

Local Government Under Army Rule: A Comparative Analysis of Zia ul Haq and Pervez Musharraf Local Government System

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Abstract

Military of Pakistan dominates the country. In this ruling system in order to establish democracy from the beginning the government initiates local government institutions. As Pakistan is playing its instrumental role in employing the principles of democratic system, the local government is the third branch of the dominion and an essential part of the administration. The chief objective of this study is to determine and analyze the performance of Local Governments in Pakistan under the military reign of Zia ul Haq, and Pervez Musharraf Local Government system and recognizing the challenges faced by the system and to check the similarities and dissimilarities between the local government systems. Zia ul haq presented the local government system with some specific feature. Mainly, the provinces and the Federally managed areas were given the independency to make their own local government laws which led to the disclosure of eight different ordinances. The second one, for the rural and urban areas, same local government laws were made to avoid contradictions and to bring pleasing effect in the rural and urban sectors by making it convenient to comprehend an invalidation of the guideline of democratic self-management in perspective of the immanent, component of bureaucratic control which did not permit the delegate component to gain remarkable aptitude in the management of local issues. To close, the period going before the destruction of Ayub Khan ruling, turned out to be a feeble time in the historical background of local government of Pakistan.

Keywords: Performance of Local Governments; Bureaucratic control; Rural and Urban sectors local government of Pakistan.

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Introduction

The History of Pakistan tells that local government organizations are initiated by the national governments. Further, in the Indo-Pak Sub landmass Panchayats, the Greek city-states and whatever is left of South Asia and the areas, districts and Parishes of England and America, the convention of originating national, state or provincial governments all have followed by them. After the disclosure of widespread interchanges an essential supporting structure and the sense of patriotism solidified, matters of local concerns have been given the focal control which has led to the creation of more powerful local government frameworks which is dissimilar from elected or central governments, having special authorities and powers. The term local government is

distinguished as "that part of the administration of a state or nation which deals mainly with such matters as concern the inhabitants of a particular place or district, including those functions which the central government may consider desirable to be so administered."

In democracy, the society is one where there is mass involvement by the citizens in the proposal, development and creation of laws and regulations. The execution of this process is critical aspect of the local government. Hence, a constructed or established system of local government is essential for the completion and democratization political system.

The Islamic Republic of Pakistan is a country which is controlled by its military power. In any such rule the government initiates local government institutions in order to establish democracy at the core.

Local government generally rules on behalf of given authorities and power to them by legislation of the higher level of government. In order to analyze and clear the misconception the essentials and structure of the local government various aspects have to be focused. In democratic system, the basic agenda revolves around the formation of local public policy, council and their activities and the execution of laws.

Local government is a wide area that cannot be applied to few primary rules or principles, thus defining it can be tedious job. However, we can make it easy by saying that it is has its formal structure, a defined territory, institutions and limited powers to exercise within its given sphere.

In addition, Montague Haris (1955, p. 4) in his book 'local government in many lands' has described it as "A system under which the people of the locality possess a certain responsibility and discretion in the administration of local public affairs and in the raising of money to meet their expenses".

The local government can implement great deal of power in specified boundary. It can make decisions without declaring the higher authorizes. These authorities can only be foisted on the people belong to a specified partition. By the United Nations, the confined government or the local self-government refers to a political sub-division of a state, which is constituted by law and has substantial control of local affairs.

Furthermore, the local government must be allowed by the state to act without any interference from the state.

The state must provide the local government with the authority to conduct public activities, to maintain peace and tranquility, work for development of the community, to collect the revenues and prepare budget.

The Chief objective of this study is to examine and analyze the achievements of Local Governments in Pakistan under the military regime of Zia ul Haq, and Pervez Musharraf and identifying the challenges faced by the system and to check the similarities and dissimilarities between the local government systems.

Local Government Under Zia ul Haq

General Muhammad Zia ul Haq chief of the arm force took the charge on 5th July 1977. After the hold of Chief Martial Law Administrator, the authorities were needed to be handed over to the heads of the country, It was guaranteed by Zia-ul-Haq to hold National and Provincial Assembly elections in the following 90 days due to the brake down of the national and provincial assemblies. In addition, in October 1977 an inspection procedure was introduced for the beginning of the legislators due to the public interest for the examination of political pioneers who had been indulged in wrong practices in the previous time and elections were cancelled and rescheduled. Once to the country he said that: “if we hold elections before completing the process of accountability, it will be a great injustice to the 70 million people of this country and if we accept that accountability should be completed first then the elections have necessarily to be postponed” (Saqib, 2009-10). In result, Five military administrative zones were formed in the country and serving Generals were authorized as a Martial Law Administrators. “The 1977 coup was by and largely welcomed by the bureaucracy” (Waseem, 1994).

Local Government System 1979

In 1979 General Zia-ul-Haq replaced the prior system with the Local Government Ordinance 1979 which was valid till some alterations made in 1995 (Anjum, 2005).

This newly introduced system of local government was the most effective in nature. After Bhutto, General Zia-ul-Haq revived local governments through the propagating Local government ordinances 1979 and 1980. The new ordinances introduced two types of rural and three types of urban local government structures in the four provinces of the country (Quddus, 1981) and local bodies were elected in all four provinces during 1979 and 1980 (Jalal, 1995). The councilors elected from among themselves a Chairman & a Vice Chairman. The Chairman acted as an executive head of the local council (Abid, 2004). Managerial and economic powers were centralized at the provincial and federal levels. In provinces named: Punjab, Sindh and KP, new Local Government Ordinance was promulgated in 1979, while in Baluchistan it was put into practice in 1980.

Under the new four levels government system, rural areas had three government levels; union council, tehsil council and district council, while, town committees, municipal corporation and city/metropolitan corporation – operated in urban areas. Although politically important they were not complemented by any further decentralization of federal or provincial administrative functions or financial powers to the local level (Cheema, Khwaja, & Qadir, 2005). For the first time in the history of Pakistan elections to all local councils were conducted on the basis of adult franchise.

The present local government system has some particular features. Primarily, the provinces and the Federally Administered areas were given the freedom to make their own local government laws which led to the emergence of eight different ordinances (burki), these were:

1. The Punjab Local Government Ordinance, 1979.
2. The Sind Local Government Ordinance, 1979
3. The NWFP Local Government Ordinance, 1979.
4. The Baluchistan Local Government Ordinance, 1980.
5. The Capital Territory Local Government Ordinance, 1979.
6. The Northern Areas Local Government Ordinance, 1979.
7. The Azad jammu and Kashmir Local Government Ordinance, 1979.
8. The Federally Administered Tribal Areas Local Government Regulation, 1979.
9. The Cantonments Act, 1924.

Secondly, for the rural and urban areas, same local government laws were made to avoid conflicts and to bring harmony in the rural and urban sectors by making it easy to comprehend. In order to follow the rules of policy laid down under the 1973 constitution, rights of representation was given to the minorities at the local council. Furthermore, all local councils have the newly elected chairmen and the process of elections was kept neutral on non-party basis (Mukerjee, 1989) and no selections on local councils were made. Moreover, Local councils were given the power to approve of their financial plans and tax proposals.

Surprisingly, there is a great deal of similarity is found in the structure of local councils in different parts of the country. In 1983, the second elections of local councils for the term of four years held and total 717137 members were elected. Amongst them to 4100 members were elected for the councils; 84 districts/agency councils, 12 municipal/metropolitan corporations, 117 municipal committees, 228 town committees and 39 cantonment boards. The interest of the candidates was manifest from the 215,000 nominations filed for 56356 Muslim seats

i.e., four applicants per seats and 19.3 percent of the applicants were returned unimpeded.

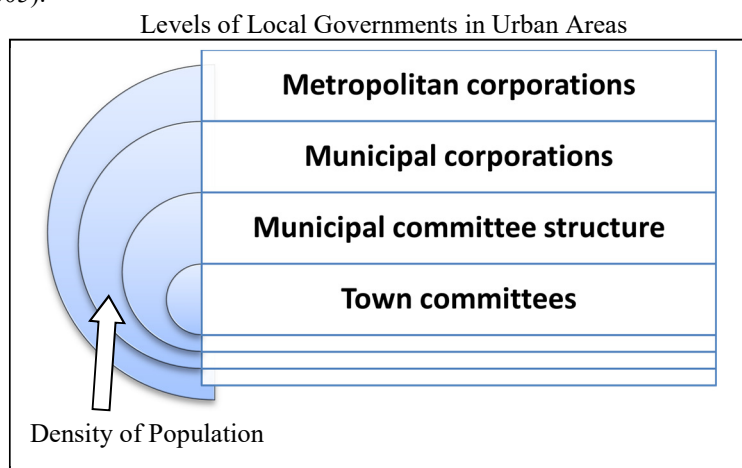
Apart from this, to deal with the abnormalities of the election, the electoral laws associated with local government provided solutions and as a result petitions against elections were received the by election authorities in all provinces and Federally Administered regions.

Structure of Local Government Urban Areas

Local government structure has also under gone a change with the change in the prime proponent of the Martial law. Initially, local government system was introduced by Ayub Khan but soon changed and revived into an elected local government system by the second Martial Law Regime of General Zia. Akbar Zaidi in 2005 describes that according to the LGO 1979, in rural areas the local governments exists at three levels, i.e. Union Councils, Tehsil Councils and District Councils. While the middle part named Tehsil Councils was not significant, the Union Councils and District Council are considered the two main levels of local government. In contrast to the rural areas, local government in urban regions was based on four tiers namely, Town Committees, Municipal Committees, Municipal Corporations, and the Metropolitan Corporations in big cities Karachi and Lahore (Zaidi, 2005). The urban local government structure was again made similar to the 1958 structure with minute alterations (Azid & Ayaz, 1991).

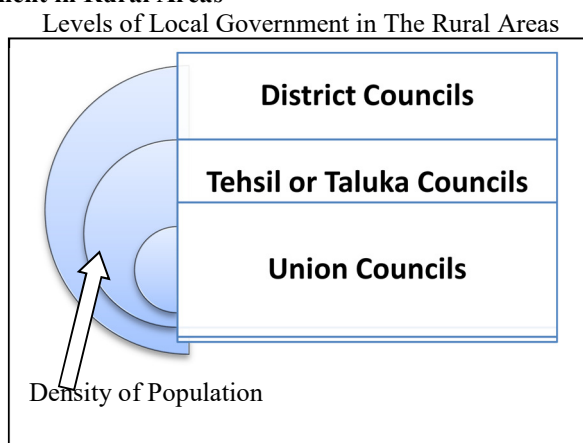
Muslim members of the union councils of about 80% were chosen by the elections based on adult permit, while the remaining 20% of the council seats were reserved for minorities like peasant workers tenants and women and each was given 5% seats. Councilors selected the heads (chairmen and vice chairmen) of town committee as Electoral college. Moreover, union councils provided only two seats to women and 10% seats of District Councils, except in NWFP (Mumtaz, 2005).

Another significant characteristic of LGO 1979 was that it banned the direct representation of the bureaucracy in local governments. Consequently, provincial administration was left with a limited authority to regulate local government functions but still enjoyed the authority to adjourn the declarations of the local governments (Cheema, Khwaja, & Qadir, 2005).



The two main tiers of the local government include Union Councils and District Council because the middle-tier, at the Tehsil/Taluka level, was brought to an end by the provincial government. Chairmen of these two councils were selected by the elected members of these councils. The managerial structure of the union council, town committee was based on three main departments: finance, engineering and general administration. Sector of health and education were created to uphold the work of the Municipal Corporation. However, in the two leading metropolitan corporations of Karachi and Lahore, organizational structure was based on some additional departments to deal with legal affairs, land management and development authorities acting as analogous organizations (Zaidi, 2005).

Structure of Local government in Rural Areas



Due to the abolition of Tehsil level, only two institutions of local government i.e. union council and district council were functional in rural areas.

Total 4270 union councils functioned in the whole rural area of the country with an enrollment of eight to fifteen delegates, elected by the mature inhabitants of the village. Every elected member stood for 1000 – 1500 of their kindred villagers. The chairman and vice chairman of Union Council had four years of service and was selected directly by the council members. While, the number of members relies upon the population of the council area concerned. The members included the elected representatives of people and women, workers, peasant minorities. A foreordained number of councilors were directly elected from the appointive division or wards in the district.

On the whole, this newly introduced system of local government was the most effective in nature. After Bhutto, General Zia-ul-Haq revived local governments through the propagating Local government ordinances 1979 and 1980. Although, Union councils, municipal committees and town committees vary in size but, surprisingly, based on similar regulatory systems. While the service tasks were under the assistance of local councils in urban regions.

This urban-rural separation leads to a kind of partiality to urban areas both in terms of local government income generation and expenditures. Under Zia's assistance, local governments were given due importance precisely by having adequate funds and hence Local government appear to work progressively. As a result, empowering the local government, a responsible committee was formed to perform managerial, advisory and other roles to firmly support the local government system in Pakistan.

Local Government Under Pervez Musharraf

In the history of Pakistan, 12 October 1999, is a date remembered for the initiation of yet another martial takeover which terminated the existing Nawaz Sharif's representative government. It was the fourth military interference in Pakistan that Pervaiz Musharraf initiated and received an overwhelming response and appreciation by the general population. Due to the ineffective performance of the previous government, which put the nation into administrative and socio-economic inconsistency, the majority of the populations including the governing class call for the military action.

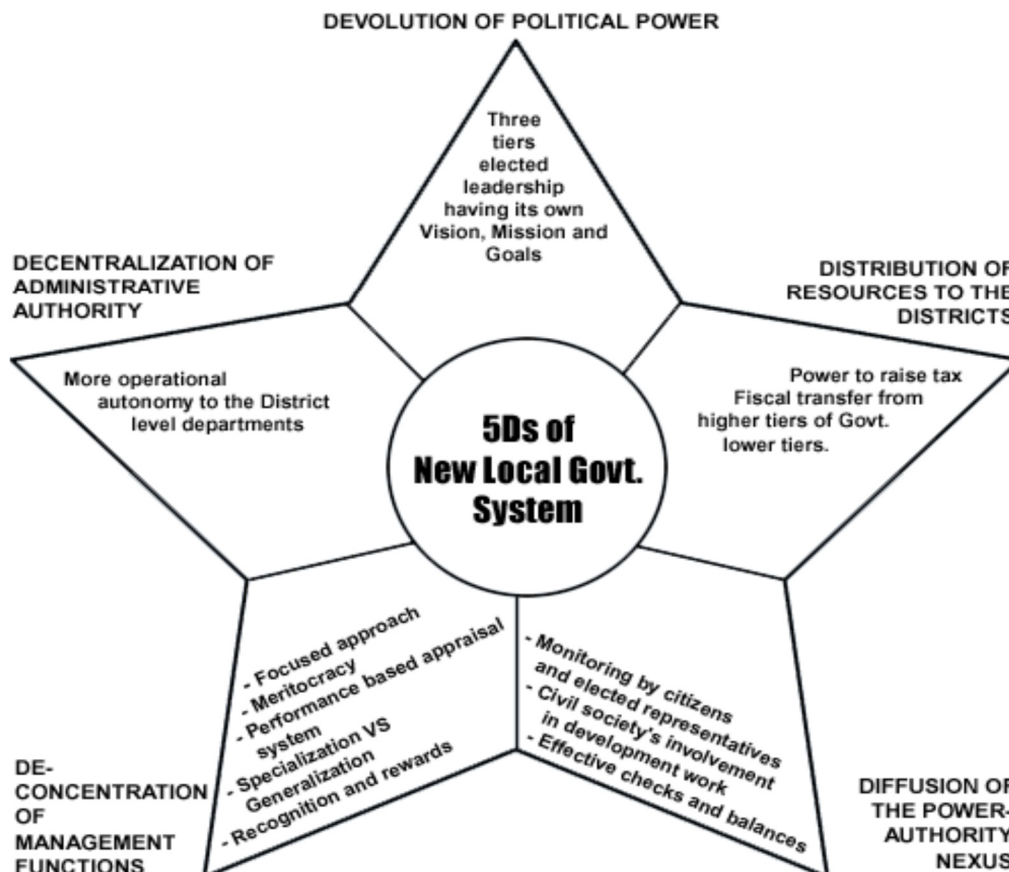
General Pervaiz Musharraf's martial law administration clearly portrayed its audacity to include town and mohallah level individuals in the provincial and inter-provincial sphere of Governance. The Government also called for planning a project of national re-development to ensure an expanding level of individuals interest along with the expansion in the nation's total revenue. It is sure to bring a political society that advances joint effort and co-operation as opposed to rivalry, condescension.

The Devolution Plan

The Devolution Plan initiated a delegate government at local level or one may also call it the District Government Structure, which is an assimilated three-level framework of governance. Later in this section, it becomes evident that the devolution change has brought numerous positive progressions to the economic and political structure of Pakistan and it is vital to note that this framework is not considered as the legitimate part of the constitution yet. To the least in writing, the real shift occurred in the structure of political economy through the devolution change. But surprisingly the regulatory and expenditure obligations were transferred to the local level. Nonetheless, since there was no provincial or regional elected government existed, the devolution process occurred under the strict assistance of military administration. Along these lines, regardless of the achievement (or disappointment, that we will talk about amid the course of this section) the political authenticity of the devolution change has been

questionable and sketchy. On the other hand, regardless of the feedback of the political authenticity that the devolution change was started by the military and the concerns to merge their energy bypassing the combining units, it generously changed the managerial and financial structure of the government. In the accompanying we talk about the striking features of the devolution plan.

With the obvious points of fulfilling the interest and shielding the privileges of the local individuals, to refocus and restricted down the country-urban partition, The District Government framework works through three coordinated levels of district/city district system of government. The NRB points out the new local government model through— 5Ds, which are exhibited in the figure.



Source: NRB

Salient Features

There are some distinctive features of the devolution plan which are needed to be discussed. The prime objective of the local government is to assign the job of representation to the individuals' chosen members, who pass through a discretionary procedure. Besides, it looks to strengthen the workers, laborers and minorities and especially the adult females at the least level of government rank with the goal that they can bring financial change through their mainly chosen representatives. In this manner, the devolution of political power really serves the local individuals by protecting their political rights and ensuring them from being recentralized by both elected and common governments. Also, the following most essential mainstay of new local government framework is the decentralization/devolution of regulatory power, which looks to address the local communities' problems as effectively as they could.

Moreover, notwithstanding a considerable lot of administration and regulatory functions may not totally be lapsed, an extraordinary piece of this arrangement is to rest the local government through de-amassing of administration capacities so as to diminish the centralization of power to the upper level of government(s). As per this example, in the past setup the Deputy Commissioner who happened to be the authoritative leader of the region performed co-ordination for financial (revenue accumulation) and authoritative capacities and was responsible to the powers at either provincial or federal level.

In addition, the new local government framework has fused various measures to counter certain dangers, for example, any sort of impending elite class catch that may exist because of conceivable projection of tough power-authority nexus to debilitate the framework. The most conspicuous amongst them are: Public Safety Commission

(PSC), Citizen Community Boards (Ccbs) and Zila mohtasib, which are intended to oppose any sort of defilement movement or force ill-use practiced either by those agents or open authorities (IMF, 2010).

Finally, the conveyance of financial assets is maybe the most imperative portion of this new framework. Moving towards economic strengthening, the local councils now enjoy the power to levy taxes along with the inter alia taxes that were at that point in the local governments' discretion and the inter-governmental exchanges and financial contributions from the elected and provincial governments. Not at all like the inter-governmental exchange in between the federal and provincial governments, the exchange from regions to local governments has been made rule based that makes the system more crystal clear, impartial and nondiscretionary. Besides, it is spelled out in the mandate that the upper level of government (be it federal or provincial) does not allot any authoritative or administration conveyance capacities to the local government without complementing it with sufficient funds.

Structure of Local Government

The structure of local legislature of Pakistan could be depicted in a manner that it's a government state comprising of four regions; Punjab, Sindh, Khyber Pakhtunkhwa and Baluchistan. Divisions, Districts (otherwise called Zila) and Tehsils are the three authoritative levels into which each of the four areas are separated. Generally, Pakistan has 26 Divisions, 105 Districts and 354 Tehsils. The urban regions are secured by two Metropolitan Corporation (Karachi and Lahore), 12 Municipal Corporations, 144 Municipal Committees and 303 Town Committees (Zaidi, 2005). Under the local government law 2001, the four territories have three levels of local government:

- First level District (City District in enormous urban communities)
- Second level Tehsil (Town in enormous urban communities)
- Third level Union

The fundamental unit of organization is a city district/ district, supplanting the unit of organization Division which is according to the new arrangement of local government. The locale is partitioned into Tehsil, known as Towns in the City District, and the least level is a Union Council.

In perspective of the weak and undemocratic set-up of local governments in Pakistan, the devolution of power plan as given by the Bureau of National Re-construction appear to be very guaranteeing. Pakistan's local government seriously fails to offer the successful and true designation of powers at the grass root level. Local governments working at the time of October 1999 military coup were very few. The civilian governments never demonstrated their internal yearning to merge the local government set-up. They rather meddled with the working of the local bodies in an oppressive way and never permitted them to prosper as an equitable set-up. It is deplorable however; that our regular citizens' rulers, civilians and government officials intensely enjoy undemocratic, unjust and fraudulent practice and administration is of a kind which made institutional and political emergencies in Pakistan. Notwithstanding, It is truly empowering that a military administration has made moves to push just legislation/society.

With the initialization of the devolution of power plan 2000, 106 Districts of Pakistan, surprisingly, would come under the control of chosen representation. A democratic age is prone to initiate with the starting of the plan. One of the primary attributes of the plan is that it gives an equivalent chance to the ladies working in the society which were so far dismissed for any part in the political plan of the nation. As indicated by the devolution plan 33% of the aggregate general seats in the union Councils, District committees and tehsil Council will be held for ladies. An alternate notable device of the plan is the shortening of voting age from 25 to 18 years. It will empower the youth to take an interest in the political exercises and to make influence on the framework.

Since there was no apprehension of responsibility, so the executive offices in Pakistan were observed involved in corrupt practices. To check this inclination and plan of check and balance' have been put to set up. According to this plan, there will be five councils to keep a vigil on the executive office. Notwithstanding the committees, "citizens" community boards have also been structured in the towns that will be liable to observing counseling committees. These blocks might be set for schools, essential wellbeing units, hospitals, universities, Thana, foundations, transport and watering system. Moreover, the CCBs should screen the conveyance of the individuals will have their effect on defilement, regulatory carelessness and absence of value in the general population administrations.

Conclusion

The local government system presented by Zia ul haq has some particular feature. Primarily, the provinces and the Federally Administered areas were given the freedom to make their own local government laws which led to the emergence of eight different ordinances. Secondly, for the rural and urban areas, same local government laws were made to avoid conflicts and to bring harmony in the rural and urban sectors by making it easy to comprehend.

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