Devolution of Powers to Local Governments in Pakistan During Musharraf Regime

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Abstract
During the colonial rule in India, the local government system had been run through the centralized-authoritative structure. Comparatively, after independence of Pakistan in 1947, military regimes had focused on local government system more than civilian rulers. Other than Ayub Khan’s ‘Basic Democracy’ and Zia-ul-Haq’s ‘Local Bodies system’ Pervez Musharraf had introduced ‘Devolution of Power Plan 2001’ under the concept of decentralization of powers. The structural changes had made the local governments more powerful and effective than before to address masses problems at the grassroots level. First time in the political history of Pakistan, bureaucracy was made subordinate to the elected representatives of the public at the local level. Despite encouraging public participation in the political process, the structural change in the system could not adequately function without any proper planning and implementation. Especially, the bureaucracy could not feel comfortable working in subordination of the local leadership and encouraged the non-cooperative tendencies. Resultantly, the system collapsed with the end of Musharraf era. The present study is to discuss the structural modification of the local government system in Pakistan and its functional performance during Musharraf regime from 2001 to 2008. For the purpose, the works of different authors on decentralization and devolution, in general, and on the devolution of powers to local governments and their impacts in Pakistan, in particular, have been analyzed and compared to suggest some beneficial measures for its future implication.

Keywords: Pakistan, Musharraf, Decentralization, Devolution, Structures, Functions.

I. Introduction
Since its inception, Pakistan had been suffering from political structural dysfunctionalism. Therefore the shuffling of governments and transformation of the political systems had been a common practice. So, along with its federal and provincial governments, its local government system could not evolve as required. Though, Ayub Khan and Zia-ul-Haq had introduced their local government systems to gain their constituency and legitimacy, but they met their ends along with their originators. General
Pervez Musharraf came into power on October 12, 1999, dissolving the elected government of Prime Minister Nawaz Sharif through a military coup. The de facto government of General Pervez Musharraf had taken certain steps towards its heightened authority and legitimacy like other military regimes including ‘Devolution of Power Plan 2001’. Following Ayub’s model of ‘Basic Democracy’, General Musharraf attempted to increase his power through the local bodies which also helped to decrease the political powers of national leadership and its influence on the local politics.

After independence, the bureaucracy, despite its authority, used to be politicized and pressurized by the ruling elites and could not retain its independence and honesty like that of the British colonial era. The elected local bodies in Sub-Continent were traditionally weaker and subordinated to the bureaucracy. The weakness of local bodies in the region encouraged the ‘elected authoritarianism’ by the political leadership. First time in the history of Pakistan, the bureaucrats had to perform their duties under the elected representatives of the local bodies. Being against the nature and practice of their profession, the bureaucracy could not support to promote the devolution of powers even they created certain hurdles and difficulties for the elected administrations of the local governments. The local bodies system in Pakistan had never been under the protection of the constitution but had delegated some powers by the provincial governments.

Provincial authorities used to establish the local bodies. They were also empowered to make the rules and regulations for them as municipal corporations, town committees, district and union councils which were responsible to the provincial authorities. Under devolution of power plan, the local bodies were established through an ordinance but still could not get any constitutional shelter. Therefore, after Musharraf regime, the local government institutions could not survive and popularly elected federal and provincial governments not only had revived the old magistracy system but are also discouraging to have the local governments’ elections in their domains. Though, under the devolution of power plan, the social issues of a common man were being addressed at lower level and the allocation and implementation of development funds was easier than before. But, unfortunately, the devolution under power plan faced the allegation of corruption and favoritism and could not sustain its existence.

II. Discussions

According to the ‘Devolution of Power Plan, Musharraf regime had devolved the administrative powers to the lower level and established the institutions of district governments through the public participation but he had not allowed the political parties to participate in the electoral process. Non-partisan elected representatives had no political agendas based on national issues but ethnic, local and feudal influence in their politics which had divided the social life of the country into local and regional segments. Military authorities had been feeling comfortable using the local bodies’ members to act upon the authoritative governmental policies, under the centralized authoritative practice, without any criticism and answerability. Therefore, they were used during the presidential referendum and general elections in 2002 for political favoritism. The local bodies’ members were also inclined to be the part of Pakistan Muslim League, patronized by the military regime, during and after the general elections 2002. Anyhow, the two consecutive terms of local bodies’ elections produced a fresh generation of political elites for the political system which not only served as the local leaders but also joined the national level politics as well.
III. Theoretical Framework

Theoretical analysis of the study signifies ‘devolution’ as a subordinate term of a major term ‘decentralization’ which is the opposite of the ‘centralization’. (Robertson, 2002) In a centralized political system, the decision making process, allocation of financial resources and their utilization, are controlled at the national level as a whole state, without any power sharing at the regional or local levels. Mostly, the countries with unitary form of government have the centralized system of government like UK, France, Bangladesh etc. (Robertson, 2002 & Chatterjee, 1991)

Decentralization is a procedure of distribution of delegated political powers and resources, from central authorities to the local organizations at the lower level, to assure decision making process more responsive to the local demands. In decentralized political structures, all the levels of authority exercise more responsibility of performance and communication with extensive span of control from top to bottom and vice versa. Mainly, the politics having federal system of governance like, Germany, Australia and United States etc. enjoy the decentralization of political system. (Robertson, 2002) Under political decentralization, more decision making powers are given to the public and its representatives with more influence of formulation and implementation of the policies. The concept of political decentralization gives a better opportunity to the public and their representatives to understand each other and their problems at local level, as well as the representatives could better identify the demands of their constituents. By the process, decisions are formulated with the participation at large, in the societies with diverse interests. (Litvack, 2014)

In devolution, the administrative powers are transferred by the central authorities to lower level political entities like state, regional, or local authorities through the statutory orders, or the ordinances. In unitary form of government, the devolved powers can be revert by the central authorities if mandatory. (www.britannica.com 2014: November 3) But the proponents of Federalism claim that devolution is the constitutional allocation of guaranteed powers from one unit to another for reduction of federal government’s powers and responsibilities over the public which are assigned and exercised by the states and other lower units. Thus devolution enhances the responsibilities of the lower level entities to ensure more benefits for, and participation of, the public. (http://education-portal.com. 2014: November 3)

There are certain conditions and prerequisites for a functional decentralization and devolution such as, a strong central state, a strong civil society, constitutional protection and an ideologically organized political party system. (Randall, 1998, Anheier, 2014: November 4 & Mahmoud in Jain, 2007) These elements could establish a functional decentralized political system at the grassroots level for better coordination, cooperation, mobilization, feedback and constitutional securities in between the government and the society; otherwise the political system could face dysfunctionalism. (Khan, 2007)

The availability and division of the financial resources is very important element for an effective devolution. Political Parties affectively articulate and adjudicate the public demands with proper demarcation and allocation of financial resources in the better public interest. Another important element is the proper allocation and implementation of political power at the grassroots level. In different political systems, the political power retains within the different political actors, like the voters,
administration, or feudal and tribal elites, individually and collectively. A popularly supported devolution or decentralization could be better functional to meet the public demands. (Khan, 2007) In the context of these pre-requisites for a successful devolution raised many questions and concerns about the ‘Devolution of Power Plan’ during Musharraf regime, which met its demise with the end of its creator’s rule.

A. Creation of Local Governments

Despite the powers and authority, no military government can work without civilian administration and bureaucracy and ultimately turns towards the political segment of the society for its legitimacy. (Aziz, 2008) The military authorities under Musharraf’s command intended to demonstrate their democratic tendencies to international community and stepped in to transform the political system of Pakistan through popular consent. For the purpose, General Musharraf had carved out a four phase roadmap for transfer of powers along with the restoration of democracy in the country. First phase of them was the devolution of powers to the local governments. (General Elections Report, 2002) The unique concept of ‘Devolution of Powers’ at the Grassroots Level in Pakistan was raised in 1999, and the non-partisan local bodies’ elections were gradually held in first half of 2001. (Musharraf, 2006)

Figure 1: Local Government System under Devolution of Power Plan 2001

To decentralize and devolve the political system and for other administrative reforms, General Musharraf established National Reconstruction Bureau (NRB), responsible to carve out the master plan of the devolution. The devolution plan facilitated to, officially, set up district governments on August 14, 2001, after a series of local
bodies’ election in the country from December 30, 2000 to July 5, 2001. (Musharraf, 2006) Previously, the elected governments had not paid any attention to establish the elected local governments because of the protection of their own interests and that of their constituents. They used to establish their party organizations at the local levels on party basis which had to protect their party interests instead of the public. (Abid, 2002) But, practically, Musharraf government had taken initiatives to devolve the power to the grassroots level for furtherance of the public. (Rizvi, 2009)

Under the guidance of NRB, as its focal point, the Local Government Plan (2000) was targeted to devolve the political and administrative powers to the district, tehsil and union council levels. It recognized the following three structural modifications in the local government system:

- Unifying rural-urban governance via zila government. This was to be achieved mainly at the tehsil level, since tehsil government was to be responsible for both rural and urban municipal functions.
- Integration of the local bureaucracy with the local government.
- Develop a coherent and reformed police and zila administration answerable to the elected local representatives. (Niaz, 2010)

About his true democracy, Musharraf claims,

“Genuine democracy has to evolve from the grassroots upwards, not be thrust from top to down. The base of the pyramid has to be strong, or else it will collapse. A local government system that is genuinely empowered politically, administratively, and financially lies at the heart of democracy because it is best equipped to understand and also to address the needs and problems of the common people. This is what touches the people most, no assemblies in far-flung provincial or national capitals.” (Musharraf, 2006)

**Graph 1: Community Representation in Local Governments**

![Graph showing community representation in local governments](image_url)
B. Structural Framework

The purpose of the local government system was to eliminate the divisions and disparities between the urban and rural areas. The allocation of 33% representation for ladies in the decision making process, in all of the three tiers of local governments, was a unique example in the history of Pakistan. Special seats had been reserved for peasants, workers and religious minorities of the community. The concept of the District Government was introduced first time in the accounts of the nation. (Abid, 2002) The local governments were held responsible to the public for their decision and actions. The community segments were able to participate in the development projects at their local levels according to their demands. (Anjum, 2001)

The local government structure was contained on three tiers, from bottom to top, such as union councils at the lowest, tehsil councils and the district (Zila) councils. A union council, representing 15,000 to 20,000 of population, consisted on thirteen councilors including four ladies. There were four reserved seats for peasants and worker and at least one reserved seat for non-Muslim minorities. The allocation for resources was the responsibility of the federal and the provincial governments. The local councils could generate their revenues by imposing the local tax. (Musharraf, 2006) Zila Council, in a common district or in a city district, apart from reserved seats for the women, peasants and workers and minorities, consisted of Union Nazim for all the unions in the district and the city district. Similarly, the Tehsil/Town Councils, apart from reserved seats for women, peasants and workers and minorities, consisted on Naib Union Nazims from all the union councils in the Tehsil, in a common district or in the town, in a city district. This provided vertical linkages between the three tiers of the local government i.e. the Union, Tehsil and District. Union Nazim and Naib Union Nazim were elected as joint candidates to the Union Council, which consisted of twenty one elected members against general and reserved seats. (Anjum, 2001)

“These arrangements applied to all provinces, but not to the cantonment (military) areas of town and cities, which remained under the control of non-elected boards headed by military commanders; nor were they implemented in the Federally Administered Tribal Areas.” (Shafqat & Wahlah, in Kennedy, 2006)

To make decentralization effective and accountable, the check and balance system was introduced into local governments, to prevent the misusages of power by the elected or bureaucratic authorities. The provincial Chief Minister, as the provincial Chief Executive, could suspend or remove the District Nazim with the approval of the majority of the provincial assembly.

District Nazim could request to the District Council for the removal of the District Coordination Officer and District Police Officer while the District Council could pass a vote for removal of the District Nazim, which had been a complicated process. (SNBP, Local Government Ordinance, 2001) To make the devolution process more accountable, proper audit system of the local governments’ accounts was designed. (Nadeem, 2007) But the best accountability process was a regular and timely election of the local governments. To make the devolution more beneficial for the public, a proper service delivery procedure had to be adopted and the councils not fulfilling the promised services would be accountable for the negligence. (Khan, 2007)
Figure 2: Three Tiers of Local Governments under Devolution of Power Plan 2001

Note: *Nazim Union Council was officiating member of the District Council.
**Naib Nazim Union Council was officiating member of the Tehsil Council.

Table 1: Constituencies of the Local Governments

<table>
<thead>
<tr>
<th>Province</th>
<th>Districts</th>
<th>Tehsils</th>
<th>Towns</th>
<th>Union Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>Punjab</td>
<td>34</td>
<td>115</td>
<td>6</td>
<td>3453</td>
</tr>
<tr>
<td>Sind</td>
<td>16</td>
<td>84</td>
<td>18</td>
<td>1094</td>
</tr>
<tr>
<td>NWFP</td>
<td>24</td>
<td>34</td>
<td>4</td>
<td>957</td>
</tr>
<tr>
<td>Balochistan</td>
<td>22</td>
<td>71</td>
<td>2</td>
<td>518</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>97</td>
<td>307</td>
<td>30</td>
<td>6022</td>
</tr>
</tbody>
</table>

Source: NRB Website in Kennedy & Botteron, 2006
C. Local governments: Functional Performance

First time in the history of Pakistan, the bureaucracy was made subordinate to the district nazims in the new system of local governments. Prior to the devolution plan, since the time of colonialism, practically, the bureaucracy had been ruling the country. In the new system, it was very unusual for bureaucrats to work under the public representative, mostly less educated against the formers. So, the higher bureaucracy was, status-wise, affected from the new system which caused a functional gap between the elected representatives and the bureaucracy. (Abid, 2002) Musharraf claims asserting his revolutionary Local Government Ordinance 2000.

“This ordinance did away the vestiges of the colonial era, when a deputy commissioner and a superintendent of police ran districts like lords. With the stroke of a pen they were both subordinated to the elected mayor (nazim).” (Musharraf, 2006: 172)

The magistracy system was replaced without any prior training for the local councilors and was made confusing to understand for them. (Niaz, 2010: 130, 149-150)

The Devolution of Power Plan had a mixed reception from the public and the political leadership. During the local government system under Musharraf, people had been feeling comfortable to meet with their local issues and demands through their local leaders and could convey their concerns, mostly one-on-one. It was also convenient for the local representatives to allocate the financial resources according to the public demands in the district and tehsil councils, without any interference of the provincial authorities. A system of check and balance was available and the pros and cons of any public expenditure used to be discussed during the meetings of the councils at their certain level. (Abbasi, 2014) The system was helpful to resolve the public problems at their doorsteps with low expenditure without chasing the higher authorities at provincial or federal levels. It was inclined to dissolve the culture of dependency, to accelerate the process of accountability, and to discourage the ‘rural-urban migration’. (Khan, et.al, 2007)

Though, the bureaucracy had unwillingly accepted the devolution plan but instead of giving functional freedom to the elected representatives at the local levels they entangled them with the rules and regulations. The lack of coordination and confidence was common in many districts and the district bureaucracy had been playing its role as the provincial agent, in opposition of the local authorities instead to be their subordinates. (PILDAT, 2003) Even, the District Coordination Officer (DCO) and District Police Officer (DPO) got more power under the devolution plan through some mall-practices in district recruitment process which was not in exercise before 2001. Critics also blame Musharraf to use local councilors to elect himself as the president in his referendum 2001 and in the general elections to help winning the official party PML (Q). (PILDAT, 2003 & Khan, M. 2005)

Devolution of power was a give and take process of authority. When one political entity was empowered the other was disempowered. (Khan, 2007) The devolution of power plan was implemented through an ordinance other than any federal of provincial legislation to make it part of the constitution. (Zaidi, quoted in Oldenburg, 2010)
“Power has to be devolved from centre if devolution has to have any meaning, and the first step has to be taken by devolving power from the centre to the provinces. When this has been done, only then can the provinces devolve power to the districts.”
(Khan, M. 2005)

Surprisingly, in the devolution plan, the provincial powers were dissolved to the district governments while the federal powers and responsibilities were not devolve to the provinces or the districts. (Zaidi, quoted in Oldenburg, 2010) The continued holding of some powers by the federation was against the provincial autonomy which had made provincial governments weaker than before. ((PILDAT, 2003)

IV. Conclusion
The Devolution of Power Plan met its demise along with its creator and no local government election could be conducted after 2005. Interestingly, all of the local bodies’ plans had been implemented during the authoritative governments but none of the democratic regimes volunteered to establish any of those. According to the prerequisites and conditions mentioned earlier, Devolution of Power Plan 2001 could not fulfill any of them and ended as dysfunctional. Firstly, central government in Pakistan needs to be strong enough to bring its fragmented feudal, ethnic and tribal authorities into balance which is the traditional part of the society. In a political environment surrounded among landed, industrial and religious elites, true devolution is difficult if not impossible.

Secondly, a strong civil society requires; a substantial human growth, a favorable political culture, a religiously split society, the quality of political institutions and the good governance. The conditions of a strong civil society had not been fully available in the country, at least since 1977.

Thirdly, in democratic political systems, political parties provide opportunities for political socialization to aggregate the public demands to the political authorities. They play their role in political environment according to their party policies and programs. They also communicate between the public and political authorities and help to produce leadership qualities among their political domains. During the period of study, non-party local governments’ elections, held in 2001 and 2005, enhanced local and kinship politics instead of the exploring the national issues and national developmental attitudes. To avoid such kind of handicaps, local bodies’ election must be conducted on party basis at their regular times as they function as the political nurseries for the national level politics. They also produce the matured and administratively experienced leadership to the nation.

Lastly, though, devolution plan was not the part of constitution but enforced by an authoritative ordinance. Devolution of power is the beauty of the federalism under democratically elected government where the local bodies’ help to resolve the public problems at the local level. For a successful devolution in Pakistan, local governments’ structure should be mentioned in the constitution. It was a positive initiative towards the decentralization of powers and extensive political participation at the lower level. It helped to meet the public issues at their door-steps but, inadequate planning and improper structural stratification caused a gulf between the local governments and the bureaucracy producing dysfunctionalism and distrust. Instead of the traditional bureaucracy, a separate cadre of the local bodies’ bureaucracy could be established, especially trained to work
with local governments’ elected representatives. Establishment of local governments would be functionally benefitted for democratic governments to reduce their work load.

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