The Evolution Of Local Government In Subcontinent, Pakistan, A Case Study Of Khyber Pakhtunkhwa

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ABSTRACT

The foremost aims and objectives of writing this thesis is to shed light on the evolution of local Government generally Pakistan and particularly in Khyber Pakhtunkhwa province, Now a day’s local government is a source of development but also a source of bringing socio economic and political uplift in the lives of general masses.

Due to the unique features of decentralization of socio economic and political authority, it ensures the solution of the problems of masses at gross-root level. If we look back to the history of Pakistan it will reveal that no honest and sincere efforts has been taken into consideration for the establishment of an effective and strong local government institution .Though the local government institution has always been introduced by military but those were highly politically motivated in spirit.
INTRODUCTION
The term democracy is one of the most complex term with different ideas, but mostly, it can be conceive as a political system, ethical ideas or social condition. The word democracy is derived from Greek words “demos” and “kratos” which means masses and rule”, so collectively we can say that democracy means the rule of masses. (Haq 2009).

Modern democracy is the result of three historical development, i.e. English parliamentary system, the great French revolution (1789) and industrial revolution, originated from Great Britain. (Haq 2009).

After World War II, democracy spread over the entire developed states of Asia, Africa and other part of the world. However, it remains successful in developing countries but could not become successful and developing state, due to lake of favorable environment. (Haq 2009)

Democracy demands some pre-requisite, which are as follow,

Education
Enlighten citizen
Organized political party
Leadership
Independence of Judiciary
Freedom of speech and expression
Sound Local Government

After the independence, Pakistan has adopted parliamentary form of government in order to run the country in efficient manner but could not proceed due to numerous reasons, which have been hindered the smooth running of democracy in Pakistan. One of the most important factors that deserves special mention in this regards i.e. Local government.

From the very beginning a wide territory of Pakistan has been, administering through a single, center or provincial capital. However, due to concentration of authority at central level, the central governments are neither time nor required knowledge to deal with the local Problems.

In order to cope with efficient manners, there is need of decentralization.

Decentralization is refers to the division of authority and empowered the local institution which are established at lower level in order to resolve the issues of locality, these institution are terms as a local government. (Heywood, 2002)

1.1 Evolution of local government before independence

1.1.1 Pre-British Period:
Local government concept in sub-continent before British period can be trace in the writings of “MEGASTHENES” who was writing about 300 B.C, KOLILIYA. It has reported in his
famous book that “Indiaca” these were the local bodies, which has identified as a “GRAM-PARISHADS”. (khan 2009).

In known history, Local Government existed in sub-continent in the shape of PANCHAYAT, Panchayat mean’s group of five people who had entrusted to settle the issues particular locality. The term punch in Sanskrit script existed quite similar to that of ‘pente ‘of Greek scripture. The above stated organs were not democratic in nature. They mainly consisted of feudal, and aristocrats, and upper class Hindu. There were no space for local masses. (Awan 2014)

Though the Panchayat system was not democratic, mostly it was consisted upper class Hindu, or property owners of locality. (Awan 2014) (Khan 2009)

Similarly, Mughal who introduced different types of changes in each aspect of society, but they retained the Panchayat systems in village.

Sir Chares Metcalf noted that, “The (village communities) village communities of a villagers observed to remain the same while the entire dynasties demolished even the most prominent races such as Mughal, Pathan, Hindu, Marhatha, Sikh and the Great Britain was no exception to this”. (Awan 2014)

1.1.2 BRITISH PERIOD.

In British era, local government is the result of earliest experiment of district officers designed as a collector’s district magistrate and deputy commissioner. However, they were responsible to maintain law and order and render public utility of service.

Along with this, British in sub-continent in respect of local self-government, which deserves some special mention in this regard, have promulgated countless acts.

1.1.3 Order of 1687.

East India Company issued an order in 1687, to establish a Corporation consisting European members of Indian members for presidency of Madras.

Corporation comprised thirteen (13) members, in which seven (7) where Indian and Six (6) was European. (Awan 2004)

1.1.6 Charter of 1726.

A municipal charter issued for establishing corporation in Bombay and Kolkata. According to this charter the new corporation institute a mayor and nine council members, in which seven were British. The functions of these bodies were limited to judicial functions and no attention paid to civic order. These organs were limited to exercise some judicial mandate. (Awan 2014)

1.1.10 Municipal act 1850.

Under this act all Indians Municipal committees established in Bengal and Punjab. In Bengal presidency, these measures has been taken into consideration in order to administer the growing hill –station such as Simla and Darjeeling .In the beginning it was started in twenty in number in NWFP, four in Punjab, and four in lower Bengal.(khan 2009)
1.1.16 Resolution of Lord Ripon (1882)
The resolution of 18 May, 1882 is regarded an remarkable era in the history of local government in British India. The Lord Ripon resolution is regarded as a Magna Charta of local government. He expanded it to the root-level. He was of the opinion that, administrators should tailor local governments and of concern people. It would not be ready made by any higher authority. This resolution has advocated the political and civic since to the masses to resolve the governmental issues. (Khan 2010).

1.1.17 Resolution of 1915
The World War I provoked the sense of nationalism and struggle for self-rule in the masses of British India. In the following years, Lord Harding issued a resolution with a little changes in the previous one, which was issued by Lord Ripon. The Lord Harding changes in the local organs, proposed by the Lord Ripon, is considered a milestone upon decentralization in sub-continents. (Awan 2014)

1.1.19 Proclamation of 1915
Lord Harding issued a proclamation of local self-government in 1915, which was embodied Lord Ripon’s resolution and decentralization commission. According to the commission that provincial governments should constitute the local bodies, which should ordinary be constituted based on substantively elective majority and the non-official chairpersons in re-elected district boards. (Khan 2010)

1.1.20 Declaration of 1917
After gaining the level of maturity, The Indian nationalist movement paved the way of self-rule for the people of Indian. The Britisher were not in the position to carry out the affairs of the sub-continent in a well manner. This immense pressure could not bear by the colonial power and led toward the consideration of the recommendation of the Royal Commission upon the decentralization of the of 1915. In 1917 the viceroy Lord Chelmsford announced three roads for decentralization which wherein the area of local organ, or the village government or the rural boards and or municipal council. (Awan 2014).

1.1.21 Government India act 1919
In 1919 under Montague Chelmsford reforms of the local government made as a transferred subject to be administering b Indian minister. After that a number of acts came forward in the field of local government. 1920 – Rural PANCHAYAT Act passed, 1922 – Government of Punjab announced its own proposal for arrangement of local bodies. In 1925, Bombay city Municipalities promulgates in 1925. (Awan 2014).

1.1.23 India act of 1935
After the introduction of Act of 1935, Diarchy system abolished and provincial autonomy upheld at provincial level. In 1939, Punjab village act introduced, under this act, all Panchayat members elected, but their election made conditional to the approval of higher authority. Under the chair of Archibald Rowland’s a committee was setup in order to establish the maintenance system in the local government system. The system of local government under Act of 1935, in India continued; tell the independence of India and Pakistan. However, WWII, resignation of congress ministries at Provincial level and extreme ideological rivalries between Muslims
league and Congress has badly affected the local system though there worse political situation led to the extension of local government system and British India. (Rabbani, 2011)

1.2 Evolution of local government after independence.
Pakistan inherited the local government system established by British colonial power.
In early days little attention were paid to the local government, However Pakistan has been practicing the same local government system up to 1958. The same system had retained up to 1958 when the first martial law was imposed in the country. Lack of continuity of Governments, political instability, illiteracy, lack of trained staff and insufficient resources were some of the causes of the failure of development of local Government in Pakistan. After the implementation of military rule in Oct 7, 1958, Ayub khan introduced basic democracy under which four tier structures introduced. (khan 2013)(Salman 2012).

Union council, Tehsil council, district council and divisional. Basic democracy served as a source of Electoral College in general election for electing the president and other members of both the assemblies. However, the idea of basic democracy failed due to its design, because it was against the philosophy of local Government. Autonomy considered the basic units of local Government but Basic democracy taken under the control of central and provincial Governments. Therefore, it could not become a proper training ground for the general masses in the field of local self-Government. With the termination of Ayub khans, regime in 1969 basic democracy also disappeared. When Z.A Bhuuto, came in to power, he introduced the system of people local self-Government, under which there was two tiers of local Government, people local government for rural area, and people local government for urban area. For rural area, there was Dehi council, Halqa council, Zia council and for urban area, there were town committees, Municipal committee, and Municipal Corporation. (khan 2009) (Hamid, 1999)

Election for local bodies held during the period from 1971 to 1977, but local Government could not implemented. In 1977 Gen Zia imposed martial law and new military regime ordered new local self-Government ordinance 1979, under this act there was two tier structures of local self-Government for rural areas and four tier structures for urban areas. There was union council and district council for rural areas, while town committees, municipal corporation and metropolitan corporation for urban area. However, the Zia’s local self-Government was not in the position to operate freely from the influence of provincial Government. After the restoration of democracy in 1988 and the death of Zia’s, regime the election of local bodies could not held during the period from 1988 to 1999. (khan 2009)(Salman 2012).

1.3 The Evolutionary Epoch (1985-1999)
In the era of 1988 and 1999, the accumulation of excessive wealth and revenues in federal and provintial government brought the sense of ownership for the local government .due to the shifting of local government function by provincial government such as water sanitation, water supply and land development etc created the financial instability and lacking to local organs, and suspended the lower body between in the era of 1993 to 1998 (khan 2013).

In 1999, the politically elected Government overthrown by Gen. Pervez Musharraff as he assumed the power and introduced seven point is agenda to address the self-proclaimed
national crisis. The seven point’s agenda involves, the rebuilding of national confidence and morale, De politicizing the institution, ensuring law and order situation devolving the power to gross root level, establishing the neutral source of accountability. The national reconstruction NAB entrusted to function in different dimensions for reorganizing the bureaucratic structure through decentralization of authority. Its focus was on the models of 5Ds, and work on the program for the decentralization of power. The points six of that agenda was about the introduction of new system of local government, which is call as local Government plan 2000.

According to the above said plan, the local Government was three tiers; district Government, Tehsil town Government and union Government. However, after the sudden fall of Musharraf, his local Government also disappeared and after 2008 local body election could not hold in Pakistan despite democratic Government in power since them. The elected Government intentionally delaying the election of local government due to the fear of losing political, administrative and financial authority. (khan 2010)(Salman 2012).

1.4 Local government system after revival of democracy in 2008

Local self-government system introduced by Gen. Perveez Musharraf was better, than the introduced Local Government by other military dictators. In 2008, Musharraf resigned and new elected government came to power. It was highly expecting by the then elected governments that it will improve and enhance the performance of LG would take more positive steps for strengthen of Local Government in the entire country, but unfortunately it could happened. Pakistan People Party (PPP) after taking charge of government passed 18th amendment, which entrusted maximum autonomy to the provinces. The 18th amendment approved in April 2010, as the detailed laws after 1973 constitution. (Haider, 2010).

Under 18th amendment central government devolved 18 departments to provincial government and enhance due share of provinces in NFC (National finance commission). (Asif, 2016)

18th amendment abolished concurrent legislative list, this devolution completed in three phases.

First Phase completed in December 2010.

Second phase completed in April 2011.

Third Phase completed in June 2011. (Pasha, 2011)

18th Amendment resolved the key issue of provincial autonomy and seized the established monopoly and domination of central government. However, ANP (Awami National Party) and PPP (Pakistan People Party) in a coalition government deliberately hindered the way of decentralization of authority to gross route level. After 2018 political government could not conducting local government, which is clearly legation of article 149-A of constitution of 1973.

According to article 140-A of the constitution, each province will conduct local election in order to devolve political economic and administrative authority to the local bodies.

Prior to the introduction of 18th amendments local government was part of principle of policy which was not implementable portion of the law, but it made implementable portion after the introduction of 18th amendment in constitution of 1973.
1.5 KP Local government act 2013.

After general election 2013 a newly emerge political party Pakistan Tehreek Insaaf (PTI) came into power under the dealership of Imran khan (IK) in 2013 in the Khyber Pakhtun Khwa (KPK) province of Pakistan. The Government of Khyber Pakhtun Khwa (KPK) prepaid the comprehensive scheme of local government on 31 Oct 2018 in got it essence of governor on 7 Nov 2013. Under this act, three tier structures adopted which can be describe in the following ways. (Baqir 2013)

1.5.0 District government.

District government established in Peshawar district and district government for the rest of entire districts. The district government institute by district council, district administration of comprising of the devolved subjects from provincial government. Nazim and Naive Nazim elected by district council for four years. Nazim elected head of district government. (Mr,2013).

1.5.1 District Council.

Under local act 2013, a district council comprised the member elected on journal seats reserved seats for women, minorities and youth. Election held on adult franchise on party basis.

1.5.2 Tehsil and town administration.

In second tier structure their existed Tehsil and town management consist of Tehsil council, Tehsil municipal administration. Executive authority is the duty of the Nazim, who elected by member of Tehsil council for four year. (Baqir 2013).

1.5.3 Tehsil council

The tehsil council setup at every tehsil level, which consists of counselor elected on general seats, result seats for women peasants, youth and non-Muslims. Election conducted at this stage on adult franchise for the term of five years. (Speaker, 2013)

1.5.4 Village and Neighbor council.

Within sixty days after the commencement of local government act 2013, the government shall elect the village and Neighborhood council. Village and neighborhood council is the lowest tier of Local Government act of 2013, which consisted to 10 to 15 members. 5 to 10 members elected on general seats two seats for youth and non-Muslim and two for women reserved at this level. At village, Neighborhood Councils the securer of highest votes and second highest votes will be Nazim and Naib Nazim respectively. (Baqir 2013)

1.5.5 Local Government finance.

Local government act 2013 has entrusted to institute local budged and public accounts. Local government finance instituting budged for District tehsil and neighborhood council Local government finance received revenues from the following sources...

- Imposition of taxes from local government under 2013 act.
- Grants gifts or contribution by individuals or any other institutions.
- Receiving of income from market and fair regulated by Local Government.
- Imposition of fines and there recovery under the act.
- Rents and profit payable to local government on immovable property controlled by Local Government (Baqir 2013) (Banno, 2013)
1.5.6 Provincial Finance commission.
Provincial finance commission is set up in the light of local government act 2013 in-order to divides the national wealth, which contain the following members; (Baqir 2013)

(1) Finance minister (chairperson)
(2) Local government minister
(3) Two members of provincial Assembly.
(4) Secretary finance
(5) Secretary planning development
(6) Secretary local government
(7) Secretary Law
(8) Two Nazim of district Government
(9) Two Nazim of tehsil council. (Baqir 2013)

1.5.7 Local government commission
Commission of local government instituted in Khyber Pakhtunkhwa under local government Act, 2013, in order to look after the working of lower tier in the province, having the following members;

(1) Minister of local government (chairman)
(2) Two members of provincial assembly
(3) Two technocrats’ one man and women selected by government for a period of three years
(4) Secretary Law

Secretary local government.

Under local government, local government commission prepares act 2013 sectorial bugged. Local government director is the accounting officer, which will extend their support to local government. (department, 2013)

1.5.8 Critical evaluation of KPK Local Government Act, 2013
Local government act 2013, introduced by Pakistan Tehreek-Insaf (PTI) government was very good steps towards the decentralization of socio economic and political authority at grass-root level. However, act of 2013 was better than the previous local government introduced in different eras. However, new KP local government act is not free from certain shortcomings and there is room for improvements. The local government Act remained under severe criticism under the following grounds;

Local government at grass root level is the subject of provincial government.

However, provincial autonomy ensured in this act, but this act have some deficiencies at lower level, regarding fiscal autonomy and smooth transferring of resources.
In order to distribute resources between province and local government, provincial Finance commission (PFC) constituted. However, like local government commission, provincial government also dominates it and representation of local government in PFC is nominal.

Local government institution to impose different types of taxes, but major tax imposition is still in the hand of either central government or provincial government.

In past, provincial government has always interfered in the working of local government through bureaucracy, which is main cause of failure of local government.

Conclusion:

After detailed and comprehensive analysis the history of local government institutions generally in Pakistan and particularly in the province of Khyber Pakhtunkhwa. It can be conclude that, from the inception of Pakistan with the aims to establishment a sound and stable local government. Sincere endeavors has not made in all the provinces including kpk province.

It has revealed upon the researcher that decentralization of economic and political authority at grass-root level is vital and important for the sustainable democracy and good governance. The knowledge and experience to run the local government institutions at grass-root level could better be utilize for improving governance at national and provincial level.

References:


