

Governance Decentralization in Pakistan: An Analysis of District Council and Its Power

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Abstract: Governance decentralization is a well-known phenomenon which is practicing all over the world. Pakistan starts its decentralization process after the 2001 Local Government Ordinance. This paper analyses the decentralization process in Pakistan with the special reference to District Council and its power. This is a secondary data based qualitative research which use analytical approach to make its path toward conclusion. It is analyzed that Political leaders at federal and provincial don't want to transfer their power on lower level. MPA's and MNA's take interest in developmental funds. Improper local government system and uncompleted transformation of power are the sole responsible for the community issues and problems. It is derived that a strong local government system can develop the community and can engage people in political participation through bottom-up approach.

Keywords: Governance, Decentralization, District Council, District Chairman, Devolution Plan

1. Introduction

Pakistan is situated in the north-western part of South Asia. It covers an area of 796,095 sq. km with a human population of 207 million.¹ There are four provinces of Pakistan; Punjab, Sindh, Khyber Pakhtunkhwa, and Baluchistan. Other areas include; Federal Capital Territory, Federally Administrated Tribal Areas (FATA), Gilgit Baltistan and Azad Jammu & Kashmir (AJK). In Pakistan, there have been three constitutions, 1956 constitution, 1962 constitution and finally 1973 constitution. There have been 22 amendments in constitutions till 7 June, 2016.² Constitution has 280 articles which have a brief detail of fundamental rights, government structure and functions and other government agencies rules and regulations. Pakistan has a federal style of government; power is distributed among federal and provincial governments. It is a Parliamentary style of government where Prime Minister is the head of government and President is the head of state. While in provinces, Chief Ministers are responsible for governing affairs whereas the Governors are the head of provinces and assistant to President.

There are three organs of government: Executive is the main branch of government which is headed by Prime Minister. Prime Minister has a cabinet which is consist of federal ministers. Every ministry has a department and different institutions. Executive is the most important administrative body of the country. Every department and every institution directly or indirectly controlled by the executive body. Article 91 of constitution describes the formulation of cabinet. This article further provides the details of administrative power enjoyed by the executive body. Legislature is responsible for law making in the country. In Pakistan, legislature is called Majlis e Shoora(Parliament) which is composed of two houses: National Assembly and Senate. Article 51 of constitution says that there shall be three hundred and forty-two seats for members in the National Assembly, including seats reserved for women and non-Muslims. Article 59 said that the Senate shall consist of one hundred and four members. Legislature makes laws and keeps checks and balance on executive branch. Legislative is most power full institute in the country. Judiciary is third branch of the government which is set to regulate the law in the country and also for checks and balance on the executive branch. Judiciary also advise legislature in the process of law making. Article 175 provides that there shall be one Supreme Court and a High Court for each Province and one for Islamabad Capital Territory.³

In Pakistan, Authority and resources are decentralized among federal and provincial governments and further provincial government divide with local governments. Pakistan has three tiers of local government, including 34 divisions, 149 districts (*zillah*), 588 sub-districts (*Tehsil*), and several thousand union councils. While talking about the use of administrative power at federal level it is Prime Minister and President who are the sole power to run the country. After them there are Federal ministers who are political boss of the ministry and along with them there are federal secretaries who run the ministry affairs, these are non-political officers who belong to State. When we come to provincial level, Chief Minister is head of provincial government and Governor is a President's representative in the province and has checks and balance on provincial government. Chief Minister runs the province matter with it cabinet which is composed of Ministers. Each Minister is the

head of its department or ministry and runs its department along with bureaucrats called secretaries. The 2001 Local Government Ordinance decentralized the government to the district level (Districts are the third tier of government, being sub-divisions of provinces). Each district administration is headed by a District Coordination Officer (DCO) and a District Chairman. The District Coordination Officer is the administrative head of the District Administration. They have wide-ranging responsibility for overseeing, improving and directing the approved plans of the District Government. The District Chairman is an elective representative who used to be the executive head of the District Administration. His role is similar to district governor or prefect, with responsibility for implementing government strategy and developing initiatives arising out of it. The tehsil is the second-lowest tier of local government in Pakistan; each tehsil is part of a larger District. Each tehsil is subdivided into a number of union councils. The tehsil office exercises certain fiscal and administrative power over the villages and municipalities within its jurisdiction. It is the ultimate executive agency for land records and related administrative matters. Assistant Coordinator (AC) is the administrative head of the tehsil who is subordinate to DCO. While as Tehsil Chairman is the head of tehsil who has to answer District Chairman.

Decentralization of governance engages the bottom-up approach for political engagement from lower level to higher level. As political representatives from lower level get training of public welfare and how to manage people and then apply it on higher level when they reached there. Decentralization of governance also applies the top-down approach for the institutions participation from higher level to lower level. As political and administrative institutions engage the lower level institutions and their collaboration makes the issue's solution more essay.⁴ This paper analysis the decentralization in Pakistan with special reference to District Council and address the few following questions;

- What is governance decentralization?
- Can governance decentralization solve the local issues?
- How can we explain the district council and its power?
- What are the policy recommendations for the better local government system?

It is hypothesize by the author that centralized governance could not solve the local problem effectively. In this modern world community development has been started all over the world, if you want to grasp the political engagement by bottom-up approach and institutions participation by top-down approach, we should go the governance decentralization.

This paper focuses the community issues and their solution under local governments (governance decentralization) or under federal and provincial's representatives. It is analyzed that either centralized governance can solve the community problems or local government can look after its local people effectively. Paper digs out the some recommendations for policy makers to make the local government system more effective and more efficient.

Governance decentralization means redistribution or restructuring the authority among the governing institutions on federal, provincial and local level, according to the principle of subsidiarity (i.e. the local authorities will have the authority and responsibility to address all problems that are, in their determination, within their ability to solve), thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national levels.⁵ S.A Paracha said that governance decentralization is the transfer of resources and power to lower-level authorities which are largely or wholly independent of higher levels of government, and which are democratic in some way. Decentralization is a global trend; most developing countries are embracing decentralization whether in Latin America, Europe or East Asia. Decentralization is a worldwide phenomenon for at least two reasons. One of them is need for political stability, decentralization means dispersion of formal political power to elected local level politicians. This dispersion of power is global trend. Political scientists suggest that this is an outcome of the declining credibility of the centralized state. In a fundamental sense, decentralization is a strategy to maintain political stability. And one is more effective and efficient service delivery. Decentralization is expected to achieve higher economic efficiency, better accountability and larger resource mobilization, lower cost of service provision and higher satisfaction of local preferences. According to this devolving resource allocation decisions to locally elected leaders can improve the match between the mix of services produced by the public sector and the preferences of the local population. Decentralization is thought to be particularly beneficial for rural development in disadvantaged jurisdictions. It usually entails a net transfer of fiscal resources from richer to poorer areas and leads to an increase in the quantity and quality of expenditures in these areas.⁶

V Ostrom, Bish and R Ostrom explained governance decentralization in a way that they said that citizen have more confidence in their capacity to influence the local than the central government. Local representatives are belonged to local people, they know their problem and can listen them easily rather than the big boss who are setting far away from the local problems.⁷ Ackerman in his article analyzes that active engagement of citizen in policy design and implementation is argued to increase downward accountability. As

in centralized governance, Government control lower levels through public servants and these servants are not accountable to people, they are accountable to government while in governance decentralization these officers are answerable to people, so there is more accountability in second type of governance.⁸

Democracy and decentralization are necessary for a country. This paper illustrates the role of effective local government in the development of community. It describes that capacity building and political participation comes through the transformation of power from higher level to lower level. Author proves his point by many examples. This paper contributes in the theory of governance decentralization that power distribution at lower level may bring more efficiency in deliverance, more effectiveness in administration and more political participation, but all this can be achieved by a strong accountability and a proper monitoring by provincial and federal governments. Decentralization is useable in the presence of accountability.

2. Background of Study

From Ayub Khan's basic democracies to Pervez Mushraf's Union Councils, Pakistan faced a lot of experiments in the name of governance decentralization; Basic Democracy of Ayub Khan, Local Bodies of Zia ul Haq and Devolution Plan of Pervez Musharraf. Each reform experiment aimed at devolving political, administrative and fiscal powers to the local governments has been a "complementary change to a wider constitutional reengineering strategy devised to further centralize political power in the hands of non-representative center".⁹ Ayub removed 6,000 politicians from office when he imposed martial law in 1958, using the Elective Bodies Disqualification Order. This order was soon followed by one that revived local governments as they only representative tier of government. Through these representatives governance decentralized in local government and spread all over the country. The initiative, however, never worked out properly, because of the pre-existing traditional structure. Villages in most cases continued to operate independently around their traditional leaders.

First elections were held in 1970. Elections were conducted on the basis of adult franchise on federal and provincial level. Power distribution problem divide country into two parts and then new government bring a new constitution of 1973. This constitution adopted decentralization process and develop federal system under which power is distributed among federal and provincial governments. Under 1973 Constitution, three time local election were held but these election get importance after 2001 Local Government Ordinance which is also called Devolution Plan. Under this plan, restructuring of political and service structures through devolution of power including empowerment of citizens, decentralization of administrative authority, decentralization of professional functions, and distribution of financial resources to the provincial and local governments with checks and balances against misuse of power and authority through the diffusion of power authority nexus was discussed.¹⁰ After this plan some physical exercise had been done regarding decentralization and local elections were held for two times.

Political government does some changes in the existing local government system according to his own will but still this system is running in Pakistan. Latest local government elections were held in 2015 and power is distributed among elected representatives in 2015, 2016. These elections were held on Union council level than among these representatives, district representatives are elected.

This is a qualitative research paper which is based on secondary data and focused the literature in the field of governance decentralization. Paper focuses the decentralization process in Pakistan thoroughly and district council specifically. It analyses the District Council and its role in Local Government. Paper answers the research questions according to the data which is collected by use of secondary source or capta (related articles, research journals, books) and policy making documents, relative department facts and figures. This research analyzes the different aspects in the concept of decentralization and then formulates a conclusion according to qualitative mode of research with the help of analytical approach.

3. District Council

3.1 What is a District Council?

District council is a group of people who are elected through direct elections and they are responsible for district affairs. District Council is a sole authority in a district that is the admin body of all departments in a district. Council is composed upon District Chairman, District Vice Chairman; members, District Coordination Officer (DCO) and EDO's of every department in a district. In Pakistan, there are 149 districts, among them 36 are in Punjab, 32 in Baluchistan, 29 in Sindh, 26 in KPK, 10, 10 in Azad Kashmir and Gilgit-Baltistan respectively and 6 in FATA.

Each District has district council which is first tier of local government and controlled by their respective provincial governments.

3.2 Authority and responsibility of District Council

The authority of the District Council comprises the operation, management and control of offices of the departments which are decentralized to it, provided that the District Government exercises such authority within the district in accordance with the general policy of the Government. Every order of the District Government is expressed to be made in the name of the District Government and is executed by an officer or authority of the District Government duly authorized. The District Government is responsible to the people and the Government for improvement of governance and delivery of services within the ambit of the authority decentralized to it.

3.3 District Chairman

District Chairman is head the District Government and performs such functions and exercise such powers as have been assigned to him and be assisted by the District Coordination Officer. The District Chairman ensures that the business of the District Government is carried out in accordance with the provisions of this Ordinance and other laws for the time being in force. District Chairman is elected from the Union Council Chairman's of that district. District Chairman is considered a political boss of whole district.

3.4 Powers of District Chairman

District Chairman provides vision for the district-wide development, leadership and direction for efficient functioning of the District Government; develop with the assistance of the District Administration strategies and timeframe for accomplishment of the relevant goals approved by the District Council; perform functions relating to law and order in the district; ensure implementation of the functions decentralized to the District Government; oversee formulation and execution of the annual development plan, delivery of services and functioning of the District Government. He presents proposal to the District Council for approval of budget for District Government, District Council and intra-district fiscal transfers; maintain administrative and financial discipline in the District Government; present tax proposals to the District Council; present report on the performance of the District Government in person to the District Council at least twice a year.

He presides over the meetings of the District Mushawarati Committee, take charge, organize and prepare for relief activities in disasters or natural calamities, authorize officers of the District Government to sign documents on its behalf, initiate inspections of Tehsil Municipal Administration, Town Municipal Administration and Union Administration in the district pursuant to section 135.¹¹ He establishes and supervises the working of the Internal Audit Office; issue executive orders to the District Coordination Officer and Executive District Officers for discharge of the functions decentralized to the District Government; [and to the District Police Officer for law and order to represent District Government on public and ceremonial occasions; and perform any other function as may be assigned to him by the Government. The District Chairman shall not employ any advisor, special assistant or a political secretary other than support staff allocated to his office from amongst the officials available in the district.

4. Conclusion

After Devolution Plan, Every province had transferred his power to the lower level of government through a proper ordinance. This decentralization of authority and power was well described in paper and it was assuming that it is a comprehensive system of local governments but at the end this devolution plan and this so called decentralization could not help the poor. The system of governance is still centralized in the hand of big bellies and no one wants to transfer his power on lower level. After Mushraf regime, newly democratic government did not take interest in local government and run the system through the old fashion of Pakistan that is through Member of National Assembly (MNA) and Member of provincial Assembly (MPA). These legislators were again busy in the accumulation of funds and developmental works in their respective constituencies. This game has been played until 2015 when Federal Government announced the Local Bodies Election. It is determined that a MPA or MNA could not solve the whole constituency problems. As he is authorize for the law making in the country.

Waste management problem:

Solangi Kharal is a Head village of Union Council 27 in District Hafizabad, Punjab province, Pakistan. In this village, there are almost 5000 inhabitants and people are facing some problems regarding the waste management system. As due to improper management system, garbage has been thrown any every, so these uncontrolled garbage bags and other waster material damage the drainage system of that village. Present day, there is no local administrative system that is responsible for this problem. Solangi Kharal is located in National Assembly constituency of 103 and Punjab Assembly constituency 106. NA 103 Consist upon two towns and 450 villages with a population of 0.22 million and PP 106 has one town and 300 villages with a population of 0.15 million. The people of Solangi kharal could not get a chance to meet with their MPA or MNA as their problem is not too big like the others. So what they should do? What is the solution of their problem?

Such problems can be solved through an effective local government system. A MPA or MNA is not made for the developmental works; he is made for law making. This is a very small example; there is thousands of such case where there is no effective community development system. All these problems can be solved through a proper system of local government with the sole authority and full fiscal freedom.

End Notes

¹ <https://tribune.com.pk/story/1490674/57-increase-pakistans-population-19-years-shows-new-census/>

² Amendments to the Constitution of Pakistan available at: [//www.wikipedia.com](http://www.wikipedia.com).

³ The 1973 Constitution of Islamic Republic of Pakistan, Article 51, 59, 91 and 175, page 25-93.

⁴ Teles Filipe, "Local Governance, Identity and Social capital: A Framework for Administrative reforms", *Theoretical and Empirical Researches in Urban Management*, Volume 7, Issue 4, November 2012, page 25.

⁵ UNDP, 1999. *Decentralization: A sampling of definitions*

⁶ Paracha Saad Abdullah, "Devolution Plan in Pakistan: Context, Implementation and Issues", OPEN SOCIETY INSTITUTE, 2002-3, page 7.

⁷ Ostrom, V., Bish, R., & Ostrom, E, "Local Government in the United States, San Francisco, CA", *Institute for Contemporary Studies*, 1988

⁸ Ackerman, J, "Co-Governance for Accountability: Beyond 'Exit' and 'Voice'", *World Development*, 2004, 32(3), page 447-463.

⁹ Cheema, A. A. I. Khwaja and A. Qadir, "Decentralization in Pakistan: Context, Content and Causes", *Faculty Research Working Papers Series*, Harvard University, MA, 2005

¹⁰ Paracha, "Devolution Plan in Pakistan: Context, Implementation and Issues".

¹¹ Punjab Local Government Ordinance, 2001