

DEVOLUTION OF POWER PLAN: CONTRADICTION BETWEEN FRAME WORK AND IMPLEMENTATION

**Dr. Adil Zaman¹
 Mumtaz Ali²**

ABSTRACT

After the inception of Pakistan, the system of local government was strongly supported by military regimes instead of civilian rulers. In the political history of Pakistan, mostly military regimes played a prominent role in the establishment of government at local level. Most dominant military leaders, who introduced their own planned systems of local governments were Ayoub Khan, who introduced “Basic Democracies”, Zia ul Haq, who provided a local government system as “Local Bodies”, and General Pervez Musharraf, who launched another system of local government introduced in 2001 as “Devolution of Power Plan” under the conception of Decentralization of authorities. Former President of Pakistan General Pervez Musharraf introduces the plan of devolution of power under the local government ordinance 2001. But this plan was not completely implemented throughout the country and there were lots of contradictions between the framework and implementation.

For first time in the political history of Pakistan, the change in the structure of local government was more effective than previous systems. In order to maintain the complications and difficulties of masses at grass root level, it was decided that the bureaucrats shall work under the subordinate of elected representatives of masses. The bureaucrats under the elected representatives could not perform their duties as they could do in a perfect manner. As a result, the Devolution plan could not be implement in the way it was made. There were lots of cleavages and gaps

1. Associate Professor Department of Political Science, University of Balochistan, Quetta.

2. Assistant Professor Department of Political Science, University of Balochistan, Quetta.

in the implementation. Consequently with the end of General Pervez Musharraf's era this system also ceased to exist. There were lots of cleavages and gaps in the implementation.

Key words: Devolution of Power, Local Government Ordinance, National Reconstruction Bureau, Union Council.

INTRODUCTION

Since the time of its inception Pakistan has undergone several challenges regarding political administrative purposes, such as political structural impairment of governing institutions, dysfunctioning of local administrative organs, shuffling and rearrangement of governmental frameworks etc. Emergence of these difficulties were mainly due to the enforcement of martial law at several times (Chatterji, 1991). Therefore, due to these disruptions and lack of the sincerity of rulers, the structure of local bodies could not be evolved and improved as compare to the federal and provincial administrations (Nadeem, 2007).

Devolution usually means, for the sake of good governance, the powers and authorities have to devolve at local level. For the establishment of genuine democracy at grass root level, decentralization of financial and administrative authorities is the most required objective (Abid, 2002). The participation of local people requires ensuring the transparency of decision making and delivery of service in an effective way. The primary principles of devolution of were decentralization of administrative authority, decentralization of management function, diffusion of power authority, nexus and distribution of resources at the level of district.

Musharraf applied all these strategies in this plan which were also attempted by General Ayoub Khan in his produced system i.e. Basic Democracies. The main objectives of these strategies to get more and more power. His released system also reduced the political power of leadership at national level. But at local level it performs dominantly. In the era of British rule, the elected local political leadership was subordinate under the bureaucrats and most of the influential functions were performed by bureaucrats in the local administrative system. But after the emergence of Pakistan, the elites who had governing authorities, bureaucrats were pressurized through them. It was happened for first time in the political scenario of Pakistan that the bureaucrats started performing their duties under the supervision of elected representatives at local level. Due to the subordinate designation and less authoritative replacement, bureaucrats were opposed to the devolution of power (Anjum, 2001:845-867). In Pakistan, the local administrative structure does not have constitutional status. This must be the main reason that the local

administrative institutions could not exist for long time duration.

Structure of Administrative Institutions in Pakistan

The administrative structure of Pakistan has been designed in the shape of federal setup, which is also prescribed by the constitution 1973 (Mahmond, 2009). The bicameral legislature contains upper and lower house i.e. senate and national assembly. The members of national assembly are elected directly voting for the tenure of five years of their offices. The member of national assembly elects prime minister as the leader of executive. The four provinces of Pakistan also have their own legislative assemblies and chief ministers. The description of separation of powers and functions of the federal and provincial administrative institutions are interpreted in constitution of Pakistan (PILDAT, 2007). Before the organization of local framework order, the local administrative system was considered as the extension of the provincial governments.

Historical Background of Local Administrative System in Pakistan

Historically, the local administrative system in Pakistan has been inherited from the colonial set up in British India (Basham, 1954). Through the imposition of Local Government Ordinance (LGO), devolution plan was implemented for the sake of empowerment and to boost up the system of administration at local level. The intentions of imposing every political reform in Pakistan, was to develop the administrative and financial authorities at local level. First of all General Ayoub Khan provided the concept of "Basic Democracies" for implementation of its local government system. This system was applied under the concept of "Basic Democracies Order" of 1959 for the administration of rural areas and 1960 Ordinance of Municipal Administration for the governmental structure of urban areas. The local government plan of Ayoub Khan contained four tiers i.e. the union council for rural areas and the union and town committee for urban areas. These tiers were represented in rural areas by thana or tehsil councils and in urban areas the similar tiers were represented through the municipal committee and cantonment boards (District Census Report, 1998). The two tiers were identical for rural and urban areas, which were represented by district council in both rural and urban areas. The bureaucrats remained as controlling authority in this administrative structure (Blair, 2000:21-39). Bureaucrats had authority to proceed and suspend the resolution promulgated through the local administrative bodies. The system of "Basic

Democracies was abolished in 1970. On the basis of adult franchise, the first general elections in Pakistan were held in 1970. Due to the political disturbance in east Pakistan as well as the problem of shifting of power to the newly elected government, various conspiracies emerged which ultimately led to between India and Pakistan in December 1971. As a result of this war the East Pakistan was declared as independent state, Bangladesh (GOP, 1995). On the other hand, in Pakistan, a democratic era was started under the premiership Zulfikar Ali Bhutto. But again in July 1977, General Zia ul Haq, then Army Chief of Staff, overthrew the elected government of Zulfikar Ali Bhutto in a military coup. On assuming the power, Zia ul Haq implemented the ordinance of local government, which was also implemented by Musharraf after two decades. This access to the government is accordance with the army's old strategy of -Divide and Rule (International Crisis Group (ICG), 2004). In Musharraf's plan there was a bit difference in functional and financial structures as compare to the Zia and Ayoub strategies (Keefer, 2005). Urban rural divide was maintained by the union council and the mobility of resources from urban to rural was excluded. According to the Zia's strategy, bureaucrats did not perform their duties at local level and all the members were elected directly or indirectly until elections were held at nonparty bases. After Zia's regime, the local administrative system continued and did not finish in the provincial and federal governments gaining the essential place. Due to the less political status of government at local level, they did not pay attention in their functions. The perpetual tension started between the tiers of local and provincial level. As a result, the local administration was fully suspended from 1993 to 1998. In October 1999, General Pervez Musharraf, then Chief of Army Staff, deposed the democratically elected Prime Minister, Nawaz Sharif in a successful coup and later on released his devolution of power plan.

General Pervez Musharraf's Devolution Plan 2000 and Local Government Ordinance 2001.

With the beginning of the era of General Pervez Musharraf, the efforts for decentralization were put into consideration. General Pervez Musharraf addressed his seven point agenda on late night 12 October 1999, which are following,

1. Rebuild National confidence and morale.
2. Strengthen Federation, remove Inter-Provincial disharmony and restore National cohesion.

3. Devolution of power to the grass root level.
4. Revive Economy and restore Investor confidence.
5. Ensure law and order and dispense speedy justice.
6. Depoliticize State institutions.
7. Ensure swift and across the board accountability (Baxter, 2004:55).

National Reconstruction Bureau. (NRB)

After a month of the takeover of the power, Pervaiz Musharraf established National Reconstruction bureau (NRB) in November 1999, a month after he takeover the power. The purpose of establishing NRB was to formulate policies for the economic and national reconstruction. Besides, the strategy to strengthen democracy and promote good governance through local government setup was promulgated by this federal institution NRB (Kennedy, 2003:xix).

Local Government Ordinance (LGO).

In May 2000, NRB proposed a plan of -Devolution of Power under the local government ordinance 2001, which aimed to establish a genuine democracy at grass root level (Majumdar, 1960). It was promulgated in order to establish a good governance also to empower the masses. Local government ordinance which was promulgated by each provincial government, was given the protection under the constitution on the basis of legal framework ordinance (LFO). But even then the governments at local level did not recognized constitutionally (Keefer, 2003).

Primary Principles of Devolution of Power.

Devolution of power was based on five principles which were also known as 5Ds i.e.

- (i) Devolution of Political Power
- (ii) Decentralization of Administrative Authority
- (iii) Decentralization of Management Functions
- (iv) Diffusion of Power Authority Nexus
- (v) Distribution of Resources to the district level ((Jamil, 2002)
- (vi)

Representation at Local Level.

The essential function of devolution is to bridge the gaps between government and masses.

Union Councils

Union council consists 21 members in which 12 seats are reserved for Muslim members, 4 seats for women, 6 assigned for peasants, 1 seat for minorities and 2 seats are also reserved for Nazim and Naib Nazim. They are elected through direct election process (Khan, 1999).

Tehsil

Tehsil is another tier of the local government. In Tehsils Naib Nazims of each union council were elected directly for two third seats and remaining seats were reserved for indirect elected members. 33 per cent seats were reserved for women and 5 per cent for peasants and 5 per cent assigned for minorities. The heads of the tehsil councils also elected indirectly.

District or Zila

Zila or district council was the final council of the government. The district council contains all Nazims of the councils who were elected directly. One third of the seats were assigned for the women, minorities and peasants (Alam and Wajidi, 2013). All the members of the union councils are the electorates for the district and tehsils councils. The citizen community board was another representative structure in the devolution plan in rural and urban both areas.

Structure of Administrative System.

In the structure of administration at local level, considerable changes occurred after implementation of devolution of power plan. For making accountability of local tier of provincial bureaucracy in front elected officials, the administration at local level of provinces and elected government were merged at the tehsil and district level (Abbasi and Mussart, 2015:891-901). Another change emerged in the past administration, except four city districts, the rural and urban administration was merged. Mostly all the departments of provinces were devolved at the level of district. Each department was given under the executive district officer (EDO) with the assistance of (DDO) at sub district level. The deputy commissioner was replaced with the District Coordination Officer (DCO). (Mazzera, 2010) The tehsil municipal administration was placed under the district civil administration, who reported to the tehsil Nazim through tehsil municipal officer.

Representation at Local Level.

Under the devolution of power plan, the election were conducted twice for the different tiers of local government. The first one was held between December 2000 and September 2001, another in 2005. Apart from Baluchistan, the level of contesting the election seems to be high in other provinces (Pakistan Devolution, 2002). Some candidates take part in these elections without contesting from different region because of the tribal system influence; they want to ensure the representation of such tribes. In the province of Baluchistan, the 40% seats of union council were without contesting the local election 2000 and 2001. But this per cent age has been reduced to 17% in 2005 local election.

CONCLUSION

In democratic country, the local government system must be implemented. Because local government system plays most important role in strengthening the democracy at grass root level and empowering the local masses to participate and legislate in political affairs. So that's why election at local level must be held on time. But in Pakistan this issue emerged again and again and violating the devolution plan. And due to the delays in election the corrupt rulers take advantages. There was no recommended criteria implemented which must be required for membership. Due to this negligence the unqualified and unfit persons elected as member. So the unfit person could not tackle and deal with political affairs. And the cause of the non-merit based staff the dysfunctions in administrative departments' was emerged. As following the devolution of power plan, the recommendation of criteria must be applied for the sack of good governance. During the Musharraf's era, nepotism problem originated in a massive scale. In pursuing of power administrative, elected members grant the opportunities to their relatives who may be not eligible for the post and ignore the eligible masses. Under the influence of nepotism most of member violates the rules of devolution of power plan. For the sack of getting more and more power, they mostly preferred their kith and kin. Therefore under the influence of nepotism, the local masses could not get opportunity to participate in political affairs. And without participation of local masses, the establishment of grass root level democracy was seemed as impossible. Under the influence of nepotism, accountability also ignored and noncooperation issues between bureaucrats and elected member were emerged. Unnecessary interference of political elites in local government

makes the administration inoperative which create lots of problems in the administrative function at local level. Through power and authority, political elites applied their own rules for the achievement of their vested interests which violate the rules which were prescribed by devolution plan. To generate revenue and funds at local level is very difficult due to the delay transfer of funds. Local governments heavily depended on provincial governments. They also cannot perform their duties due to the poor funding from the provincial government. irresponsibility was emerged, and developing projects cannot run. Due to the irresponsible behavior of government and poor funding, the genuine democracy cannot be established.

BIBLIOGRAPHY

- Abbasi, Muhammad Zakir and Mussarat, Razia, (2015), -Devolution of Powers to Local Governments in Pakistan During Musharraf Regime, Pakistan Journal of Social Sciences, Vol. 35, No. 2, 2015. <http://www.bzu.edu.pk/PJSS/Vol35No22015/PJSS-Vol35-No2-30.pdf>, 19 September 2016.
- Abid, Salman (2002). Pakistan Ka Nia Siyyasi Nizam Aur Muqami Hakoomatun Ka Kerdar, (In Urdu, The New Political System of Pakistan and the Character of the Local Governments), Lahore: Jamhuri Publications.
- Alam, Munawar and Wajidi, Muhammad Abuza, ((2013), -Pakistan's Devolution of Power Plan 2001: A brief Dawn for Local Democracy, Commonwealth Journal of Local Government, <https://epress.lib.uts.edu.au/journals/index.php/cjlg/article/view/3262>, 18 June, 2017.
- Anjum, Zulqarnain Hussain (2001). Local Government System: A Step Forwards Community Empowerment? The Pakistan Development Review, 40:4 Part 11, pp. 845-867.
- Baxter, Craig, (2004), -Pakistan on the Brink: Politics, Economics and Society, LexingtonBooks, New York.
- Blair, H. (2000). -Participation and Accountability at the Periphery: Democratic Local Governance in Six Countries. World Development Vol. 28. No. 1. pp. 21-39.
- Basham, A. L. (1954), The Wonder that was India. London. In Cheema, Ali, Khawaja Asim Ijaz and Qadir Adnan. 2005. Decentralization in Pakistan: Context, Content and Causes. KSG (John F. Kennedy School of Government) Faculty Research Working Papers Series.
- Chatterjee, Biswajit (1991), In Ramayan Prasad, (ed.) Decentralized Planning, New Delhi: Deep & Deep Publications.

Cheema, A., and U. Ali (2005), How Rule-Based is Punjab's Intergovernmental Fiscal Transfer System. Lahore University of Management Sciences, Social Enterprise Development Centre Working Paper

District Census Report, (1998), Population Census Organization Government of Pakistan, Islamabad.

GOP, (1995), Fourth World Conference on Women, Beijing, September, 1995: Pakistan, National Report, Ministry of Women Development and Youth Affairs, Government of Pakistan, Pakistan.

Jamil, Baela Raza, (2002), -Decentralization and Devolution: Educational Implications of the Praetorian Interpretation, Idara-e-Taleem-o-Aagahi Public Trust, September, 2002.

Kennedy, Charles H. et al. (2003), -Pakistan at the Millenium, Oxford University Press, Karachi.

ICG (International Crisis Group), (2004), -Devolution in Pakistan: Reform or Regression, ICG Asia Report No. 77. Islamabad/Brussels.

Keefer, Philip E. Narayan Ambar and Vishwanath Tara, 2005. Decentralization in Pakistan: Are Local Politicians Likely to be More Accountable?

Keefer, E. P., Narayan, A. and Vishwanath, T. (2003), -The Political Economy of Decentralization in Pakistan.

Khan, S. R., (1999), -Devolution of Powers to the Grassroots Level: Some Key Issues, Sustainable Development Policy Institute, Islamabad, mimeo.

Keefer, E. P., Narayan, A. and Vishwanath, T. (2003), -The Political Economy of Decentralization in Pakistan.

Majumdar, R.C. (1960), The History and Culture of Indian People, Vol. II, Bombay. In Cheema, Ali, Khawaja Asim Ijaz and Qadir Adnan. 2005. Decentralization in Pakistan: Context, Content and Causes. KSG (John F. Kennedy School of Government) Faculty Research Working Papers Series.

Manning, N., D. Porter, J. Charlton, M. Cyan and Z. Hasnain (2003), Devolution in Pakistan – Preparing for Service Delivery Improvements. Pakistan: World Bank

Mahmond, Shandanan Khan, Representative Decentralization vs. Participatory Decentralization: Critical Analysis of the Local Government plan 2000, (Ed.) Jain, L. C. (2005). Decentralization and Local Governance, New Delhi: Orient Longman (Pvt.) Ltd.

Majumdar, R.C. (1960), The History and Culture of Indian People, Vol. II, Bombay. In Cheema, Ali, Khawaja Asim Ijaz and Qadir Adnan. 2005. Decentralization in Pakistan: Context, Content and Causes. KSG (John F. Kennedy School of Government) Faculty Research Working Papers Series.

Mazzera, Marco et al. (2010), -Devolution Row: An Assessment of Pakistan's 2001 Local Government Assessment, Report for the Research Project -The Political Economy of Statebuilding, The Pakistan Case Study, Netherlands Institute for International Relations, November, 2010.

http://www.clingendael.nl/sites/default/files/20101119_CRU_publicatie_mmezzera.pdf. 20 September 2016.

Nadeem, Atif (2007), Local Government Department Asked to Amend Audit System of Local Councils. The Daily Times, Lahore.

Pakistan Devolution: A Note in Support of the Development Policy Review May 1 2002 with July 2 2002 update. <http://himayatullah>.

weebly.com/uploads/5/3/4/0/53400977/brief_history_of_musharaf_devolution_plan_muhammad_ijaz.pdf 22 September 2018

PILDAT, Legislative Capability-building Programme, (2003). Workshop for Members of the National Assembly of Pakistan, Devolution Plan: Demarcation of Roles, Hotel Pearl Continental, Bhurban, Murree. Retrieved from, <http://www.pildat.org/events%5C03-01-29%5Creport.pdf> 12 SEPTEMBER 2016.

Rafi, Amna Ijaz, (2015), -Conference: Devolution of Power Local Governments: Challenges and Reforms, IPRI Building Consensus, December 2015. <http://www.ipripak.org/conference-devolution-of-power-to-local-governments-challenges-and-reforms/> 28 September 2016

Rizvi, Murtaza (2009), Musharraf: the Years in Power, New Delhi: HarperCollins Publishers India

Schedler, A, Larry, D. and Marc. F.P. Eds. 1999. The Self-Restraining State: Power and Accountability in the new democracies. Bolder, Co: Lynne Rienner Publisher

Tinker, H. (1968), The Foundations of Local Self-Government in India, Pakistan and Burma. New York: Praeger.