

# Democracy at local Level: an Over Review



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## Background

Modern governance is associated with political participation of public in robust way. Encyclopedia Britannica stipulates that no countries can be governed through single type of governance. It states, “The affairs of municipalities and rural areas must be left to the administration of local governments. Accordingly, all countries have at least two levels of government: central and local. A number of countries also contain a third level of government, which is responsible for the interests of more or less large regions.”<sup>1</sup>

Many countries retain local government system across the democratic world. Pakistan as part of former British colony was an early beneficiary of local government (LG) system as Britain implemented a kind of an early form of local government in 19<sup>th</sup> century what is known today as the *panchayat raj* system. Local Bodies or local government are a system of government that provides the local level administration for providing basic facilities to the people in specific areas, however in Pakistan LG is still in

Pakistan as part of former British colony was an early beneficiary of local government (LG) system as Britain implemented a kind of an early form of local government in 19<sup>th</sup> century what is known today as the *panchayat raj* system.

experimental stage. Pakistan has been exercising different forms of Political systems

such as the Presidential, Parliamentary, in which LG system has also been influenced by these experiences. There have been considerable influence sometimes political, sometimes non-political, and sometimes interferences from bureaucracy for LG systems in Pakistan.

The document elucidates the concepts and trends of LG at global level. The document especially highlights the major aspect of decentralization in Pakistan. It also provides its historical overview starting from the pre-independence period up to the revival of local governments and current LG models in Pakistan. Finally, it identified major challenges to democracy in order to find how can that system be improved and be made more responsive to the needs of the common citizens.

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<sup>1</sup> <http://www.britannica.com/EBchecked/topic/345572/local-government>

## Section 1: Basic Concept, Origin, and Trends Globally

Local government is viewed as the arrangement of locally elected members representing their communities and making decisions on their behalf. Local Government is field that most closely affects the daily lives of citizens. The work of Local Government is varied, but it touches almost all areas of our day-to-day life as citizens. The roles and responsibilities of LG differ from state to state, system to system, but generally include:

- ✚ Infrastructure and property services, including local roads, bridges, footpaths, drainage, waste collection and management;
- ✚ Provision of recreation facilities, such as parks, sports fields and stadiums, golf courses, swimming pools, sport centers, halls, camping grounds and caravan parks;
- ✚ Health services such as water and food inspection, immunization services, toilet facilities, noise control and meat inspection and animal control;
- ✚ Community services, such as child care, old persons care and accommodation, community care and welfare services;
- ✚ Building services, including inspections, licensing, certification and enforcement;
- ✚ Planning and development approval;
- ✚ Administration of facilities, such as airports and aerodromes, ports and marinas, cemeteries, parking facilities and street parking;
- ✚ Cultural facilities and services, such as libraries, art galleries and museums;
- ✚ Water and sewerage services in some states; and last but not least; and
- ✚ Other services, such as abattoirs, sale-yards, and group purchasing schemes.<sup>2</sup>

### Local Government System at Global Level

Several democratic countries across the world have one form or the other of local government system. Local factors such as geography, the environment, ethnic make-up, economic opportunities, and health can be better taken account of by locally elected councils charged with making decisions that affect their communities. Local authorities cannot achieve their objectives alone. They work closely with central government and with other organizations, public bodies, businesses, and citizens.<sup>3</sup>The majority of states have complex systems of local government. France and Great Britain system have served as models form government of the world.

<sup>2</sup><http://www.walga.asn.au/AboutLocalGovernment.aspx>. (Accessed 7-08-2014)

<sup>3</sup><http://www.localcouncils.govt.nz/lqip.nsf/wpgurl/About-Local-Government-Local-Government-In-New-Zealand-Index>

## **The Local Government of France**

The local government in France is comprised of three main tiers of local administration such as the commune, department, and region. These are actually the districts in which executive decisions made at central level are implemented by local authorities with powers of their own. It means LG is a local authority with its own name, territory, budget, employees, and specific autonomous powers vis-à-vis central government.<sup>4</sup> Its basic structure, codified by Napoleon I, developed out of the need of revolutionary France to curtail the power of local notables, while quickening government reforms. It stresses clear lines of authority, reaching from the central government's ministry of the interior through the centrally appointed prefect of the department to the municipality, which has a locally elected mayor and municipal council. The prefect, being both the chief executive of the department and the representative of the central bureaucracy, provides the channel of centralization, with wide authority to overrule local councils and supervise local expenditures. Variants of this system are found throughout Europe and in former French colonies.<sup>5</sup>

## **The Local Government of Britain**

The British system of local government, which has been the model form of government for Britain's former colonies including the United States, is the most representative of the major types of LG political system. Largely reformed in the 19<sup>th</sup> century and extensively restructured in the 1970s, the system stresses local government autonomy through elected councils at the county and sub county levels. Less central government interference and greater local budgetary authority than in other systems marked this system. However, in 1986, parliament abolished six major county governments, and restricted the powers of several other counties. A special feature of the British system is its use of an extensive committee system, instead of a strong executive, for supervising the administration of public services.<sup>6</sup>

## **The Local Government of United States**

Despite differences among different states, local governments of the United States follow the general principles of the British system, except that a strong executive is distinguishing feature in LG of United States. The county remains the usual political subdivision, although it has retained more authority in rural than in urban have most of the local power. In both rural and urban areas, the local government's relations hip to the state is a complex one of shared authority and carefully defined are as of legal

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<sup>4</sup> [http://www.citymayors.com/france/france\\_gov.html](http://www.citymayors.com/france/france_gov.html)

<sup>5</sup> <http://encyclopedia2.thefreedictionary.com/local+government>

<sup>6</sup> <http://encyclopedia2.thefreedictionary.com/local+government>

competence. Local governments in the United States are comprised of either territorial or corporate. County governments and local school districts are examples of the territorial units. On the other side, a corporate government is based on a charter similar to constitution that the state may grant to a city, town, or village. The state gives authorization to these charters and ensures that such charters must not contradict state law.<sup>7</sup>

## The Local Government of India

In the pre-Independence period, *Panchayat* system was used to maintain social order and administer the Indian villages. The panchayat was informal institution responsible for maintaining and governing village society in accordance with the socio-political norms of their times.<sup>8</sup> During the British period, under the scheme of diarchy in 1919, the Montague-Chelmsford report made local self-government a "transferred subject". With the enactment of the Constitution (73rd Amendment) Act, 1992 and the Constitution (74<sup>th</sup> Amendment) Act, 1992, local self-governments, both rural and urban, have been given constitutional recognition in India and it is the third stratum of government, the first two being the Central and the State governments.<sup>9</sup> The Panchayati Raj Act constitutes a major milestone in the history of rural local self-government as it provides political and administrative decentralization and devolution of resources and powers to local people.

In India, the states are divided into a number of administrative districts, which are further divided into units variously known as tahsils, *taluqs*, or subdivisions. Such tahsils or *taluqs* are constituted of community development blocks of approximately 100 villages. These all units are governed through a three-tiered system of local government. At the lowest level is the *gram panchayat* that is governing council elected by each village. The chairperson of this *gram panchayat* represents village in the council of the community development block called as *panchayat samiti*. This *panchayat samiti*, selects a representative of block to be a member of the high level council at districts named as *zila parishad*.<sup>10</sup> There are also municipalities that are detached from this system and their own elected councils generally govern these. Through this system, from the state to the village level, administrators of government administer the different government departments and agencies. In this way, public spends financial grants for desired developmental projects.

<sup>7</sup> [http://www.citymayors.com/usa/usa\\_locgov.html](http://www.citymayors.com/usa/usa_locgov.html)

<sup>8</sup> KKHSOU (2011). Introduction to Local Self Government in India.

At [http://www.kkhsou.in/main/polscience/localself\\_government.html](http://www.kkhsou.in/main/polscience/localself_government.html)

<sup>9</sup> KKHSOU (2011). *OppCit*

<sup>10</sup> <http://www.britannica.com/EBchecked/topic/285248/India/46435/State-and-local-governments>



## **Local Government System in Communist States**

In the communist countries, the local governmental systems are based on the conceptions of de-concentration of authority rather than decentralization. In general, the local governmental unit is an organization of the central government, and it functions as an integral element of the hierarchical administrative system of the state. The local government areas of exercising powers are not entirely independent, are restricted to some minor matters, whereas control mechanisms are broad, and are rigorously applied. Local government officials know that their decisions must be conforming to an overall design of higher authorities. These systems are unique in that local governments are given a role in economic activities infinitely more extensive than in capitalist nations. Finally, the discipline of the Communist party is a means of controlling policy in detail. As a supplement to and a check on the administrative system, the Communist party with its rigid discipline controls the key positions in government.<sup>11</sup>

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<sup>11</sup> [http://www.encyclopedia.com/topic/local\\_government.aspx](http://www.encyclopedia.com/topic/local_government.aspx)

## Section 2: Historical Foundation of Local Government in Pakistan

### Pre-Independence Period

British introduced the local government system in the subcontinent several centuries ago. The system nevertheless never empowered common people and members were not elected locally but the British bureaucrats nominated them. Pakistan was part of the Indian subcontinent before 1947. The East India Company first set the municipal corporation in Madras in 1688. The Conservancy Act of 1842 brought the formation of sanitary committees for garbage disposal, which later became the first formal measure of municipal organization enforced into Bengal Presidency. Later on, this system was introduced in several other larger cities as in Karachi the Board of Conservancy was established in 1846. Similarly, the Municipal Act was passed in 1867 in Lahore and Rawalpindi. Lord Ripon's Resolution on local self-government in 1882 has profound impact on the evolution process of local government. It permitted for the stipulation of a few elected members in municipal committees. It also suggested for the foundation of rural local governments. The 1935 Government of India Act assured provincial autonomy and allowed provinces to legislate on local government systems.<sup>12</sup>

### Post-Independence Period

In post-independence Pakistan, there was hardly any area with developed local government system. Furthermore, the local government system was not based on adult franchise. Deputy Commissioner was major player to formulate its agenda and policy. The budget of local governments was under stern bureaucratic control as well. The first gallant experiment with local government system in Pakistan was occurred from 1958 to 1969 under the first Martial Law Administrator Ayub Khan. The military government disbanded the provincial and national assemblies. The local government system was revived to show the involvement of the people in their own affairs. The new local representative system established Under the Basic Democracies Ordinance 1959 and The Municipal Administration Ordinance 1960.<sup>13</sup> Town committees were formed in urban areas having a population of less than 14,000.

The Basic Democracies Ordinance of 1959 defined urban areas as areas under the authority of a municipal body or any other area that the government could declare as an urban area. There were 37 functions prescribed for town committees. They included measures for promotion of social welfare, health, maintenance of infrastructural facilities, etc. Like colonial system, this new system was also under central bureaucratic

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<sup>12</sup> <http://www.hks.harvard.edu/fs/akhwaja/papers/Chapter8.pdf>

<sup>13</sup> <http://www.hks.harvard.edu/fs/akhwaja/papers/Chapter8.pdf>

control. However, with the fall of the Ayub Khan regime, to which the system was closely associated, it fell into disfavor.

After the epoch of Zulfiqar Ali Bhutto, local government system was revived under the second Martial Law administration of General Zia who put into practice the elected local governments. Like Ayub Khan, Zia also introduced electoral representation only at local level. In 1979, the provincial local government ordinances established four levels of municipal government in the urban areas:

- 1- Town committees;
- 2- Municipal committees;
- 3- Municipal corporations; and
- 4- Metropolitan corporations.

The members of the council elected senior officers of these councils. The controlling authority of these councils was the elected house. In the rural areas there was a three-tier system of local government-Union Councils, Tehsil or Taluka Councils and District Councils-was formulated.

The period since 1985 to 1999 was the era of revival of provincial and national assemblies. However, in the nonexistence of elected assemblies the local governments played significant political and representative roles. The position of local governments had been considerably marginalized due to the election of the members of the national assembly, the senate and provincial assemblies because these elected representatives took some of the functions performed by the local government. Specific federal and provincial level programmes like Five Point Programme of the Junejo Government (1985-1988) and the Peoples Programme of the first Benazir Bhutto Government ultimately resulted in the development of appropriate and better local government.

Under the new local government Ordinance, elections were held in August 2001 and the elected Local governments were being formulated at all tiers. During 2000 to 2001, direct elections on non-party basis were held in five phases for the members of Union Councils, Union Nazims, and Naib Union Nazims. Based on these direct elections, indirect elections were held in July-August 2001 for ZilaNazims and NaibZilaNazims and also for Tehsil-Town Nazims and NaibNazims. In this new system, the minimum age for local government elections was dropped from 21 to 18 years. Furthermore, one-third seats were reserved for women.<sup>14</sup>

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<sup>14</sup> [iba.edu.pk/.../Models\\_local\\_democracy\\_Commonwealth\\_seminar](http://iba.edu.pk/.../Models_local_democracy_Commonwealth_seminar)

The new Local Government plan was an attempt by the Military Government to lay the foundations of democracy. The new System provided a three-tier Local structure of government that is:

- The District Government;
- The Tehsil Government;
- The Union Administration.

### **The District Government**

The first tier, the District Government was comprised of the District Administration and ZilaNazim. The District Administration consisted of district offices, which includes sub-offices at Tehsil level. These sub-offices were responsible to the District Nazim. District Coordination Officer assisted District Nazim. The Provincial Government was responsible for the appointment of DCO. The District Coordination Officer was the coordinating head of the District Administration. The ZilaNazim was accountable to the people through the elected members of the Zila Council. A Zila Council consisted of all Union Nazims in the District, which consisted of members elected on the reserved seats for women, peasants, workers, and minority community. The Zila Council had its Secretariat under the NaibZilaNazim and had a separate budget allocation.

### **Tehsil Administration**

The middle tier of the new local government the Tehsil consisted of the Tehsil Municipal Administration that was headed by the Tehsil Nazim. Tehsil Municipal Administration consisted of a Tehsil Nazim, Tehsil Municipal Officer, Tehsil Officers, Chief Officers and other officials of the Local Council Service and officials of the offices entrusted to the Tehsil Municipal Administration. The Tehsil Municipal Administration was delegated with the administrative, financial, and managerial tasks of the offices of Local Government and Rural Development, and several other themes at the regional, Divisional, District, Tehsil and lower levels.

### **Union Administration**

The third and the lowest tier of the local government was the Union Administration. It was a shared body, which covers both the rural and urban areas across the entire District. Union Administration was consisted of Union Nazim, Naib Union Nazim and 3 Union Secretaries and other supporting staff. The Union Nazim headed the Union Administration. Under this system, Union Naib-Nazim acted as deputy to the Union Nazim during his provisional absence. The Union Secretaries synchronized and assisted in community development, functioning of the Union Committees and delivery of municipal services under the administration of Union Nazim.

In addition to the fiscal transfers from the Province, the Local Governments were authorized to generate money from their own sources by levying certain taxes, fees, user charges, etc.<sup>15</sup> After the completion of its tenure, the elections of new Local Governments were held in year 2005. Devolution plan of 2001 decentralized the power at grass roots level, which improved efficiency and efficacy.

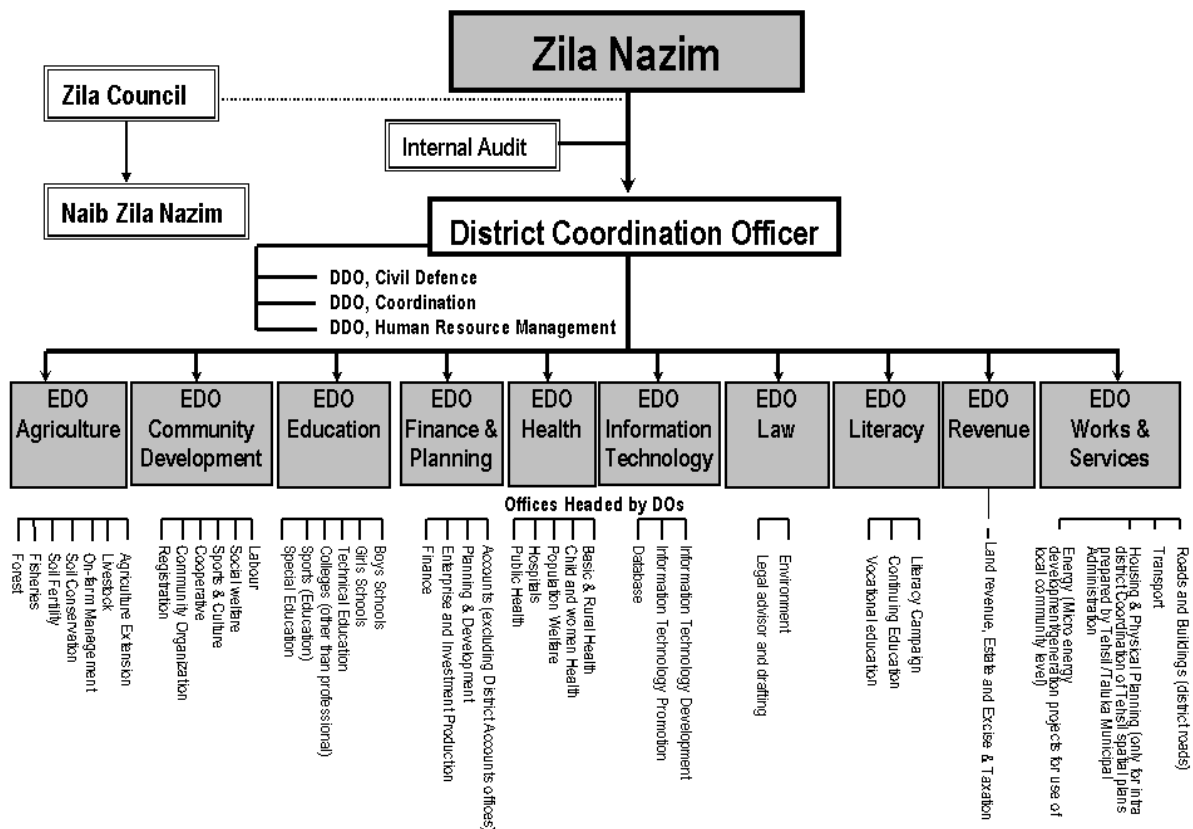
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<sup>15</sup><http://storyofpakistan.com/local-government-system/>

### Section 3: Current Local Government Models

Pakistan is a federal republic whose local government has been suspended following the expiration of the 17th amendment and the passing of the 18th amendment to the constitution, which transfers responsibility for local government from central to provincial government. Due to the delay in local government elections, an appointed district administrator by provincial government currently heads the administration of each district.

The responsibility for local government was moved to the Provinces in January 2009 in line with the Constitution, and councils were dissolved. Despite there is a constitutional requirement to hold local government elections, not all provincial governments have done so. Although the manifestos of all political parties promised concrete measures to introduce the new effective and participatory system of local democracy, yet I don't see the elections of local bodies in this governments' tenure.



Source: <http://lubpak.com/archives/279693>

Unfortunately, the ‘local democracy’ part of the recent democratic phenomenon in Pakistan is not very impressive and in fact once again substantiated the view that grass-roots democracy has never been promoted by democratically elected regimes in Pakistan. In the past, Pakistan has experienced three major models of local government systems – 1962, 1979 and 2001, all under the auspices of military regimes.

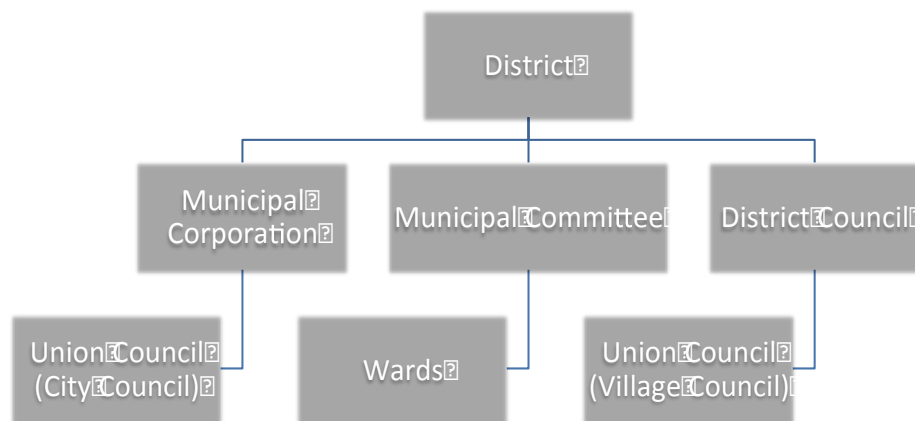
### Current Models of Local Government

There are almost same LG structures given in all the provinces of Pakistan namely Punjab, Khyber Pakhtunkhwa, Balochistan, and Sindh. Punjab and Sindh have enacted new local government law in 2013, while Balochistan LG law was enacted in 2010. Though the current government in KPK has drafted new LG law, however it has not been enacted still and the LG law was previously enacted in 2012 by previous government. The structure of local government in all four provinces is given as under:

#### Local Government-Punjab

In Punjab, local government act is passed in 2013<sup>16</sup>. The structure of the LG in Punjab province is given as under:

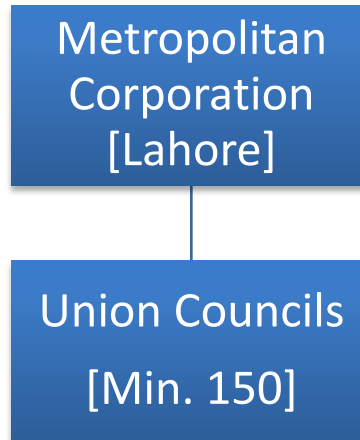
### Structure of Local Bodies in a District (Other than Lahore)



<sup>16</sup> Local government system in Punjab. At [www.igcd.punjab.gov.pk/](http://www.igcd.punjab.gov.pk/)

## Structure of a Metropolitan Corporation

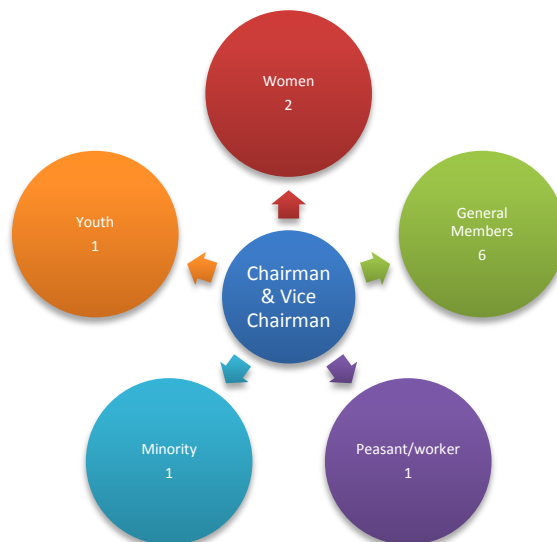
There will be only one metropolitan corporation in the Punjab; i.e. Lahore



There will be at least 150 Union Councils in Lahore Metropolitan Corporation (LMC). The exact number of UCs in LMC will be clear once the process of delimitation is clear. It is estimated that LMC will have around 250 UCs.

## Union Council

A Union Council will be either City Council or Village Council



Total Members=11

Total Directly Elected Members on General Seats=6

Total Directly Elected Members on reserve seat=5



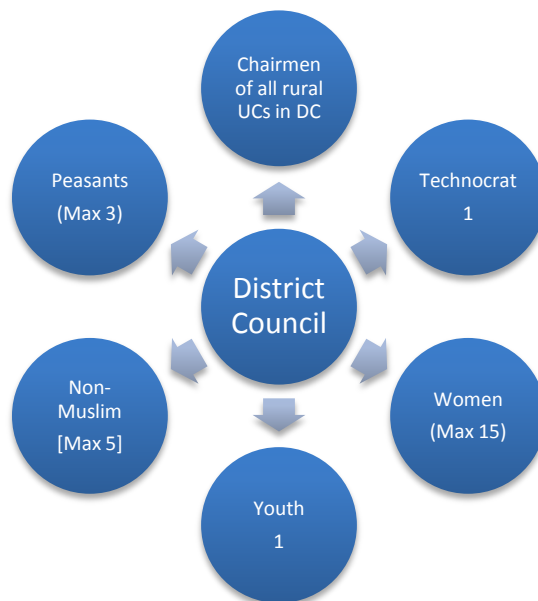
## Difference between a Rural and Urban Union Council

A City Council will have a reserve seat for worker; a village council will have a reserve seat for peasant

## Characteristics of a Union Council

No.	City Council	Village Council
Executive Head	Chairman & Vice Chairman elected as Joint Candidates through direct election	Chairman & Vice Chairman elected as Joint Candidates through direct election
Total Members	11(6 general members; 5 reserved seats); both general and reserved seats members elected through direct election	11(6 general members; 5 reserved seats); both general and reserved seats members elected through direct election
Population	20-25 thousand	10000
Upper body	Municipal Corporation (Metropolitan Corporation in case of Lahore)	District Council
Peasant/Worker reserved seat	Reserved seat for worker	Reserved seat for peasant

## District Council

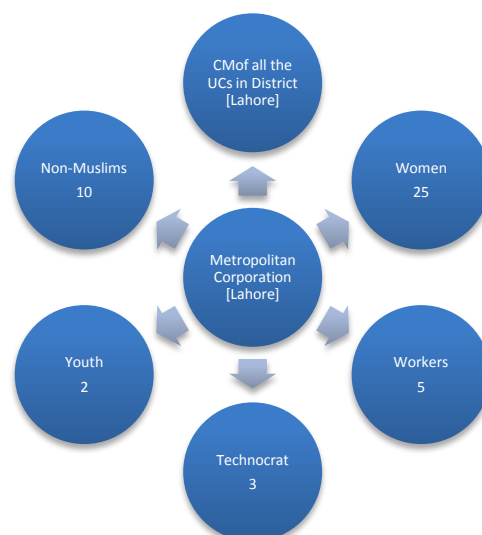


## Important Things to Remember in Case of District Council

1. Total number of District Council Members will vary from council to council;
2. Number of rural UCs in a district council will be different. Remember, all the Chairmen of these UCs will be the members of the District Council;
3. Government will declare which union council is rural and which is urban during the process of delimitation. Rural Union Council (Village Council) will form the part of District Council;
4. Number of women and peasant members as indicated above are the maximum members. Government will fix their number depending upon the number of UCs in District Council. So we may have different number of women and peasant members in different district councils;
5. Number of Non-Muslim members as indicated above is the maximum member. Government will fix their number depending upon the number of non-Muslim registered voters in a district council. So we may have different number of non-Muslim members in different district councils;
6. Remember, District Council is the term used for an area, which is rural in character. A district council will have a reserved seat for peasant and not for worker.

## The Metropolitan Corporation

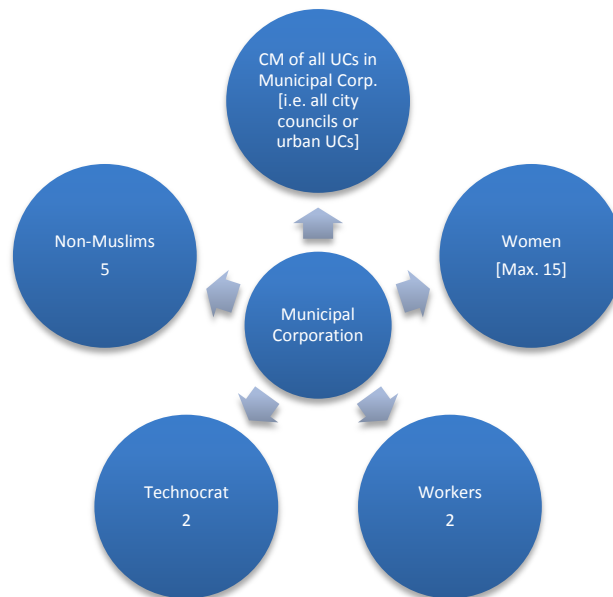
There would be only one metropolitan corporation in the Punjab; i.e. Lahore



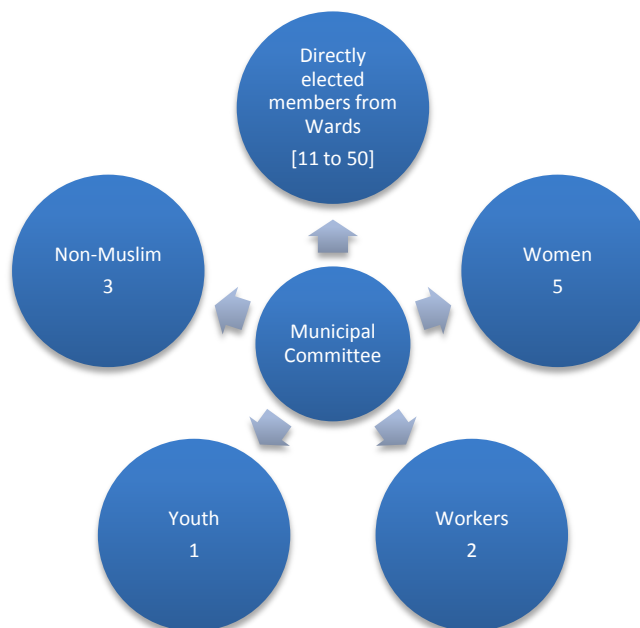
## Remember

There would be at least 150 Union Councils in Metropolitan Corporation. Exact number of UCs will be determined after the process of delimitation is completed.

## Municipal Corporation



## Municipal Committee



NOTE: General Seats are open for everyone. A woman, a non-Muslim or a worker etc can contest election on general seat. This will not decrease their quota of reserve seats.

## Local Government-Balochistan

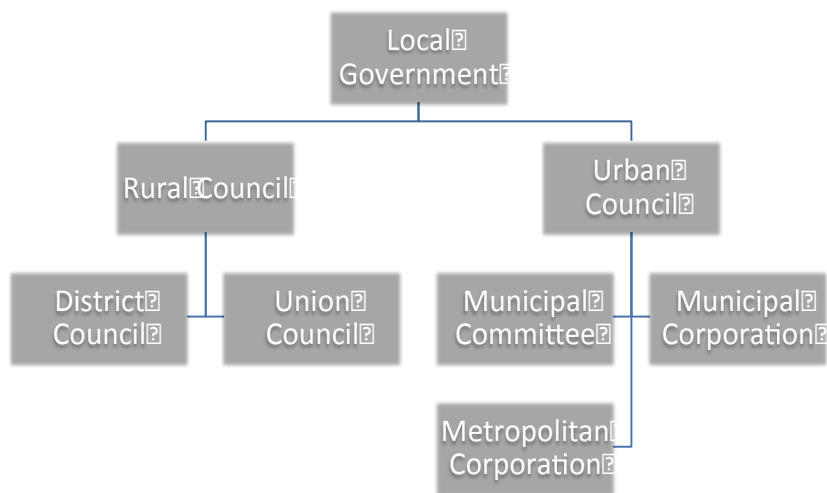
In Balochistan, local government act is passed in 2010.<sup>17</sup> The structure of the LG in Balochistan province is given as under:

### Governance Structure

Following local councils will be constituted.

1. A Union Council for each Union;
2. A District Council for each District;
3. A Municipal Committee for each Municipality;
4. A Municipal Corporation for each City;
5. A Metropolitan Corporation for the Capital City (Quetta).

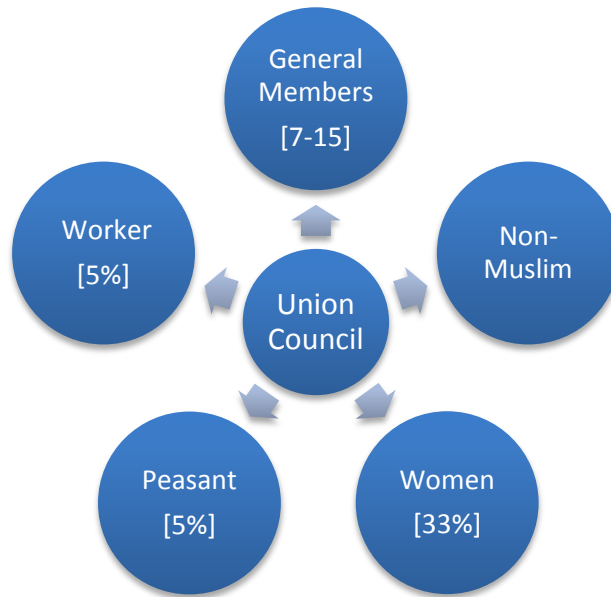
### Structure of Local Government



### Union Council

Union council is an area comprising a village or a number of villages having, as far as possible, an aggregate population between 7000 and 15000 (excluding its urban areas and the cantonment areas)

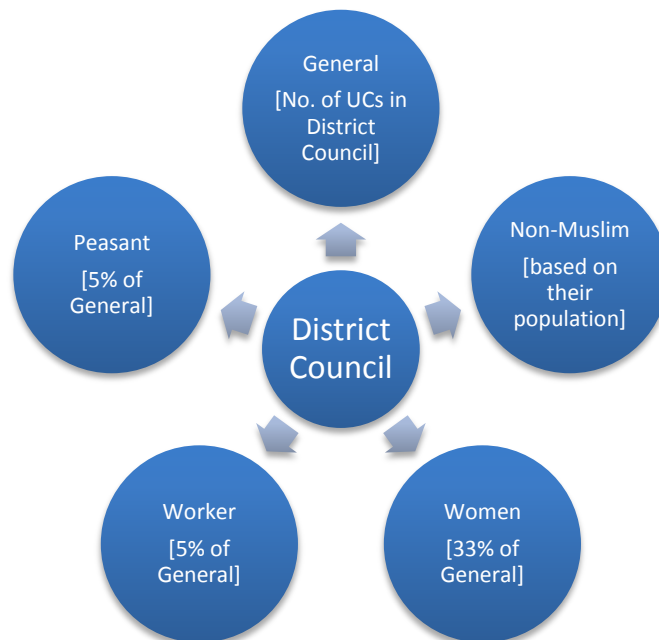
<sup>17</sup> Local government system in Balochistan. At [http://balochistan.gov.pk/index.php?option=com\\_docman&task=cat\\_view&gid=660&Itemid=677](http://balochistan.gov.pk/index.php?option=com_docman&task=cat_view&gid=660&Itemid=677)



- Non- Muslim seats will be fixed by Government keeping in view the population of non-Muslims in that local area;
- Women seats will be equal to 33% of the seats of general members;
- Number of reserved seats for Peasant will be equal to 5% of the general seats;
- Number of reserved seats for Worker will be equal to 5% of the general seats.

### District Council

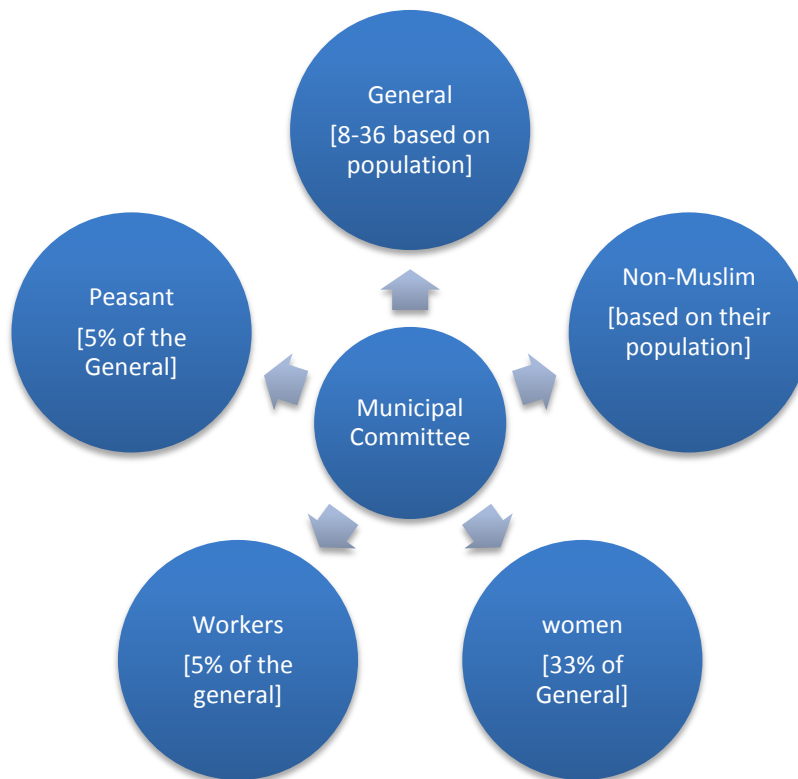
District Council comprises the area of a revenue district, excluding its urban areas and the cantonment areas.



- Suppose District Council has 40 Union Council. This means that number of general seats in District Council would be 40;
- Number of Women seats in the district council will be 33% of general seats i.e.  $33\% \text{ of } 40 = \frac{33}{100} \times 40 = 13$ ;
- Number of workers seat in District Council will be 5% of the general seats i.e. 5% of 40=2 and so on.

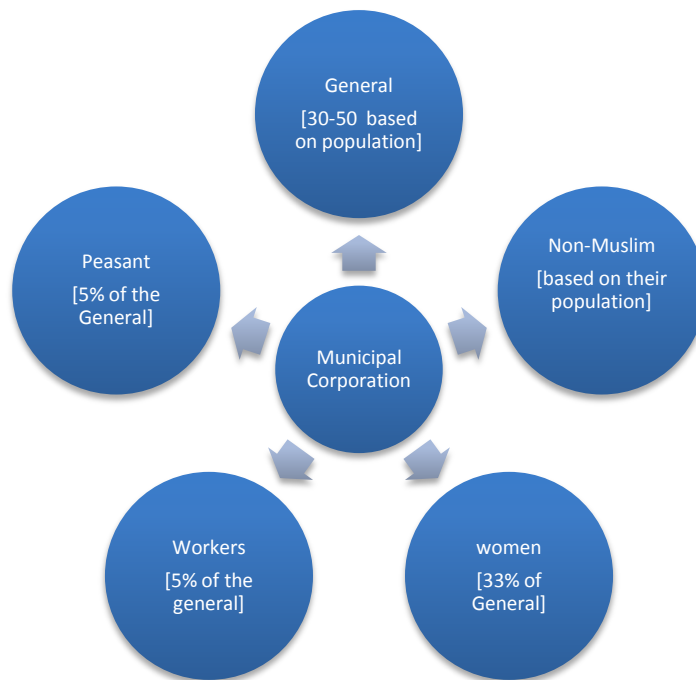
### Municipal Committee

Municipal Committee comprises of an urban area having a population exceeding 15000 but not exceeding one lac (one hundred thousand)



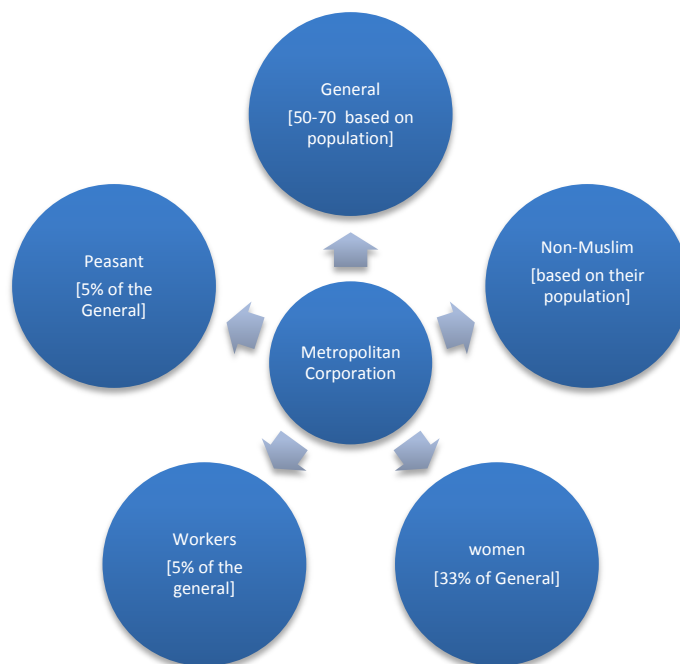
### Municipal Corporation

Municipal Corporation comprises of an urban area having a population exceeding one lac but not exceeding five lac.



### Metropolitan Corporation

Metropolitan Corporation comprises of an urban area having population exceeding five lac.<sup>18</sup>



<sup>18</sup> [www.balochistan.gov.pk/index.php?option=com\\_content...id](http://www.balochistan.gov.pk/index.php?option=com_content...id)

## **Local Government-Khyber Pakhtunkhwa**

The Khyber Pakhtunkhwa Local Government Act, 2012 extends to the whole of the Province of the Khyber Pakhtunkhwa. Government has the power to exempt any area from all or any of the provisions of this Act by a notification.

### **Governance Structure**

The governance structure followed under this Act is as follows;

- 1) In the case of City District Government and the Towns Municipal Administration created in City;
- 2) District of Peshawar by the Municipal Corporation, Peshawar to the extent of notified urban areas and functions assigned to the Corporation under this Act;
- 3) In the case of Local Area Development Authority by the Local Government and Rural Development Department, Government of Khyber Pakhtunkhwa;
- 4) In the case of Tehsil Municipal Administration in all other districts of the Province by the respective Municipal Committees to the extent of notified urban areas, if any, in the respective districts and to the extent of functions assigned to the Municipal Committees under this Act;
- 5) In the case of District Governments, including City District Government Peshawar, by the respective District Councils to the extent of rural areas and to the extent of functions assigned to district councils under this Act and by the Municipal Corporation to the extent of notified urban areas of Peshawar;
- 6) In the case of Union Councils except for urban union councils, by the respective Union Councils to the extent of functions assigned to Union Councils under this Act; and
- 7) In the case of Union Councils falling in the notified Urban Areas of Peshawar, their respective Urban Union Councils to the extent of functions assigned to Union Councils under this Act.

### **Local Areas**

For the purposes of this Act, the Local Areas shall be:

- a) In the case of rural areas, a Union Council and a District Council;
- b) In the case of urban areas, except Peshawar, a Municipal Committee; and
- c) In the case of urban areas of Peshawar, a Municipal Corporation and Urban Union Council.



## Union

A Union shall be an area comprising one or more mauza or, in the case of an area where settlement under the law has not been taken, one or more villages, notified as such by the Government:

Provided that as far as may be,

- a) The area of a Union shall be a territorial unity;
  - b) The boundaries of a Union shall not cross the limits of a Revenue Sub Division in a district;
  - c) The area of a union shall comprise a whole number of patwar circles, or a patwar circle may contain a number of whole Unions;
  - d) In the case of Urban Union Council, a whole Patwar circle or census block; and
  - e) The population of Unions within a district shall, more or less, be uniform;
- Provided further that in a specific case, the Government may, for the reasons to be recorded, waive the aforesaid conditions.

## Constitution of Local Councils

The Local Councils to be constituted under this Act shall be:

- a) A Municipal Corporation for the City of Peshawar;
- b) A Municipal Committee for each City or town other than the City of Peshawar;
- c) A Union Council for each Union; and
- d) A District Council for each District.

## Composition of Local Councils

**Union Council** - A Union Council shall, subject to other provisions of this Act, consist of following eleven members elected through direct election based on adult franchise and joint electorate;

- (a) Seven Muslim general members;
- (b) Two women members;
- (c) One member for peasants and workers; and
- (d) One-member minority communities.

## District Council

- a) A District Council shall, subject to other provisions of this Act, consist of such number of general members as total number of union Councils in a district;
- b) The Chairman of each Union Council shall be a general member of the District Council ex-officio;

- c) The members of the District Council shall elect the Chairman and Vice Chairman of the District Council.

### **Municipal Committee**

- 1) A Municipal Committee shall, subject to other provisions of this Act, consists of such number of general members as Government may by notification, determine.
- 2) The general members of the Municipal Committee shall be elected through direct election based on adult franchise and joint electorate.

### **Municipal Corporation**

- (a) A Municipal Corporation shall, subject to other provisions of this Act, consists of such number of general members as total number of Union Councils falling within the limits of a Municipal Corporation.
- (b) The Chairman of urban Union Council in notified limits of Municipal Corporation shall be general member of the Municipal Corporation ex-officio.<sup>19</sup>

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<sup>19</sup> [khyberpakhtunkhwa.gov.pk/Departments/LG/index.php](http://khyberpakhtunkhwa.gov.pk/Departments/LG/index.php)

## **Local Government-Sindh**

The local government Act was enacted in province of Sindh in 2013. This Act may be called as the Sindh Local Government Act, 2013. It extends to the whole of the Province of Sindh. The local government structure of Sindh province is given as under:

### **Local Areas**

- 1) The Government shall, by notification in the official Gazette, categorize a District into urban area and rural area;
- 2) For purposes of this Act, the Government shall, by notification, declare a local area consisting of;
- 3) Urban area in a District, as a Metropolitan Corporation, District Municipal Corporation, Municipal Corporation, Municipal Committee, Town Committee and Union Committee;
- 4) Rural area in a District, as a District Council and Union Council.

**Note -** The Government may, by notification in the official Gazette, after inviting public objections and suggestions, alter the limits of a local area and declare that any area shall cease to be a Union Council, District Council, Municipal Committee, Municipal Corporation and Town Committee.

### **Delimitation of Union Councils**

A Union Council shall be an area comprising one or more revenue deh(s), notified as such by the Government.

As far as possible:

- a) The area of a Union Council shall be a territorial unity;
- b) The population of the Union Councils in a District shall be uniform;
- c) The boundaries of a Union Council shall not cross the limits of a Revenue Taluka in a District; and
- d) The area of a Union Council shall consist of entire Tappa.

### **Delimitation of Wards**

- 1) The Government shall, in the prescribed manner, delimit wards in Union Councils, Municipal Committees, Town Committees, Municipal Corporations, and Metropolitan Corporation.
- 2) For the purposes of delimitation of an urban area, a ward shall, as far as possible, consists of a census block or adjoining census blocks.
- 3) For the purpose of delimitation of a Union Council, a ward shall, as far as possible, consists of a whole or part of a deh, a census block, or combination of adjoining villages or census blocks.

**Declaration of Urban and Rural Areas**

- 1) The Government may, after inviting objections from the residents of an area and hearing those from amongst them who wish to be heard, declare by Notification such area, to be an Urban Area or Rural Area, as the case may be.
- 2) For the purposes of this Act, all areas, which are urban areas or rural areas, as the case may be, at the time of commencement of this Act shall be deemed to be urban areas or rural areas, as the case may be.

**Declaration of Town, Municipality, Municipal Corporation and Metropolitan Corporation**

The Government may, by notification, declare any Urban Area other than the area of a Cantonment Board as:

- a) A Union Committee;
- b) A Town;
- c) A Municipality;
- d) A Municipal Corporation;
- e) A Metropolitan Corporation.<sup>20</sup>

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<sup>20</sup> Local government Act 2013. At [www.sindh.gov.pk/](http://www.sindh.gov.pk/)

## Section 4: Significance of the Local Government

Local Government representatives have wide-range of responsibilities of public development programmes at local level. Local government has responsibility to:

- a) Measures to improve public health;
- b) Regulation of water supply;
- c) Regulation of drainage and sewerage;
- d) Disposal of solid waster;
- e) Regulation of private markets established for the sale of articles of food or drink or animals;
- f) Policies regarding animals and cattle;
- g) Promotion of local level education especially primary education;
- h) Public safety programs like maintenance of fire-fighting or civil defense;
- i) Town planning, building control, provision and maintenance of public streets and other means of public communication;
- j) Regulation of traffic and public vehicles; and
- k) Plantation and protection of trees.

The role of Local Government Representatives may extend to the;

- a) Regulation, provision and maintaining of bathing and washing places;
- b) Policies regarding food articles of food and drinks like establishment and maintenance of public markets;
- c) Animal husbandry;
- d) Maintenance of trees, parks, gardens and forests;
- e) Promotion of culture;
- f) To establish and maintain public libraries;
- g) To establish, assist and enhance social welfare; and
- h) Maintenance of municipal police.

In addition to the above mentioned responsibilities rural district representatives are also responsible for agricultural, industrial and community development promotion of national reconstruction, promotion and development of co-operative movement and village industry such as;

- a) Adoption of measures for increased agricultural production;
- b) Establishment and maintenance of model agricultural farms;
- c) Popularization of improved methods of agriculture;
- d) Maintenance of improved agricultural mechanism and machinery and lending of such implements and machinery to cultivators;
- e) Adoption of measures for bringing waste land under cultivation;

- f) Promotion of agricultural credit, agricultural education and adoption of other measures likely to promote agricultural development;
- g) Construction and repair of embankment supply, storage and control of water for agricultural purposes; and
- h) Promotion of cottage industry.

## **Section 5: Challenges for Democracy**

Regardless of the facts, now democratic culture is flourishing in Pakistan, and now political parties are committed to transfer power to third tier of government, nevertheless, there are still some challenges in the way of true democratic culture at grass roots level in the country. These challenges can be summarized as under:

### **Political Parties Do Not Believe in Decentralization/Local Democracy**

Lamentably in Pakistan, barring a few, most of the political parties believe in first two tiers of governance federal and provincial while for the third one they prefer bureaucracy and National and provincial assemblies' members to take care. The problem of centralization of power has been the most crucial issue in Pakistan. In federation, third tier of local governments is far more important as it allows direct participation of public at lower level. This tier is directly responsible for upkeep of the cities and towns, however, our decision makers; security intelligence establishment, bureaucracy, and political parties prefer to run the districts, tehsils and union councils by unelected administrators and commissioners. During the previous democratic transitional phase 2008-2013, no provincial government conducted local bodies' elections, so right now; we have no local democracy here. No one knows when there will be elections for new local government setup.

### **Over Centralized Modal and Mindset**

Unfortunately, centralized mindset is reluctant in transferring most powers to the local level and still trying to retain all-important powers at the central level. Bureaucratic institutions, political parties, and security intelligence establishment still have put the emphasis on strengthening the centralized modal. The long legacy of undemocratic and unelected governments that have centralized power in Pakistan since the country's inception that presents an enormous challenge to the prospect of a vibrant and successful decentralization effort in Pakistan today. Centralization makes governments top-heavy and unresponsive. With the centralization of administrative authority at the provincial and federal levels, the people were forced to travel to provincial and federal capitals to seek solutions of their problems, whereas in an overwhelming majority of cases, their problems should have been attended to at the local level.

### **Economic Constraints and Lack of Infrastructure**

Provincial governments not only are reluctant to conduct local bodies' elections but have failed to transfer finances and human resources to local level. In developed democracies local governments are real responsible for municipal services, but in Pakistan right now these representative institutions don't exist. In many areas, there is a

lack of adequate funds, infrastructure and insufficient qualified and trained administration as well as staff. Local government will encounter serious difficulties in delivering efficient services if it does not have the necessary financial, capacity and other resources. Lack of resources and powerlessness remain the two big challenges in local development. The financial constraint is one of the main causes for the poor performance of most municipal governments.

### **Bureaucratic Hurdles**

The influence and interference of Bureaucracy is also a big challenge in the way of free and efficient local government in Pakistan. Sometime the projects of great importance are delayed due to red-tapsim. It has been a common practice that Bureaucrats often used their influence to keep the locally elected bodies on back footings. Pakistan's centralized system is not delivering because officials who work for federal and provincial governments do not have the necessary knowledge of local conditions to provide efficient government. In this centralized system governmental activities at the local level are not driven by demand but pushed from the centre to the local level and people do not feel any ownership.

### **Development Funds to MNAs/MPAs and Senators Undermine the Role of LG**

Under the various federal and provincial governments' programmes, elected members of provincial and national assemblies' were given funds of considerable amount that they could use, largely on their own discretion, for development projects in their political constituency. This had severely undermined the role local governments.

### **No Public Participation**

A democratic order is also to be judged on the degree to which it involves its citizens in decision-making and is responsive to its demands. As there has been no local level government, available, so public has hardly any say in decision-making and their real demands and inputs missing, this undemocratic situation creates challenges for local development.

### **Growing Urbanization**

Urban population is growing – fuelled by rural-urban migration and a redefinition of the boundaries of urban areas. The population in big cities has increased rapidly and accordingly has given rise to many social problems. People are moving to cities to find better career, education, wealth, and better living conditions, as rural areas are really less developed. The urban areas in Pakistan are facing an acute shortage of planned housing stock, especially for the low and middle-income groups and in cities overall



housing deficit in Pakistan has reached above 5 million. The population of big cities is increasing rapidly because people keep moving to the city especially from rural areas. This increase in population has brought many problems, which seem too difficult to be managed. There is shortage of water, unsteady supply of electricity, worse sanitary conditions, shortage of playgrounds and parks for the children, rush of traffic, shortage of houses, high crime rate, worse law and order situation, and environmental pollution are the main problems facing district administrations.

### **Local Government is a Basic Prerequisite for Effective Democracy**

The experience has shown in comparison to federal and provincial governments, local government is more accessible, more sympathetic, and quicker to respond to local needs. Therefore, local government should be developed and evolved by the local people according to their own experiences and aspirations. That is what happens in United States and other developed countries. Decentralization of power at the grass roots level leads to better provision of social and civil services, restoration of the real democracy in the country and a more active and beneficial interaction and participation of the masses in all tiers of governance. They must have the power to levy and collect revenues. Devolution without enabling the local governments to raise and manage funds from their own resources is not likely to enable the people to run their own affairs. Since effective lower judiciary is an important part of the system of devolution, new local judicial institutions have to be created and existing one strengthened to provide cheap and immediate justice.<sup>21</sup>

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<sup>21</sup><http://lubpak.com/archives/279693>. The paper was submitted to an international seminar on “Local Government and Civil Society”, Gummersbach, Germany)



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