³⁰

The lack of understanding between the legislators and the councillors and the calculated efforts of the former to strengthen their monopoly by curbing that of the latter, added to the already tense relationship between the two. It was confirmed from the expressions of, at least, four respondents that the relationship between the representatives of the two levels was not cordial rather it was characterised by enmity and confrontation. They took a serious view of the utilisation of council resources through the MPAs. In the words of an elderly respondent:

*"This, in my opinion, is a political bribery which only an unstable government lacking self-confidence, can afford to offer. The government has, in fact, been affording this in return for the members wholehearted support to it. It is strange enough that to keep this kind of situation intact, the parliamentarians of both sides i.e., the treasury and opposition, have set aside their mutual differences while taking a united stand against local government institutions in the province . . . Now, (since) development activities has become an integral part of the present-day role of the parliamentarians, it is futile to talk of the seclusion of the development programme from the ambit of the legislators' role. Designing a concrete development strategy, on the other hand, appears to be the alternative course of actions with particular emphasis on the drawing of a clear line of demarcation between the spheres of influence of the three levels of representatives."*³¹

The provincial government had visualised these sorts of jurisdictional problems and had, therefore, come with the idea of a co-ordination machinery at the district level³² headed by the chairman of the respective district council. Three respondents, each having the privilege of being the ex-chairmen of the District Council of Mardan, confirmed that the creation of the co-ordination committee not only elevated the prestige of the district council's chairman but also served as an effective device of harmonious relationship with the district-based government agencies. Subsequently, it paved the way for the formulation of a comprehensive District Annual Development Plan involving the joint efforts of all district heads of important government departments. It also revealed from the expressions of the respondents that the co-ordination was meaningful both vertically as well as horizontally. With this, the rural councils at the grassroots level received necessary activation in their responsibilities towards rural uplift. Later, the provincial government's decision to appoint one of the MPAs from the district as chairman of the district co-ordination committee proved disastrous in terms of

³⁰ Views derived from interview with councillor Ziauddin Khan, 7.4.1993

³¹ Views expressed by Shad Mohammad Khan.

³² In the N-W.F.P., the District Co-ordination Committee was established through a Government Notification of May, 1980 which spelled out its powers and functions. See N-W.F.P Local Government Ordinance (1979), pp. 50-52

its gradually deteriorating role. It so happened that the comparatively tight schedule of the MPA prevented him from attending to his new assignment and thus the one time functional organ of effective liaison virtually became a dead body as membership of the chairman of the district council on the co-ordination committee was terminated. The government's past strategy of rural development through the effective participation of the district councillors went into oblivion. Commenting on this changed attitude of the provincial government towards elected local bodies, one respondent said:

*"The elected provincial government bears sole responsibility for this sad state of affairs. The co-ordination committee, as long as it worked under the headship of the chairman of the district council, was on the way to establish the traditions of popular control over the district administration. The government's initiatives aiming at the organisational changes weakened rather than strengthened the roots of this tradition. Their disregard to established institutions for the acquisition of certain cheap and short term political objectives negates their claim of promoting the cause of democracy."*³³

The ineffectiveness of the co-ordination had its all-round implications. It isolated the council from the rest of the district based government departments. Similarly, the one time close liaison with the higher authorities at the district and provincial levels ceased to exist. The institutions suffering mostly from the severe of this collaboration were the union councils. The termination of support, both financial and technical, from the provincial government on the one hand and the severe of linkage with the district council, on the other, brought a complete standstill to the already nominal role of these grassroots elected councils. The dissolution of local councils in the province in August 1991 gave a severe blow to them in the sense that while the development funds of the district council were diverted to the local MPAs for utilisation in their respective constituencies, Union Councils had nothing to spend on public welfare. A visit, by the researcher, to one such council at Toru in the outskirts of Mardan city, testified evidence to this effect. The following table illustrates an insight into the whole state of affairs:

Table: 43
Details exhibiting the role of a Union Council in rural uplift.

Year	Provincial grants	Nature of work executed	Non-development expenditure	Share from local rate
1988-89	88725	Drainage, pavement of streets.	6657	---
1989-90	196000	Shingle road, construction of shade for local bus stand.	7972	---
1990-91	127500	Repair of several link roads.	6595	---
1991-92	---	---	7261	---
1992-93	---	---	8967	---
1993-94	---	---	3298	---

Source: Secretary, Union Council Toru (17.i.1994)

³³. Views derived from interview with Abdus Salam Khan.

It appears that the union council depended exclusively on government grants. The period from 1991-92 onward indicates complete termination of development works in view of the stoppage of grants as a result of the dissolution of local councils. The council had no income of its own despite the power to levy a number of taxes.³⁴ People did register cases of births and deaths but no charge could be made for lack of a formal government notification.

It was pertinent to note that unlike General Ayub Khan's Basic Democracies system which provided an in-built mechanism of co-ordination at different levels, assigning the headship of all important organs of the system to seasoned bureaucrats, the ordinance of 1979, introduced by another military ruler, made a complete departure from the previous traditions in that an elected representative, for the first time, was assigned with the task of seeking co-ordination of government departments with the district council.

Apparently, though the deputy commissioner was excluded from participating in district council administration, the actual practices revealed that he still exercised enormous influence over the affairs of district council. The possession of powers by him under the land revenue act was the only course available to the council to get its arrears of revenue recovered from the defaulters. While the denial of powers of collector³⁵ to either the chairman or the chief officer of the council made them increasingly dependent on the deputy commissioner in his capacity as district collector, the tight business schedule of the latter could enable him to pay only a little attention to such 'ancillary matters' which meant delay in the recovery of dues and the consequent bad effects on the overall budgetary performance caused by the paucity of funds.

As long as the district co-ordination committee was functional, it served as an effective liaison between the district council and the numerous government departments. The vacuum created by the virtual disappearance of the co-ordination machinery could adequately be filled by making it obligatory on the district heads of all government departments to ensure their attendance³⁶ in the council meetings (in line with the practices in the Punjab) whenever their availability was requested.

³⁴. The local government ordinance (1979) provides for some twenty taxable items (p. 93). The only tax introduced and collected in 1984 was that on profession generating that year a sum of rupees four hundred and twenty-six. The council has since been depending on a separate grant from the rural development department for meeting its establishment charges.

³⁵. Conferring on the chairmen of the local councils, particularly those of the district councils and the municipal committees, the position of honorary magistrates, has been a long standing demand of those concerned with the development of a strong local government in Pakistan but the grounds on which the idea could not be acceded to included, inter alia, the apprehensions that it might lead to local rivalries. See chapter on Financial Resources in Report of the Local Government Commission, Government of Pakistan, Ministry of Local Government and Rural Development, December, 1982.

³⁶. In view of the lack of this formal liaison, the only course of action available to the district council was to air its grievances to the concerned department through the passage of a formal council resolution which, for obvious reasons, used to receive exceptionally little response. It was keeping in view such state of affairs that the respondents felt the need of the deputy commissioner's involvement, to a

The financial condition of the district council was not very different and exhibited similar trends like the other councils covered in this series of case studies. Having complete reliance on a selected number of taxes with resource generation that fluctuated off and on, the council suffered heavily with the tragic problem of a resource gap. This adversely effected the already restricted range of service-related operations. A critical evaluation of the tax administration of the council revealed that the existing system of tax collection suffers from a number of drawbacks and needed to be established on sound footing. The following observation, made by the audit during its periodic review of the council's financial record for the year 1993-94, gives a self-explanatory view of its tax administration:

*"The export tax for 1993-94 was leased out for Rs. 176,10000/- The contract had to be cancelled on 25.11.1993 on account of the council's failure to establish a tax post (to avoid evasion of tax) at the outskirts of the district for reason of law and order. The council then made departmental arrangement for its collection till 14.12.1993, when it was re-auctioned as per government directives for the remaining period ending June 1994, for Rs. 90,25000/- The cancellation of the contract without forfeiture of the earnest money and recovery of risk and cost from the former contractor and its re-auction resulted into a loss of Rs. 29,43246/-"*³⁷

The above observation provides an insight into the mechanism of the way this important tax, bringing a lion's share to the revenue generation of the council, is administered. Apart from the inherent defects in the contracting method, there are other aspects of this tax administration which are affected, directly or indirectly, by the government decisions. One such area is the government's power to exempt taxable items from the schedule of taxes. This caused, sometimes, substantial damage to the anticipated income affecting, in turn, the overall ADP of the council. The provincial government, for instance, released a schedule of export tax in May 1992 to be effective for a period of three years. In September, the same year, an order came exempting³⁸ the wheat and flour from export tax without assigning any reason or, at least, taking the council into confidence.

The government, at the same time, encourages the local councils to ensure ten percent increase per annum in the generation of revenue from all sources of income. The council, however, in very rare cases achieved the target set by the government. The fact is illustrated from the table (No. 44).

limited extent, in the working of the district council in view of his enormous influence over the district administration.

³⁷. Para 11 of the Audit Report for the year 1993-94 in respect of District Council of Mardan.

³⁸. Such changes in the midst of financial year provide genuine grounds to the private contractors for demanding remission in the payment of taxes. Reference in this connection could also be made to the grant of a remission amounting to Rs. 130,7286/- to the export tax contractor on account of tobacco and tobacco items for the year 1990-91.

Table: 44

A review of the council's endeavours to achieve ten percent annual increase in income from important sources.

Name of tax	1988-89	1989-90	1990-91	1991-92	1992-93
Export Tax	Required:	891,0000	1139,1718	1253,0889	1378,3977
	Actual:	941,4644	1119,5500	1307,8044	1339,5834
	Difference:	504,644	-228,9108	-196,218	547,155
	%	5.5	-22	-2	4.5
Tax on the sale of Immovable Property	Required:	519,8926	849,4583	934,4041	1027,8445
	Actual:	772,2349	638,7085	600,0000	581,1005
	Difference:	252,3423	-210,7498	-334,4041	-446,7440
	%	48.5	-25	-36	-43.5
Tax on the sale of Animals	Required:	213,8400	292,1688	321,3856	353,5241
	Actual:	265,6080	201,7806	206,8000	295,8436
	Difference:	517,680	-303,882	-114,5856	-576,805
	%	24	-10.5	-36	-16

Source: Details provided by the Accounts Officer, District Council Mardan.

This grim financial position reflects the relatively poor efforts directed towards the elimination or, at least, reduction of those factors which create hinderances in the effective tax administration. Despite heavy reliance on revenue from the above taxes, the council had been at the mercy of private contractors who, in their efforts for profit maximization, indulge frequently in the harrassment of tax payers. The failure to fulfil, in letter and spirit, the contractual obligations by the private contractors, caused financial set-back and effected the council's ability to operate some of the local services. In the words of a respondent:

"It is in rare cases that the council receives the entire amount of bid offered by the contractor for a given tax. While adopting all possible means to maximise his income from the leased out tax, he (the private contractor) leaves no stone unturned in getting reduced, by seeking remissions³⁹ for one or another reason, the net amount payable to the council under the terms of the agreement. Short of these practices, if the council receives the agreed amount of bids from the main taxes (e.g., the Export Tax and the Cattle Fair), that would suffice the council to meet its major policy objectives."⁴⁰

A question regarding this shaky financial health despite wide taxation powers was answered by four respondents--- three of them ex-chairmen. Their candid and frank discussion unearthed certain hidden aspects of the, otherwise, brighter account of the council's financial administration. The council's reliance on private contractors for the collection of all major taxes and the corresponding set-backs caused by the inherent shortcomings in the method of contracting, the lack of necessary government support for activating departmental machinery of collection, the council's reluctance to exploit new sources of revenue generation for fear of possible public reaction and ever-increasing proportion of budgetary allocation for meeting establishment charges were attributed to be the primary reasons for the council's inability to maintain a minimum level of service standard. The respondents voiced concern over the inadequate tax base of the council in view of the larger segment of the population being served and the range of services required to be provided. Generally, there was noted a sense of discontent in the views of the respondents over the distribution of financial resources between the provincial government and the local councils. They made a strong plea for the transference to the local councils of a fixed percentage of the income from provincial taxes.

39. The respondent narrated how on two occasions i.e., the demolition of the historic Babri Mosque in Banaras (India) and the opposition parties call for a long march against the ruling party brought the country to a standstill and the resultant disturbances gave enough grounds to the contractors to claim remission in payment.

40. Views expressed by Malak Abdul Karim.

Conclusion

Elected on a non-party basis and composed of divided strength, the District Council of Mardan exhibits an interesting example of an elected local council faced with the dilemma of unhealthy relationship with the provincial government. It provides an example how an elected body emerging from a partyless elections suffered from the adverse effects of party-politics simply because it was dominated by members affiliated with opposition parties. In fact, the case study reflects the widened gap between the official policy of politics-free local government and the deliberate attempts to destabilise a council machinery that had differences with the party ruling over the province. This was true both during the military rule (1980-85) and the subsequent period of the military-installed civilian government (1985-onward). A confrontation with the provincial leadership remained a characteristic feature of the council's working. Thus, the external pressure coupled with the uncertain internal situation were the stumbling factors effecting badly the developmental activities of the council.

The council, though representing all major political parties in the district, had the problem of a lack of a strong single group enjoying clear majority. The absence of the needful not only promoted chaos but the chairman, whose election was dependent on an alliance between two powerful groups within the council, had a hanging position because of the threats of no-confidence. He was, thus, faced with a situation that had greater resemblance with that faced by the provincial chief minister as a result of a coalition government. The fragile foundation, on which the authority of the chairman rested, had a direct bearing on the style with which he handled council business. The alliance, though, facilitated the election of chairman and vice-chairman representing both the groups, the arrangement simply promoted instability and uncertainty as the chairman so elected had his attention mostly focused on the consolidation of his authority rather than concentrating on the fulfilment of his vital statutory obligations. His initiatives, in a large many cases, had a connection with the question of his survival.

The government policy had little effect on the loyalty of the elected members who kept their party affiliation intact and all efforts of their manipulation by the government were strongly resisted. Of course, the members had to pay a huge price. Functioning in a peculiar Pakhtoon environment with membership drawn from traditional Pakhtoon tribes, the councillors demonstrated no problems while turning against their own co-party chairman whenever he was found to be deviating from the principled stands of equity, decency and fair play.

Administratively, the council devoid of the effective use of sub-committees, could provide little opportunities of practical training through increased participation in the decision-making process. Their low level of education and the resultant poor understanding of the council's powers hindered the development of a true perception of the role the councillors were supposed to play as members of the district's important

representative elected body. This was evident from their poor commitment to provide an effective mechanism of checks and balances in their relationships, particularly, with the chairman. This could bring into being a conducive environment whereby accountable performance on the part of everyone could be ensured. The responsibility for the lack of such a condition equally fell on the government on account of her failure to seek strict compliance of those statutory provisions that could ensure supremacy, and not personification, of law in the conduct of council business.

Likewise the council, assigned with the tremendous responsibilities of rural uplift, lacked essential components such as administrative and technical support from the government and a sound financial management of its own. The government, instead of strengthening the position of the council as a vital component of the rural development strategy, preferred to make parallel arrangements by involving elected representatives of the higher levels. The programme, being founded on political grounds, was deeply resented by the elected councillors describing it an encroachment into their functional jurisdiction.

Chapter Seven

Provincial Governments' Relations with the local councils

In contrast to the Basic Democracies Ordinance of 1959 and the Municipal Administration Order of 1960 regulating the rural and urban local councils respectively in General Ayub Khan's Basic Democracies system, the one promulgated during General Zia's regime differed significantly in view of the fact that eight different ordinances were promulgated which enabled the provincial governments, federally administered tribal and northern regions to devise organisational forms of their own, keeping in view their different geographical, cultural and demographic concerns. A model ordinance was designed at the federal level to be adopted by the provincial governments after necessary changes to suit their conditions.

The ordinances promulgated in the provinces of Punjab and the North-West Frontier had many things in common except the difference in strength and composition of various local councils constituted in the Punjab having the largest population in the country. The fundamental principles governing the operations of the local councils remained identical during the first few years of their promulgation i.e., as long as martial law was enforced. Both the provinces have in their organisational structure the Departments of Local Government and Rural Development with the primary responsibility to ensure the orderly working of local councils in the respective provinces. Headed by a cabinet minister with responsibility for policy matters, liaison with the provincial chief minister on matters of his department and conducting the business relating to the department, the department has a hierarchy of officers heading the administrative, regulatory, general and development wings of the department and stretched over from the secretariat level to the district level in the frontier province and the tehsil level in the Punjab (Table: 45). Apart from the secretariat officers who have responsibility for assisting the minister in the formulation of policy, its execution when duly sanctioned, ensuring efficiency and discipline in the conduct of departmental business and submitting all proposals for legislation to the cabinet with the approval of the minister, the department has, in both the provinces, several attached departments such as Directorate General of Rural Development, Directorate General of Inspection, Provincial Local Council/Government Board, and the Local Councils Election Authority which deal with different aspects of the working of local bodies. In Punjab, the Local Councils Elections Authority works under a Judge of the Lahore High Court as its chairman whereas in the N-W.F.P., the Secretary to the Government for Local Government and Rural Development also acts as its chairman. In spite of powers available to them under the respective ordinances, the election authorities in both the provinces cannot enlist a complete electoral administration of their own and rely increasingly on field officials of the provincial government.¹

¹. Khawaja Mohammad Yousuf, 'Elections to Local Bodies in Punjab.' 49th Advance Course in Administration and Development, N.I.P.A., Lahore, pp. 59-63. The author recommended to bring these authorities in line with the Election Commission of Pakistan by declaring them as autonomous bodies. This will enable them to perform functions outside the executive machinery of the government.

Table: 45

Organisation Chart
Department of Local Government & Rural Development, Government of the N-W.F.P

Provincial Minister
Secretary

(Also chairman, LCB & PEA)

Secretary Local Council Board		Secretary Provincial Election Authority		Additional Secretary Local Government & Rural Development		Director General Local Government & Rural Development	
D.S-I	D.S-II	Deputy Secretary-III	Ch. Engg	Deputy Secretary Local Government & Rural Development			
Accounts Officer	Asstt. A/Officer	Admn. Officer-II	Assistant Engineer III	Section Officer-I	Section Officer	Section Officer	Special Programme Cell
Admn. Officer-I	Admn. Officer- IV	Legal Officer		General	II & III		Planning Officer-I
							Planning Officer-II
							Progress Officer
Director Headquarters	Admn	Deputy Director FATA/LG	Director Technical	Asstt/Dir (Admn)	Accounts Officer-I	Accounts Officer-II	Divisional Director L.C.A
							Progress Officer
							Assistant Director
							Head Clerk
							Assistant Engineer
							Supervisor
Asstt/Dir W/Welf	Asstt/Dir R.W.P	Asstt/Dir FATA-I	Asstt/Dir L.G-II	Asstt/Dir Tech Sub- Engineer	A/Engg PUGF		Secretary, Union Council
							Sub- Engineer

Source: N-W.F.P Local Government Ordinance, 1979.

While the activities of the last three attached departments are restricted to the headquarters level, the directorate of rural development has a network of field establishments starting from the division level and reaching the district level. In the Punjab, it goes further down where a Project Director, working under the Assistant Director and having his office located at the Markaz (sub-division) level, oversees the working of a number of union councils falling within its jurisdiction.²

The stated objectives of the department of local government and rural development, in relation to the working of local councils, are classified as under:

1. Policy formulation i.e., promulgation and up-dating of laws, rules and guide-lines for establishment and working of local councils and certain other matters like election, training, research and project identification etc.;
2. Co-ordination involving consultation with the Federal Government and other departments of the provincial government;
3. Administration of services i.e., recruitment and administration of personnel of BPS: 16 and above belonging to both the local council service and the rural development;
4. Inspection of local councils which is done in a programmed manner through a number of officers and teams of the department.³

It was clear to the researcher both from the government pronouncements and views obtained from the senior secretariat officers⁴ that side by side with powers and autonomy granted to the local councils, the government has maintained a mechanism of control over these institutions for their supervision and intervention takes place only when there is a gross violation of the laws/rules governing the system and other acts detrimental to public interests. In principle, this provides for the basis of relationship between the provincial governments and the local government institutions wherein the latter were provided with an independent environment within which to operate. The facts gathered during the course of four case studies revealed that the availability of such an environment depended upon certain pre-requisites understood from the expressions of a large number of respondents. Political affinity, willingness to accommodate official policy, particularly in the event of an abrupt change of government at the provincial level, were the grounds determining the actual pattern of

². A former Project Manager told the researcher that the Markaz Councils, headed by one of the chairmen of respective union councils and with membership available to the respective district councillors and officers of nation-building departments, played an effective role in seeking co-ordination, execution of development programmes and supervision thereon. Their position declined gradually, particularly after 1988, when the process of electing its chairman discontinued.

³. See Guide Book (1987) Local Government & Rural Development Department, Government of the Punjab, pp. 3-4. Almost similar functions have been outlined in the N-W.F.P., Local Government Ordinance 1979 (See Organisation of the Department, Part-I) , pp. 1-3

⁴. Secretaries to the government of both the provinces expressed the view that the erstwhile controlling authority over the local councils stands abrogated now and there is simply a supervisory role exercised by the parent department and to facilitate this there are powers delegated to officers posted at the divisional, district and sub-divisional levels.

relationship between the two levels of government.⁵

A cursory view of the Local Government Ordinances reveal that the provincial governments, being creator of the local councils, enjoy the powers to regulate their activities in all respects. The government may, by notification, extend, curtail or otherwise alter the limits of a local council or declare that any local councils shall cease to be a local council for reasons to be enumerated in the declaration.⁶ The exercise of power under this rule has largely been motivated by political considerations.⁷ It appears that the provisions of the ordinance have not been adhered to strictly and provincial governments have frequently used their discretionary powers for granting municipal status. This is evident from significant overlaps in the ranges of population of different levels of urban and rural local councils.⁸

The government may also divide a local council into two or more local councils or amalgamate two or more local councils into one local council and as a result of this division or amalgamation, the directly elected Muslim members shall become the members of such local council/s as if such members had been elected to that local council/s.⁹ In the Punjab, the powers under sub-section (5) of section 6 were exercised by the Commissioners of the Divisions within their jurisdiction. In certain other matters, the district bureaucracy in Punjab was given a powerful voice in relation to the local councils compared to the north-western frontier province where the district officers had a small role to play in the administration of local affairs. This is evident from the orders

⁵. The changing pattern of relationship between the Provincial Government of Sindh and the Metropolitan Corporation of Karachi illustrates a relevant example. The corporation, being the largest urban local council in Pakistan, was dissolved in February, 1987 on the alleged dispute over the transfer to the corporation of the motor vehicle tax which constituted an important source of its income till 1970. The drastic action was, however, motivated more by political considerations than by financial exigency in view of the fact that the provincial chief minister and the mayor of the corporation had affiliation with opposite political parties and the former did not like to see the corporation, affecting the lives of some ten million people, become a power base in the hands of opposition. At a later stage, there was seen a highly cordial relationship between the chief minister (head of a defected group of P.P.P in Sindh) and the ethnic Muhajir Qaumi Movement which dominated the corporation simply because the latter was a source of great strength to the former in the provincial assembly.

⁶. New Local Government Laws in Punjab (1979), Sub-section (5) of section 6, pp. 10-11.

⁷. An ex-Principal Staff Officer to the Secretary, Government of the Punjab told the researcher that the prescribed criterion for upgrading a local council is not strictly followed as the government possess the power to upgrade certain council to the higher status even if it does not fulfil the required strength of population. The same is true of the Frontier Province where a number of union councils could not be declared town committees despite exceeding the population of ten thousand.

⁸. See Local Government Administration in Pakistan (vol-1), a publication of the University of Karachi (Applied Economics Research Centre), n.d. The executive summary on the spatial organisation of local and provincial governments in Pakistan gives evidence to this phenomenon.

⁹. The elected councillors interviewed for purposes of case studies in the two provinces narrated that there was a sharp contradiction between the stated policy and the way this rule was applied in different occasions. References, in this connection, were given to the dissolution of Peshawar and Mardan District Councils following the creation of two new districts of Charsadda and Swabi in Peshawar and Mardan respectively. In a similar situation, however, the District Council of Bannu was not disturbed after the creation of the new district of Karak for the simple reason that majority of the elected councillors there had affiliation with the ruling party. Interestingly, the said councils were later revived after a prolonged legal battle when there took place a change of government following the death of the military ruler in a plane crash in August, 1988.

and notifications issued by the provincial government delegating powers to the divisional and deputy commissioners to deal with a number of problems arising from the working of local councils within their jurisdiction. Details of such powers appear in Annexure: D.

The elected members, interviewed for the purposes of four case studies, differed significantly over the government's claim to be granting maximum autonomy to the local councils and often termed the government control as something absolute. The respondents held the view that the application of the rules contained in the ordinance depended upon a number of other factors which determined the actual pattern of relationship of the local councils with the provincial government. "It remains cordial, they said, "if the political party ruling the province also dominates the council."¹⁰

The method of electing the members for the reserved seats for women, minorities, peasants, labourers (in both the provinces) and, particularly, the chairman of the markaz council (Punjab only) has warranted severe criticism. The dominant groups play a pivotal role in filling these seats and, therefore, the members thus elected find it difficult to adopt an independent line of action in the conduct of council business in view of their being dependent on the will of the majority group.¹¹ Similarly, the election of chairman of markaz council by 'show of hands' negated the principle of secret ballot and paved the way for the election of a 'desired candidate.' There was revealed to the researcher some significant aspects of the election phenomenon, particularly, with reference to the election of Mayors and Chairmen of major urban and rural local councils in both the provinces. Apart from the process being influenced by the influential local families, some evidence of interference by the ruling party at the provincial level was also observed.¹² The role played in this connection by an influential family in the election of chairmen of the municipality and zila council of Gujrat and that of the provincial government of N-W.F with regard to the mayoralty of Peshawar

¹⁰. Situation obtaining in the Punjab following the local bodies elections held in 1987 and 1991 for the third and fourth terms respectively testified the contention. Likewise, the cordial relationship in Sindh, during the period of Chief Minister Jam Sadiq Ali, heading a defected group of Pakistan Peoples Party, who was extended with whole-hearted support by the ethnic Muhajir Qaumi Movement, confirmed the assumption.

¹¹. The Local Government Commission advised the provincial governments to introduce the system of separate electorates for the election of minority members instead of leaving them to be chosen by sitting council members. This pronouncement, made as early as 1982, was incorporated into the mode of elections by the provinces and the succeeding elections were held on the basis of providing separate electorates to the minorities [See section 13(2) of the Ordinance, p. 23]. For filling other seats reserved for special groups, the old method was retained placing, thus, the members so elected on the discretion of majority group. This proved to be a stumbling block in the way of promoting, by these members, the cause of their respective groups.

¹². See the 'Dawn' (Daily, Karachi, 4.1.1988). The Parliamentary Opposition Group blamed that the Government machinery in Punjab was adopting undemocratic and unwarranted ways for winning over the support of the councillors, elected on non-party basis in 1987, in favour of PML-nominated candidates for the seats of mayor and chairmen.

Municipal Corporation produce concrete evidences.¹³ In the same manner, increasing the number of vice-chairmen¹⁴ in major local councils of the Punjab, the provincial government, by accommodating representatives of different factions of elected councillors, attempted to manipulate their support in favour of the chairman having political affiliation with the party ruling the province.

The method of electing chairman and vice-chairman by the elected councillors raised much controversy because of the alleged inclination of the chairman so elected towards his supporters. The prevailing controversy reached its apex when the government's instruction (in Punjab) came declaring that the "poll for the election of chairman shall be held by raise of hands."¹⁵

Determining the term of office of local councils falls within the ambit of the provincial government and it was only in the Punjab that the government increased the term of office from four to five years bringing it at par with that of the national and provincial legislatures. The statute authorises the provincial government to curtail the term of office of the local bodies.¹⁶ In both the provinces, this provision was arbitrarily applied against the sitting local councils long before the completion of their term. While in the N-W.F.P., the step was taken during their working for the third term (1987-91), in Punjab, the decision was taken in the first half of the fourth term period.¹⁷ Thus, originally elected for the extended term of five years, the elected local councils could

¹³. The election of mayor of the corporation for the second term assumed a crisis situation involving in the battle the military Governor, on the one hand, and the civilian chief minister, on the other, who participated actively for the victory of their respective candidates having family relationship with the two chief executives.

¹⁴. See section 12(2) of the ordinance which increased the number of vice-chairmen to two in certain councils and three in others, p. 22.

¹⁵. Sub-section 60(2) under section 23 of the Punjab Local Government Ordinance. The amendment came immediately after the local bodies polls held in the province for the fourth term held in December, 1991.

¹⁶. Section 26-A of the Punjab Local Government Ordinance (1979), p. 101. A similar provision exists in the Ordinance of N-W.F. Local councils in both the provinces became victim of this provision in view of the fact that the institutions were dissolved prior to the completion of their term of office. In the N-W.F., these were dissolved in August, 1990 whereas in the Punjab these were dissolved in August, 1993 following the change of government at the provincial level. The elected local councils could hardly complete twenty out of the mandated period of sixty months (five years). The decision was taken in response to the demands of major political parties who wanted impartiality in general elections scheduled to be held in Oct. 1993.

¹⁷. Against the backdrop of the dissolution of the local councils two contradictory reasons were given i.e., the rampant corruption and massive irregularities committed by mayors and chairmen of 'some of these local councils' [see the 'Nation' Daily, Lahore, 16.8.1993] and the government's plan to hold fair, free, impartial and transparent elections to the national and provincial assemblies in October, 1993 (see the 'Frontier Post' Daily, Peshawar, 16.8.1993). The fact is that the holding of general elections has no nexus with the existence/non-existence of the local councils and this finds no support from the provisions of the ordinance. It is pertinent to note that the funds of all local bodies institutions were frozen in a bid to ensure free and fair general elections. It was followed, just two weeks later, by the drastic action of dissolution on the ground that the freezing of the local bodies funds had failed to restrain the councillors, mayors and chairmen, most of whom having loyalty to the PML(N), from utilising official facilities and privileges for personal aggrandisement and in favour of their favoured candidates in the general elections of Oct. 1993.

hardly work for a period of one and a half year.¹⁸ Local councils in the Punjab, the political base of Pakistan Muslim League, were specifically chosen for dissolution whereas in other provinces, mere suspension of local councils was treated to be enough for fulfilling the care-taker government's mandate of holding free and transparent general elections. Similarly, in the N-W.F.P., while dissolving the local councils before the completion of their tenure in August, 1991, the Local Government Ordinance was amended in order to hold the forthcoming elections within eighteen months.¹⁹ The sitting provincial assembly unanimously endorsed the government action in this regard through a bill.²⁰ After this period lapsed, the government came with another amendment increasing the required period to twenty-eight months for the holding of fresh elections. The assembly again unanimously passed a bill to legalise the government action.²¹ The question of holding or with-holding elections to the local councils, therefore, seemed to fall within the discretion of the respective provincial government. While these elections used to be conducted well in time during martial law²² period, the restoration of civilian order proved to be a stumbling block in the regularity of these polls. The reluctance to hold these elections could be attributed to certain political factors. A general opinion held by the experts was that the political parties, having a weak organisational set-up and lack of adequate public support, do not take the risk of losing grounds at the grassroots level while being in power.²³ With the possible greater turn out of the opposition councillors, the defeat could be attributed as a vote of no-confidence against

¹⁸. The elected local councils in Punjab held their first meeting, under the fourth term, on 9.1.1992 and the Government Notification No. SO(LG.)3-32/93 curtailing their term of office was issued on 15.8.1993.

¹⁹. The Provincial Government (N-W.F.) dissolved the local councils on the grounds of their alleged involvement in gross financial irregularities and other corrupt practices. The government action was regarded to be based on prejudices, enmity and bias aiming at getting rid of the entire local councils instead of initiating enquiry against the irresponsible ones. A similar action dissolving the Municipal Committee of Dera Ismail Khan and the Town Committee of Havelian (both in the N-W.F.) on charges of corruption and disqualifying members of both the councils for any future elections, had led to heated debate in the provincial council of that time. The military chief minister, presiding over the meeting of the Provincial Council, had agreed to deal only with the responsible councillors in future. See the 'Nawai-e-Millat' (Daily, 4.2.1982).

²⁰. The provincial assembly had, in fact, advised the government to postpone the local bodies polls scheduled to be held on December 17, 1992 in view of the destruction caused, in certain parts of the province, by heavy rains. A unanimous resolution supported by both the treasury and opposition benches was passed to this effect. This indefinite postponement had preceded by three earlier postponements by the provincial government, the present being the fourth one. The beneficiaries (MPAs) of the non-existence of local bodies succeeded, thus, once again. See the 'Muslim' (Daily, Islamabad, 18.9.1992).

²¹. See the 'Frontier Post, 12.11.1993. The required period of twenty-eight months completed in December, 1993 and no elections could take place until now (July, 1995), local councils working, therefore, under the appointed administrators drawn mostly from the district bureaucracy.

²². It is on record that the first three periodic local bodies elections were held throughout Pakistan in 1979, 1983 and 1987. The fourth-term elections (1991) could take place in the Punjab only.

²³. The reasons given for the postponement of elections by the provinces, though, differed significantly, these had a common political element. In Sindh, for instance, the government anticipated sweeping defeat at the hands of ethnic Muhajir Qaumi Movement in the major urban areas such as Karachi, Hyderabad and Sakkhar as had happened in the last elections held in 1987. In the N-W.F.P too the coalition government was not prepared to take the risk of losing major local councils, particularly the district councils, at the hands of opposition parties.

the government.²⁴ An equally valid opinion was of those who held the view that the rise and fall of a party's graph of public support cannot solely be determined by the results of local polls. It is rather the winning of seats in the provincial and national assembly elections that determines party positions. While in local politics the factors influencing the electorates behaviour are 'biradari', kinship and the like, party slogan and programmes determine the choice of electorates in national and provincial level politics.²⁵

While no legal remedy was sought in the Frontier province because of the short duration lying between the dissolution and the commitment of conducting fresh elections by the government, in the Punjab the question of dissolution was challenged in the court of law through a writ petition by a group of aggrieved zila council chairmen.²⁶ The government's action was regarded to be unlawful and in contradiction with several provisions of the constitution of Pakistan. In a prolonged legal battle involving a critical evaluation of the provisions²⁷ under which local councils were dissolved, the government claimed its action to be justified on the following grounds:

*". . . the impugned notification had been issued under lawful authority, without any jurisdictional defect. The writ petitioners, in fact, had come to the court with unclean hands as they were members of a political party and having been promoting its interests in violation of Rules 19 and 20 of the Punjab Local Councils (Conduct of Members) Rules, 1981...Under the notification, only incumbents had been substituted for a limited period, fresh elections had been called, to be held in the month of January (1994) wherein the electorates would be free to elect the individuals of their choice...the term of five years could be curtailed as a preventive measure for holding of fair, honest and transparent general elections. The powers vesting in the Government had been used for achieving an objective of greater public good...The government, on the basis of enough material, deemed it expedient to exercise its powers to prevent the apprehended interference in the general election by the councillors."*²⁸

The biggest defence argument was that the councillors, by associating themselves with a particular political party which, while in power, had subverted the

²⁴. From interview with Dr. Syed Adil Hussain, Former Head of Politics Department, University of Karachi (14.5.1992). The reasons of flood devastation and law and order problems for postponing the polls are but mere pretexts. Once the government is sure that its party candidates will be able to return in a large number, elections will be arranged forthwith.

²⁵. Mr. Ehsan Ullah Khan, Former Provincial Minister for Local Government & Rural Development (N-W.F.P) explained that the postponement of local council elections for fear of opposition victory was unsound.

²⁶. See Writ Petition No. 9009 of 1993 filed in the High Court at Lahore (Punjab).

²⁷. Section 26 (A) of the Punjab Local government Ordinance (1979) remained a heated issue during the hearing of the case by the court. It was pointed out in the writ petition that elections to the local councils were held on December 28, 1991 and the first meeting of the councils was held on 9th January, 1992. The term of the councils was for a period of five years commencing from the date of the first meeting and the notification curtailing the term was, therefore, not sustainable. The grounds urged were that Section 28-A of the Punjab L.G.O (1979) was discriminatory, unreasonable, without any principle or policy for guiding the exercise of discretion, gave arbitrary, unfettered, uncontrolled power to the executive arm of the government, did not indicate the circumstances and point of time at which its provisions were to be applied, nor any procedure to be followed was prescribed.

²⁸. See the Judgement Sheet of the Lahore High Court in Writ Petition No. 9009 of 1993, pp. 6-8

provisions of the Ordinance and foisted chairmen and mayors of their own choice. Referring to the text of the notification²⁹, the court advised the provincial government in its verdict pronounced in January, 1994 that to restore the political capacity of the voters, elections to the local councils be held till 31st March, 1994 failing which these institutions will stand revived w.e.f 1st April, 1994. Neither could the government fulfil promises of holding fresh elections³⁰ nor could the councils be revived for reasons such as the prevailing political uncertainty at the centre and the provinces.³¹ The provincial government, in fact, waited a signal from the federal government which itself was reluctant to revive these institutions in view of its working on a new arrangement of district government to replace the existing system of local government. Later, even though it became clear that the federal government was less enthusiastic about its programme of district government, the Punjab leadership was confronted with differences in the coalition (Peoples Democratic Alliance) over the distribution of councils between the two partners in the alliance. A dead-lock over the question was causing delay for the provincial government to make some advancement towards holding of elections.³² The revival of local councils through fresh elections had similar fate elsewhere in the country because of their postponement for one or another reason. Finally, one solution sought was to replace the existing administrators of local councils by appointing political administrators, to be drawn mostly from the district chiefs of the two political parties constituting coalition and a consensus to this effect had reached between the coalition partners of the provincial government.³³ While in the N-W.F.P., local councils already stood dissolved on similar charges of corruption, those in the Punjab and Sindh were dissolved by the respective care-taker provincial governments in response to heavy pressure exerted by the major political parties who doubted the holding of fair and free general elections in the presence of local councils dominated by

²⁹. The Punjab Government Notification of August, 1993 dissolving local councils in the province announced to hold fresh elections in January, 1994.

³⁰. The Punjab Local Government Ordinance provides that the initial step to be taken against a local council, in the event of charges levelled against it, is mere suspension. If the charges are proved as a result of enquiry to be conducted within two months of suspension, the council may be dissolved. Fresh elections are then to be held within three months if the remaining term of the local council is not less than nine months. See section 159 at p. 532.

³¹. The chief minister handled the question diplomatically saying he had no objection if the Provincial Election Authority, headed itself by a retired judge of the High Court, could complete the arrangements required for the purpose of holding elections by the end of March, 1994. See the 'Dawn', 2.2.1994.

³². See the 'Jang' (Daily, London, 5th, 7th, 13th & 15th March, 1995). While the PML (Junejo Group) was claiming right over all those local councils previously dominated by the PML (Nawaz Group), the PPP, principal partner in the coalition, was of the opinion that only those councils falling within the constituencies that were won by its party candidates during the last general elections (October 1993) should come under the control of the PML(J). One source regarded these as delaying tactics to avoid going to polls as the coalition was not sure of the intended outcome of the proposed local council elections.

³³. See the 'Frontier Post' dated. 4.2.1994. The idea could not, however, be materialised in view of the removal of the government through a vote of no-confidence. The elections being still awaited.

a specific political party, particularly in the province of Punjab.³⁴ The double standard in the outlook of the leading politicians towards local councils is reflected from the fact that the same alliance of political parties was heavily funded by the party heads of local councils in the province while undertaking massive long march³⁵---a technique employed by the alliance to exert pressure for the resignation of Federal Government.³⁶

The care-taker government's contention of saving the general elections from the influence of sitting local councillors, allegedly affiliated with a major political party, raised controversy. A question put to a leading advocate as to what guarantees exist that the subsequent local bodies elections in the province (which were scheduled to be held following the general elections for national and provincial parliaments) will not be interfered by the sitting MNAs and MPAs who carry greater prestige and influence compared to the local councillors, was answered thus:

*"While the government policy of a politics-free local government is but a myth, political parties cannot afford to ignore the grassroots institutions. Whenever in power, they certainly like to see that like-minded candidates occupy seats in the local councils in order to be a source of strength for the higher levels of representative institutions. Dissolving the national and provincial legislatures to ensure fair and free local government elections will simply give way to a vicious circle which, in practical terms, is neither feasible nor logical. So far the question of influencing the local bodies polls by sitting members of the parliaments, it makes no difference whether they are inside or outside the parliaments. They are influential anyway and nothing can stop them from influencing the local polls."*³⁷

The duality in government policy was much resented by both the elected councillors and experts having concern about the future of local government in Pakistan. Introduced by the military rulers, the idea behind politics-free local government was to keep the major political parties, particularly the Peoples Party, out of the arena of local politics in view of the possible danger of acquiring, by the party, a power base that could threaten the ruling military junta. Special provisions³⁸ were incorporated into the

³⁴. See the 'Jang' dated. 7.5.1993. The P.D.A. (an alliance of several political parties headed by the Pakistan Peoples Party) advised opposition councillors in all major urban and rural local councils to compile details of corrupt practices by the ruling P.M. councillors so that the demand for dissolving local councils could be strengthened. The alliance was of the view that the existing local councils, elected under the former IJI government, were dominated by the party workers and, hence, could be effectively used to influence the outcome of forthcoming general elections.

³⁵. A unique pressure technique of its kind and a recent development in the politics of Pakistan whereby government in power was forced to resign for fresh elections in a way other than democratic method. The opposition, lacking enough support inside the parliament to move a vote of no-confidence, resorted to mass mobilisation when a huge procession consisting of hundreds of thousands of party workers was arranged to march towards the capital. The objective came true when the military intervened, apparently in an attempt to avoid a large-scale bloodshed, and made the government to resign and face a fresh electoral battle.

³⁶. See the 'Khabrain' (Daily, Lahore, 17.8.1993). It was only after the termination of elected governments that demand for dissolving local councils in the province was put forward by the opposition alliance.

³⁷. From interview with Choudhry Hamid-ud-Din, Senior Advocate, Supreme Court and Lahore High Court, Punjab (24.9.1993)

³⁸. See section 28-A (p. 24) and section 21-A (p. 47) of the N-W.F.P and Punjab Local Government Ordinances respectively. One respondent, interviewed in connection with the case study of District Council Mardan narrated how one of his colleagues was declared disqualified when his participation in the death anniversary of his party's founding father was proved. The disqualification powers against

Ordinances discouraging entry into local government of such elements who had affiliations, in any manner, with political parties. Rules were also amended depriving the local councillors and chairmen of their right to be heard before suspension.³⁹ These provisions were rigorously applied against a large number of elected councillors whose political affiliations were proved.⁴⁰ The policy was retained even after the lifting of martial law and the installation of succeeding full-fledged representative governments had no effect on the mode of election introduced by the military rulers. The elected governments have, however, been amending the electoral provisions from time to time to suit their peculiar interests. Interestingly, these measures are discussed unilaterally in party meetings, not in the legislature, and then transformed into law with the assistance of bureaucracy.⁴¹ In the Punjab, for instance, the law was amended to the effect that "a candidate shall not be disqualified from contesting election by reason only of his being a member or office-bearer of a political party."⁴² The government had itself been violating the law by issuing statements with regard to the victory, in the local council elections, of like-minded candidates. Surprisingly, similar statements made by the opposition leaders were viewed seriously and were threatened dire consequences including disqualification from council memberships.⁴³ A large-scale involvement of sitting parliamentarians and cabinet members of central and provincial governments in the election campaign was also noticed. In certain cases, parliament members and cabinet ministers belonging to the ruling party (in Punjab) were divided and had their respective groups patronised. It

the local councillors were granted to the provincial secretaries. In Punjab, due to its big population and area, such powers were exercised by the Divisional Commissioners. See the 'Muslim' dated. 2.12.1981 reporting the policy statement of Federal Minister For Local Government & Rural Development.

³⁹. See the 'Nawai-e-Waqt' (Daily, Lahore, 4.2.1982). Local councils were also prohibited from passing resolutions or discussing the matters of government departments or offices. This rigorous control was questioned on the ground that if accountability of local bodies can take place then why not of the government departments.

⁴⁰. The 'Sarhad' (Daily, Peshawar, 21.12.1982) reported that two chairmen of Union Councils and three councillors belonging to different local councils were terminated on account of taking part in political activities.

⁴¹. In a similar move, the ruling IJI parliamentary party, in its meeting held on 6.10.1991 (two months before the fourth term local bodies elections in the Punjab) endorsed a resolution banning display of banners and bill-boards during the election campaign. In his letter (No. PA-DS-III(CMS)/91-519 dated. 7.10.1991) addressed to the Chairman, Punjab Election Authority, the chief minister sought his guidance and comments for incorporating this decision within the legal framework of the electoral laws. The Secretary, Local Government pointed out that no such provision exists in the existing electoral laws which could encompass the desired object. A provision could, however, be made in the rules to make it an election offence. At the same time, it was clarified that putting such a restriction would be in contravention of article-19 of the constitution of Pakistan which guarantees display of banners and bill-boards as a part of freedom of speech. See summary of the Secretary, Local Government (Punjab) for the chief minister dated. 13.10.1991.

⁴². The Punjab Committee for Local Bodies recommended that the restriction with regard to the participation of candidates holding party-position should be lifted. This was added vide Punjab Local Government (Second Amendment) Ordinance, 1987 which not only enabled a large number of local councillors to join the ruling Muslim League but also paved the way for the mayors and chairmen of major urban and rural local councils to act as a party's local organisers.

⁴³. See the 'Pakistan Times' (Daily, Lahore, 12.12.1987). Soon after the third term local council elections in Punjab, held in November 1987, some opposition councillors claiming party affiliations picked their

appeared from this game of internal group politics as if they were not members of the same but of opposite political parties.⁴⁴ Commenting on this state of electoral process, one respondent said:

*"The government policy is based on unhealthy traditions and does not serve the cause of democracy in the country. Why don't they (the government) come with a straight-forward, sincere and clear mechanism. Announcing something and doing something else is no service to democracy. Had the policy been implemented in letter and spirit, it could have produced positive results in terms of the induction of public-spirited local leadership as was observed during the first term of the local councils (1979-83). The government, in fact, is frightened from the strength of opposition parties and does not like to see major local councils dominated by the opposition councillors."*⁴⁵

The crux of the problem lies in the fact that there is no prohibition laid in the law regarding the change of political affiliation by the elected councillors or making a recourse, by them, to the electorates for a fresh mandate in the event of such change of loyalty. This has facilitated for every new incumbent of provincial government to bring the heads of all major and important local councils under their influence.⁴⁶ A good evidence to this effect were the hectic efforts undertaken by the Punjab government towards the replacement of sitting council chairmen in view of their alleged affiliation with the opposition party.⁴⁷

In the Punjab, on the other hand, a constructive development of far-reaching consequences was the abolition⁴⁸ of dual membership disallowing the legislators to simultaneously hold an office in the local council. It was a step in the right direction in that it removed the local councils from the stronghold of local influential who, in an

own figures and claimed positions which, according to the ruling party, created an untoward atmosphere in the province.

⁴⁴. See the 'Family' (Weekly, Lahore, dated. February 4-10, 1992), p. 12. Soon after the announcement of the local bodies polls held in December 1991, the chief minister of Punjab claimed his party's sweeping victory and termed it as a 'popular mandate' in favour of the ruling party. The Secretary-General of Pakistan Muslim League (Punjab Branch) took serious notice of the split of the party workers into groups and the alleged alliance, in certain places, with the opposition Pakistan Peoples Party. He directed all district heads of party organisations to submit reports regarding the linkage of party candidates with the said opposition party.

⁴⁵. From interview with Saeed Ahmad Jan, Ex-Mayor, Peshawar Municipal Corporation (12.9.1992). Also see the 'Dawn' dated. 21.8.1991. The Punjab chief minister announced that the local council elections for the fourth term will be held on non-party basis but the office-bearers and workers of political parties would be fully eligible to contest with the only restriction of using party flags or banners during their campaign.

⁴⁶. The chief minister of the care-taker government in Punjab (formerly a strong arm of P.M.L., who, later, formed a government in alliance with the P.P.P) announced a number of incentives for local councils such as powers of zila council chairmen to approve budget of market committees, utilise the sports funds heretofore subject to the approval of the respective deputy commissioners, designating them as chairmen of sugarcane cess committee and project director of development schemes. 22 out of 32 heads of zila councils in the province assured the government of their whole-hearted support. See the 'Jang' dated. 20.5.1993.

⁴⁷. See the 'Khabrain' dated. 12.5.1993. The new provincial government was rather put under pressure by the parliamentarians to bring forward like-minded candidates as council chiefs as the measure was treated to be vital for the smooth functioning of the coalition government.

⁴⁸. See the Dawn dated. 21.8.1991. The ban on dual membership was regarded as a step towards strengthening institutions rather than individuals. The objective of banning dual membership was stated to keep local councils free from political pressure and to boost their efficiency.

exceptional cases, could not do justice to the dual positions held by them. Despite the fact that both the constitution of Pakistan and the respective local government laws disallow holding dual membership of elected houses, defiance of the law was observed at both the federal and provincial levels.⁴⁹ The interest which the local influential take in the working of local councils is illustrated from the fact that the idea of banning dual membership, before it was finally executed, was severely resented and criticised by different political lobbies. Some were furious as the proposal directly affected their family's hard-earned standing in the district.⁵⁰ The development programmes⁵¹ launched by the federal and provincial governments and the active involvement, in the execution of these programmes, of parliamentarians was already a source of strength and it successfully reduced the intensity of this slightly shaken prestige of the legislators due to the abolition of dual membership. The creation of this parallel machinery, undertaking almost similar developmental activities like those of the local councils, had a deeper repercussion on the morale of local councillors which was evident from the expressions of the elected councillors and experts interviewed for the purpose of this study.

Specific provisions exist in the local government ordinances regarding the development of rural areas to be one of the important responsibilities of district councils. Due to the changing government policy, however, a vital role in the process has since been being played by the members of parliament identifying projects and executing them with the financial assistance of both federal and provincial governments. Execution of these schemes solely rests with the several line departments of the provincial government. As a result of this changing strategy, not only the idea of decentralisation to be practised at the district level through the elected representatives of the people and in accordance with the local government laws could not be materialised, but at the same time, a vital function of public welfare to be performed by the district councils with community participation has undergone considerable decline.

The policy of the government with regard to the delegation of powers and functions to local councils has undergone fluctuation. At times they were, in a sense, over-burdened with responsibilities, while at others they were left with very nominal activities to undertake. The respective provincial ordinances provide potentially for a

⁴⁹. The Federal Ministers For Local Government & Rural Development and that of the Punjab both had the chairmanship of their respective district councils. By the time the decision was implemented, there were over 2500 such public offices held by the MNAs and MPAs belonging to the Punjab. This hegemony of few influential families was in no way advantageous to the development of local government institutions.

⁵⁰. See the News (Daily, Lahore, 29.7.1991). In practical terms, however, the abolition had little effect on the domination of district councils by the influential families as the sitting members of legislatures were replaced by other members of the respective families. Interestingly, a good number of MNAs and MPAs opted to resign from their seats in the assemblies in order to retain chairmanship of the district councils.

⁵¹. This development, first of its kind, started during the period of former premier Mohammad Khan Junejo as a part of his 'Five Point Programme.'

higher degree of decentralisation of functions to the local councils⁵² though there exists a controversy with regard to the actual sphere of influence which both levels of government enjoy for the provision of those services.⁵³ In spite of considering the matter of delegation of powers to local councils very sensitive, the provincial governments are of the view that going beyond a certain limit would cause problems which will not be conducive to the orderly growth of these institutions. Specially, in view of the existing calibre of local councils who have yet to gain the required degree of experience to handle increased powers and authority, the achievement of the desired objective of maximum welfare for the maximum number of people could not be guaranteed. While agreeing that the policy of gradual transference of powers which are commensurate with their organisational capability would be desirable in terms of promoting the institutions of local government, they prefer the observance of enough caution in delegating such powers to local councils.⁵⁴ The bureaucracy, in particular, was of the opinion of being extra-cautious in making such delegations.⁵⁵

The actual practices, as revealed from the four case studies in the two provinces, contradict what appears in the statutes. Their functional spheres of influence were much wider during the first few years of the promulgation of present ordinances which is evident from the additional functions, apart from their statutory responsibilities, which were assigned to local councils in both the provinces.⁵⁶ Such a policy had a deeper impact on the morale of people in that it infused a new spirit of confidence and trust in the people. An awareness that local leaders had the capability of solving local problems was developed.

⁵². The Local Government Ordinances provide for identical list of functions consisting of compulsory and optional duties leaving it to the respective local councils to take up functions depending upon their financial capability and technical competence.

⁵³. A French delegation of professors, while visiting the Karachi Metropolitan Corporation (the largest urban local council in Pakistan) was astonished to find that the traffic police was not under the council. See the 'Jasarat' (Daily, Karachi, 27.10.1982).

⁵⁴. See Policy Statement regarding 'Delegation of Powers to Local Councils under the Local Government Laws, p. 3. During the early days when the government entrusted certain important powers to these institutions, it was noticed that the councils had acted quite irresponsibly by exceeding the authority delegated to them. A number of serious allegations were levelled against some councils which culminated in their dissolution. This made the general public to voice concern against the tendency of concentrating too many powers in local councils at that stage.

⁵⁵. See the introductory part to the study on 'Administration Through Local Councils' conducted by the Services, General Administration and Information Department of the Government of Baluchistan in 1984 identifying the areas such as maintenance of law and order, collection of revenue, co-ordination, certain development and judicial function etc., where involvement of the heads of local councils could be considered. With the exception of few, transference of the rest were not considered to be in the larger interest of the people in view of the existing level of education and competence of local councillors.

⁵⁶. In the N-W.F.P especially the government departments were asked to prepare their Annual Development Plans in consultation with the local councillors and to give due consideration to their proposals. In practice, though, the concerned departments submitted their ADPs before the District Councils only for approval and Municipal Committees were largely ignored. See the 'Jihad' (daily), Peshawar, 9.4.1980.

Annexure: E lists those functions which they performed in collaboration with the line/nation building departments of the respective provincial governments. The elected assemblies, following the non-party general elections of 1985, demanded the withdrawal of powers⁵⁷ delegated to local councils during martial law period. The respective provincial governments acceded to the demands and the powers given to them in June 1980 stood withdrawn. Proposals to curtail the powers of local councils were suggested even during the martial law in view of the poor handling of certain matters by these institutions.⁵⁸ Following the withdrawal of many powers from local councils and a new role for parliamentarians side by side with substantial federal and provincial financial assistance, the role of provincial line departments in the provision of local services has overshadowed that of the local councils particularly in the rural areas. While the grassroots Union Councils are virtually inoperative, the district councils have been confronted with financial constraints in view of their limited resources and the wide range of services to be provided across the district.⁵⁹ The concentration of development activities and the relative improved financial position of urban local councils is illustrated from the Table: 46

The question of inequitable distribution of financial resources has assumed added significance in recent years. The dispute has particularly arisen over the usurpation, by the respective provincial governments, of certain taxes which, by their very nature, are local in character.⁶⁰ For instance, the Motor Vehicle Tax,⁶¹ Betterment Tax and the existing percentage charged by the provincial government for the collection of Urban Immovable Property Tax.

⁵⁷. See the 'Mashriq' (Daily, Peshawar, 12.6.1985). The N-W.F.P Assembly constituted a high level committee to settle the distribution of powers between MPAs and heads of the local councils. The assembly resented a press statement of Dr. Mahboobul Haque, Federal Minister For Finance & Planning in which he allegedly talked about the proposal, under the consideration of the federal government, to increase the powers of local councils.

⁵⁸. Speaking in the Federal Council, Pir Abdul Sattar, a member from the N-W.F.P demanded immediate withdrawal of powers entrusted to local councils in connection with education because of the damage caused to the prestige and decorum of education by these institutions. See the 'Muslim' dated. 17.1.1983.

⁵⁹. The Local Government Commission too admitted that the existing sources of most local councils are not sufficient to allow them to perform their functions satisfactorily or to raise the level of civic services. See para 53 on p.7 of the report (vol. 1).

⁶⁰. This being in contravention of the recommendations of Local Government Commission Report asking the provinces to allow taxation powers to local councils that are clearly demarcated areas of taxation and revenue raising, free from encroachment from the higher tiers of government. See p. 68.

⁶¹. Demand for the transfer of this tax from the provincial government of Sindh to the Metropolitan Corporation of Karachi was the root cause of the latter's dissolution on February 12, 1987. An ex-Mayor of KMC told the researcher that ever since the promulgation of the Municipal Act of 1881, MVT (once known as the wheels tax) used to be collected by the municipal authorities and this was so till 1970 when the provincial government started collecting the tax because of the absence of elected local councils. With the phenomenal expansion of mechanised transport, revenue from this source increased enormously and in view of its constituting one of the major items of receipts, the provincial government was reluctant to part with it. Urban local councils have similar disputes with their respective provincial governments.

Table: 46
Statement showing income and expenditure of local councils in the Punjab and N-W.F.P for the years 1989-90, 1990-91 and 1991-92.
 (Rupees in million).

Name of local councils.	Number of local councils	I N C O M E			E X P E N D I T U R E		
		1989-90	1990-91	1991-92	1989-90	1990-91	1991-92
P U N J A B		1989-90	1990-91	1991-92	1989-90	1990-91	1991-92
Municipal Corporations	6	169.91	179.02	204.54	152.84	177.27	200.58
Municipal Committees	62	85.57	112.67	131.23	79.61	106.51	124.62
Town Committees	112	32.24	36.57	41.84	27.78	35.80	39.41
Cantonment Board	10	90.5	89.8	102.2	75.5	94.0	116.0
Total	190	378.22	418.06	479.81	335.73	413.58	480.61
District Councils	25	119.22	143.81	182.33	99.88	127.65	162.70
NORTH - WESTERN FRONTIER PROVINCE							
Municipal Corporation	1	121.0	181.9	144.4	128.2	172.8	142.7
Municipal Committees	14	181.6	223.8	268.8	166.2	214.7	254.2
Town Committees	20	41.2	53.3	58.9	42.2	49.5	54.6
Cantonment Board	9	93.5	179.4	148.2	76.2	161.0	125.3
Total	44	437.3	638.4	620.3	412.8	598.0	576.8
District Councils	12	308.1	308.1	311.0	264.8	274.0	270.4

Source: Ministry of Local Government & Rural Development, Government of Pakistan.

A cursory view of the sources of income available to the federal, provincial and local government institutions reveal that these are unjustly distributed particularly in relation to the latter as is illustrated from the following table:

Table: 47

Details of taxes levied by the Federal, Provincial and Local Governments.

Federal	Provincial	Local
Import Duty	Stamp Duty	Octroi
Excise Duty	Motor Vehicle Tax	Tax on Transfer of Property
Surcharges	Urban Immovable Property Tax	Export Tax
Income and Corporate Taxes	Land Revenue	Local Rates (Water etc.)
Sales Tax	Entertainment Tax	Cattle Fairs.
Iqra Surcharge	Electricity Duties	Other Minor Taxes
Export Duty	Cotton Cess	
Wealth/Gift Tax	Excise Duties	
	Tax on Professions/Trade/Callings	
	Hotel Tax	
	Capital Gains Tax	
	Other Taxes	

Source: Local Government Administration, an A.E.R.C (University of Karachi) publication, n.d., p. 61

There is no doubt that the local government ordinances provide for a large number of taxes which the local councils can levy depending upon the local circumstances. Statistics reveal that the efficient exercise of these powers significantly improved the financial health of the local councils. With the emerging trends of improper use of these powers⁶² made the respective provincial governments to ask the councils to refer vital financial matters for prior government approval. This process, involving enough time and causing, sometimes, unnecessary delay in the quick disposal of cases, could have been undertaken at the district level, had the existing Resident Audit Scheme⁶³ been strengthened and streamlined.

Apart from the reluctance of the local representatives to generate funds through all these sources, the rates of those levied cannot be revised on an annual basis making, thus, the financial base of these institutions inelastic. The expenditures, on the other

⁶². The Secretary, Local Government Punjab, in his interview (28.10.1993) referred to the abuse of power in areas such as pooling in contract, share in contract, leakages in collection of taxes, purchase at higher rates, favours to contractors resulting in loss, employment of favourites in large number and the attitude of disregard to laws, rules, regulations, procedures etc. He attributed political patronage and the lack of accountability despite a well-devised control mechanism as the major reasons for above wrong practices.

⁶³. The scheme, as a part of internal audit of local councils, suffers from a number of defects. Having no separate office of his own, the Resident Audit Officer relies on the respective local council for the provision of these services which, in turn, effects his professional responsibilities in a profound manner. This is evident from the Punjab Local Fund Audit Memo No. PDP/1 (49/3073 dated. 13.5.1992 warning all Resident Audit Officers not to entertain any bill for payment unless it bears a stamp of budget provision. The schemes suffers from similar problems in the N-W.F.P as was told to the researcher by an officer of the like stature.

hand, keep on increasing due to a number of factors causing deficit financing on the part of a large number of local councils. The fact that the existing method of tax collection is defective, is officially acknowledged. There has still been an attitude of adhocism in government policy with regard to the mechanism to be employed by the local councils for the collection of their taxes. At times, the emphasis is on departmental collection and at others, directives are issued to lease out the right of collection to private contractors.⁶⁴ The fact that the official policy with regard to the collection method is characterised by uncertainty is illustrated from the following piece of government communication on a reference from the head of a Municipal Corporation in Punjab:

*"All corporations may be informed that the Rules/Standing Instructions should be followed strictly. They must make preparation for departmental collection in case the contractors do not come forward."*⁶⁵

Though the basic motive behind privatisation has been a desire to check evasion and corruption through intensive supervision, the method is tantamount to confessing that the local councils cannot manage their financial affairs. The powers of the government to decide what should be the mode of collection of local taxes, has broken the will of the councils to devise a method of their own keeping in view the local circumstances. While the method of contracting cannot be safely recommended because of its inherent drawbacks,⁶⁶ the method of departmental collection could not equally have been developed on sound footings otherwise even at the existing rates revenue could be raised to a substantial level. Likewise, the government's power to exempt any taxable item from the payment of tax causes tremendous financial loss to local councils. A decision of this kind taken with regard to the grant of exemption to Pakistan Telecommunication Corporation from the payment of Octroi tax caused a loss of rupees two hundred millions to urban municipal authorities of the province.⁶⁷

⁶⁴. The 'Jang' dated. 11.5.1993. The daily published detailed instructions of the Punjab Government directing local councils to auction their taxes by the end of June that year.

⁶⁵. No. SOV (LG) 1-58/81 dated. 27.5.1993

⁶⁶. Several instances have proved that the powers delegated to the private contractors to collect certain taxes on behalf of the local councils have been misused in an attempt to extract the maximum tax revenue for their own benefit. Further, it has been noticed that despite strict provisions with regard to the grant of rebate, the contractors find grounds to claim remission which under certain circumstances causes significant financial loss to the councils. A special audit conducted by the Punjab Government into the financial transactions of local councils following their dissolution on August 15, 1993 revealed that a huge amount of rupees 270 million was remitted to the export tax contractors during 1990 to 1993 and was the result of collaboration between the elected council chairmen and officials of local government department. See editorial of the 'Jang' (24.1.1994). Also see the 'News' dated. 28.9.1993 reporting that the Punjab Local Government Department granted rebate of Rs. 150 million to the contractors of 26 zila councils by granting relaxation on property tax.

⁶⁷. The Punjab Local Government Letter No. SO.V-LG. 197/86 SKB dated. 24.3.1993 was issued under rule 136 of the Octroi Rule, 1964. While a municipal body is required to seek prior government approval before granting such exemption, the government is empowered to take unilateral decision without consulting the local bodies. This government order remained operative for only three months and had to be withdrawn due to pressures from the contractors. Since the decision was taken in the second half of the budgetary year, it entitled the private contractors to claim compensation for the huge loss thus sustained. See the 'News' (28.9.1993).

A related aspect was the role of the courts which was largely resented due to its unilateral decision of issuing stay orders regarding the decisions of the local councils aiming at the correction of a situation arising out of a breach of deed of agreement by the private contractors.⁶⁸

The ultimate repercussion of this phenomenon is that local councils find it difficult to maintain balance between their income and expenditures.⁶⁹ This is despite clear government instructions that the non-development expenditures of local councils must not exceed fifty percent of the total expenditure. A major hurdle in the way, as pointed out by the local councils, was removed as a result of positive government response.⁷⁰ To balance the situation, the flow of grants-in-aid from the provincial governments is largely motivated by political considerations rather than financial exigencies.⁷¹ For the councils, provincial grants seemed to be an unreliable source of income as was illustrated from the following comments of a respondent:

*"We rely solely on our own sources of income as there is no meaningful financial aid forthcoming from the government. Even if a grant is provided, that constitutes a small percentage of our financial requirements. It is, therefore, not a reliable source in that the government policy to-date has been to allocate grants on an adhoc basis and with political objectives. Unless the government grants are regularised, local councils cannot build up their institutional capabilities on a permanent basis."*⁷²

Experiences show that the appropriate time which the provincial governments find appropriate for the provision of such financial assistance are the occasions close to the local bodies elections.⁷³ This practice of releasing funds to local bodies just before the elections dates back to the military regime and was retained later by the succeeding

⁶⁸. This caused delay in the payment of monthly instalments of generated revenue to the councils by the contractors paralysing, thus, the whole range of activities. A consensus of opinion was that the courts, before issuing stay orders regarding the decisions of the local councils, should first listen to the view-point of the concerned council and that the disputes concerning these bodies should be handled on priority basis within shortest possible time.

⁶⁹. The Secretary, Local Government Punjab, confirmed that almost 60% of the local council budget goes to meet the establishment charges, payment of liabilities etc.

⁷⁰. A general complaint was that expenditure on health, sanitation and education staff etc., sometime, increases the limit laid down by the government. In the interest of efficient functioning of the local councils, the Government of Punjab excluded expenditure on the above branches for the purview of non-development expenditure and declared expenditure on them to be a development charge.

⁷¹. Jalil R. Malik, *An Investigation into the Finances and Financial Management of the Lahore Municipal Corporation*, Ministry of Local Government and Rural Development, Islamabad, n.d., p. 3. The author is of the view that the Grants-in-aid payment to the local authorities needs substantial modifications as they do not serve any useful purpose at present.

⁷². From interview with Ikramullah Shahid, ex-Chairman, Municipal Committee of Mardan.

⁷³. This has been a general trend both in military and civilian regimes and irrespective which party rules the province. Reference may be made to the provision, by one former chief minister of Punjab, of a special grant of rupees one million and two million for each district council and each municipal corporation in the province respectively to enable them to 'expedite the completion of development projects.' Interestingly, only few days before the provincial government had, through a notification, directed all local councils to utilise only 25% of their resources on development. Following the announcement of the chief minister, this restriction on the utilisation of ADP was withdrawn allowing the councils now to utilise the maximum possible funds on development programmes. See the 'Pakistan Times' (12.11.1987).

civilian regimes.⁷⁴ The fact that the existing mechanism of grants-in-aid to the local councils is not governed by any hard and fast rules is illustrated from the funds released to the councils in the N-W.F.P during a period of five years. (Table: 48).

Currently, there is revenue transfer arrangement between the provincial governments and the urban local councils only. The Provincial Excise & Taxation Department collects the urban immovable property tax on behalf of the respective municipal body and transfers the net proceeds of the tax after deducting the cost of collection. The rate of deduction varies i.e., 5% and 15% in the N-W.F.P and the Punjab respectively. Despite statutory provisions with regard to the collection of the local rate by the government and their transfer to the district councils, the tax does not constitute a meaningful source of revenue generation. Its proper utilisation could, otherwise, give tremendous relief to the grassroots union councils in their development endeavours.⁷⁵ Thus, the absolute reliance of the councils on their meagre resources, particularly, the district councils, has adversely effected their level of expenditure on service-related operations.⁷⁶

Policy measures initiated at the higher levels aiming at strengthening the financial base of local councils has generally been resisted by the provinces. Through an initiative of this kind, the Federal Government Commission⁷⁷ asked each provincial government to earmark 10% of their total public sector outlays for implementation through local councils.⁷⁸ The proposal, which could have ensured decentralisation and better economic prosperity for local councils, was turned down by the provinces. The opinion held by the Punjab government was that the provinces formulate their plans within the over-all framework of the Federal A.D.P. Likewise, the districts formulate their plans within the over-all framework of the Provincial A.D.P. Hence, any deviation from the existing framework of provincial A.D.P will lead to chaos and will not help towards the fulfilment of national aims and objectives.⁷⁹

⁷⁴. See the 'Frontier Post' (Lahore, 9.8.1993). In the Punjab, Chief Ministers Ghulam Haider Wyne and Mian Manzoor Ahmad Watto released Rs. 2.2 billion and Rs. 400 million respectively at the close of elections though the scheduled local bodies elections in the latter case could not take place.

⁷⁵. District Councils are required, under the rules, to distribute fifty percent of the net proceeds of local rate among the union councils within the district according to a formula based on the strength of their population.

⁷⁶. Statistics revealed that the per capita development expenditure incurred by the Zila Council Gujrat (Punjab) and the District Council of Mardan (N-W.F.P) for 1993-94 was Rs. 14/- and Rs. 42/- whereas during 1992-93 it was Rs. 24/- and Rs. 29/- respectively.

⁷⁷. See Chapter-IV (para. 4) of the Report of Local Government Commission (Vol. 1), Ministry of Local Government and Rural Development, Government of Pakistan, 1982.

⁷⁸. This could approximate to expenditure of rupees five to six billion over a five year period. See 'Power of Money' (Article) by Hina Faisal Imam published in the 'News' dated. 23.10.1987.

⁷⁹. See the Government of Punjab's No. PS/SLG/DSR/4/83 dated 5.1.1983 containing replies to the draft report of the Local Government Commission, p. 8. A major argument given was that a lion's share of the Provincial A.D.P i.e., 72% to 75% is already utilised for the benefit of the rural areas with the active involvement of the rural local councils in the planning and implementation process. If the Federal Government was to allocate 10% of all the development expenditure (almost equal to the present-day Provincial A.D.P) directly to the local councils then the probability is that they may not ensure efficient utilisation of the funds because of their lack of ability to plan and execute for such a

Table: 48
 Details of Grants-in-aid provided to the local councils by the
 Government of the N-W.F.P from 1989-90 to 1994-95
 (Rupees in Milion).

Municipal Corporation/ Committees	Funds Released	Town Committees	Funds Released	District Councils	Funds Released
M. Corporation Peshawar	35.5	Chitral	3.5	Dir	1.1
Dera Ismail Khan	8.0	Baffa	2.0	Buner	0.2
Abbottabad	13.3	Pabbi	2.5	Peshawar	0.026
Kalabat	1.8	Havelian	2.2	Abbottabad	1.0
Kulachi	0.5	Paharpur	2.0	Karak	3.0
Karak	0.1	Duaba	0.5	Chitral	1.0
Mansehra	2.1	Lakki	3.0	Swabi	1.2
Nowshera	2.5	Timergara	0.5	Dera Ismail Khan	3.1
Hangu	0.5	Tangi	1.5	Kohistan	3.0
Kohat	2.5	Utmanzai	0.25	Mardan	2.7
Lakki Marwat	0.1	Swabi	0.5	Charsadda	0.5
		Mingora	0.5	Bannu	2.2
		Kulachi	3.5	Kohat	1.5
		Lachi	2.0		

Source: Section Officer-III (Department of LG & RD., Government of the N-W.F.P).

The Government of the N-W.F.P., on the other hand, simply did not agree with assigning of any additional provincial revenues to local councils. The view held on the question of federal grants to local councils was that these should be routed through the Provincial A.D.Ps so that the existing formula for distributing the development allocations amongst the provinces is not disturbed.⁸⁰

The devices available to the provincial governments to regulate the working of local councils cover wide variety of their activities such as project approval, budget and tax proposals, change in the schedule of establishment,⁸¹ appointment and transfer⁸² of Provincial Unified Grades of Functionaries and the periodic audit, inspection,⁸³ supervision of local councils, and conduct of special audit.⁸⁴ There were instances revealing that the question of job description was not strictly adhered to at the secretariat level apart from the individual local councils where it seemed to be a common problem. For instance, while the Local Government Board in Punjab was focusing on the administration of personnel affairs, the one in the N-W.F.P was concerned more with the regulatory and supervisory duties rather than dealing adequately with the human resource development.⁸⁵ Though training institutions⁸⁶ existed in both the provinces, their training courses were either not relevant to the requirements of local councils or the council functionaries (both elective and official) were least interested in their training programmes.⁸⁷

⁸⁰. See the Provincial Government's views on Recommendation Nos. 55 and 70 contained in its letter No. DS/LG/0001/11/1 dated. 11.1.1983.

⁸¹. Beside other things, approval for this is needed when the council makes recruitment locally usually on junior posts. This is so because the provincial governments exercise, apart from an exclusive say in the matter of LCS officers, control over the employees of local councils with powers to impose ban on fresh appointments, changing their scales of pay and announcing financial relief (to be met, of course, by the respective local council) for these low-income employees.

⁸². Normally, the chairmen of local councils are not consulted with regard to the posting and transfer of the L.C.S officer which create problems in the smooth functioning of these institutions. An aspect of vital significance of the L.C.S officers is their treble responsibility. Apart from the provincial Local Council Board which decides their important personnel matters, it is the council chairman who has the authority to adjudge their performance and initiates their annual confidential reports. Interestingly, these A.C.Rs are then required to be counter-signed by the Deputy Commissioner/Commissioner as a result of which the officers find themselves under pressure and are bound to adhere to the instructions of the bureaucracy as well.

⁸³. Both the N-W.F.P Local Councils (Inspection) Rules, 1988 and Section 154 of the Punjab Local Government Ordinance provide for the inspection of local councils to be conducted at least once in a financial year. In practice, however, the law could nowhere be carried in letter and spirit.

⁸⁴. Experiences revealed that the provision of special audit has generally been carried out to deal with the local councils dominated by opposition councillors.

⁸⁵. The Secretary, Local Government explained the position stating that there were taking place frequent transfers of senior officers without his consultation effecting adversely the day-to-day working of his department. He had, therefore, to rely increasingly on the in-charge of Local Council Board in view of his profound knowledge and experience in local government laws though many of these questions, he admitted, did not fall within the purview of the board.

⁸⁶. These are: The Local Government Training Institute at Lalamusa (Punjab) and the Pakistan Academy For Rural Development (N-W.F.P).

⁸⁷. It was evident from the government notifications from time to time asking the heads of local councils to ensure that employees working under them attend training courses/seminars for which they are nominated. Reference may be made to the Government of N-W.F.P., letter No. SO (LG-1)13-75/85 of 20.4.1985 and No. AO.1/LCB/Est/10-5/91 of 6.6.1991.

The device of inspection was taken to its extreme when intended for political victimisation while at the same time adopting leniency in favour of party councillors despite proved charges of corruption.⁸⁸ Party interests come in the way of taking action against the defaulters. Next to the law-making, an area of effective government influence over the local councils is the conduct of audit and more particularly the special audit. The device, normally adopted by a new government coming to power either as a result of fresh elections or a change of government through a vote of no-confidence, has generally been employed as pressure valve to make the opposition councillors shift loyalty or forego certain genuine demands in return for the leniency shown by the government despite proved charges of irregularities.⁸⁹ This state of affairs is indicative to the fact that the inspection and audit system is less effective and requires substantial overhauling. The special audit itself identified the areas demanding modification and necessary improvement.⁹⁰ One view held was that had the exercise of audit been kept up on a regular basis and with the same amount of enthusiasm and spirit, chances of large-scale corruption could have been lessened.

From the functional point of view, though there existed some kind of interaction between the provincial line departments and the local councils, the need for a permanent arrangement was strongly felt. Due to the lack of a concrete policy governing the relationship between the two i.e., development of certain schemes by the line departments and their handing over to the respective local councils for operation and maintenance purposes, dispute always arose on such question affecting thus the operation of vital public services such as water supply and sewerage. For one reason, the reluctance of the local councils was justified on the ground that once the scheme, completed by certain line department of the provincial government, was taken over, they would find it difficult to undertake repair works due to the lack of technical expertise⁹¹ while the department, on the other hand, did not consider itself bound to extend technical assistance which brought no financial return but did demand the allocation of adequate time and energy.

⁸⁸. See 'The News' dated. 2.2.1994. A reference to this effect was made in the Punjab Assembly about the charges of gross irregularities and bungling, prima facie established, committed by the Municipal Committee of Murree, a council dominated by the ruling party councillors.

⁸⁹. See 'the Nation' dated. 23.1.1994. The special audit conducted by the care-taker government following the dissolution of local councils in the Punjab in August 1993 detected as many as 263 and 116 cases against elected councillors and government officers respectively. Some of these cases, being serious in nature, were referred to the Anti-corruption Establishment but the outcome of which could not be known.

⁹⁰. In financial matters, for instance, these included the allotment of contracts, provision of rebate to the contractors as well as allotment of leases. See the 'News' dated. 23.1.1994.

⁹¹. From the teleprinter message issued by the Superintending Engineer dated. 7.10.1992 and addressed to all Executive Engineers of Public Health Engineering Department of the Government of Punjab. It was perhaps due to this lack of O & M capability on the part of local councils that the chief minister of Punjab ordered immediate taking over of rural water supply schemes from the local bodies.

CONCLUSION

Despite slight differences in the organisational set-up of local councils in the two provinces, the general processes and the nature of relationship between the two levels appeared to be identical in many respects. Facts and figures in this study, coupled with the four case studies conducted in two important provinces of Pakistan in the context of inter-governmental relationships prove the contention. The conditions prevailing in the two provinces and their linkage with the federal government as a part of over-all political scenario had a direct bearing on the pattern of such relationship. Certain elements determined the actual role of local councils and the nature of their relationship with the provincial governments. The actual practices as observed in relationship processes did not appear to be in conformity with, if not contrary to, the pronouncements made at the official level and from party platforms.

The general attitude exhibited by the provinces demonstrated that the question of local government and its development on democratic lines is not on their priority list. Political expedience has prevented such a plan from emerging. Policies and programmes in the field of local government have largely been motivated by the promotion of vested interests. This is evident from the shift of policies taking place in both the provinces since the promulgation of the present ordinance in 1979. Some of these policy measures adversely affected the very basis of the system. They also proved to be a retrogressive step in terms of the role of these institutions in socio-economic and political development of local areas.

Cordial relationship in both the provinces depended on the question as how far the party ruling the province dominates local councils in the province. Details obtained from the field and opinion sought from experts confirmed the contention to a large extent. This was true in view of the fact that the political affinity and political differences played a determining role in shaping and re-shaping the pattern of relationship and the general attitude of the bureaucracy towards local councils.

Certain policy measures, though, proved to be of short-term advantages for the ruling party, their repercussions, on the other hand, had been of grave and lasting consequences. This did not allow the emergence of a responsible local leadership that could claim credit for better performance and assume responsibility for wrong doings. An unfortunate phenomenon was that the ruling party, introducing a new policy, was itself at the forefront in matters of deviation.

Political parties, in general, have not encouraged the development of local councils on democratic lines. Instead of treating them as a strong base for the progress of democracy, these institutions were seen in the context of strengthening their party position or causing damage to the political status of opponents. Opposition parties, in particular, treated them as a stumbling block in their way as was noticed in the unanimous decisions, taken one after another, by members of both sides of the

N.W.F.P., Assembly with regard to the postponement of local council elections in the province. From this could be deduced the principle that instead of considering the holding of periodic elections as their statutory responsibility, provinces have treated the question in a way as if it falls within their discretion. Avoiding elections for little hope of securing the 'desired results' does not, in any way, serve the cause of democracy.

Due to the peculiar administrative set-up in the country where the judiciary works under the control of the executive, the former does not seem to be much help in providing redress for government's excessive intrusions into local councils. Judicial verdicts reminding the government of its legal duty failed to move the provincial leadership. This calls for the need to expedite the process of separating judiciary from the executive which, in fact, has been a long awaited promise by the politicians.

A general attitude noticed in both the provinces was that in order to acquire support of the sitting councillors, particularly the heads of larger councils such as the Municipal Corporations and the District Councils, every new government announces certain incentives and privileges which is itself indicative to the fact that the government recognises the role of local councils in the provision of support and strength to the higher levels of government.

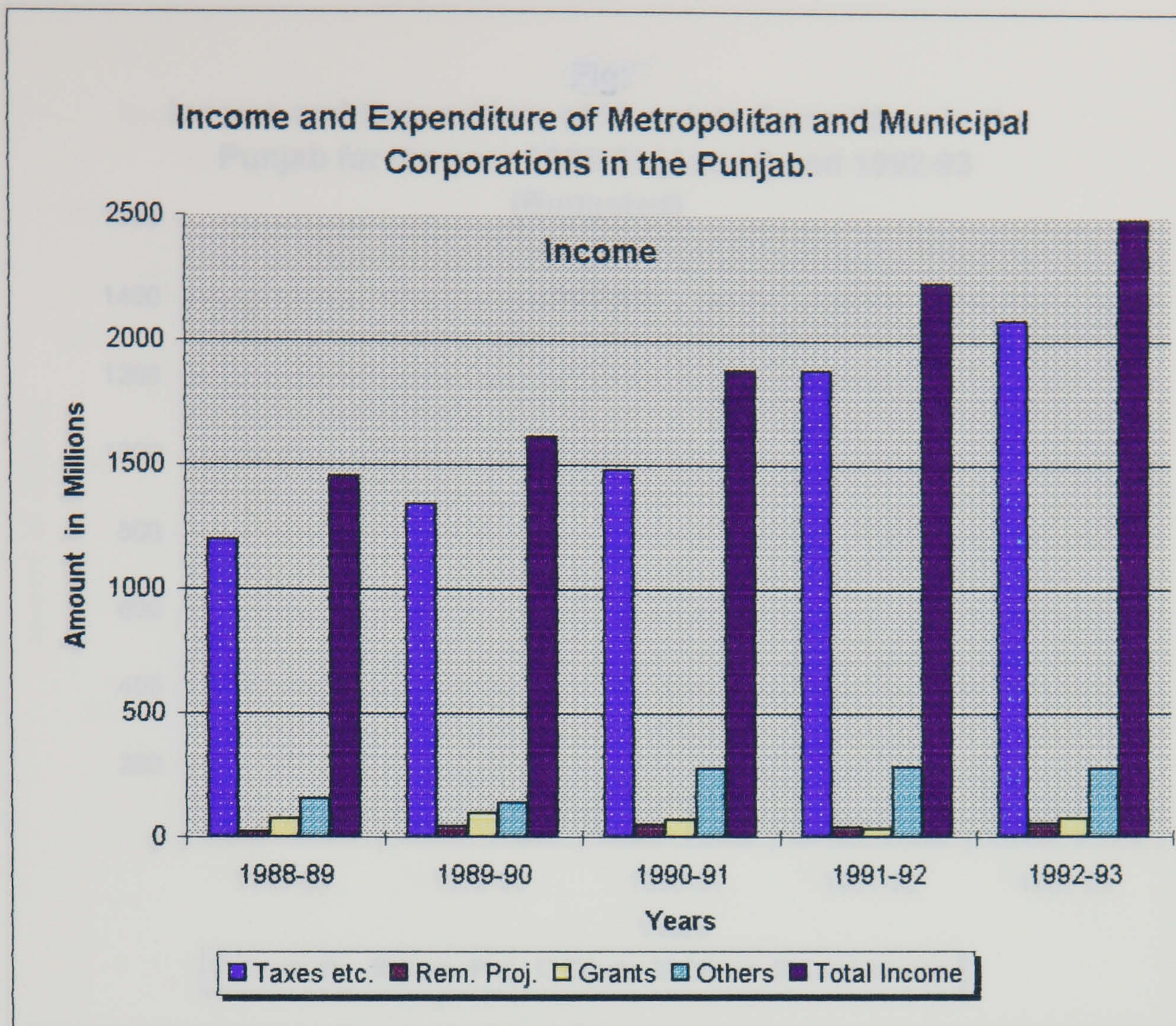
In the recent years, the role of provincial line departments in the provision of services has increased. In some of these services, falling within the purview of local councils, their role has overshadowed that of the councils. Perhaps, elected representatives of the higher levels were frightened of the increasing influence of local councillors in the development of local areas. To balance the situation and restore the prestige of parliamentarians, the idea of special development programmes was introduced envisaging the active involvement of the MPAs in the identification and execution of development schemes. The balance could not, however, be maintained as it tilted in favour of the parliamentarians which, in turn, adversely affected the general performance and developmental role of local councils.

It appears that the early decisions with regard to the development role of local councils was the result of some random approach. The need for preliminary research and study was, perhaps, not taken into account to determine their sphere of influence in accordance with their financial capability and administrative/technical competence. Emotional decisions, as opposed to gradual transfer of powers and functions, have not served any meaningful purpose. Particularly, with the transfer of responsibilities, financial needs were not given adequate attention. Neither was any attention paid to ensure the proper and efficient utilisation of the locally generated resources. The result was that the councils, in most of the cases, failed to keep their non-development expenditure within limits and soon got involved into malpractices. Such tendencies, not checked at the initial stages due to the improper monitoring system, provided a ground to the government for drastic action when situation went out of control.

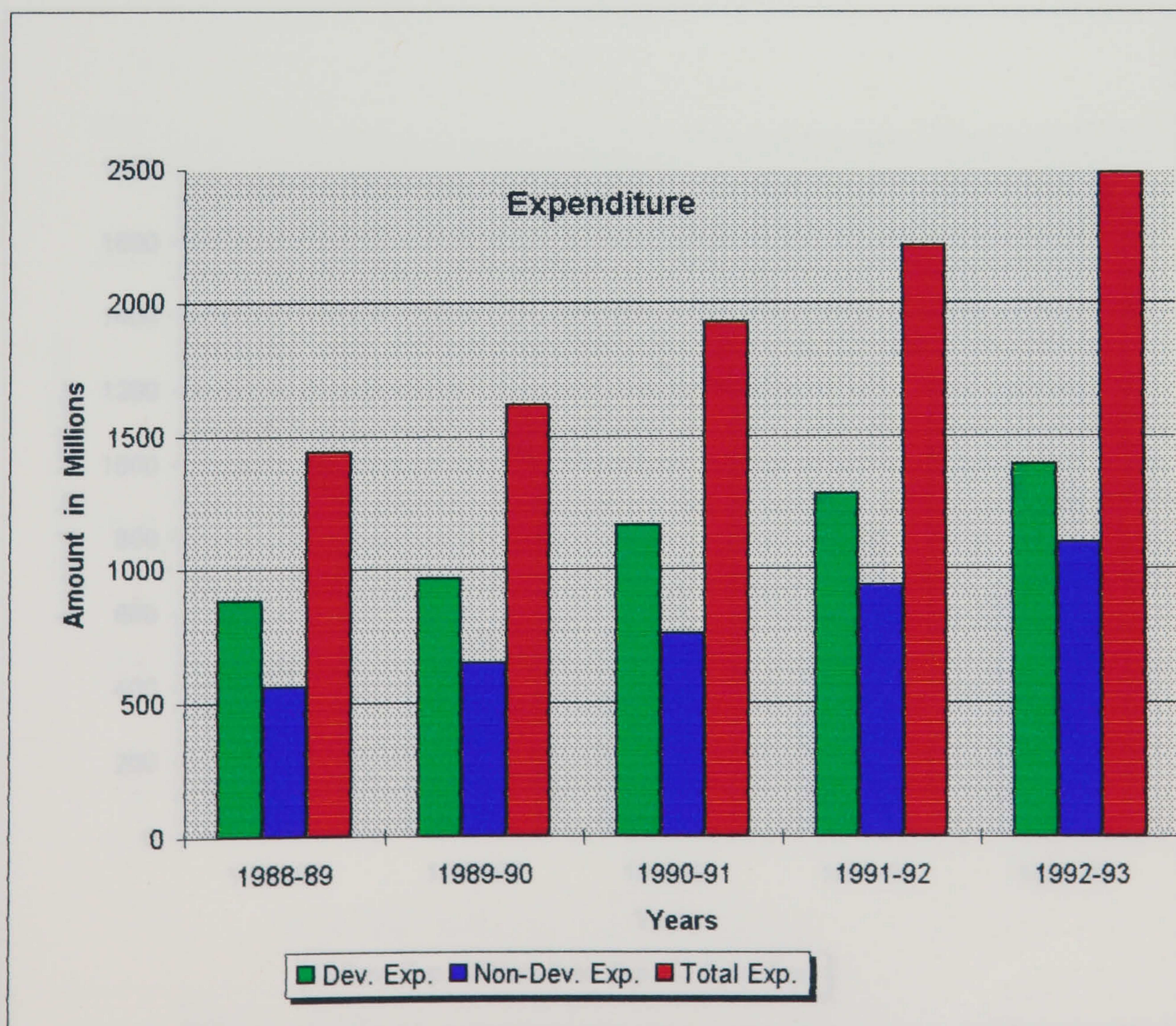
Certain vital areas like equitable distribution of financial resources, monitoring, mode of election, in general, and that of the chairman, special interests, in particular, and the relationship of chairman with the council and the opposition members need reformation. The idea of establishing the institutions of 'Local Government Ombudsman' with powers to investigate and redress grievances arising out of the internal management of local councils and their external relationship with government, semi-government and non-governmental organisations seems to be a possible reform.

Had the control mechanism been applied as part of the guidance and training of local councils, it would have gone a long way in improving their general working conditions. They were either not applied at the appropriate time or were rigorously applied on 'specific occasions' culminating in the complete breakdown of the system. Seen in this context, the existing relationship does not exhibit even the principal-agent pattern which ensures, at least, the existence of locally elected institutions.

Fig: 11

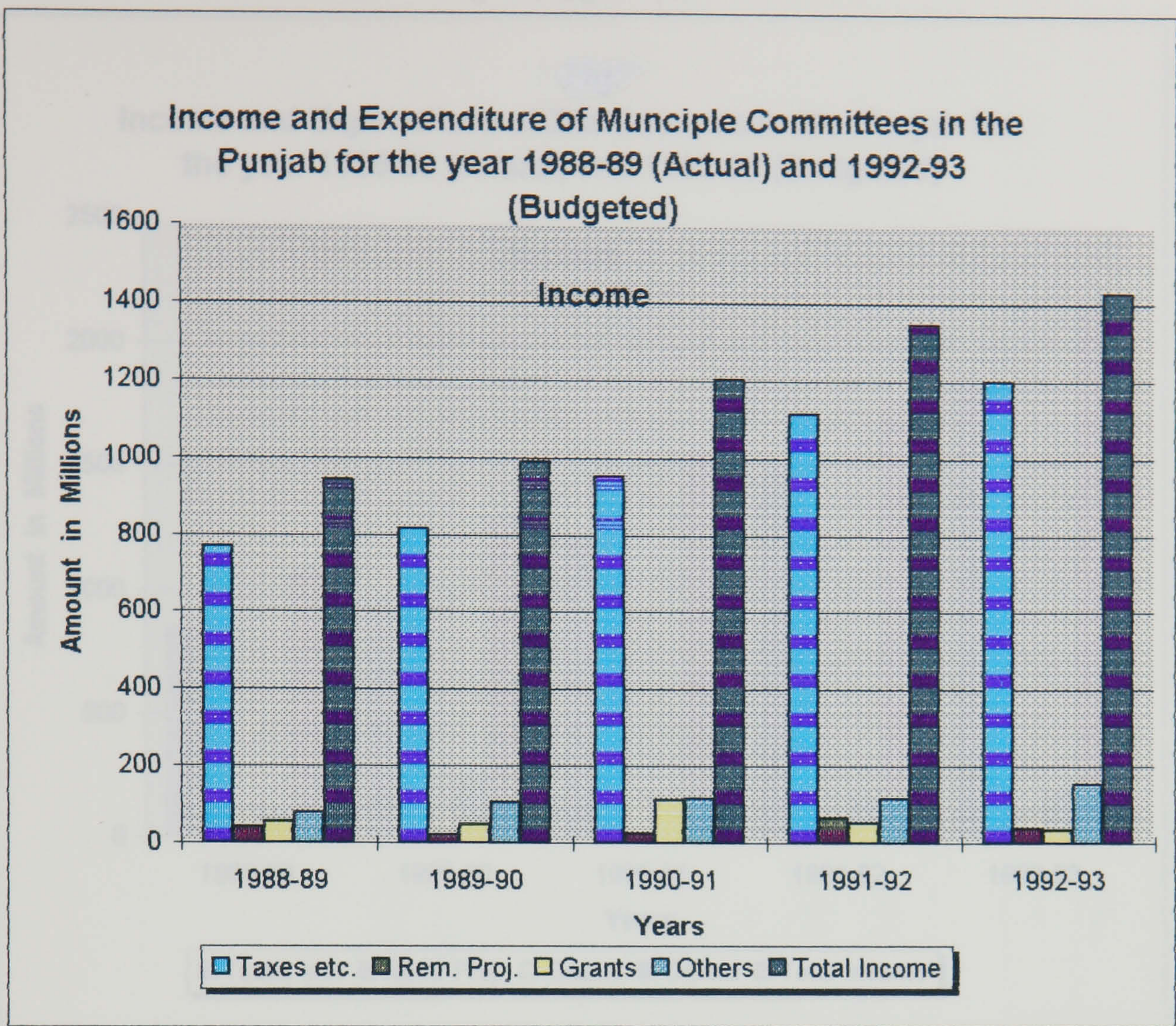


Source: Data Centre, Local Government Department, Lahore

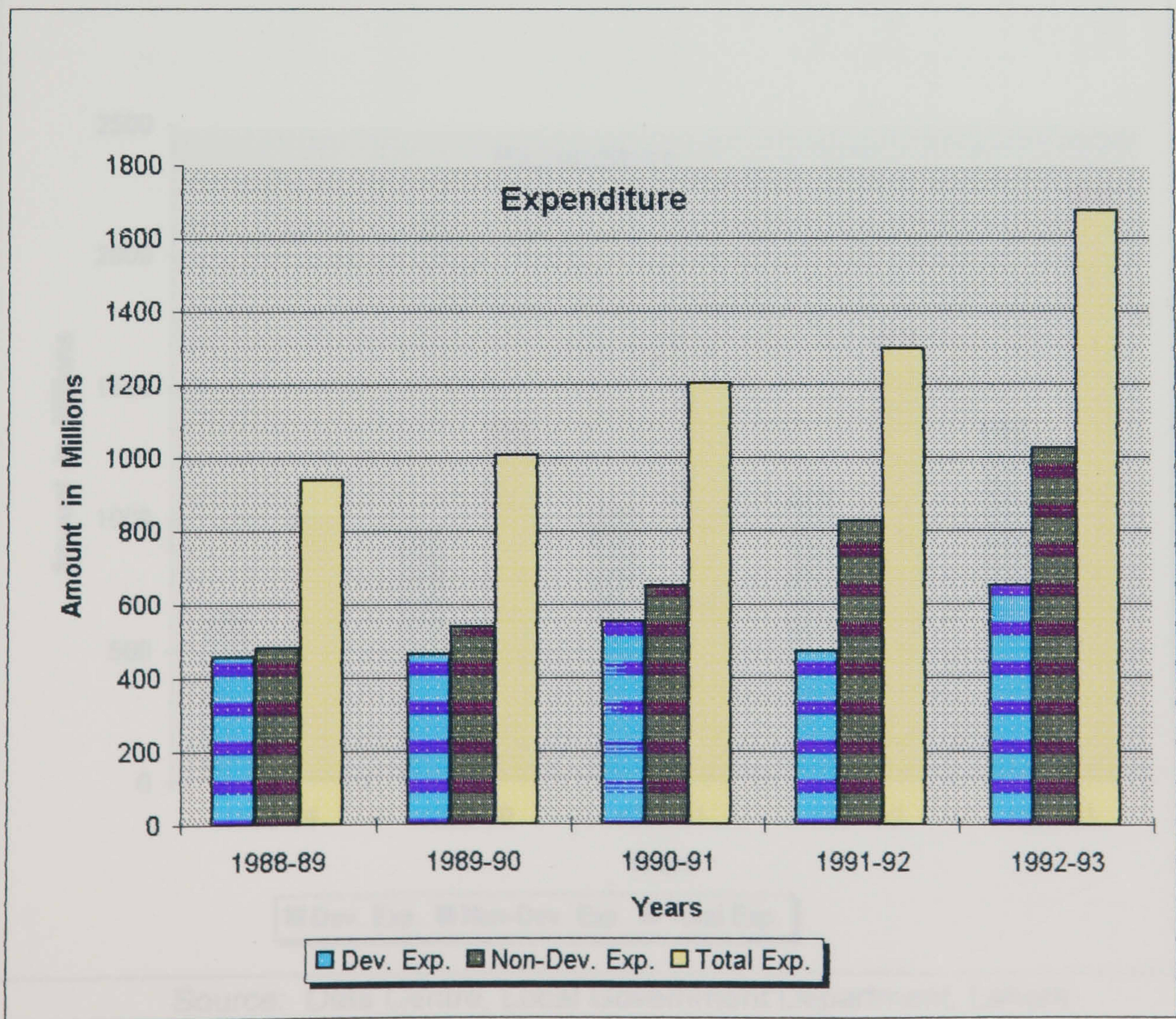


Source: Data Centre, Local Government Department, Lahore

Fig: 12



Source: Data Centre, Local Government Department, Lahore



Source: Data Centre, Local Government Department, Lahore

Fig: 13

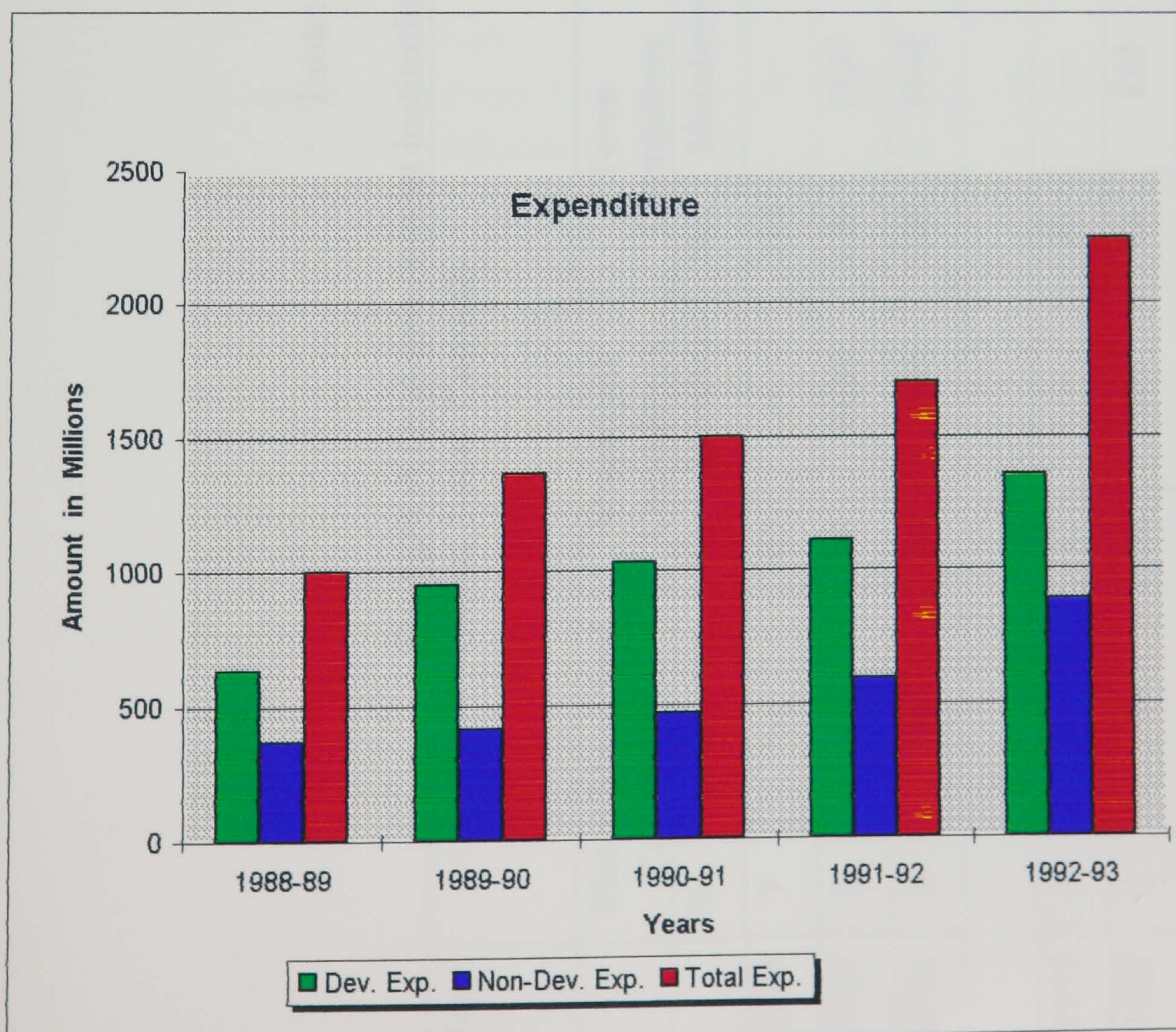
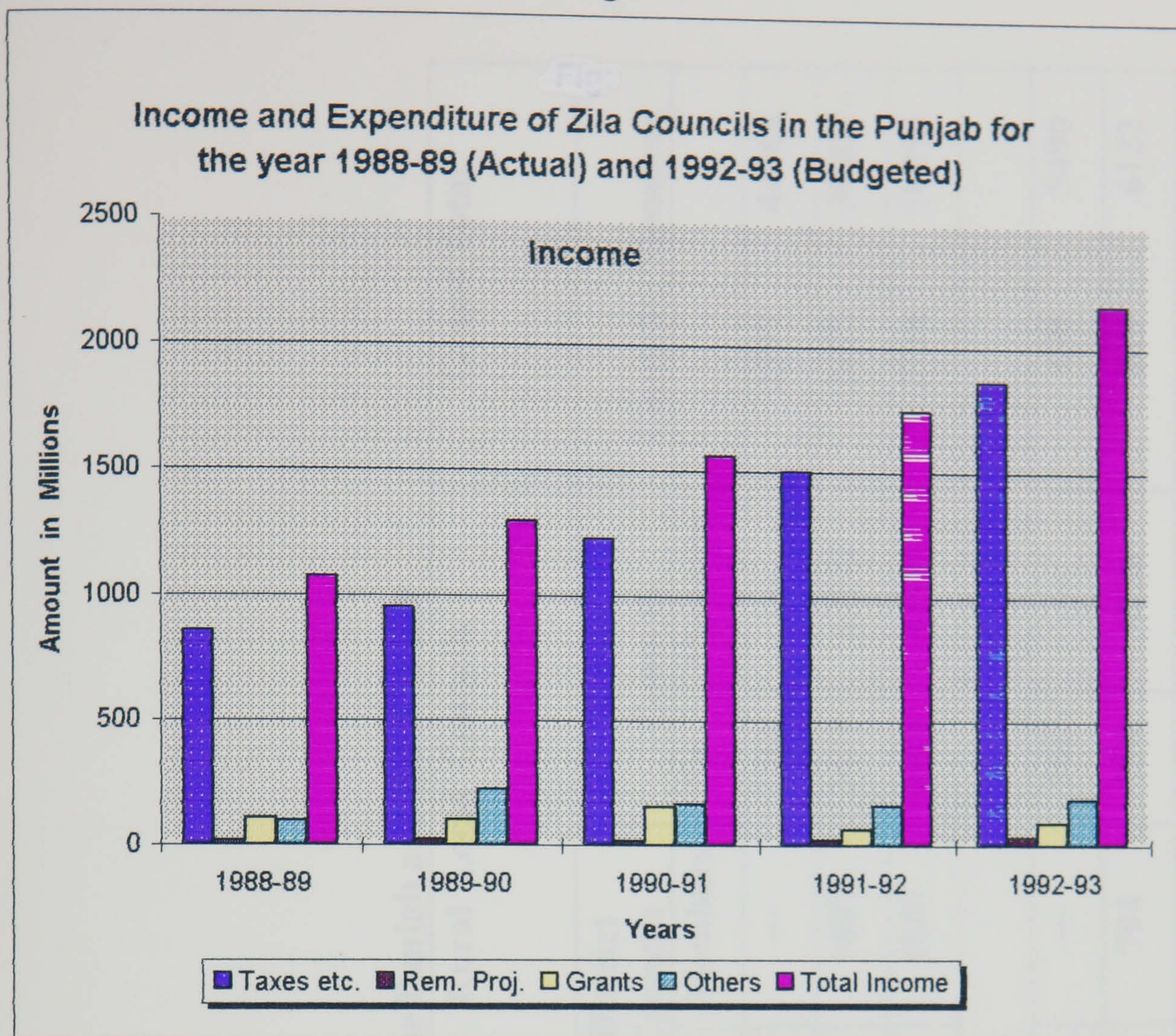


Table: 49
Strength of local government institutions in the Punjab and the N-W.F.P

Province	Year	Urban Local Councils						Rural Local Councils				Grand Total	
		Metro/Municipal Corporations		Municipal Committees		Town Committees		District Councils		Union Councils			Councils: Members
		No.	Members	No.	Members	No.	Members	No.	Members	No.	Members		
Punjab	1979	7	---	63	---	134	---	27	---	2366	---	2597	44764
	1987	8	651	70	1835	196	2137	32	1807	2471	43772	2777	50202
	1991	8	647	70	1848	138	2161	35	1807	2476	43792	2724	50255
N-W.F.P	1979	1	---	12	---	20	---	13	---	562	---	608	5490
	1987	1	45	30	435	14	112	18	794	756	4736	819	6122
	1991	1	45	31	---	17	---	21	---	756	4731	---	---

Source: 1. Ministry of LG&RD., Government of Pakistan, Islamabad;
2. Data Centre, Local Council Board, Government of the N-W.F.P., Peshawar;
3. Research Officer, LG&RD Department, Government of the Punjab, Lahore.

Chapter Eight

Issues to be settled

**A set of recommendations prepared in the light of
observations made in the field**

Issues to be settled

The system of local government in Pakistan, when seen in the broader perspectives, reveals that unless certain key issues are settled before-hand, there are few prospects for any durable and lasting solution to the question of determining the place and role of local government. The development of local government during the period under consideration reveals that, despite significant structural changes that occurred during the period, there has been little change in the actual degree of governmental control and, hence, in the extent of autonomy enjoyed by local government.

Because of the undetermined status and role of local government institutions, the general treatment meted out to them has not been conducive enough to lay down a basis on which the foundation of a sound political system could be erected. The ruling class, in particular, has ignored this aspect that without strong and stable lower level elected institutions, a super structure cannot be erected and made to operate successfully.

This section of the conclusion is based on the suggestions proposed by the respondents. Below is presented a summary of the most relevant suggestions which, in the opinion of the researcher, would make some contribution towards improving the system of local government in Pakistan.

In order to assign a genuine place to local government in the political system of Pakistan, certain pressing problems confronting the system itself will have to be resolved.

Stability and continuity of the elected central government

First among these is the stability and continuity of elected government and the determination of the role to be played by different elements in the society such as the bureaucracy and the military. The existing problem is that even the elected civilian government is threatened by a possible take over by the military for one or another reason, with the result that no civilian government can expect to complete the mandated period without the blessing of the military.

Pakistan's greatest plight since independence has been its inability to establish stable and effective political institutions. Its failure of institution building have been both a cause and a consequence of additional failures. Pakistan's decision-makers have often sought the quick-fix solution to problems of institution-building, often scuttling existing programmes or institutions when they encountered resistance. Pakistan's chequered history of local government is a case in point. None of the numerous local government programmes established over the decades since partition have survived a change of regime, many have not lasted long enough for that.

The major cause of unstable and uncertain position of elected government at the top could be attributed to the denial, to the local councils, of the principles underlying the higher levels of elected institutions. For instance, local bodies are managed today (January 1996) by persons having no representative status and no authority to impose

levies and taxes in the name of the people. Local councils face such a phenomenon during the period of elected politicians who claim to be working for the development of democratic rule.

Central-provincial relations

The political and administrative trends prevailing in the relationship between the centre and the provinces has had a direct bearing on the working of local government. Particularly, the question of provincial autonomy, which has remained a matter of deep controversy, has caused severe damage to the growth of democratic institutions including local government. The lack of a breadth of vision and an eagerness to promote party interests have created such a situation, despite clear provisions with regard to provincial autonomy in the constitution.

The question of central-provincial relations which was first raised in 1952-53 by the leader of National Awami Party in former East Pakistan, is still a burning issue in the politics of Pakistan. The question assumes sensitivity when different political parties happen to be in control of centre and the provinces. Their policies and priorities contradict and hence affect their mutual relationship. Though the constitution of 1973 provided an acceptable pattern of relationship¹ but the way those provisions were put to operation tended to put the balance decisively in favour of the centre. The first ever violation of the provisions relating to provincial autonomy occurred when the very architect of the constitution dissolved the provincial assembly of Baluchistan, ruled at that time by the coalition of National Awami Party and Jamiat Ulema-e-Islam. The provincial government of the N-W.F.P., under the same coalition resigned in protest against the central government's action. The party ruling the centre then formed its own government in both the provinces in collaboration with like-minded groups.

The question of stable provincial-local government relations without determining, or for that matter resolving, federal-provincial relations is inconceivable. The federal government is allegedly unwilling to grant the level of autonomy to the provinces guaranteed in the constitution, the provinces too seem reluctant to fulfil their responsibilities towards local bodies. The rule of law is a fundamental pre-requisite to settle such crucial issues and the federation will have to take the precedence in this direction without incapacitating, of course, its own position. This is essential in view of the dual approaches which the politicians attach to the question when being without power and changing their mind once they happen to be at the helm of affairs. Unless provinces are allowed to function within their constitutional limits, they cannot be expected to allow local councils carry out their role free from all undue pressure and interference.

¹. Unlike the previous constitutions of 1956 and 1962, the one of 1973 was approved by all political parties.

A lawyer gave the following solution to the problems:

*"Past experiences reveal that provinces behave and function nicely when the centre is strong. With a weak centre, provinces tend to dissipate or disintegrate because of their demand for greater autonomy which, in fact, is a secessionist trend. Personally, I see the solution in applying the Islamic principle of governance with concentration of power at the centre i.e., vesting power in one man who is guided by the Quranic injunctions and the Prophet Mohammad's (Sallallahu alaihe Wasallam) tradition of consultation with the people."*²

The pattern of relationship which the constitution had prescribed at the time of its promulgation in 1973 has undergone fluctuation due to the eleven years of martial law rule. One opinion, therefore, is that since there has emerged new political realities and changes have taken place in the socio-economic culture as well as in the general attitude of the people, the setting up of a high level constitutional review commission seems inevitable to suggest changes based on the changed circumstances. The point emphasised was that while a weak centre will be tantamount to the collapse of governmental machinery, weak constituent units in a federation also looks illogical. A balance needs to be devised based on the political realities and the genuine demands of the provinces.³

Induction of parties into the local government

In the larger context of the future of democracy, some strategy needs to be developed for the gradual involvement of political parties at grassroots level which will help improve matters by making the base for democracy stronger. In urban areas, the political parties' unofficial pressure in municipal government (For instance, Muhajir Qaumi Movement in the major urban areas of Sindh) is an acknowledged reality. The need is to make it legal and official. In rural areas, however, big landlords may feel uncomfortable. But in the larger national interest, a firmer political grip on the organs of local government will help check their (landowners') control over the lives of common rural people.

One opinion is that local councils should be left above political processes and be kept free from the effects of party politics because these institutions demonstrated efficient functioning during the first few years when there was no involvement of political parties. There took place an unprecedented amount of social welfare and development activities. On the one hand, it strengthened the position of military regime in terms of improving its image in the eyes of public, and on the other hand, the general population demonstrated enthusiasm and interest in the community development programmes.

The responsibility for this hatred, inter alia, goes to the political parties for their failure to play a creative role in the promotion of local government. The major concern

². From interview with Ch. Hamiduddin, Advocate, Lahore High Court.

³. A.U. Saleem, ex-Director General, Lahore Development Authority.

of politicians, in general, has been to manipulate local bodies for the promotion of party interests. Revolving around the personalities and lacking strong foundation at the grassroots level, the party leaders focus more on the superstructure i.e., holding and consolidating power at the central and provincial levels and to achieve this, they contact masses at the grassroots level only during the time of elections. For instance, with the emergence of a quasi-elected government in 1986 under the supervision of martial law, there took place a decline in goodwill towards local councillors. The subsequent developments, particularly in 1988 and onward worsened the relations further. This was despite the fact that most of the parliamentarians had their career started at the local level but they forgot that local councils were the breeding place for the creation of new leadership who filled the vacuum at the higher levels when parties were denied participation in the political processes. It was the newly emerged leadership which successfully established a channel between the military administration and the people.

While an outright rejection of the idea seems undesirable in view of local government's position as the primary school of democracy, great care is needed to be taken while adopting the policy of party involvement in local government politics. Experiences reveal that when a partial involvement of political parties was allowed, it proved fatal to the smooth functioning of local councils. Party bickering not only delayed the work of a councils but it also brought the whole local administration virtually to a standstill, (as revealed in the case studies) when party considerations were taken to their extremes.

Decentralisation

Determining the spheres of influence of provincial and local government

For local government to flourish, the past experiences need to be taken into account because a general consensus, in the light of prolonged trial and error since independence, is that without a genuine decentralisation of powers, meaningful participation of the people in the management of local affairs cannot be ensured. An autonomous environment based on a meaningful plan of decentralisation and delegation of powers needs the highest priority.

There is a strong case for the strengthening of local councils, particularly those in the rural areas, to accelerate the pace of development in villages. To achieve this, the idea of decentralisation of authority is overemphasised and its incorporation into the constitutional provisions is recommended. Vital policy guidelines such as the powers of the provincial governments vis-à-vis local bodies need to be clearly defined.

The transfer of certain key services to the local councils, such as primary education and health, has produced encouraging results in the past. Convinced of the achievements made, the provincial governments, particularly in the N-W.F.P., diverted hundred per cent of the resources on these sectors to the local councils which enabled them to widen their sphere of influence in these vital areas. This government policy of

greater involvement of local councils in the provision of essential services was withdrawn during the second term of office i.e., 1983-87 following the general elections of 1985 which revived democracy at the central and provincial levels. The allocations previously made to the local councils then reverted to the newly inducted parliamentarians who were given a role in the development of local areas under the government's Five Point Programme.⁴

The fulfilment of the demand of the local councillors of transferring to them the administration of primary education and primary health care, depends on how far they develop their financial and technical capability to administer these services. In view of the poor performance by the local councils in these sectors in the past, the provincial governments are reluctant to transfer primary education to the local councils on the ground that their administration is not uniform, there is a lack of continuity in their policies whereas the education department of the provincial government is in a position to provide a continuity of policy and an overall control. The present situation, in the words of a contemporary, was thus:

*"A duplicate role is being performed by the provincial government's education department and the local councils. While in the larger urban areas, educational institutions to the level of middle are manned by the respective local councils, the role of their counterpart in the rural areas, such as the district councils, is confined to the grant of a meagre amount of scholarship to poor students. The government is trying to assign to the local councils a part of the educational function so that the task, being large enough, could be collectively dealt with at both levels."*⁵

The official view on the demands of delegating more powers and functions to the local councils is that once these institutions prove themselves worthy of efficient and effective exercise of powers already available to them, the idea of extending their range of activities could be taken into account.⁶ Provincial line departments have significantly influenced the working of local councils. In both the development and maintenance of services, the former exercises a greater influence whereas the latter has only partially acquired some capability of maintaining those services once handed over to them after completion. In view of this greater reliance of local councils on the provincial government's financial and administrative support, the demand for drawing a clear line of demarcation between the sphere of influence of the two levels of government looks untimely.⁷

The image of municipalities in major urban areas needs to be restored in view of the increased involvement of development authorities in the development of city's

⁴ Senior government officials confirmed this abrupt change in government policy. Abdur Rauf Dervi, Divisional Director, Local Government & Rural Development, Mardan.

⁵ Ch. Hamiduddin.

⁶ Abdur Rauf Khan, Secretary, Local Government & Rural Development, Government of the N-W.F.P was of the view that the existing duties such as rural roads, water supply, primary education and primary health care are but tremendous tasks involving greater public interest.

⁷ Imtiaz Masroor, Secretary, Local Government & Rural Development, Government of the Punjab.

infrastructure. Local councils have virtually no role in such vital issues like town planning, housing, particularly the site development schemes, which has since transferred to the provincial departments in view of the technical incompetence of major urban councils.

While considering the determination of the jurisdiction of local councils and other government agencies, attention is equally needed to be focused on the relationship between the urban municipalities and the development authorities. One view given was that while these authorities, unlike the outside world, cannot be made to work under the control of the respective municipal administration, some kind of linkage between the two is essential so that a balanced development of the urban infrastructure be achieved through collective endeavours and pooling together of resources.⁸

Provincial-Local Relations

The relationship of local government with provincial governments and the nature of executive and legislative control needs to be determined. Keeping in view the past experiences of the abuse of power in the local councils (both financial and administrative), a process of cleansing through accountability of corrupt elements and their disqualification, if found guilty, from contesting elections in future, will make for healthy development.

If the existing machinery of control and supervision is overhauled there is no reason why local bodies cannot be made effective agencies of local development. The mechanism of control should be streamlined so that effective compliance of laws and official instructions thereunder could be achieved. Sometimes a lenient attitude is adopted despite violation of laws simply because of political affinity.⁹ The government took no notice of the failure on the part of Sukkur Municipal Corporation to call a meeting for six months.¹⁰

There is a strong plea for the maintenance of a balance between the powers given to local councils and the control and supervision exercised by the provincial governments. There is a rider to the interference by the provincial functionaries and that rider is that the acts, deeds and resolutions of local councils should be in conformity with law governing them and shall not be against the public interest.¹¹

The government's stand on the termination of controlling authority over local councils was seen with suspicion.¹² The respondents were of the view that the direct

⁸. Umar Yousuf Deda, lawyer and an ex-Deputy Mayor of Karachi Metropolitan Corporation.

⁹. Zafeer Gul Zafar, Councillor, Peshawar Municipal Corporation narrated how the government took a lenient view in annual inspection and audit of the corporation in return for the support extended by the councillors to a government nominated candidate for mayoralty.

¹⁰. Javid Qayum Khan, et al., Sukkur Municipal Corporation (Field Study Tour Report), Lahore, Pakistan Administrative Staff College (Session-52), January 1989, p. 22

¹¹. Ch. Hamiduddin.

¹². Qamrul Haq Siddiqui, Officer on Special Duty, Government of the Punjab, referred in support of his argument, to sections 153, 156 and 157 of the Punjab Local Government Ordinance 1979.

control exercised through the divisional and deputy commissioners in the past has now shifted to the provincial governments. Since the government finds it difficult to supervise the working of a large number of councils in the province, powers to ensure their orderly working have been delegated to officers posted at the divisional and district levels.¹³ Another respondent also confirmed the supervisory role assigned to the divisional and deputy commissioners in the Punjab. These powers are to ensure that local councils do not adopt a resolution which is in contravention of the rules on the subject.¹⁴

Emphasising the need for the continuation of some kind of control, one respondent put it thus:

*"Government interference and control has to be kept in view of the behaviour and demeanour of the local councillors. If independent government officers are not allowed to control them, then there is every possibility on the part of councillors to go astray. Neither should they be allowed to function above the legal framework, nor they be strangled by the provincial government when desired."*¹⁵

The councillors' demand of curtailing the quantum of official control was interpreted in a different way by a government officer. To him, local councils already had an unbridled freedom of action and their demand is simply to get rid of the institutional check and balances. Let them first come up to the level when they be allowed to go their own way.¹⁶

The relation between the provincial and local government are based on goodwill and co-operation if elected functionaries at both levels are affiliated to either one party or like-minded political parties. The situation was explained by a respondent thus:

*"If chairman of certain local council comes from the same party ruling the province, then he has access to important political figures such as the chief minister, the minister of the parent department, and sometime, to the prime minister. A government official under the administrative control of whom the chairman works, lacks such accessibility. This leads to the process of co-existence that develops between the elected people and the bureaucracy. The whole attention is focused on this and the main objective of development and service goes out of sight."*¹⁷

¹³ Malik Mohammad Siddique, ex-Secretary to the Federal Government of Pakistan on Basic Democracies & Local Government and Salahuddin, Editor, Takbir International shared the view that the past control exercised through the district administration has now shifted to the officers of the respective provincial departments.

¹⁴ Imtiaz Masroor clarified that the control mechanism is not rigid and intervention takes places when there is a gross violation of the laws governing the system and detrimental to the public interests.

¹⁵ Ch. Hamiduddin.

¹⁶ Shahid Ashraf Tarar, ex-Divisional Director, Local Government and Rural Development, Gujranwala (Punjab).

¹⁷ Mansoorul Islam, Deputy Director, Bureau of Statistics, Department of Planning & Development, Government of the N-W.F.P., Peshawar.

Safeguard against arbitrary dissolution

The elected councillors voiced their concern against the arbitrary suspension and dissolution of local councils. A consensus on the issue was that the government policy of dissolving local councils for the involvement of few members in unlawful activities should be changed.¹⁸ One mayor of a municipal corporation expressed his concern thus:

"Councillors are not angels. A few of them may be involved in irregularities. Individual cases of misconduct and the initiation of an enquiry does not justify outright dissolution of a council. Those found guilty need to be dealt with in their individual capacity. Party politics seems to be one of the causes¹⁹ behind all governmental actions of dissolution. We do not know why the politicians have turned against us? The government gives more weight to the views of parliamentarians who always had a tussle with the local councillors on questions of local development."²⁰

Had the attitude of parliamentarians been favourable towards the elected councillors, the bureaucracy would have found it difficult to pass arbitrary judgements (e.g., curtailing the period of local councils) against them. The immediate need is to develop a climate of goodwill and understanding between the elected members of different levels on the one hand, and between the local councillors and the bureaucracy, on the other.²¹

Another mayor who suffered from a similar government action proposed the following:

"The local councils should be freed from the environment of uncertainty. They should be allowed to work for the full term. Of course, under special circumstances, an elected member, found guilty of misconduct, could be removed and prosecuted under the rules followed by subsequent disqualification if the charges levelled come true. Dealing with dishonest elements in this manner will prove more effective in discouraging irregularities than causing unnecessary suffering on an innocent majority."²²

A government officer, while confirming the real motive behind cases of dissolution, remarked:

"Though the government gives financial irregularities as the basis of dissolution, in fact, the political factor is at the forefront. The remedy does not lie in the abrogation of the system rather in tightening the machinery of accountability."²³

While the elected councillors blamed the government of excessive actions on flimsy grounds, the official view differed. A senior government officer remarked:

¹⁸. Mohammad Nisar, Councillor, Municipal Committee Mardan.

¹⁹. Shah Faridul Haque, Vice-President, Jamiat Ulama-e-Pakistan, Karachi, argued that local councils are generally dissolved on party considerations. In support of his view, the learned politician referred to the example of Karachi Metropolitan Corporation which was dissolved by the Sindh provincial government with the purpose to eliminate the hegemony of opposition councillors.

²⁰. Saeed Ahmad Jan, ex-Mayor, Peshawar Municipal corporation.

²¹. Mohammad Nawaz Khan, Councillor, Municipal Committee Mardan.

²². Abdus Sattar Afghani, ex-Mayor, Karachi Metropolitan Corporation.

²³. Abdur Rauf Dhervi disclosed during interview with the researcher.

*"Provincial government has only used the authority when circumstances in a local council necessitated the taking of such a drastic action. While doing so, the requirements of justice have always been fulfilled. The courts supervise the actions of the government very jealously even when there are good reasons for dissolving a council, suspending the membership of a chairman or a councillor. To decide cases and complaints against elected councillors, there exists an Appellate Authority to undertake in-depth analysis of matters before government action could be put into operation. Further, we are bound by the verdict of High Court that under the principle of natural justice, explanation must be called from the individual before initiating proceeding against someone."*²⁴

The dissolution of local councils in 1993 to ensure free and fair general elections gives enough evidence to the fact that government actions are largely motivated by party considerations. The remedy suggested was that dissolution cases should be decided by a 3/4 majority of provincial assembly and not by the administrative act of an individual. Local councils, being popularly elected institutions, deserve adequate support of parliament against arbitrary actions.²⁵

In the event of dissolution, some prominent citizen of the area known for his honesty and public service reputation should be appointed administrator instead of a government official who does not give enough time to the council administration because of his pre-occupation with regular official duties.²⁶

internal organisation of local councils

As revealed in the case studies, the internal management of local councils suffers from a number of factors in which the most significant one is the indirect election of the chairman and his subsequent inclination to his group of councillors. Several problems, discriminatory in nature, emanate from this phenomenon. The problem becomes sensitive and leads to a major source of discontent among opposition councillors.

The respondents proposed direct election of the heads of local councils instead of electing them indirectly through the councillors. The method can relieve the mayor so elected from the undue pressure of his colleagues in the council and can provide him with an independent environment to decide things on their merit because of his direct and independent mandate from the electorate. However, in an event of differences of the majority with the mayor, it can give way to an inevitable rivalry between the directly elected mayor and the councillors. Thus, apart from these internal complications, some external factors can also hinder the applicability of the method of direct election. For instance, the attempts on the part of provincial government in seeing the 'desired' candidates elected for council leadership as is illustrated from one of the case studies. The interest taken in such matters by the provincial government could be determined

²⁴. Javed Ahmad Qureshi, ex-Chief Secretary, Government of the Punjab explained the position during interview.

²⁵. Latifullah Khan, Councillor, District Council, Mardan.

²⁶. Munir Khan, Councillor, Municipal Committee Mardan. The normal procedure now is to assign additional responsibilities of administrator to the Assistant or Deputy Commissioner of the concerned district who, being responsible government officers, find it difficult to give enough time to the council business.

from the fact that this, in the recent past, led to confrontation between the elected provincial chief minister and the military governor. This happened over the mayoralty of Peshawar Municipal Corporation (NWFP) following the 1987 local bodies' elections.

One view was that the existing indirect method of chairman's election be amended because the chairman is presently elected on the principle of a simple majority vote, remains under pressure during the period of his office as the sword of no-confidence remains hanging over his head. Either a direct vote²⁷ or a clear majority vote from the elected councillors will place the chairman in a stable position to give a long-term policy and ensure its implementation during the term of his office.²⁸

Interference in making the choice of a chairman in an opposition dominated local council, should be dispensed with. Elected members should have the freedom to choose a chairman of their own without external pressure. This will allow a genuine leadership to emerge based on personal characteristics and leadership qualities.²⁹

The general complaint that a chairman of local council dominated by opposition faces a tough time unless he comes to terms with the leadership ruling the province needs adequate redress. The official view on this complaint was presented by a respondent in this manner:

*"No doubt that the mayor/chairman is an elected head of a council, he is supposed to comply with the policy of the provincial government. An act of denouncing the policy of the provincial chief executive can never be tolerated. Despite party differences, courtesy demands that the chairman maintains a cordial relation with the provincial chief executive and carries out his all lawful directives."*³⁰

Regarding the office of the vice-chairman, a large number of respondents proposed that it should either be strengthened by delegating to him certain powers of the chairman or it should be abolished altogether. At the moment, he is simply a councillor carrying the designation of vice-chairman but with no meaningful role to play. He may be given a role in matters such as sanitation and water supply. If a chairman enjoys power to spend twenty-five thousand rupees subject to no council approval, then the

²⁷. Yaqub Khan, ex-Mayor, Peshawar Municipal Corporation held the view that a directly elected chairman/mayor will face the same problems particularly in the passage of annual budget by the council unless he has a strong group of supporters. What would be the nature of relationship of a directly elected chairman with his colleagues in the council. The chairman may argue that being elected by the people, he is not responsible to the council. The solution, to him, lies in the conduct of a free and fair election of the leader of the council where the elected members could exercise their choice without external pressure. Javed Ahmad Qureshi suggested that in the event of disregarding the legitimate demands or acting in a way contrary to common interests, the chairman should be liable to be removed by a 2/3 or 3/4 majority of councillors. A more appropriate and effective way would be to eradicate the ineffectiveness of the chairman on the one hand, and ensuring his accountability, on the other.

²⁸. Arbab Mohammad Tariq, ex-Mayor, Peshawar Municipal Corporation.

²⁹. Agha Syed Ali Shah, ex-Mayor, Peshawar Municipal Corporation. Councillor Zafeer Gul Zafar narrated that during the controversy over the post of mayor between two leading candidates, the then prime minister had intervened advising them to accept the posts of mayor and deputy mayor respectively bypassing, thus, the real chooser i.e., the elected councillors.

³⁰. Tanzeemul Haque Halimi, ex-Secretary, N-W.F.P., Provincial Assembly, Peshawar.

vice-chairman should have power to spend ten thousand rupees on matters falling within his jurisdiction.³¹

The existing method of election of lady councillors based on the likes and dislikes of the majority group in the council was severely criticised. The lady councillors, so elected, become an instrument in the hands of the ruling group. Under the existing circumstances, an appropriate solution lies in co-opting prominent ladies known for their social welfare activities in the area. They should be treated as spokeswomen of the entire female population of the area and be empowered to formulate plans on their behalf. Female councillors should work independently in the form of a "Sub-committee on Womens' Welfare." Their performance would improve compared to their role in the male-dominated council where they find it difficult to express their views with confidence.³² The functionaries of provincial line departments such as education, health, social welfare and community development should take the proposals of lady councillors into account while formulating their annual plans for the district.³³

The local government service should be brought in line with other services of the government. The existing method of recruitment to the Provincial Unified Grade Functionaries (PUGF) should be amended and instead of making recruitment through the Local Government Board (LGB), a Provincial Local Government Service Commission should be established and the same principles be applied for recruitment as for other government services. This will bring talented man-power into the service of local government.³⁴

Though the purpose of the PUGF is to provide a corps of government employees who could ensure impartiality of the administrative element of local councils,³⁵ these officers work under pressure if there develops controversy between them and the elected councillors. In the event of disagreement on certain statutory matter between the elected chairman and one of the several principal officers, the former gets rid of the latter by way of his transfer through the LGB.³⁶ The local government board, on the other hand, lacks an independent agency to conduct enquiry into the disputes between the two in order to determine the genuineness of the charges levelled and do justice.³⁷ An equally

³¹. Qamar Zaman Gill, Opposition Leader, Municipal Committee Gujrat.

³². Ikramullah Shahid, ex-chairman, Municipal Committee, Mardan. Mrs. Zubaida Sayeed Choudhry of the Zila Council Gujrat also expressed similar views.

³³. Mrs. Zubaida Sayeed Choudhry, Lady Councillor, Zila Council Gujrat.

³⁴. Major (Retd.) Nasim Akbar Faruqi, ex-Chairman, Municipal Committee Gujrat. The official view, however, was that the existing provisions and procedure are effective for the recruitment of competent man-power provided the prescribed mechanism is followed strictly. Interview with Jameel Murtaza Hussain, Secretary, Local Government Board, Lahore.

³⁵. Jameel Murtaza Hussain.

³⁶. Qamrul Haq Siddiqui.

³⁷. Zakir Ali Khan, ex-Managing Director, Karachi Water & Sewerage Board, Karachi. He narrated that if the officer tries to comply with the rules, he is termed as one working against the party interests and should, therefore, be transferred elsewhere.

valid complaint of the councillors against the procedures of LGB was that the frequent transfer of principal officers adversely affects the council working in that a new incumbent hardly gets familiarity with the council business that he is served with a transfer order.³⁸

The official view was that the principal officers are fully at the mercy of the chairman of respective council who is authorised to write their annual confidential reports (ACR) which serve as an important criterion for determining their future in terms of promotion, transfer etc.³⁹ The cause of differences between the elected councillors and the principal officers was said to be the lack of experience and lack of familiarity on the part of the former and the compulsion imposed by the rules and regulations on the latter. To overcome such difficulties, a comprehensive and meaningful programme of training for both the councillors and the administrative staff was suggested.⁴⁰

All important decisions in the local councils should be made after careful analysis of the matter in hand by one of the sub-committees. This will activate the presently dead sub-committees and impart necessary training to their members in the process of decision-making.⁴¹ Opposition should be adequately represented on these committees in order to give them a sense of meaningful participation in the council affairs.⁴² In order to give stability to the office of chairman, the procedure of his removal should be amended and existing 2/3 majority required should be substituted for 3/4 votes of the total number of members.⁴³

Likewise dual membership should be abolished, as in the Punjab, in the rest of the provinces in view of the fact that a member holding two positions simultaneously cannot do justice to his responsibilities. Both institutions demand full time functionaries and nobody can ride on two horses simultaneously.⁴⁴

The lack of co-ordination, both vertical (with elected representatives of the higher institutions) and horizontal (functionaries of district-based government line departments) has been one cause of the improper performance of local councils in the development of local areas. Past experiences of seeking co-ordination at the district level suffered from a number of factors mainly the political. It becomes difficult to

³⁸. Jamshed Ahmad Khan, Chairman, Zonal Municipal Committee, Karachi South suggested that principal officers should be posted for a fixed period and should not be transferred earlier unless there are genuine reasons for doing so.

³⁹. Jameel Murtaza Hussain. The researcher was told that the officers of the local council service are required to strike a balance between the duties entrusted to them from the government and the priorities of the chairman. Since an officer does not like to be frequently transferred from one place to another, he has to adjust the desires of the chairman.

⁴⁰ Shah Mahmood Hussain Syed, Municipal Commissioner, Zonal Municipal Committee, Karachi Central.

⁴¹. Ch. Irshad Ahmad, Councillor, Municipal Committee Gujrat.

⁴². Dr. Mohammad Asghar, Opposition Leader, Zila Council Gujrat.

⁴³. Ajmal Ali Khawar, Councillor, Municipal Committee, Gujrat.

⁴⁴. Malik Mohammad Siddique.

combine efforts if elected people from the district are affiliated with different political parties. The respondents see the solution in bifurcating the legislative and developmental functions. This, according to them, will enable both levels of representatives to concentrate properly on their respective tasks.⁴⁵

The respondents emphasised the need for a machinery at the district, or in some cases at the tehsil levels, to achieve co-ordination between the respective local councils and the provincial line departments such as the P.H.E.D., WAPDA., PWD., Education, Health, and Police etc.⁴⁶

Financial Methods

Local councils, in general, are faced with the problems of imbalance in their income and expenditure, a substantial percentage of the latter being spent on the establishment. The ever increasing strength of staff causes a major difficulty for the economy of these institutions. While in Western countries, the establishment charges constitute a tiny share of the budget, local councils in Pakistan allocate a significant portion of their income to the salaries of employees and payment of electricity bills.⁴⁷ During the years preceding 1979, there was seen a great enthusiasm towards local uplift activities in that local councils earmarked almost sixty per cent of their resources for the purpose. Those in urban areas were unable to maintain even a balance.⁴⁸

A consensus of opinion among local councillors is that the finances of local councils have not been properly developed. The situation, except changes in the tax rates, is almost the same as existed during the first decade of independence. To them, an appropriate solution lies in finding alternate and permanent sources of income with minimum effect on the common people.⁴⁹

The official view that local councils also share responsibility for their unsound financial position was acknowledged by the councillors. Despite authorisation to levy taxes on all items listed in the schedule of taxes, local councils lack the political will to do so.⁵⁰ Apart from the need to initiate necessary measures by the federal and provincial

⁴⁵. This idea suggested by Abdur Rauf Dhervi reflects opinion of large number of elected councillors who strongly demanded relieving MPs from developmental functions.

⁴⁶. Mian Mohammad Nazim Ansari, Vice-Chairman, Municipal Committee Gujrat.

⁴⁷. Arbab Mohammad Tariq told the researcher that recurrent expenditure of the corporation constituted eighty per cent of the whole budgetary resources and only 15% of the resources could be allocated to development purposes.

⁴⁸. Abdur Rauf Dervi.

⁴⁹. Arbab Mohammad Tariq differed on the question saying that the problems is not that of the lack of resources but their efficient and economical utilisation. If in a certain area the market rate of renting a shop is two thousand rupees, then occupant of a council's shop in the same area pays only fifty rupees.

⁵⁰. Mohammad Yaqoob Khan differed on the ground that his council did propose new taxes in each annual budget but when people protested against those measures, the corporation had no option but to withdraw the proposed taxes. The official view on the question was that if a local council is not levying tax on certain item in the schedule of taxes, the reason is not the refusal of sanction by the government, but the reluctance of the council for fear of earning displeasure of the local population. From interview with Abdul Ghafoor Sheikh.

governments, the need to strengthen and restore the will of the local councillors to levy taxes boldly is also important.⁵¹

A legal expert, confirming the above state of affairs, gave the following comments:

*"There are vast powers of taxation which if exercised properly, could turn most of our local councils self-reliant in matters of finances. It depends, however, on the characteristics of the person heading the council. The idea of a public man, holding public offices like chairman or mayor, was to introduce more public views in their working. Unfortunately, here it is taken to be the self-adoration of the person. After entering into the set-up of bureaucracy, he becomes a part of that and forgets why he was sent to that office."*⁵²

Another official, while clarifying the general complaint of the councillors with regard to the inelastic resource base, commented thus:

*"Councillors are generally reluctant to take the risk of sacrificing their office for the sake of the financial stability of the institution. After all, someone will have to take the initiative. Staying in public office for ever is not their birth right. Under the oath administered to them, the councillors are bound to be loyal more to the institution. People pay taxes willingly when they feel that local councils are spending according to broad consensus of communities involved and also for legitimate purposes."*⁵³

Views of the elected councillors were identical on the subject. One such respondent admitted that:

*"Seen in the national perspective, there does not exist a balance between the financial health of the centre, provinces and the localities. Financial disputes between the two higher levels of government have affected elected institutions at the bottom. The failure to achieve a stable foundation of finances could also be attributed to the local councils who have only partially been able to exploit and generate income from the available sources."*⁵⁴

The researcher observed that things could be substantially improved if the internal financial management of local councils was overhauled with particular emphasis on the enforcement of financial discipline. This naturally calls for the development of sophisticated package of surveillance devices in order to be injected into the local councils system. Specially, in view of the general practices and the trends of the private contractors, a feasible alternative to the existing contracting method is needed with particular emphasis on strengthening the departmental machinery of tax collection.

To eradicate malpractice in the council finances, the provincial governments introduced the system of pre-audit and post-audit schemes. To apply the former, principal officers called Resident Audit Officers were deputed in all major local councils. Being ill-equipped with apparatus and relying heavily on the facilities

⁵¹. Umar Yousuf Deda.

⁵². Ch. Hamiduddin.

⁵³. Tanzeemul Haq Halimi.

⁵⁴. Saeed Ahmad Jan.

provided by the respective local council, the performance of the officers' were badly effected as a result of which the intended results could only partially be achieved.

Guaranteeing independence to the auditor is necessary for bringing efficiency and decency in the financial management of local councils. To ensure effectiveness of the audit, no one should stand immune from the evaluation of action and the resultant accountability. The audit places little emphasis on a review of collections. Lost revenue due to managerial inefficiency or due to laxity of taxation staff is not considered an area to be commented upon by the audit.

To ensure the judicious use of the existing council resources, an effective system of financial management and accountability should be devised. The internal audit should be streamlined and be made independent of all pressures. The external financial control on a sixth monthly basis be arranged so that unfair use of resources could be timely detected and the responsible elements could be brought to book.⁵⁵

Recovery of Taxes

The concept of local government demands that there should be a policy of self-reliance and minimum possible dependence on external financial assistance. Government grants should be for specific purposes in which involves the interests of national and provincial governments such as education, health and communication. Reliance on government grants will defeat the real purpose of local government. Instead the efficient exercise of taxation power and effective machinery for the collection of local government taxes needs to be ensured.⁵⁶ Another view was that even if the machinery of collection gets improved, the resource base of local councils is not wide enough to meet all their financial needs.⁵⁷ Because of their reliance on private contractors for the collection of major taxes, local councils suffer badly when these contractors delay, or in some cases withhold, the payment of instalments of taxes for one reason or another. The only course of action available to such local councils is then to approach the district magistrate to help in the recovery of outstanding dues. A solution generally suggested to deal with the cases of arrears was the delegation of the powers of recovery to the chairman or the chief officer. Presently, the deputy commissioners exercise such powers under the Land Revenue Act which involves a time-consuming process.⁵⁸

⁵⁵. Ch. Sanaullah, Senior Instructor, Local Government Training Institute, Lalamusa, Punjab.

⁵⁶. Qamrul Haq Siddiqui.

⁵⁷. Mohammad Yaqub Khan. The officials interpret it in a different manner. They hold the view that if local councils restrict their activities within the laid down parameters, they would rarely face financial embarrassment. It is only when they take up projects involving huge expenditure that they get into financial crisis. From interview with Abdul Ghafoor Sheikh, Sindh Local Government Accounts Committee, Karachi.

⁵⁸. One such advocator was Abdur Rauf Dervi who expected greater achievements as a result of direct action.

Fulfilling the long awaited demand for the vesting of power in the chairman or the officials of local government department for the recovery of taxes could bring significantly improve the financial position of local councils.⁵⁹ Apart from other corrective measures, one area of enhancing the financial base could be the exploitation of the existing financial resources to the full by more efficient collection and adjustment of rates, taxes and charges which have remained static for many years despite inflation and economic growth. Besides exploiting the potential of already available sources, the avenues of leakage's need to be identified. Apart from remedial steps to be taken by the government, the local councils themselves need to remove the existing deficiencies found in their financial administration.

Review of tax structure and collection machinery

Some policy guidelines needs to be devised with regard to the collection of taxes by local councils. Presently, under the contracting system, though the local councils receive a fixed amount, they lose, on the other hand, a huge amount that goes to the contractors as their net profit. The departmental collection, wherever introduced on experimental basis, has produced good results. Despite few inherent problems, the exercise has been advantageous e.g., it boosted the income, created more job opportunities, and reduced the quantum of public complaints which was a characteristic of contracting system.⁶⁰

Schedule of local council taxes be reviewed after every three years. Provincial governments should share with the local councils net proceeds of those taxes which are local in nature such as Motor Vehicle Tax.⁶¹ The courts of law should deal with local council cases on priority basis and with a minimum period involved. Presently, the law courts have the tendency of issuing stay orders in favour of private contractors without consulting first the respective municipal authorities. This causes, sometimes, greater financial embarrassment in view of the delayed payment to the council of instalments of taxes collected by the private contractors.⁶²

Financial Assistance

The pre-emption, by the provincial governments, of some taxes of a local nature has caused a major setback to the finances of local councils. In view of the financial difficulties faced by local councils, there is a strong case that these taxes should either be transferred to local councils or be shared with them on an annual basis. This will go a long way in eliminating the existing deficiency in the service delivery.

⁵⁹. The matter was also recommended in the report of Hussain Haider (1969). The present position is that local councils rely for this purpose on the district bureaucracy which, sometimes, has no direct interest in ensuring recovery of local taxes.

⁶⁰. Qamrul Haque Siddiqui.

⁶¹. See details from reports and recommendations of expert committees if similar proposals were given in this respect.

⁶². Rahmat Shah, Councillor, Municipal Committee Mardan.

In major urban areas, local councils deserve to benefit from the proceeds of motor vehicle tax. If the provincial governments are willing to share 50% of the net proceeds with the concerned municipal authorities, it will have a great effect on the service-related activities of those councils.⁶³

Tax structure of the three levels require adjustment periodically

One view held is that as long as the federal and provincial governments are stronger in terms of political power and revenue generation, there is going to be a less effective role at the local level. A consensus of opinion emerging is that the existing tax structure of the federal, provincial, and local government requires scrutiny and possible consequential adjustments. In this connection, the National Finance Commission can make an effective contribution.

The views expressed by the elected members and government officials on the subject lacked consensus. The official view with regard to the imbalance in local councils income and expenditure was that councils are vested with enough taxation powers which have not been adequately exercised for reasons such as local pressure, inelastic tax rates, defective collection machinery.⁶⁴

Similarly, the official view on the transference of certain taxes of a local nature was that though the suggestion sounds good it would be at the cost of provincial governments' existing programmes because the government is fully committed and any reduction in its already meagre resources will cause a havoc to the entire programme of action. Alternatively, the government's efforts are directed towards improving the local councils ability to generate fully the local resources.⁶⁵

Federal assistance on a regular basis

The federal government too is under an obligation to extend financial assistance to local councils on a regular basis. This is how the central government in the developed societies undertake development at the local level in the partnership of local government as a result of which the achievement of the minimum level of service provision becomes possible.

Both central and provincial governments should make special allocation in their annual budgets to give financial assistance to the local councils. The fact that government grants to local councils are occasional was confirmed by a government official.⁶⁶ A formula could be devised for the distribution of funds based on certain criterion with particular emphasis on the size of population and backwardness of the area.⁶⁷

⁶³. Prof. Dr. Hidayatullah, Director, Institute of Management Studies, University of Peshawar.

⁶⁴. Imtiaz Masroor.

⁶⁵. Imtiaz Masroor.

⁶⁶. Jameel Murtaza Hussain.

⁶⁷. Sheikh Mohammad Aslam, Legal Advisor, Municipal Committee, Gujrat.

Functions

Determination of the developmental role of the representatives of the three levels

In principle, the statutory duties assigned to local councils in Pakistan are not lesser than those of developed nations, but in practice, there is a world of difference between the two.

The involvement of parliamentarians in petty developmental activities as a result of launching, by the federal government, of the special development programmes, has undermined the prestige of these elected representatives.⁶⁸ There existed a sharp reaction against the strategy⁶⁹ which has since been carried without the necessary legal ratification.⁷⁰

The parliamentarians admit that there has come into existence a parallel structure for project identification and execution at the local level which the elected councillors term as an encroachment into their sphere of influence.⁷¹

The primary consideration behind involving the parliamentarians in the process of local development was the achievement of certain political objectives. Shorn of this objective, there is no reason why the local government system could not be rehabilitated in its correct form. The truth is that by providing basic amenities to the local population, local councils had gained political support. As money was spent and displayed locally, people felt that local councillors would abide by their promises and fulfil their commitments responsibly. This new-found confidence in local councils reinforced their

⁶⁸. Altaf Hasan Qureshi, Editor, Urdu Digest, Lahore linked the origin of this involvement to the 1985 general elections in Pakistan held under the military regime and on non-party basis. The national alliance of political parties called MRD (Movement for the restoration of democracy) boycotted those elections as a result of which majority of the candidates were those who came to the parliament with a municipal background. The political party formed later on (Muslim League headed by Mohammad Khan Junejo), in an attempt to keep the party organisation intact, prescribed the same kind of activities which the members had been undertaking since 1979.

⁶⁹. Prof. Dr. Hasan Askari Rizvi, Chairman, Department of Political Science, University of the Punjab, Lahore held the view that the parliamentarians have their compulsions. In a society which suffers from under-development and poverty, the major demands which the voters make on the members of national and regional parliaments are the demands which fall within the purview of local councils. Since the local councils lack full capability to meet these expectations, the voters ask for them from the representatives of higher institutions. The members then are forced to get funds for the purpose. Without this, the MPs are treated to have failed in their job.

⁷⁰. Dr. Mohammad Afzal, ex-Secretary, Ministry of Local Government & Rural Development, Islamabad. The researcher was told that involvement of federal legislators, members of the Senate of Pakistan and those of the provincial assemblies in 1985 was an incident of history. Who did it, and why did they do it, is a question yet to be examined. The programme now is so deep-rooted that no government can reverse it as it would incur the displeasure of party legislators.

⁷¹. The parliamentarians disagree with this notion. To them, the strategy is designed to expedite the process of development at the local level which the local councils are unable to cope with on account of their meagre resources and poor technical know-how. When asked why not the funds are placed at the disposal of local councillors they being more familiar with the nature of local problems and demands, the answer given was "they (councillors) have no connection with the centre. Though the funds are utilised through the members of parliament but their ultimate beneficiaries are the local population especially living in the villages. From interview with Mohammad Ali Khan Hoti, Senator.

political power which since 1985 has been overshadowed by the national and provincial parliamentarians.

This caused a conflict of interest between chairmen of district council and the MPs in the district.⁷² A district council's annual budget amounted to 30-40 million rupees whereas a member of the provincial assembly received five million rupees for the development of his constituency. The comparatively strong financial position of the chairman of district council made the MPs resentful as they thought that the district council would carry more developmental activities and hence more prestige and popularity.⁷³ In such a situation, if the parliamentarians are influential members, then they create obstacles in the smooth functioning of the council.⁷⁴ The solution lies in the adoption of a softer attitude on both sides. While the government needs to adopt a generous policy towards local councils allowing them a meaningful participation in the process of local development, the elected councillors particularly the chairmen of councils should adopt neutrality in the conduct of council business.⁷⁵

In view of the above state of affairs one suggestion proposed was that to avoid a wastage of energy and resources and to ensure proper and efficient utilisation of government funds, the principle of division of work must strictly be applied to the existing developmental role of MNAs, MPAs and local councillors. Relieving MPs from these activities will be in the 'largest national interest' and will enable 'competent, intelligent and dedicated leadership to emerge' who would concentrate on matters falling within the purview of national and provincial governments.⁷⁶ Even if the MPs want to play a developmental role, they should do so in collaboration with the local councillors who are more knowledgeable with the local problems as a result of their intimate contact with the local population.⁷⁷ A working relationship would then become easier to evolve between the members of provincial assemblies and the local councillors.⁷⁸ A major hurdle in the way is the provincial legislatures, the members of which would not

⁷². Prof. Dr. Hamid Hasan Kizilbash, Department of Political Science, University of the Punjab, Lahore explained that one reason of the tussle could be the nurture of local councils by martial law governments as a means of keeping the political parties out of power. On the other hand, there are evidences to suggest that wherever local bodies leadership and political parties have been able to work out an understanding (e.g., during Muslim League period in the Punjab from 1990-1993), the former have been encouraged by the latter.

⁷³. Abdur Rauf Khan agreed that the provincial legislators did not favour local bodies to assume their proper role and function. They want to keep their hegemony intact in their constituencies. The absence from the scene of local councils consolidates their position specially with the disbursement of local council funds to the respective MPAs for utilisation on local development.

⁷⁴. Ehsanullah Khan, ex-Minister for Local Government & Rural Development, Government of the N.W.F.P., did not see any hostility between the representatives of the two levels. The transference of certain powers from local councils to the members of provincial assembly was a natural phenomenon. After the coming into being of elected provincial governments, the representatives had the legitimate right of asking for their powers which heretofore were delegated to the local councillors.

⁷⁵. Ehsanullah Khan.

⁷⁶. Masood Akhtar Advocate, Gujrat.

⁷⁷. Mohammad Azam Chishti, Councillor, Peshawar Municipal Corporation.

⁷⁸. Ehsanullah Khan.

favour a withdrawal of functions which they have been undertaking in their constituencies as a part of strengthening their vote bank.⁷⁹

About the role of the district councils in the process of rural development, it was proposed that all development works should be carried out by them. Apart from financial and technical assistance to be provided to them by the provincial governments, the grants presently administered through the district officers of rural development department should go to the respective district councils. Likewise, the Assistant Directors and District Engineers currently working under the control of the Directorate of Rural Development, should be placed on the staff of district council so as to enrich the competence of these institutions.⁸⁰

Special care is, therefore, needed for determining the range of duties to be performed by the urban and rural local councils. Given the conditions in Pakistan, their function will have to be determined in the light of problems now confronting the society. The researcher holds the view that the co-operation of local government must be enlisted in the task of the government's initiative for the elimination of ignorance, disease and low productivity. The role of local councils in the delivery of services could only be enhanced if such efforts are accompanied by delegation of commensurate financial powers.

Reform Initiatives

It is a tragedy that initiatives to develop or discard a local government system has always originated at the federal level. The credit for the former goes to the military regimes while for the latter to the elected governments. Reform efforts too have largely been initiated under military regimes. Elected governments have generally attempted to introduce a system of their own based on the exigency of their political needs. Reference in this connection may be made to the constitution of a Local Government Commission⁸¹ in May 1982 and the constitution of 'Task Force' in 1993 to prepare plans for the setting up of district government. While the recommendations of the former could only partially be enforced, the idea of introducing a district government (at the district level) did not provoke enough enthusiasm. While supporters of the idea regarded it a practicable suggestion, the opponents presented an equally valid argument.

Application of the idea of administrative reforms to Local Government

⁷⁹. Mohammad Ali Khan Hoti, Member, Senate of Pakistan. The respondent was optimistic that by defining powers and responsibilities as well as the division of funds between the two, the problem could amicably be resolved. The government will have to take the MPs into its confidence that the proposed legislation is not going to curtail their powers.

⁸⁰. A.U. Saleem.

⁸¹. The purpose was to review the working of local government, suggest ways and means for greater decentralisation, attract maximum participation of the people at the local level and allocate and mobilise financial resources, to study the administrative structure and the training of councillors and staff. See Introductory part of the Report of Local Government Commission, Islamabad, Government of Pakistan, 1982.

The scope of administrative reforms, which has so far been confined to provincial and federal governments only, needs to be expanded to include local government with particular emphasis on such vital areas like management and development through maximum local participation and ensuring responsibility and accountability. It will be useful to develop a system of checks and balance and to permit performance evaluation. Initiatives towards ensuring least interference from above, strengthening the planning process, provision of a well co-ordinating machinery at the district level, better training of elected councillors and the staff, and guaranteeing their existence will make the local government a success.

The constituencies of local government should be enlarged and a prescribed number of candidates obtaining the largest number of votes should be declared elected. Members so elected should then put their collective endeavour towards the betterment of the population.⁸²

The creation of a high-powered body consisting of experts to review the working of local councils on an annual basis is the immediate need of the time. Such review over a longer period of time, say four or five years is not desirable because matters under consideration become too complicated over the years. Provincial governments should be constitutionally bound to abide by the recommendations of the board.⁸³

The lowest unit at the grassroots level in rural areas needs to be transformed into a traditional panchayati form which is more nearer to the temperament of villagers. Members of the panchayat should be elected by all sections of the village population. The head of the panchayat should decide things through consultation and on the principle of merit. This will help reduce the rivalry which sweeps village life.⁸⁴

For seeking effective co-ordination between the district council and the union councils, some structural changes in their constitutions be brought about. The head of union council should be made ex-officio member of the respective district council. This will help dedicated, responsible and public spirited leaders to come forward and represent the interests of local population in an effective manner. The councils so constituted will emerge as true representative institutions of the masses.⁸⁵

Constitutional status

This question arose great enthusiasm as some twenty respondents from different walks of life gave their views with, of course, differences in their approaches. In general, the granting of a constitutional status will assign to these institutions a specific place in the political system and will ensure their continuity.

Despite priority of attention given to the local government, the truth is that neither the military nor the civilian rulers have taken concrete steps towards assigning to

⁸². Altaf Hassan Qureshi.

⁸³. Abdur Rauf Dhervi.

⁸⁴. Masood Akhtar Advocate.

⁸⁵. Ch. Mohammad Zulqarnain Sahi, Councillor, Zila Council Gujrat.

it a deserving status in the political system of Pakistan. Its image has been badly damaged especially under an elected governments. There has also been eroded the kind of enthusiasm which the general public demonstrated during sixties in the process of local development. Due to change in the attitude of both the politicians and the general public, the spirit of local participation and service to the people that used to be in the past, is no more discernible. The lack of community interest and financial constraint have adversely effected the overall performance of the local councils. Local government in Pakistan, when seen in the comparative international context, has not worked very well as autonomous institutions functioning as a nursery for democracy and political development and providing services to the local communities. The reluctance to activate them for the purpose has been, in general, on the part of provincial governments under whose jurisdictional purview they fall.

In view of the above realities, a consensus of opinion among experts is that a constitutional status would help to strengthen local government. If there is embodied in the constitution a general statement of policy or declaration of principles in favour of decentralisation to locally elected bodies, this would emphasise both the democratic character of the constitution and indicate the direction for future growth. To assure flexibility and freedom for growth, the structure, powers and functions of local authorities should be left to be dealt with by ordinary law or regulation.

The respondents posed a counter question as to what guarantees exist that the constitutional provisions with regard to the continuity of the system will be followed in letter and spirit? Will not the provincial governments met out the same behaviour to the local councils which the federal government has been doing to the provinces. One distinguished educationalist commented thus:

*"Of course, constitutional provisions will enable local government system to work independently, but it should be borne in mind that institutions do not always work on the basis of what has been laid down in the constitution. Despite guarantees with regard to provincial autonomy, for instance, differences between the centre and the provinces are widening in the country. Unless a political culture is developed where there prevails awareness, tolerance and an environment of confidence to do things independently, there are few chances that granting simply constitutional status will produce meaningful results."*⁸⁶

Elaborating the above point further, another educationalist remarked:

*"Under the existing circumstances, it is not possible that a political party holds power at all levels at a given time. We need to develop such a political culture where the provincial government does not take it as an issue when a certain local council is dominated by opposition parties. If people have given them a mandate, they should be given every opportunities to serve the community they deem fit. Creating hindrances in their way is anti-thesis of all democratic norms and deserves all discouragement."*⁸⁷

86. Prof. Dr. Asrar Hussain, ex-Chairman, Department of Political Science, University of Peshawar.

87. Prof. Dr. Adil Hussain, ex-chairman, Department of Political Science, University of Karachi.

Despite the differences in opinion, the need for drawing a clear line of demarcation between the jurisdiction of provincial and local government is specifically emphasised these days. Local bodies would be effective provided their authority is recognised and their elective character is constitutionally guaranteed.

Recognising local government as a distinct tier of government will entitle it to a fixed percentage of the total federally generated revenue in the country. In fact, such a proposal was made by the federal government in 1982 and also recommended by the Local Government Commission but the matter could not be carried out because of the refusal of provincial governments to cut their annual development plans by ten per cent each year.

In general, the MPs see a conflict of interests in their relationship with the local councillors. The governments, both central and provincial, who rely heavily on the support of their members in the parliament, cannot go against the desires of their members. The government itself is not a barrier. It is the will of the legislators which prevails.⁸⁸ Particularly, the weak chief minister of a coalition government has always been a tool in the hands of parliamentarians and lacks the capacity to resist their demands.⁸⁹

A constitutional status can only be accorded if political leaders at the centre are willing to do so. Generally, there is a reluctance on the part of central leadership to take an initiative in this direction with the result that whenever a new party comes into power, it identifies shortcomings in the system of local government introduced by its predecessor and, instead of bringing improvement in it, considers its outright abrogation as the only remedy. Incorporating into the constitution of certain fundamental questions related to the system of local government and its recognition as a third tier of governmental machinery is recommended. The emphasis should be on the provision of adequate legal protection so that the continuity and sustainability of local government system could be guaranteed so that it is not be subjected to the vagaries of national party politics.

Doing so will free them from the grip of the provincial governments. In the absence of such safeguards with regard to financial and functional jurisdiction, local councils in Pakistan have, until now, largely functioned as subsidiary administrative units of the respective provincial governments.

Since the subject of local government appears on the concurrent list of the constitution, it would be desirable if the federal government made legislation on important aspects of the subject and then making the federated units abide by that legislation. The federal government can make it obligatory on the provinces to maintain

⁸⁸. Tanzeemul Haque Halimi

⁸⁹. Abdur Rauf Khan

the elective character of these institutions and ensure the timely holding of periodic elections.

Conduct of timely local elections

In the recent years, the question of holding periodic local government elections has aroused controversy. The government dissolved local councils in 1993 to ensure free, fair and impartial elections. The promise of holding subsequent elections to local councils did not materialise for political reasons. A strange phenomenon was that the government, both the provincial and the federal, were afraid of the possible influence of local councillors on the results of general elections. The government perhaps ignored the evidence that the elected members of national and provincial assemblies carried greater influence, in comparison to the elected local councillors, in manipulating the behaviour of the local electorate.

There was a consensus in the opinion of educationalists, elected councillors and civil servants that the responsibility for withholding local government elections goes to the provincial government. A major hurdle in the way of provincial governments to go ahead with the plan of elections is the party MPs who do not want someone else to get the credit of serving the community.

The provincial government should be constitutionally bound to hold fresh elections in the event of either the expiry of the council period, dissolution of a local council/s or disqualification of an elected councillor. The period involved between the two stages must not exceed three months.⁹⁰

There were differences of opinion with regard to the mode of local government elections. Some were of the view that a partyless elections provides opportunities for candidates of strong character to come forward on the basis of their ability to serve the community. Others held the view that the government should give up duality in its mode of elections and come with some concrete policy. To one respondent, the government was frightened that any setback in these elections would bring the popularity of the ruling party at stake. There is no point of holding party-based elections when the government party itself is actively involved in the electioneering.⁹¹

Association of Local Authorities

There are certain measures which the local councils themselves can initiate to safeguard their interests such as survival of the system and protection of any untoward attack on the existence of these institutions. A very good start in this direction had taken place in the 1980s when forums were constituted, both at the federal and provincial levels consisting of the elected representatives, to promote the cause of local government in Pakistan. Reference in this connection may be made to the creation of 'All Pakistan Mayor's Conference' and the Provincial (N-W.F.P) Committee of the

⁹⁰. Nasim Masih, Minority Councillor, Municipal Committee Mardan.

⁹¹. Prof. Dr. Adil Hussain

Chairmen of Local Councils. Represented by chairmen of all urban and rural local councils (except union councils), the basic objective of this arrangement was to motivate local bodies to work with the spirit of co-operation and understanding, to design a strategy for the solution of common problems, to have contact with both federal and provincial governments for the airing of matters of common concern, and to communicate to the government peoples' feeling on vital national issues.

There are about eighty thousand elected councillors in Pakistan. This huge strength with peoples' voting power is not properly organised. With the object of providing a forum where elected chairmen of local councils within the province can exchange views and discuss problems of common interests, the creation of a 'Provincial Council for Local Self-Government' is suggested. Likewise, a council could be set up at the federal level to co-ordinate all such efforts for safeguarding the interests of local government system in the country.

A committee consisting of the chairmen of selected local councils (urban and rural) should have periodic meetings with the provincial chief ministers to discuss matters of mutual interests. This contact between the representatives of the two levels of government will develop greater understanding and help to remove bottlenecks lying in the way of smooth functioning of local councils.⁹²

The desired outcome

The solution of the problems involved in the inter-governmental relations does not lie in getting rid of the opposite tier of government. If the central government attempts at a crack down on the provincial governments, it would not materialise. Likewise, the provincial government's efforts to disencumber itself of the local councillors will be an attempt in futility. Each of the three levels in a federation has its utility and importance with corresponding roles.⁹³ Exigency demands greater understanding and co-ordination among the three. A constitutional solution, spelling out in unequivocal terms the jurisdiction of each level of government, seems to be an immediate need of the time. If the present state of conflict and confrontation continues, then a major breakdown of the governmental machinery is inevitable.

Presently, although the prevalence of certain unfortunate realities such as the abundance of political parties with loose organisations and programmes, the politics of personalities and decline in the quality of leaders, the mismanagement of council resources and functions, have all combined to erode the image of local government but, based on the experiences already gained, there are opportunities for the success of the

⁹². Rahim Khan Bacha, ex-chairman, District Council Mardan. The respondent also suggested that members of the committee should have the privilege to attend those meetings of provincial assemblies in which matters related to local councils are discussed but with no right of voting.

⁹³. Fida Mohammad Khan, Member, Senate of Pakistan, narrated that one way to achieve this is to guarantee the continuity of local government and regular elections to all levels of government. With the new leadership emerging from the bottom and gradually reaching the top, an environment of goodwill and cordiality in the relationship between MPs and local leadership will develop.

development of local government with little additional effort needed. To have this, the politicians will have to broaden their vision, tolerance, and respect for common and national interests.

The solution to most of the problems lies in seeking self-sufficiency and self-reliance. Local people and their leadership should come up with their contribution, both physical and financial. The spirit of community participation based on an aptitude of self-help can go a long way towards solving certain pressing problems requiring long-awaited solutions.

Over a long period of mistakes and errors, Pakistan has achieved a possible institutional frame-work of local government duly backed by a national consensus. Local Government should be allowed and continued to function independently, free from pressure, as an instrument of political and popular education and development. And those who are to run local government must imbibe an intense and conscious sense of responsibility. A very high level of devotion to public affairs and a zeal for the service to community can only make them and local government a success.

Chapter Nine

Conclusion

CONCLUSION

It is pertinent to note here that in drawing the conclusion of the study, the same approach has been adopted as throughout the preparation of this thesis i.e., analysing the pattern of central-local government relations from the political, financial, and administrative perspectives. Based on the findings of the research, these three major components i.e. are sub-divided into several other components depending upon the nature of the facts gathered.

An administrative perspective

Keeping in view the bureaucratic structure in Pakistan, the hierarchy of which reaches down the local level, a conclusion drawn is that it exercises a considerable degree of influence over the elected institutions including the local councils. A clear example of the bureaucratisation of the system of local government was that of the Basic Democracies so vigorously manipulated by the bureaucracy in that the officers of the district administration were assigned a pivotal role. The control was vigorous because the general model of communication flow was from top to bottom without having any feed-back from bottom to the top. Under the system of Basic Democracies, bureaucracy enjoyed an upper hand with only a secondary role assigned to the elected representatives. All important tiers of local government, with the exception of Union Councils, were headed by the bureaucracy. The elected members were at most considered fit for the position of vice-chairman carrying no powers.

Ever since independence and more particularly during the military regime, opportunities were availed by the bureaucracy to acquire a paramount status in the machinery of government. Its role subsequently led to a situation which was threatening and challenging to other institutions of representation at all levels. The first elected government (1972-77) took notice of it and launched the administrative reforms in 1973 as a result of which there occurred a change in attitude but these could not be institutionalised because of confrontation among the politicians themselves and the reluctance to develop truly representative institutions especially at the local level. The military take over of 1977 changed the scenario once again when the bureaucracy regained its lost strength and status as a result of the disappearance of elected democratic institutions. Later in the 1980s when the military ruler attempted to restore democracy and the start was taken from the grassroots institutions, there was seen, unlike the Basic Democracies Order of 1979, some reduction in the hold of bureaucracy vis-à-vis elected local councils. This being one of the characteristic features of LGO 1979 in order to develop a truly representative local government system with minimum role given to the officers for ensuring compliance of the laws. Though the kind of supervisory role played in the past by the deputy commissioner was no more there but that was replaced by a new mechanism whereby officers of the LG & RDD

and the network of field officers were keeping an eye on the operations of local councils falling within their jurisdiction.

Functions

Under the 1979 ordinance, the functions of local councils are so many that there is hardly anything which is not listed in the statute under the compulsory and optional categories despite the limited financial and human resources and even more limited administrative capabilities and efficiency of the leadership at the local level.

The role of local councils seems to have undergone fluctuation. During the first few years of the promulgation of 1979 Local Government Ordinance, the local councils enjoyed enormous powers as a result of the generous policy adopted by the military ruler. The elected heads of local councils enjoyed greater prestige making them the social leaders and powerful figures of their respective areas. They worked excellently because of the enthusiasm for development and the absence of higher elected bodies. Later, the effects of party politics and the emergence of elected institutions at the national and provincial levels and the transference of certain categories of powers and functions to them restricted their range of activities.

With the revival of democracy at the national level, major services previously devolved on local councils were withdrawn and re-centralised either in government departments or development authorities. With this there started a gradual decline in both the prestige of local councils as well as the quality of services rendered by them to such an extent that the role of the biggest urban local council in a province became restricted to water supply and sanitation only. Not only that, but in the provision of both the services, not the city corporation but its counterpart, the Development Authority, was showing a better performance.

The official explanation for these developments was usually the failure of the councils to discharge their duties effectively. The truth lies, however, in the increasing involvement of party politics, both from within and without, government's reliance on higher elected institutions (i.e., the National and Provincial Assemblies), diversion of financial resources to alternate agencies of development, and local councils' financial and technical incompetence to cope effectively with the questions effecting the daily lives of masses.

From the functional point of view, one significant point revealing from the four case studies was that despite details mentioned in the statute, the sphere of influence of local councils vis-à-vis other government and autonomous agencies was yet to be clearly laid out. Their operational domain remained vague. Yet another significant point revealing from the same studies is that while the role of urban local councils in service-related matters was not very encouraging, that of the rural local councils falls below the average standard. This testifies the point that the poor standard of civic services in

villages has become the second, after employment, major cause of rural-urban migration in Pakistan.

It appears, therefore, that the task of delegating powers and functions to local councils was not the result of some careful planning. The early enthusiasm of involving, on a large scale, the local leadership in the administration of local problems resulted in the over-burdening of tasks on councillors. The principles of balance was disregarded as a result of which local councils became obsessed with duties for which they had little financial and technical capacity. This amounted to strangling them before they could reach a level of maturity.

Decentralisation

The principle of gradual devolution of power as adopted by the British during the pre-partition period, was not taken into account. The British had allotted sanitation at the initial stage and as the time passed, the old rules were changed and new responsibilities assigned keeping in view the success gained by the local councils in the municipal spheres. This factor seems to have been disregarded while delegating powers and assigning responsibilities to councils under the 1979 ordinance. Things were handled more randomly as a result of which clashes of interests occurred when the higher levels of elected institutions came into existence with the restoration of democracy in 1985.

The first such problem faced by the local councils was the jurisdictional overlapping that had arisen on account of the introduction of special development programmes (i.e., Peoples Programme, Tameer-e-Watan Programme etc.) launched by the elected government with federal funding and the involvement therein of the members of parliament. One purpose behind this strategy was to improve the party's image by undertaking some development work in local areas through party members of parliaments and placing huge development funds at their disposal. This not only involved the MNAs, MPAs and Senators in petty development functions essentially of a local nature but also created problems of duplication. By taking over certain categories of functions supposed to be undertaken by local councils, the process diverted national leaders' attention from their primary role of law making. The undertaking, by the national and provincial legislators, of minor development activities was treated as an encroachment upon the jurisdiction of local councils.

The activation of these parallel elected institutions in the process of local development caused problems of maladministration in that different institutions did not follow strictly the given framework and this promoted mismanagement and corruption. The funds given to the parliamentarians for uplift purposes, were utilised for strengthening the position of the ruling party and securing the vote bank. Local councillors resented this arrangement. They held the view that politicians, particularly

those in power at the federal and provincial levels, did not want local government to flourish because in their strength and effectiveness they saw their careers at risk.

Overlapping

There had been little efforts to reconcile the hostility and confrontation between the two with regard to the undertaking of development in local areas. This hostility, in the ultimate analysis, damaged the weaker institutions i.e., the local councils. A tendency on the part of MNAs and MPAs was to have control over the development funds to have the sole credit of carrying development in their respective constituencies. An unfortunate aspect of this parallel arrangement for local development was the lack of a single verying piece of legislation on the matter. It was simply under an administrative order that funds were released to parliamentarians to undertake programmes of local uplift. An important factor which added to the hostility between the two was their allegiance to different political parties. If a majority of councillors in a given council belonged to the opposition, then the ruling national or provincial party tried to improve the party's image in that constituency by accelerating the pace of development through involving the party MPs and placing substantial development funds at their disposal. Thus the funds actually meant to be given to the local councils as grants-in-aid were diverted elsewhere for political gains.

At one stage, differences between the local councillors and the parliamentarians reached to such an extent that the former announced setting-up of a body consisting of chairmen of all district councils (then 72 in number) in Pakistan to safeguard the interests of district councils and check the undue interference of legislators (both national and provincial) in their affairs. These differences arose following the non-party elections of 1985 bringing significant change in the role of local councils. Not only that the newly elected MNAs and MPAs started interfering with their working but most of the powers previously enjoyed by the district councils were also taken back and the share of district councils in development (A.D.Ps) was reduced.¹

The emergence of Development Authorities

Yet another factor affecting functional jurisdiction of local councils, particularly those in the urban areas, has been the coming into being of a new device of urban development through autonomous bodies and largely self-financing called Development Authorities. Working under the administrative control of the Provincial Government's Department of Housing and Physical Planning, these authorities perform civic functions in urban areas independent of the control of the municipal body.

In recent years these bodies have taken over some of the vital responsibilities of the urban local councils particularly in areas like housing, drainage, and road maintenance. Financially sound and technically well-equipped, these agencies ensure an orderly expansion of the cities. The shift of responsibility has been due, mainly, to the

¹. See *The Jang* (Lahore), 19.10.1986.

inability of the municipal bodies to cope effectively with the problems arising out of the large scale urbanisation. A general opinion is that municipal bodies cannot be solely relied upon in view of their financial constraints and poor technical know-how to develop the infra-structure particularly the land development. The researcher observed councils lacking capacity to formulate a master plan for undertaking the concrete development of the local areas and this is more true about the district councils whose planning process was haphazard being formulated randomly without fulfilling the basic requirement such as a field survey and data collection. No good impression could be formed about the development efforts of the councils particularly of the district councils.

Defective co-ordination

The defective co-ordinating machinery worsened the situation further. The abolition of a controlling authority, though eliminating the hegemony of the bureaucracy over the elected local councils, it produced certain negative consequences as well. For instance, it reduced only partially the extent of control which, unlike the practices under the Basic Democracies system, moved the control centre to the provincial capital. The absence of the Deputy Commissioner from the scene left a vacuum at the local level which was not easily filled by the alternate arrangements introduced to facilitate co-ordination of field activities and encourage co-operation between local councils and the various government departments. The constitution of co-ordination committees at the district level, the replacement of the chairmen of district councils by the influential member of the parliament from the area did not produce fruitful results in that the machinery only partially succeeded in ensuring effective co-ordination at the district level. A major hurdle was the effects of party-politics which, as revealed in the case studies, caused the breakdown of the machinery in both provinces. The federally funded national development programmes, which developed conflict and differences between representatives of different levels, necessitated the formation of some kind of forum that could resolve the problems involved. The matter was not been taken up seriously as the idea, whenever initiated, was affected largely by political considerations. It appeared, thus, that the political aspect had overshadowed the service related aspect of the system.

The Control Mechanism

The government's regulatory framework seemed to be less effective in keeping the local councils within the efficient exercise of council powers. In view of the absence of such a mechanism, the only course available to the government was to withdraw basic and necessary powers from all the local councils when the circumstance so demanded. For instance, the provincial government of Sindh had to withdraw from local councils the power to sanction commercial schemes like the allotment of plots, commercial complexes, conversion of parks and amenity points into commercial uses. Similarly, the councils were prohibited from rejecting the highest bid in any auction and

entering into any contract without inviting an offer in auction. Similarly, the system of internal and external accountability was only partially operative. Annual inspections, though provided under the law, was not regularly carried out and no formal machinery for registering and handling of complaints existed. The inspections were merely a routine exercise which did not lead to results.

Ministry of Local Government

The federal ministry which, under the terms of its establishment, is responsible for initiating measures for the development of local government, has been pre-occupied with duties other than those falling within its purview. As a result of the launching of special development programmes, the ministry has been dealing, since 1985, with the questions such as scrutiny of the development schemes proposed by the parliamentarians, establishing liaison with the respective provincial departments in connection with the clearance of those schemes, and disbursement of funds to the executing agencies. The settlement of these questions has engaged the ministry into a large number of other activities as a result of which its primary task has gone into the background. The local councils stood dissolved while the ministry was busy in distributing development funds among members of parliament. The change in government policy had changed the whole scenario.

The Financial Perspective

The sources of income generation and sphere of influence in terms of service provision of the three level of governments reveal that these are unequally distributed. One study conducted on the subject discovered that out of the total revenue generated in 1990-91, percentage shares accrued to the federal, provincial and municipal governments stood as 88, 5 and 6 per cent respectively.² In terms of the expenditure incurred, the share stood as 68, 28 and 4 per cent respectively. This indicates why local councils offer a low level of service provision.

While most of the important sources of income are pre-empted by the central and provincial governments, the taxation base of local councils consists of the left-over sources of revenue. Even this residual base is not normally free to be tapped at will because all taxes and charges are subject to the approval by higher levels of authority.

Apart from the inequitable distribution of financial resources between the three levels of governments, there is inequitable distribution of resources between urban and rural local councils. It is on account of this financial constraints that local councils, particularly in the rural areas, have found it difficult to undertake a meaningful developmental role. The projection of future developments has shown a growing

². Hafiz A. Pasha et al., A Study on Improving the Efficiency and Effectiveness of Spending in the Social Sectors and Increasing Resource Mobilisation in the provinces. Province of the N-W.F.P., A Report prepared for the Canadian High Commission in Islamabad (Pakistan), 1992, p. 21.

disparity between the finances of urban and rural local councils i.e., the rapidly growing urban sector as opposed to a slow growing rural sector.

This is also evident from the findings of the Local Government Commission (1982) which noted that even if the provincial governments succeed in resolving the disparities in income of urban and rural local councils, a vital fact still ignored by the federal and provincial governments is that local government expenditure is and continues to be a small percentage of public expenditure as "the major forms of taxation of income, property and commerce remain in federal and provincial hands."³

The unequal distribution of resources between the provincial government and local bodies had effected the quantum and quality of services as a result of which an increasing proportion of the population remains denied of access to the services. The urban areas are the worst sufferers in the delivery of municipal services. In this situation, the councillors have to opt among various services like water-supply, road formation, drainage, street lights etc. Since all of them are obligatory services, their prioritisation becomes a difficult task. In the process, many acutely needed services are denied to the municipality wards.

Budgetary position

The local councils appear to be self-financing entities in view of their complete reliance on local sources of income. A careful analysis of the financial transactions gives, however, a contrary situation because of the rising liabilities with respect to energy charges, imbalance between income and expenditures. The weak financial condition of local councils is evident from their inability to undertake development works as legally stipulated. Fulfilling the rising expectations of the local population has been adversely effected by the meagre resources at their end.

Potential to raise income

The generation of financial resources is key to the strengthening of local councils' performance and improvement of their management capability. They did show sign of picking up in this critical area. For instance, between 1979-80, their revenue increased by about 90 percent.⁴ Despite such significant improvement, the local government expenditure is still a small percentage of public expenditure as whole. It also revealed from the case studies that there was a general reluctance to exploit new sources for augmenting their resource base. While their own sources of income were restricted and the collection machinery defective, the flow of funds from the centre and provinces was small.

³. Report (Unpublished) of the Local Government Commission, vol. 1 (Chapter on Financial Resources), Islamabad, Government of Pakistan, 1982.

⁴. *Strategy For Management of Resources in the Eighties*. National Management Paper (1983), Lahore, Pakistan Administrative Staff College, p. 44.

Response of tax payers

Attempts on the part of local councils to expand their tax base of local councils proved an exercise in futility because of the response of the local tax payers. This phenomenon has given birth to several problems of local finance including the councils' failure to maintain a balance between developmental and non-developmental expenditures, which now seems to be a characteristic feature of local government finance in Pakistan with a significant percentage of the budget earmarked for the payment of salaries, user charges on the consumption of electricity for street lights and water supply schemes. If there is any evidence of unwillingness on the part of consumers to pay for the services they receive, that is because of the poor quality of the service or a general dissatisfaction on the councils' service-related operations. This has led to skewing in council tariff structures and the dependence on indirect taxes has increased for funding council services.

Unfulfilled Government Commitments

Measures to review the financial resources of local bodies with an attempt to expand and diversified them were adopted during the military rule when in 1982 the federal government set up a high-powered Finance Commission for the purpose. The commission looked into the financial position of local councils, their potential resources and their capacity to impose local taxation to meet an increased demand on them for the fulfilment of development programmes in their jurisdiction. The commission recommended that 10% of the total allocation should fall to the share of the local government with powers to formulate their own five-year plans with an accent on local resources and self help. The planning commission was to consult the local bodies before preparing development schemes in different areas of the country so that maintenance and supervision of projects could be entrusted to them.⁵

This was followed by another significant decision taken by the federal government in 1988 with regard to the establishment of a local government fund in every province to give grants or matching grants to different tiers of the local bodies.⁶ There was little advancement, however, towards the designing of a well-set policy on grants-in-aid. Therefore, the provision of grant, if any, continued to be either adhoc or specific. The past practice of providing regular grants to local councils had since ceased to exist. As an alternative to the inelastic tax base of the local councils, the respective provincial governments sought a solution by directing a 10% increase in the amount of

⁵. See *The Pakistan Times* (Lahore), 16.5.1982.

⁶. Sartaj Aziz, Federal Minister for Local Government & Rural Development announced this on the occasion of 3rd Punjab Local Government Convention held at Lahore on 17.9.1988. He also talked about the assignment of new responsibilities to local bodies such as recruitment of staff and establishment of Development Councils in every village. The scheme aimed at increasing the responsibilities of the councils that included construction of roads and supply of electricity to rural areas, setting up of commercial centres, utility stores, workshops for tractors and provision for telephone connections in villages. See the *Pakistan Times*, 19.9.1988.

bid offered by the private contractors over the previous year. A conclusion drawn from the case studies revealed that the actual outcome was far below the target laid down. Thus the government's promises to provide a stable financial base to the local councils in order to be able to meet local demands, have proved simply to be lip service. Even the initiatives taken in this direction during the military regime have only partially been put to operation.⁷

Inefficient utilisation of resources

Apart from the resource constraints, local councils also suffer from the lack of an efficient machinery for the management of local finance. The most significant one is the reliance of local councils on private contractors for the collection of revenues of major taxes instead of improving the departmental tax collection machinery making it more convenient for tax payers to pay. The auction system was subject to numerous potential abuses which the local governments were ill equipped in both staff quality and organisational terms to control. While the auction system could not be afforded in view of the shortcomings attached to it, there was hardly any planned initiative either on the part of the government or on the part of individual councils for a permanent solution to the problem in terms of working out some efficient method of tax collection with particular reference to the strengthening of departmental tax collection machinery. Had their collection machinery been effective, the available resources would have been sufficient to meet local demands. Not only was the collection machinery faulty, the cost recovery of certain directly consumed municipal service such as water also had a very limited cost recovery.

Audit

Despite elaborate arrangements prescribed in the law for the audit and inspection of local councils, these two functions have remained largely ineffective. This was due, largely, to the absence of a mechanism for ensuring immediate action suggested by the inspecting agencies. The machinery to apply sanctions for non-compliance with auditor's recommendations also looked inefficient.

Government approval

Despite a long list of permissible sources of income, local councils still need a prior sanction of the government and it was so particularly when the council intends to bring about a change in the rate or basis of charging. Sometimes the government's decision, having financial implications, adversely effected the functional capability of local councils. Annexure-A illustrates few such examples.

⁷. See the Report of the Local Government Commission . . . The Commission recommended the transference, by the provincial governments, of certain revenue resources from certain taxes to the local councils. These included: motor vehicle tax, sugarcane cess, registration/transfer fees on agricultural property, royalties on sugarcane minerals, entertainment tax, income from inland fisheries etc.

Another point revealing from the financial administration was that despite formidable statutory provisions guaranteeing the financial security of local councils, there had been relatively little impact in practice in ensuring financial autonomy for local authorities. For instance, despite formal commitments to financial decentralisation, the practice was more on strengthening governmental control.

The way local councils in general and those in the urban areas in particular claim to be handicapped from the functional and financial constraints is illustrated from the deliberations of the All-Pakistan Mayor's Conference (Gujranwala, March 4/5, 1991) which demanded that the corporations be made autonomous in monetary matters, grants be restored, changes in tax rules be introduced, Motor Vehicle Tax be transferred to the urban local councils, and disbursement of grant-in-aid to corporations out of the grant made by the federal government be arranged. Administratively, the demands included the putting of an end to the commissioner's controlling authority, establishment of a metropolitan police, conferment of authority to the corporation to create new posts and filling them, exemption of major plans from government sanction and authorising magistrates of corporations to impose summary fines.⁸

The Relationship seen in its political perspective

The changing pattern of government i.e., military revolution, then reversal to democracy and again a switch over to martial law, has not developed a conducive environment for the smooth growth of local government. While the military's interest in the promotion of local government has centred around the need to devise a channel of having rapport with the general population, the civilian governments have avoided reviving them from fear of losing political ground. Even during military regimes, when local government has been given preferential treatment in terms of revival and growth, attention has been focused on the super structure of the political system i.e., the central and provincial governments and their functioning.

Absence of a stable policy

There is an absence of an unequivocal government policy towards local government. The deterioration of the system could also be attributed to the lack of a concrete and consistent policy that could ensure the continued existence of local councils and particularly the continuous involvement of an elected element in its working. Every time when the institutions are revived, it is essentially a new experiment without a real linkage with past practice and experience. At times, local government suffered from total neglect while in other situation they became a pampered institution of the ruling elite. A policy to this effect could neither be devised by the military rulers nor the elected democratic governments. So much so that even for the holding of fresh elections, the sitting elected councils are dissolved in order to ensure fair, free and impartial elections.

⁸. See *The News* (Lahore), 4.3.1991.

Federal Government's Role

Initiatives to set up and develop a local government system in Pakistan has always been taken by the federal government and specially by the military rulers. The provincial leadership has largely been reluctant to make some significant contribution towards the development of local government despite their claim of exclusive jurisdiction over the matter on account of being a provincial subject. Experiences reveal that reform initiatives directed towards the restoration and strengthening of local bodies have generally been undertaken at the federal level and that too during the military regimes. Experiences also reveal that the coming into power of an elected democratic government has proved to be a retrogressive step towards the growth of local government. One reason for the neglect of local government by the provincial leadership is their greater reliance on the members of parliament for the survival of government rather than the local councillors.

After independence, the credit for promulgating ordinances (first in 1959 and then in 1979) establishing local government goes to the army. The only difference was that while the former assigned a pivotal role to the bureaucracy, the latter curtailed influence of the bureaucracy by giving to the system a completely representative character with no provision for nomination from outside. This is a reminder of the old days during the British period such measures used to originate at the centre. On the reverse, the responsibility for slowing the process also goes to the federal government and this unfortunate situation has happened during period of elected government.

The peculiarity of the situation in Pakistan is that military rule, which often disrupted the process of democracy, seems to emerge as the sustainer of local institutions. The military, compared to the representative governments, have been more enthusiastic about setting up local bodies because by doing so, they do not lose power. Rather it protects them from the threat of any new power centre from emerging. In the restoration of representative institutions at the federal and provincial levels the military sees a threat to their authority because it demands a corresponding decentralization of power.

Military regimes, despite their reluctance to restore democracy through reviving elected bodies at the higher levels, have always preferred to develop local bodies calling it a first step towards the restoration of elected institutions at the higher levels. Since the common people are more concerned with the solutions to their basic problems, their sympathy and support provide a sufficient ground for the dictatorial regime to claim legitimacy. The military government, in fact, wishes such an environment to develop in society so that their rule may be prolonged.

In their enthusiasm to revive local government and expedite the drive for development at the local level and particularly in searching for a base for political support, the military tended to lose balance as they entrusted to local councils powers

which were meant for elected representatives of the higher levels. Their greater reliance on these institutions gave to the local system an extra-ordinary prestige. For instance, General Zia gave representation to elected councillors in the Federal Council (Majlis-e-Shoora) and the provincial councils. This not only introduced an element of distortion in the system but also produced negative implications. Not only that, but the military rulers (especially General Ayub Khan) went to the extent of converting the system into an electoral college provoking, thus, public resentment against the system. For instance, despite Ayub Khan's good start with the basic democracies system in terms of arousing enthusiasm in the community for the process of nation-building, the attachment of a direct political objective diminished its vitality. The image developed during the first few years could no longer be there because people, in general, turned against the system and their hatred not only led to the demolition of the system but its creator as well. Now, whenever the military comes into power, it goes back to the same approach i.e., bureaucratization and political manipulation in the local institutions in order to sidetrack the politicians.

A careful analysis of the development of local government during the military regimes would reveal that despite priority of attention being given to the system at the initial stage, even the military rulers start looking to other sources of support, resulting therefore in a significant change in their attitude toward local councils. It is evident from the fact that during the absence of the higher levels of elected bodies, there used to take place local body conventions at the national level, serving as a forum for direct conversation between the military rulers and the elected representatives and where the latter used to be consulted and taken into confidence about vital national issues such as foreign affairs, health, education etc. Subsequently, when nominated councils were constituted at the national and provincial levels, they became the main forum for the deliberation of these national questions and began to lose their local focus. Despite so much interdependence, the military's failure to devise a sustained local policy has caused major setback to the promotion of the local system.

Attitude of civilian rulers

Compared to the military regimes, the role of elected governments towards the development of local government has not been encouraging. They have generally been reluctant to strengthen local government and provide a conducive environment for growth. It is evident from the fact that the only local bodies elections conducted by an elected government was that of 1991 and that too in the province of Punjab only and surprisingly on a non-party basis. The system has, unfortunately, suffered a major setback during the periods of elected government. The elected governments have either attempted to abrogate the existing system (as happened during 1972-77) or replace it by a new one (when the idea of District Government was put forward in 1993) reflecting

the elements of prejudice, enmity and intolerance of elected national leaders towards local government.

Another reason for this is that democratic governments have not worked in Pakistan for long periods and, therefore, the relationship between local government and democratic functioning at the higher levels has not been strengthened. At times when there have been elected governments ruling the centre and the provinces, their mutually tense relationship have had deeper repercussions on local government. There are instances of the policy directives of the federal government being defied by a province where an opposite party was at the helm of affairs. It is only under military rule that the centre's directives become binding on the federated units as a result of a centralized machinery headed by military officers tightly knit with the central high command.

Replacing the system

A unique phenomenon has been the tendency, on the part of every new elected federal government, to do away with the system of the predecessors instead of bringing about improvement with the intention to make it a driving force in the lives of the citizens. Efforts have always been directed towards replacing the old with a new system. For instance, the system of Basic Democracies (1959-69) was abolished by the succeeding elected government despite some strong points in the system.⁹ With all its imperfections, it provided an effective and necessary means of communication between the Government and the people. Abolishing it altogether discarded the years of hard won experience of local government especially in the rural areas. Another system introduced by yet another military ruler in 1979 was replaced by the succeeding elected government in 1988 and particularly in 1993 when new administrative machinery was proposed at the district level in the light of a new social contract.

There has been observed a great enthusiasm in the government's plan for district government but it went into oblivion with great speed. Perhaps the government underestimated the hegemony and power of the landlords and the bureaucracy. While the bureaucracy was not willing to play a subordinate role, the ruling party was hesitant to share power at the local level particularly in the Punjab where there were greater chances of the returning of candidates belonging to the oppositon Pakistan Muslim League. For having a government at the district level, the electorate too would have demonstrated care in making their choice as the elections results of the provincial assembly influences behaviour of the electorates while casting votes for local institutions. There were greater chances that the ruling party might not benefit from the division of votes as it did in the national and provincial elections.

⁹ A reference in this connection may be made to the recommendation of the senior civil servants submitted to the interim government of General Yahya Khan (1970-71) in which they proposed that 'shorn of their electoral role and with the title "Basic Democraci" replaced by 'Local Councils' the system with minor modifications should and must continue. See Shahid Ali Rizvi, *Local Government in Pakistan: A Study in Clash of Ideas*, Karachi, The Centre for Research in Local Government, 1980, p. 231.

Elections becomes an issue

It is the central government which plays a decisive role in settling some of the key issues pertaining to local councils' elections. The military rulers, coming to power at the expense of disrupting the process of democracy, have been enthusiastic in conducting local government elections and have, thus, emerged as the patron of local government system. This is evident from the number of local bodies' polls conducted during military regimes. For instance, polls were conducted only once during the 50s, twice in the 60s under the Basic Democracies system, remained suspended during the 70s and revived in 1979 for local bodies polls in 1979, 1983 and 1987 and 1991 consecutively at the regular interval of four years. The fact remains there that while the military rulers needed support of the local councils for legitimacy and stability, the latter in turn, being in a stage of infancy, required patronage and support, both political and financial. Both mutually benefited.

The elected governments, on the other hand, do not think themselves legally bound to conduct polls according to the legal schedule and feel free to schedule elections based on the suitability of the existing political condition producing the desired electoral results. Rumours start spreading long before the holding of elections while the government does not deliver a clear cut stand on the question. The responsibility for failing to design a programme with a policy whereby local bodies elections could be conducted on prescribed dates and fixed modality rests on the federal government, policy-making being one of its primary duties.

In the event of identical party rule at both the levels, the provincial leadership tends to take the centre into confidence before taking some major step in this direction. One such question was that of dual membership which had deeper political implications particularly in the Punjab. The central and provincial minister of local government arrived at consensus on vital questions before finalizing the plan for holding local bodies elections for the fourth term. It is pertinent to note here that the whole of Pakistan was ruled, at that time, by the Pakistan Muslim League.¹⁰

Instead of creating a conducive environment for local government growth, elected governments have followed, since 1988, policies and practices of stifling local government. The tendency, in general, has been that of avoiding local bodies' elections for reasons such as an apprehension of losing these elections to a strong opposition, deteriorating law and order circumstances, natural calamities, plans to revise population census data and the preparation of new electoral rolls etc. Surprisingly, these factors did not create problems when the question of holding national general elections arose. The denial of participation to the elected representatives of localities has developed local disinterest in the system. The matter has equally harmed the image of parties who have deprived themselves of strong connections with the population at the grassroots level.

¹⁰. See *The News*, 23.7.1991.

A unique element introduced by the military in the local politics was the introduction of non-party elections. Originally, the idea of non-party elections of local bodies was given by General Zia when he conducted the first such polls in 1979 under the present Local Government Ordinance 1979. The members so elected had, apparently, no political affiliation of their own and were, therefore, in a position to join the group enjoying the support of the provincial government. This, in turn, created problems of floor crossing. Cases of changing loyalties occurred in local councils. The wards represented by the changing councillors suffered a meagre allocation of funds having little relationship to needs. Introducing non-party democracy was, undoubtedly, a deliberate attempt to disassociate political parties from participating in local level politics. Having achieved the desired results, the principle was later applied to the national and provincial bodies when federal and provincial councils were established consisting of social notables and representation was given to the members of selected local councils from all the provinces.

General Zia's purpose in depoliticising local bodies was to let a new leadership emerge based on spotless character, new enthusiasm and public-spirit in order to replace the existing class of politicians. The idea of keeping political parties away from political processes goes back to the military revolution of October 1958 when a presidential proclamation not only abrogated the constitution of 1956 but also dissolved the national and provincial parliaments, abolished political parties and froze their assets. For almost forty-four months of the early period of General Ayub as president and Chief Martial Law Administrator there were allowed no political parties and politics in the country. Thus the national and provincial assemblies elected in May and June 1962 respectively came into existence with no political parties and no political activity preceding them.

Elections under an elected government

Though the non-party elections were introduced during military rule, they were successfully retained during the successive representative regimes with substantial improvements made in other aspects such as the bar on dual membership (a privilege once available to the members of the national and provincial parliaments) and the same day polling for Muslim and non-Muslim voters etc.

The elected government's claim of holding local government elections on non-party basis had been a misnomer in view of the fact that political parties have, in fact, actively participated in the competition. In fact, the provincial governments themselves have been actively involved in seeing their candidates elected. They have manipulated these polls in order to achieve the desired results.

During the first three elections i.e., 1979, 1983 and 1987, one could understand the reasons why the authoritarian regime (in the last case a quasi-democratic regime) wanted to exclude the political parties. Under the democratic governments, insistence on a non-party basis was less justified. The elections were non-party only theoretically.

In practice, however, virtually all political parties were in the field behind the scenes, sometimes even openly. The law might have provided against the participation of the parties, but they were there under different labels such as Islam Pasand (Religious Parties) Awam Dost (Peoples Party), and Haq Parast (Muhajir Qaumi Movement) etc. Candidates affiliated to political parties shown in the parenthesis, identified themselves in such a manner that could drop the hint that they owed allegiance to the political parties. Voters had no difficulty in recognising the candidates whom they wanted to vote for.

There took place another significant development when the care-taker government gave a severe blow to the institutions of local government. Responding to the demands of opposition, the care-taker premier ordered the dissolution of local councils throughout Pakistan and the freezing their funds. The action was taken to enable the general elections (1993) proceed without being affected by the local councils and their members. The plan was to conduct fresh elections for local councils once the general elections were completed. By doing so, the interim government acted over and above its mandate.¹¹ This created much controversy on some serious questions such as whether the local councillors, most of whom come from poor families, carry a greater influence than the local MPs, and what guarantees exist that once elected, the MPs will not manipulate the local bodies elections in order to get the 'desired' candidates elected.

Role of the provincial governments

The two ordinances promulgated by the military rulers in 1959 and 1979 differed slightly in that the former sought to achieve uniformity by providing an identical organisational structure and functions for all local bodies. Though, at a later stage, the provincial governments were allowed to make changes in the light of local circumstances, there were ample opportunities for the centre to exercise its influence. The 1979 Ordinance, on the other hand, made the provinces the sole repository of powers to exercise in the field of local government.

The position of local government vis-à-vis the provincial government has been fundamentally weaker because of the little autonomy available to local government. This is so despite specific provisions in the local government ordinances and special mention in the speeches of provincial and central government ministers and in the party manifestos. They have been so subordinated by the provincial governments and exploited by politicians of both sides that instead of developing, these institutions have been dwarfed and crippled.

The provincial governments all over the country have been resorting to supercession or dissolution of local bodies as a remedial measures against politicking and corruption. This testifies the contention that when elected national and provincial

¹¹. Under the constitution, a care-taker government can manage only the day-to-day affairs and cannot indulge into policy determination or any long term measures.

assemblies, the highest seats of legislation, are dissolved on political grounds, the survival of small units of a self-governing system cannot be guaranteed.

General reluctance to permit elections

While the cantonment boards, the counterpart of several urban local councils, have conducted their periodic elections on regular basis and at their fixed time,¹² those of the local councils have frequently been postponed by the provincial authorities for one or another reason. Provincial governments seem least interested in the revival of elected local government through conducting periodic elections. Thus, these institutions rely for their existence on more senior levels of government. Elections to local councils have become prey to party politics and fully at the mercy of respective provincial governments. As a result of delay in the holding of these elections, affairs of local councils have been administered by the bureaucracy. The absence of elected element from the scene has had negative effects on the adequacy of local councils.

Provinces seemed divided over the question of either assigning a political character to local councils by holding party-based elections or keeping them free from party-politics. Experience in the case studies reveals that despite being elected on a non-party basis, these institutions become centres of party-politics to such an extent that the promotion of party interests overshadows their primary role of public welfare. Council funds meant for public welfare are routed to promote party interests such as spending on the party leaders' visit to the area or arranging party meetings.

Provincial leaderships rely so heavily on the approval of the centre that the party ruling the province does not dare to dissolve the councils without the concurrence of the centre. The dissolution of local councils in Sindh by Chief Minister Syed Muzaffar Hussain Shah with the approval of Mian Nawaz Sharif in October 1992 illustrates an example. The fresh elections scheduled to take place in January 1993 did not happen until December 1995 despite the same party (Peoples' Party) rule at the centre and the provinces. The reason could be the lack of confidence in gaining control over the local councils in major urban areas of the province particularly in Karachi and Hyderabad where the ethnic Muhajir Qaumi Movement enjoys substantial public support.¹³

The provincial government's powers to amend the laws of local government have been exercised largely on political considerations designed to satisfy the ends of the ruling party in the provinces. The provincial governments which are always vocal for autonomy for themselves are less stringent in applying the same principle in respect of local government.

There are instances which reveal that local councils dominated by councillors affiliated with opposition parties had to face a tough time in that neither the government

¹². See *The Jang* (London), 23.9.1995. The Ministry of Defence announced the holding of cantonment board elections throughout the country on the expiry of their tenure in November, 1995.

¹³. See *The News*, 5.10.1992

nor its administrative machinery extended co-operation to such councils. Attempts had also been made to get rid of such councils on one or another pretext. Reference in this connection may be made to the dissolution of major urban and rural local councils in Karachi and Lahore.¹⁴

Local institutions have generally been manipulated by the rulers, both military and civilian, in a manner that could serve their particular interests. If Pakistan's experiences in the field of local government has been less than encouraging, it is mainly because of the frequent bureaucratic and military interventions as well as the refusal of the parties led by agrarian landowners to countenance representative rule at the grassroots level.

¹⁴. The Karachi Metropolitan Corporation was dissolved on 12.2.1987 over a controversy over the transference of Motor Vehicle Tax from the provincial government. The Zila Council of Lahore was suspended in March 1989 on alleged rampant corruption. Both these councils were dominated by opposition councillors at the time of their dissolution.

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APPENDIX -I

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
MANAGEMENT SERVICES DIVISION

Yesterday Minister of State called me and told that the Prime Minister intends to bring basic changes in Local Government System prevailing in Pakistan. The Minister of State directed that the existing Local Government system of the country as well as other countries, specifically Turkey and India, may be studied and recommendations may be made for improving the existing system.

2. He was of the view that majority of the problems of our people are of local nature. One of the solution is to replace the Provincial Assemblies with the District Assemblies. The District Chief Minister with a small Cabinet may exercise the powers of present Provincial Government. He also mentioned about a report written by a Committee headed by Mr. Javed Hashmi presently Minister of State for Special Education and Social Welfare, which may be studied.

3. Under the work distribution in this Division, the Ministry of Local Government & Rural Development has been allocated to D.G-IV. It is therefore, suggested that he may kindly be requested to carry out this assignment on urgent basis.

Sd/-

(Muzaffar Hussain Mohal)
Director General
23.10.1991

Characteristic features of the District Government proposed by the Task Force on New Social Contract:

- ⇒ Each District in Pakistan will have a District Government (DG) to be elected in proportion to the population of the urban and rural areas. The Chairman of the Union Council will be member of the District Assembly (DA). The urban areas falling within the corporations, municipal committees and town committees will elect representatives to the DA. The provincial government will be the controlling authority of the apex corporations in the provincial capitals to avoid overlapping and any conflict in the provincial capitals.
- ⇒ District Mayor (DM) will head the DG elected by the DA. There will be four Deputy Mayors in each DG. The DM will exercise overall supervision over the district administration including revenue, Zakat and Ushr. The DM will write the ACR of the deputy commissioner and superintendent of police. The DG will also oversee functioning of local bodies. The Deputy Mayors will have different responsibilities. There will be a functional distinction between the functions of DG and those of municipal committees, town committees and corporations.
- ⇒ Deputy Commissioner appointed in consultation with the DM will be the District Secretary (DS). He will be the head of the secretariat and will assist the mayor. All cases submitted to the DM will be routed through the DS. The elected DG will control the entire gamut of district administration except that of collector and District Magistrate. The DC will continue to perform the functions of collector of revenue and district magistrate. The DC will be appointed for at least three years and will serve as a link between the DG and the provincial government through the Chief Secretary.
- ⇒ DM will be given the power to inspect any provincial department within his district. In case where they cannot take action they can recommend some action to provincial government.
- ⇒ The election to the DA will be on party basis and the DG will only replace the existing district councils. The DA will pass the annual budget, make bye-laws, exercise powers of district council and frame rules of business for DG.
- ⇒ All developmental and nation-building tasks will be supervised by the DG. It will also be the controlling authority for municipal bodies corporate. The DG will levy taxes on these: Transfer of immovable property, professions, trades, advertisement of cinemas, dramatic and theatrical shows and other entertainments, toll on the export of goods, inter-district roads, bridges and ferries, rate for the provision of water works or the supply of water and fee for market, fair, agricultural shows, industrial exhibitions and tournaments etc.
- ⇒ The tier of commissioner will be abolished besides abolishing the divisions. The essential functions of divisional tier will be reallocated at the district level.
- ⇒ Financial procedures similar to those prescribed for the provinces under the constitution will be replicated for the districts. Annual audits of DG and bodies and organisations under its control will be made mandatory through the provincial government. Internal audit mechanism will be set up in each district.
- ⇒ To make the DG accountable and to arrest the tendency of partiality because of party affiliation, the strongest deterrent against this eventuality is accountability which is a long process.

- ⇒ The DM will represent the state at the district level as specified in Article 7 of the constitution to be responsible for the co-ordination of the work of nation-building departments of the provincial government and other government agencies, maintenance of law and order in the district, control and policy making for social welfare, Zakat, Ushr, agriculture departments at the district level, anti-corruption establishment, carry out activities of relief during emergencies and controlling local bodies in the district.
- ⇒ The DG will be adequately funded in relation to responsibilities and resources of provincial and federal governments. Provinces will provide statutory criteria for allocation of funds to the districts. Allocation criteria will be such that each district gets equitable resource allocation.

Source: Points derived from the Report of the Task Force on New Social Contract, published in *The News* (Lahore), 25th January--onward, 1994.

**Sources of income for Municipal Committees under the N-W.F.P.,
Local Government Ordinance, 1979.**

- ◇ Tax on import of goods and animals for consumption, use or sale.
- ◇ Tax on annual rental value of buildings and land.
- ◇ Tax on cinemas and cinema tickets.
- ◇ Entertainment tax on dramatical and theatrical shows.
- ◇ Tax on transfer of immovable property.
- ◇ Water rate.
- ◇ Conservancy rate.
- ◇ Tax on all kinds of vehicles.
- ◇ Lighting rate.
- ◇ Tax on birth of children.
- ◇ Fee for erection and re-erection of buildings.
- ◇ Marriage tax.
- ◇ Fees for licenses, sanctions and permits granted by the municipal committee.
- ◇ Fees on slaughter of animals.
- ◇ Tax on professions, trades, callings and employment.
- ◇ Market fees.
- ◇ Tax on advertisements.
- ◇ Tax on feasts.
- ◇ Tax on animals and sale of animals.
- ◇ Toll tax on roads, bridges and ferries maintained by a municipal committee.
- ◇ Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gatherings.
- ◇ Tax for the construction or maintenance of any work of public utility.
- ◇ Parking fees.
- ◇ Fees for specific services rendered by the municipality.
- ◇ Any other tax which government is empowered to levy by law.

Source: N-W.F.P., Local Government Ordinance 1979, Part-II (Chapter XXII), pp. 95-96.

Annexure: D

Powers delegated to Commissioners, Deputy Commissioners and Assistant Commissioners in respect of Municipal Corporations and Zila Councils; Municipal Committees and Town Committees; and Union Councils respectively under the Punjab Local Government Ordinance, 1979 and rules framed thereunder:

POWERS DELEGATED

	Relevant Rules:
1. Appellate powers against rejection of nomination papers.	16 of the Punjab Local Councils (Elections) Rules, 1979.
2. Power to notify names of returned candidates	22 and 41 of the above.
3. Authority before whom Declarations of assets and liabilities are to be filed by members of local councils;	Local Councils (Declaration of Assets and Liabilities of Members) Rules, 1980.
4. Power to receive requisitions and to convene meetings of local councils for No-confidence motions;	Local Councils (Vote of No-confidence against Chairman or Vice-chairman) Rules, 1980.
5. Powers of appellate authority against orders of Mayors and Chairmen;	Local Councils (Appeal) Rules, 1980.
6. Powers to specify functions to be performed by an urban local council for the civil defence of its local area;	Section 71 of the Ordinance.
7. Powers to specify such boats, appliances and equipment as an urban local council should have to provide for the fighting of floods, rescuing of people from flood-affected areas and affording relief to flood-stricken people;	Section 72
8. Power to approve the rate of fares fixed by an urban local council for use of public vehicle;	Section 85 (3)
9. Power to declare any part of the public water course to be a public ferry and to entrust the management therefore to the concerned local council;	Section 97 (2)
10. Power to accord sanction to a proposal by an urban local council to declare any public water course as a public fishery;	Section 98
11. Power to accord sanction to a proposal of an urban local council for enforcing a Milk Supply Scheme;	Section 100 (2).
12. Power to accord approval to a proposal of an urban local council establishing, maintaining and managing animal homes, cattle-farms and poultry farms;	Section 103.
13. Power to approve proposal of an urban local council to frame and execute a livestock scheme;	Section 105.
14. Power to accord sanction to a proposal of an urban local council for executing famine works and ordering famine relief measures and also to specify the nature of such measures;	Section 107.
15. Power to declare any burial or burning place which is open to public for burial or burning to be vested in an urban local council;	Section 108 (2)
16. Power to direct an urban local council to take steps regarding the excavation of tanks and reclamation of low lying area;	Section 113.
17. Power to specify measures for adoption by an urban local	Clause (e) of section

council for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils;	118.
18. Power to accord approval to a proposal of a local council for sponsoring or promoting community development project;	Section 124.
19. Power to accord sanction to a proposal declaring an expenditure to be an appropriate charge on the local fund of a local council;	Clause (f) of section 128.
20. Power to receive annual statement of estimated receipts and expenditure of local council;	Section 130 (1).
21. Power to have the budget prepared if not prepared by a local council before the commencement of any financial year and certify the same;	Section 130 (2).
22. Authority to receive audit report and to constitute local councils Accounts Committees;	Section 132 (3 & 5).
23. Powers to receive inspection reports from the Inspecting Officers regarding action taken by local councils on such reports and to issue directions thereon;	Section 155.
24. Power to: a). suspend the execution of any order/resolution passed or made by a local council; b). prohibit the doing of any thing proposed to be done by a local council.	Section 156.
25. Power to direct any local council or any person of an authority responsible thereto to take such action, as may be necessary for carrying out the purposes of the ordinance and to appoint a person or persons to give effect to such directions;	Section 157.
26. Power to cause an enquiry to be made into the affairs of a local council and to take such remedial measures as may be warranted by the findings of such enquiry and to make/order in respect of cost of the enquiry and all the incidental and consequential matters.	Section 158.
27. Power to require a local council to make bye laws.	Section 168 (1)
28. Extension and curtailment of limits of local council. N.B: Powers available to the Commissioners only in respect of all local councils within the Division.	Section 6(5).
29. Power to create posts in local councils.	Local Councils (Schedule of Estab.) Rules, 1981.
30. Power to quash proceedings of local councils.	section 156 (a).
31. Power to: a). approve appointment of Authorised Medical Attendant; b). sanction re-imburement of Medical Charges to servants of local councils.	Municipal Servant (Medical Attendance) Rules, 1962.

Functions of Line/Nation Building Departments transferred to local councils and their chairmen.

Agriculture Department:

1. Supervision of Extension Work:

Apart from carrying out the technical supervision and overall administration, the following extension work will be carried out with the close supervision and collaboration of zila councils in the district:

- a). Having prepared the district level plans, programmes and developments schemes, the Deputy Director of Agriculture will get them approved from the zila councils incorporating suggestions, if any, made by the council. Progress reports will also be furnished to the zila councils;
- b). All functions like holding of mass media, dissemination of technical know-how, holding of agriculture shows, competitions and organising farmers training programmes will be carried out with the financial support and collaboration of the zila councils;
- c). Zila councils will be involved directly for carrying out production and plant protection campaigns in the district;
- d). Monitoring and evaluation of all the programmes of agriculture department will be done through zila councils.

2. District Advisory Committee Chairman.

The Chairman of the zila council will act as Chairman of District Agricultural Advisory Committee.

3. Agricultural Inputs:

All agencies engaged in the supply of fertiliser to the farmers will provide to the zila councils list of their bulk sale depots i.e., location and normal out turn. For opening bulk sale depots and sale-points at particular places so as to fulfil the economic proposition, the directions of zila councils will be promptly carried out;

4. Market Committees.

Necessary amendments were made to give powers to the zila councils for suggesting panels for the constitution of Market Committees previously administered through the Agricultural Produce Market Ordinance, 1978.

5. The elected representatives will be involved while fixing the market fee.

Auqaf Department:

1. The department, while retaining the administration of all important shrines and mosques, will constitute 'Religious Purposes Committees' with representation given to the local councillors to the extent of 1/3 of the total strength.

2. The Zonal Administrators of Auqaf will, while administering the local shrines/mosques, consult the local Religious Purposes Committees constituted by the respective urban and rural local council.
3. The budget for the local shrines and mosques will be prepared by the Department in consultation with the concerned Religious Purposes Committees.
4. In case of difference of opinion between the Religious Purposes Committee and the Departmental functionaries, the matter will be referred to the Chief Administrator of Auqaf for final decision.

Communication and Works Department:

Selection of sites of building of primary schools and health centres would be done by the zila councils.

Education Department:

1. Selection of site of schools to be made by the zila councils in consultation with the respective union councils.
2. The District Education Officer to be responsible and overall in-charge of primary education in the district and its administration, discipline etc.
3. The District Education Officer will maintain liaison with the zila council through its Education sub-Committee. Any recommendation made by the Zila Council/Education Committee will be examined and analysed by him and given due respect and consideration.
4. The District Education Officer will keep the Zila Council/Education Committee informed of the educational activities in the primary sector. For smooth functioning of the sector, the District Education Officer will seek ready co-operation of the elected representatives, and will at the same time, render every possible help, assistance and advice.
5. District Purchase Committee for the purchase of equipment and furniture for primary schools only in the province have been reconstituted as follows:

1. Chairman, Zila Council of the District	Chairman of the Committee
2. One representative of Deputy Commissioner of the District.	Member
3. Local representative of Local Government Department.	Member
4. Local representative of the Industries Department not below the rank of A.D	Member
5. District Education Officer	Member/Secretary

Food Department:

For the allotment of Ration Depots, Local councils will be intimately involved and for this purpose the following five Allotment Boards in each district were constituted:

- a). Zila Allotment Board For Rural Areas;
- b). City Allotment Board For Corporation Limits;
- c). Municipal Allotment Board For Municipalities;
- d). Town Allotment Board For Town Committees;
- e). Allotment Board For Cantonment Areas.

Each of the above boards consisted of five members. Headed by the Mayor/Chairman of the respective local council, with membership available to the Deputy Mayor/Vice-Chairman, a nominee of the Deputy Commissioner, representative of respective electoral unit and the District Food Controller or his nominee, these allotment boards were empowered in respect of allotment of Ration Depots against a clear vacancy. Chairmen of Union Councils, member of zila councils in the rural areas and councillors of the urban local councils were authorised to check Ration Depots in their respective jurisdiction and, on detection of any irregularity, report the matter to the respective Allotment Board for necessary action against the depot-holder.

Forestry and Wildlife Department:

1. The existing functions being performed by the Forestry and Wildlife Department will continue to be performed as such but the zila council will help in motivation in addition to supervision of Forestry Department. The district level officers of the department will submit monthly activity report to the zila council concerned.
2. A committee, headed by the chairman of the respective zila council with Divisional Forest Officer to act as Secretary and three other members, one representative of the Deputy Commissioner and two other elected councillors to be nominated by the zila council, was to supervise the Anti-wild Boar and Anti-rodent campaigns.

Health Department:

1. Selection of sites for Basic Health Units and Rural Health Centres to be made by the zila council in consultation with the union council concerned.
2. Operational functions of Rural Dispensaries have been transferred to the zila councils.
3. District Health Officer to assist zila council in performing their functions in respect of Rural Dispensaries.
4. Further transfer of functions of other health facilities to be considered in the light of experience of functioning of the Rural Dispensaries under the administration of the zila councils.

Housing and Physical Planning Department:

1. Schemes such as rural water supply, sewerage and drainage will be executed through the Public Health Engineering Department under the general supervision of the zila councils.
2. The district health of the PHED will submit a monthly progress report to the respective zila council.
3. The District Officer of PHED will attend local council meetings whenever required to do so.

Industries and Mineral Development Department:

Chairman, zila council was notified as Chairman, Auction Committee for grant of leases of minor minerals in each district in place of the Deputy Commissioner.

Irrigation Department:

In view of the highly technical/Quasi-judicial nature of irrigation works, the Irrigation Department shall continue to perform its functions. However, the Irrigation Sub-committee of the zila council shall supervise the performance of the field staff of Irrigation Department.

Labour Department:

The Chairman, zila council shall head the following organisations in the district:

- a). District Management Workers Education Cess Committee;
- b). District Employment Exchange Advisory Committee.

Local Government & Rural Development Department:

1. The elected chairman of zila council will be the Project Director for Rural Development at the district level. All the engineering staff of the department at the district level will be under his operational control;
2. The Rural Development funds, which are now lying in the personal Ledger Account of the Deputy Commissioner, and all future release of such funds, will henceforth be lodged in the new Personal Ledger Account, to be opened in the name of Chairman, zila council;
3. A Project Committee, consisting of the chairman and vice-chairman of the zila council, two other elected members, Assistant Director of the LG&RD to act as its Secretary and the Chief Officer of zila council, will have complete operational, financial and monitoring control of the rural development projects in the district. All payments from the Personal Ledger Account of the Chairman, zila council will be authorised by this committee after proper scrutiny of the works.

Planning and Development Department:

1. Finalization of List of Schemes:

The zila council will have powers to select schemes for inclusion in the Annual Development Programme in respect of Rural Water Supplies, Rural Health and Rural Education.

2. Approval of Schemes:

Schemes costing upto Rs. 1.5 m in respect of rural water supplies, rural health and school education in rural areas would be approved by the zila councils. For rural development programme schemes, all sanction powers would vest in zila councils, except for foreign aided schemes or province-wide schemes.

District Technical Review Committees, headed by the Deputy Commissioners and with the district heads of all the departments, as well as the Chief Officers, zila councils/Municipal Committees/Town Committees as members, would review the progress of all A.D.P schemes in the provincial A.D.P relating to the district and take necessary steps to remove bottlenecks and ensure expeditious execution.

The chairmen of all zila councils in the Division would be members of the Divisional Co-ordination Committees with co-opting chairmen of the Municipal

Committees and Town Committees in the Division with the primary function to discuss schemes pertaining to these local councils.

Social Welfare Department:

1. Registration of voluntary agencies to be done on the recommendations of the chairmen of respective local councils;
2. Supervision of the work of voluntary Social Welfare Agencies will be done by the local councils.

Water And Power Development Authority:

Selection of villages for electrification to be made by the zila councils in consultation with the union councils.

General Administration:

The chairman, zila council shall head the following organisations in the district:

- a). District Society for Prevention of Cruelty to Animals;
- b). District Religious Advisory Board, if any.
- c). The chairman shall be Chief Scout of the District;
- d). The chairman shall be competent to recommend cases for the grant of Agencies of Salt, Cement and Vegetable Ghee in rural areas.
- e). Mayors of Corporations and Chairmen of Municipal Committees at District Headquarters shall be non-official visitors of the jails situated within their respective Corporations/Municipal Committees.

Source: See the 'Dawn' (daily), Karachi, 13.2.1980. The local councils in the Punjab were granted some additional powers hitherto performed by fourteen different nation-building departments to enable them to play a pivotal role in the overall development of the province. In September 1981, similar functions and powers were delegated to the local councils in the N-W.F.P., formally announced by the military chief minister in Provincial Local Bodies Convention held on 10.2.1980. For details of these additional powers See Part-V of the N-W.F.P Local Government Ordinance.

Instances of Government decisions affecting financial health of local councils

1. The Karachi Metropolitan Corporation lost Rs. 2 crore annually when the Road Tax on motor vehicles was merged with the Provincial Motor Vehicles Tax in 1969 on the pretext of public convenience and rationalisation.
2. The taxes of purely local nature like sugarcane cess, cotton cess, and fee on paddy are not reimbursed to the local councils.
3. Fines and penalties on account of municipal offences are assigned to the government. Governor, Sindh has allowed 50% of these collections to local councils recently.
4. Local councils spend crores of rupees on street lighting, but the octroi tax on the import of electricity within local areas has gone into disuse. The provincial government of Sindh is now recovering electricity duty, which is not transferred to local councils.
5. Provincial governments have been issuing instructions for waiving octroi duty on items like woollen yarn, for carpets (loss of Rs. 75 million to Karachi Metropolitan Corporation annually), fertiliser, sugar etc.
6. The proposals of the Karachi Metropolitan Corporation/Karachi Development Authority to enhance water rate were not allowed by the previous government for fear of law and order situation and not due to reluctance on the part of local authorities to enhance these rates.
7. The District Boards of the past were empowered, subject to certain conditions, to levy taxes which the provincial governments had the power to impose. Such provisions may be restored as elsewhere in the subcontinent.
8. In Rawalpindi district, the local tax on export of resin, timber and sheep was abolished in 1976. The export tax on crude oil, imposed by the Jhelum District Council, was also stopped in 1968. This resulted in a loss of Rs. 14 lac annually.
9. The local councils bear expenditure on reception of distinguished visitors without compensation being given by the government.

Source: From the summary for inter-provincial conference issued by the Secretary,
Ministry of Local Government & Rural Development,
Government of Pakistan, dated. June 12, 1980

A Note on Field-Work Activities

Keeping in view the nature of research and the methodology used, the researcher undertook a data collection tour of Pakistan to observe the working of local councils in the context of their relationship with the provincial and federal governments. For the collection of data for this study, both primary and secondary sources were used. The sources of secondary data are cited in Annexure-1 of this report. The data collected through primary sources constitutes a central position in the preparation of this study and for this the following methods were used:

- ◇ Interviews were conducted with the elected councillors (belong to both treasury and opposition groups), Mayors/Chairmen of local councils, municipal officers in charge of finance, works etc.
- ◇ Interviews with the senior executives in the Federal Ministry of Local Government and Rural Development and their counterparts in the two provinces of Punjab and the N-W.F.P.
- ◇ Candid and informative discussions also took place with experts and practitioners involved in the promotion of the system such as politicians, University teachers, journalists, training instructors, lawyers, retired senior government officers etc.
- ◇ Watching the proceedings of local councils with a view to determine the participatory level of elected councillors and their role in the council's decision-making process.

The objective of the field work was to widen the scope of knowledge of the political and administrative setting of local government operations in two provinces of Pakistan in addition to what was available in official records and in other sources. The exercise, in general, was successful in that certain vital aspects of the working of the present local government system were discovered. The purpose of this note is to briefly depict the experiences gained during the extensive field work activities.

The unexpectedly unstable political condition which Pakistan suffered at the time of the survey delayed the process of data collection. A significant development in this connection was the controversy between the President of Pakistan and the Prime Minister which culminated in the termination of elected government through the exercise of powers available to the former, under the Constitution's 8th amendment. A prolonged legal battle and the final pronouncement by the Supreme Court restored the government to complete the mandated period. This was immediately followed by a tug of war between the combined opposition parties and the ruling Muslim League. The opposition demanded fresh elections and to pressurize the government, they resorted to the 'Long March'---a practice of arranging a huge procession and leading it towards the capital. The already deteriorating political and law and order situation gave way to serious internal crisis inviting the military to intervene. The ruling party was persuaded to resign so as to facilitate mid-term elections. A process of hectic electioneering that

began swept the whole country in November 1993 and caused a major setback to the smooth conduct of field work. Thus the research plan, originally designed to cover a period of one year, exceeded the designed period.

The method of interviewing the different sets of respondents varied. For government officers to be interviewed, prior permission was needed from the competent authority as the official functionaries were bound, under the rules of business, not to release information without the necessary departmental clearance. The same was granted on request wherever necessary. Government officers, particularly heads of district administration in one of the provinces still could not be interviewed despite fixed appointments due to their pre-occupation with routine administrative affairs.

Problems were mostly faced in interviewing the elected local councillors. While most of them were willing to be interviewed, others seemed reluctant for unknown reasons. Efforts were, however, made to prepare them for the same through the assistance of intermediaries. The use of tape recorder served many purposes. Not only could the views of respondents be heard again but the views expressed could be evaluated in different perspectives. Many were delighted to have their interviews recorded. Others seemed reluctant and, therefore, the mechanism had to be abandoned on a number of occasions to enable the respondents express themselves freely. A significant aspect of the data collection exercise was that while a good number of interviews took place on the appointed dates, an equal number of appointments underwent frequent postponement because of unanticipated circumstances.

For purposes of interviews during field work, some fifty letters along with questionnaires were despatched to prominent personalities in the field of local government two months before travelling to Pakistan. Others were recommended by these experts and were contacted subsequently. Altogether, some 160 persons were contacted, out of which 111 (i.e., 69.37 per cent) could actually be interviewed. Interview results of a few had to be discarded because little of substance was revealed. The places visited for this survey included Karachi, Lahore, Islamabad, Peshawar, Mardan, Gujrat etc. The background of the respondents, through their professions, is shown in the table (No. 50)

For each category of respondents, separate questionnaires were administered. These questionnaires were pre-set and duly approved by my supervisor in the light of intended objectives. Interviews with experts, however, produced some new ideas which could be further explored through further discussion. Discussion with educational experts and retired government officers was indeed thought provoking.

With the exception of few elected local councillors, there was a general willingness to engage in frank and free discussion of issues. References to the persons interviewed along-with their designations, dates and places have been cited throughout

the body of this thesis. To avoid personal embarrassment, fictitious names have been used in the case studies.

Table: 50

Table showing the professional background and number of persons interviewed during the field work.

Professional Background	Number of respondents	Percentage of total
University Teachers	9	8.11
Legal Experts	6	5.41
Journalists	2	1.80
Training Instructors	5	4.50
Civil Servants	20	18.02
Politicians	6	5.41
Mayors/Chairmen	14	12.61
Municipal Officers	14	12.61
Elected Councillors	35	31.53
Total	111	100.00

Source: Notes prepared during the field survey.

Despite being the first ever experience of research and fact-finding through interviews in the field amidst embarrassing situations, the researcher enjoyed the exercise and gave enough knowledge and confidence to undertake similar and related research endeavours in future. The information gathered was valuable and, if explored further, could be used in the analysis of aspects other than the one investigated in this thesis. A consolidated list of the personalities interviewed appears in Annexure: G.

List of Sources from where secondary data was gathered

- ◆ Library of the National Assembly of Pakistan in Islamabad;
- ◆ National Library, Islamabad;
- ◆ National Centre For Rural Development, Islamabad;
- ◆ Deputy Director, Ministry of Local Government and Rural Development, Islamabad;
- ◆ National Institute of Public Administration Library, Lahore;
- ◆ Pakistan Administrative Staff College Library, Lahore;
- ◆ Quaid-e-Azam Library, Lahore;
- ◆ Pakistan Study Centre Library, University of Karachi, Karachi;
- ◆ Applied Economics Research Centre Library, University of Karachi, Karachi;
- ◆ Pakistan Academy For Rural Development, Peshawar;
- ◆ Municipal Training and Research Institute, Karachi;
- ◆ Local Government & Rural Development Department, Government of the Punjab, Lahore;
- ◆ Local Government & Rural Development Department, Government of the N-W.F.P., Peshawar;
- ◆ Divisional Director, Local Government & Rural Development, Mardan;
- ◆ Accounts Officers, Municipal Committee, and District Council of Mardan;
- ◆ Assistant Director, Local Government & Rural Development, Gujrat;
- ◆ Accounts Officers, Municipal Committee, and Zila Council of Gujrat;
- ◆ Reference Library of 'The Pakistan Times' (daily), Lahore;
- ◆ Personal Library, Ikramullah Shahid, ex-Chairman, Municipal Committee, Mardan.

University Professors

1. Prof. Dr. Asrar Hussain, ex-Chairman, Department of Political Science, University of Peshawar.
2. Prof. Dr. Hamid H. Kizilbash, Department of Political Science, University of the Punjab, Lahore.
3. Prof. Dr. Hasan Askari Rizvi, Chairman, Department of Political Science, University of the Punjab, Lahore.
4. Prof. Dr. Hidaytullah, Director, Institute of Management Studies, University of Peshawar.
5. Dr. Inayatullah, ex-Director, Pakistan Academy for Rural Development, Peshawar.
6. Prof. Dr. Manzooruddin Ahmad, Ex-Vice Chancellor, University of Karachi.
7. Prof. Dr. Mohammad Waseem, Department of International Relations, Quaid-e-Azam University, Islamabad.
8. Prof. Dr. Shahid Ali Rizvi, ex-Chairman, Department of Political Science, University of Karachi.
9. Prof. Dr. Syed Adil Hussain, ex-Chairman, Department of Political Science, University of Karachi.

Legal Experts

10. Choudhury Hamiduddin, Sr. Advocate, Supreme Court and High Court, Lahore.
11. Mr. Masood Akhtar, Advocate, Punjab High Court, Gujrat.
12. Sheikh Mohammad Aslam, Legal Advisor, Municipal Committee, Gujrat.
13. Sheikh Rafiq Ahmad, Advocate, District Courts, Gujrat.
14. Syed Sharif Hussain Bokhari, Advocate, Supreme Court of Pakistan, Lahore.
15. Mr. Umar Yousuf Deda, Advocate and Ex-Deputy Mayor, Karachi Metropolitan Corporation, Karachi.

Journalists

16. Mr. Altaf Hussain Qureshi, Editor, Urdu Digest, Lahore.
17. Mr. Mohammad Salahuddin, Editor, Weekly Takbeer International, Karachi.

Training Instructors

18. Mr. Khan Badshah Fayyaz, Principal, Municipal Training & Research Institute, Karachi.
19. Mr. Khan Mohammad Bhatti, Instructor, Pakistan Academy for Rural Development, Peshawar.

20. Mr. Mohammad Azim, Instructor, Pakistan Academy for Rural Development, Peshawar.
21. Mr. Sajjad Mahmood, Instructor, National Institute of Public Administration, Lahore.
22. Choudhury Sanaullah, Senior Instructor, Local Government Training Institute, Lala Musa, Punjab.

Civil Servants

23. Mr. Abdul Ghafoor Sheikh, Member, Sindh Local Government Accounts Committee, Karachi.
24. Mr. Abdur Rauf Dervi, Divisional Director, Local Government & Rural Development, Government of the N.W.F.P., Mardan.
25. Mr. Abdur Rauf Khan, Secretary to the Government of N.W.F.P., Department of Local Government & Rural Development, Peshawar.
26. Mr. Abrar Ahmad Malik, Deputy Director, Ministry of Local Government & Rural Development, Islamabad.
27. Mr. Ansar Ahmad, Director, HQ/Admn. Department of Local Government & Rural Development, Peshawar.
28. Mr. A.U. Saleem, ex-Managing Director, Lahore Development Authority, Lahore.
29. Mr. Imtiaz Masoor, Secretary to the Government of Punjab, Department of Local Government & Rural Development, Lahore.
30. Mr. Jameel Murtaza Hussain, Secretary to Government of Punjab, Local Government Board, Lahore.
31. Mr. Javed Ahmad Qureshi, Chief Secretary, Government of the Punjab, Lahore.
32. Dr. Mohammad Afzal, ex-Secretary to the Government of Pakistan, Ministry of Local Government & Rural Development, Islamabad.
33. Mr. Mohammad Anwar Khan, Deputy Secretary, Ministry of Local Government & Rural Government, Islamabad.
34. Mr. Mohammad Shabbir Ahmad, Deputy Director, Ministry of Local Government & Rural Development, Islamabad.
35. Malik Mohammad Siddique, ex-Secretary to the Government of Pakistan, Ministry of Local Government & Rural Development, Islamabad.
36. Mr. Mansoorul Islam, Deputy Director, Bureau of Statistics, Department of Planning & Development, Government of the N.W.F.P., Peshawar.
37. Syed Nizam Uddin, Deputy Director, Mardan Development Authority, Mardan.
38. Mr. Rang Elahi, Deputy Secretary, Ministry of Local Government & Rural Government, Islamabad.
39. Mr. Saeduzzafar, Officer on Special Duty, Government of Sindh, Karachi.
40. Mr. Shahid Ashraf Tarar, Ex-Divisional Director, Local Government & Rural Development, Government of the Punjab, Gujranwala.

41. Mr. Tanzeemul Haque Halimi, ex-Secretary, Provincial Assembly Secretariat, Peshawar.
42. Mr. Zakir Ali Khan, ex-Director General, Karachi Water & Sewerage Board, Karachi.

Ministers/MPs/Senators/Politicians

43. Mr. Ehsan Ullah Khan, ex-Minister for Local Government & Rural Development, Government of the N.W.F.P., Peshawar.
44. Prof. Shah Faridul Haque, Vice-President, Jamiat Ulama-e-Pakistan, Karachi.
45. Mr. Fida Mohammad Khan, Member of the Senate of Pakistan, Peshawar.
46. Malik Meraj Khalid, ex-Federal Minister for Local Government & Rural Development, Lahore.
47. Mr. Mohammad Ali Khan of Hoti, Member of the Senate of Pakistan, Mardan.
48. Dr. Mubashir Hasan, ex-Finance Minister, Government of Pakistan, Lahore.

Mayors/Chairmen

49. Mr. Abdul Ghaffar of Mayar, Ex-Chairman, District Council, Mardan.
50. Mr. Abdus Sattar Afghani, Ex-Mayor, Karachi Metropolitan Corporation, Karachi.
51. Agha Said Ali Shah, Ex-Mayor, Municipal Corporation, Peshawar.
52. Mr. Ikram Ullah Shahid, Ex-Chairman, Municipal Committee, Mardan.
53. Mr. Jamshed Ahmad Khan, Chairman, Zonal Municipal Committee, Karachi South.
54. Mr. Mirza Mohammad Siddique, Ex-Chairman, Municipal Committee, Gujrat.
55. Arbab Mohammad Tariq, Ex-Mayor, Municipal Corporation, Peshawar.
56. Mohammad Yaqoob Khan, Ex-Mayor, Municipal Corporation, Peshawar.
57. Major (Retd.) Nasim Akbar Faruqi, Ex-Chairman, Municipal Committee, Gujrat.
58. Mr. Rahim Khan Bacha, Ex-Chairman, District Council, Mardan.
59. Mr. Saeed Ahmad Jan, Ex-Mayor, Municipal Corporation, Peshawar.
60. Mr. Said Rahman Mohmand, Ex-Chairman, District Council, Mardan.
61. Mr. Mohammad Azam Chishti, Councillor, Peshawar Municipal Corporation.
62. Mr. Zafeer Gul zafar, Councillor, Peshawar Municipal Corporation.

Municipal Commissioners/Chief Officers/Municipal Officers

63. Agha Akhtar Ali Kizilbash, Chief Office, District Council, Mardan.
64. Mr. Aman Ullah Khan, District Engineer, District Council, Mardan.
65. Mian Bashir Ahmad, Accounts Officer, Zila Council, Gujrat.
66. Mr. Gulsaf Khan, Accounts Officer, District Council, Mardan.

67. Mr. Hamid Haroon, Cantonment Executive Officer, Mardan.
68. Mr. Hashmat Khan, Taxation Officer, Municipal Committee, Mardan.
69. Sheikh Javed Ahmad, Resident Audit Officer. Municipal Committee & District Council, Mardan.
70. Shah Mahmood Hussain Syed, Municipal Commissioner, Zonal Municipal Committee (South) Karachi.
71. Choudhury Mohammad Anwar, Chief Officer, Municipal Committee, Gujrat.
72. Mr. Mohammad Jameel, Chief Officer, Municipal Committee. Mardan.
73. Sheikh Mohammad Sajid, Resident Assistant Director (Audit), Municipal Committee & Zila Council, Gujrat.
74. Mr. Nisar Mohammad Khan, Accounts Officer, Municipal Committee, Mardan.
75. Dr. Qaiser Ali, Medical Officer, Municipal Committee, Mardan.
76. Mr. Zafar Ullah Khan, Municipal Engineer, Mardan.

Councillors

Municipal Committee, Mardan

77. Mr. Ehsan Ullah Bacha.
78. Mr. Fazal-e-Malik Malak.
79. Mr. Mehr Zada.
80. Mr. Mohammad Iqbal.
81. Mr. Mohammad Nawaz Khan.
82. Mr. Mohammad Nisar.
83. Mr. Munir Khan.
84. Mr. Murad Khan.
85. Mr. Nasim Masih.
86. Mr. Rahmat Shah Afridi.
87. Mr. Said Anwar Khan Advocate.
88. Mr. Sher Bahadur Khan.

District Council, Mardan

89. Mr. Latif Ullah Khan.
90. Malik Shamroz Khan.
91. Mr. Mohammad Nazeer Khan.
92. Mr. Nasrullah Khan.
93. Mr. Niamat Shah Khan.

Municipal Committee, Gujrat

94. Mr. Ajmal Ali Khawar, Advocate.
95. Mr. Inayat Ullah Butt.
96. Mr. Mirza Farman Ali.
97. Choudhury Mohammad Irshad.
98. Mian Mohammad Nazim Ansari.
99. Mr. Qamar Zaman Gill.
100. Mrs. Shafqat Masood.

Zila Council, Gujrat

101. Chaudhry Asghar Ali Ghural, Advocate.
102. Choudhury Azhar Hussain.
103. Syed Ejaz Hussain Khayali.
104. Dr. Mohammad Asghar.
105. Choudhury Mohammad Ashraf.
106. Choudhury Mohammad Riaz Wariach.
107. Choudhury Mohammad Zulqarnain Sahi.
108. Mrs. Saira Imtiaz.
109. Mrs. Zubaida Sayeed Choudhury.
110. Choudhury Shaukat Mahmood, Advocate.
111. Choudhury Tauseef Liaquat, Advocate.