

Working of Local Government in a Decentralized Federation: A Case Study of Pakistan in Post-18th Amendment Scenario

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Abstract

The functions and responsibilities of the central government have been increasing day by day in the contemporary times. Most of the states of the world have devolved political, administrative and fiscal powers to Local Governments (LGs) under their constitutions. A careful view of the history of Pakistan reveals that LGs were intentionally marginalized and a uniform system of LGs was not instituted in the country. The military dictators of Pakistan usurped powers and introduced systems of LGs subservient to their interests. The democratic governments were also reluctant to strengthen LGs in the country. The 18th Amendment overhauled the 1973 Constitution of Pakistan as 102 Articles were addressed and amended. Seventeen federal ministries were transferred to the provinces, the Concurrent Legislative List (CLL) was deleted from the constitution and Article 140, which deals with LGs, was also revised under the said amendment. The subjects of the former CLL were transferred to the provinces and it was expected that provinces will devolve administrative, political and fiscal powers to the institutions of LGs. This study endeavors to investigate the functioning of LGs in Pakistan in post-18th Amendment scenario (2010-2020). Content analysis of the LG Acts of the provinces of Pakistan has been conducted as qualitative study within constructivist paradigm. The study suggests that LGs have been prey to experimentation, based on rulers' interests since the birth of Pakistan. The 18th Amendment

devolved powers from the centre to the provincial level. However, the provincial governments seem reluctant to transfer powers to LGs. The recommendations have been made to establish a strong system of LGs in the country especially the revision of Article 140.

Keywords: Local Government, 18th Amendment, Devolution of Power, Federation

Introduction

The term “local government” means the management of the local affairs by the people of the community. It is a public organization authorized to administer and decide a limited range of public policies related to a demarcated territory within a large and sovereign jurisdiction. It is not possible to govern a modern state without extensive local government.¹ Mood of the voters is reflected in elections of the LG unit. People of the developing countries show very little interest in the local affairs and on the other hand, in England, France and USA, people take considerable interest in their local affairs. If democracy at the national level is to survive, it is extremely essential that its foundations at the local level are to be strengthened.² LG units should be empowered in administrative and financial matters so that they may do more things for public welfare.

There are numerous advantages of LG. It promotes spirits of equality and liberty. It is a check against bureaucracy and is also economical. It ensures effective and efficient management of local affairs. It is a training ground for the emerging leaders. It reduces the burden of work of central/provincial government. It provides civil services, effectively solves local problems and also promotes democracy.³ LG plays the role of a bridge between the state and its citizens. It is also regarded as the self-government of its citizens. The citizens of a locality solve their local problems through LG. It is a legitimate institution and we can easily make a difference between LG and other organizations by using four criteria. First, LG works within a defined constituency. Second, LG enjoys autonomy to make decisions for the betterment of a defined locality. Third, LG has the power to levy taxes, issue orders and its decisions are

obligatory upon the citizens. Fourth, members of LG are directly elected and they make decisions through local assemblies.⁴

Table 1: The Dual Dependencies of Local Government

Criteria of Local Government	The state	The citizens
Has a defined clearly territory	Regulates the drawing of territorial boundaries	Members of/belong to the local territory

Executes a certain amount of self-government or autonomy	Sets limits to autonomy	Make claims on and uses local government services/activities
Has authoritative power over its citizens	Allows authoritative powers	Subject to authoritative powers
Has directly elected decision-makers and/or municipal assemblies	Regulates the procedures of decision-making	Elects decision-makers and/or participate in municipal assemblies

Source: Anders Lidstrom, "The Comparative Study of Local Government Systems: A Research Agenda." *Journal of Comparative Policy Analysis* (1), (September 1998): 111,
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Theoretical Framework

According to the scholars of political science, federalism is the best choice for a heterogeneous society. In a federal state, the powers and functions are distributed between the central/federal government and the regional/unit governments. Some common characteristics can be found in any federal state such as; supremacy of the constitution, a bicameral legislature, a

constitution in a written form, a rigid constitution and supremacy of the judiciary. The units make a consensus for the formation of a federation and achieve particular objectives. Ivo D. Duchacek designed ten yardsticks of federalism to test states that declared or thought to be federal; comprehensive control over foreign policy, surrender of sovereignty to the federation, independent role of the centre, the federal constitutions and amendments, indestructible autonomy of units, the issue of residuary powers, the principle of geographical parity among units, two sets of courts, the apex court and principle of distribution of power. He observed that we should not show any rigidity defining federalism as every state has varied conditions.¹

According to liberal school of thought, a federation is the result of a desire to “be under a single independent government for some purposes at any rate”. Scholars such as; Spinelli, Elazar, Where and Burgees belong to liberal school of thought.⁶ The prominent figures of the realist theory of federalism were Riker and David Mckay. They observed that the state has the modus operandi to bring solutions to the internal problems. The revolution in the field of science and technology has made much easier for a state to control its vast area and population.² The theory of dual federalism considers the federal/central government and the unit governments as co-equals. Both the levels of governments (central and the units) perform their functions and responsibilities in an independent environment.³ The scholars such as; Grodzins, Clark, and Elazar criticized the theory of dual federalism. In 1938, Clark used the term cooperative federalism. The theory of cooperative federalism believes that the federal government and the governments of the units work in a collaborative manner and they perform joint functions and responsibilities. The said theory believes that complete independence of the both levels (federal and unit) is not possible. The federal government cannot meddle in units’ matters through unlawful manner. The theory of cooperative federalism desires to establish a cooperative atmosphere between the federal government and the units’ governments.⁴ Pakistan is a federal state under the Constitution of 1973 and the federal government and the provincial (unit) governments perform joint powers enumerated in the Federal Legislative List

(FLL)-II through the Council of Common Interest (CCI). The theory of cooperative federalism constitutes the theoretical framework of this study.

Historical Background

The system of local self-government was initiated in the 19th century in India and there were no local bodies in a collaborative manner before arrival of the British. The institutions of local bodies existed in India for centuries in the shape of *Panchayat* and its history can be traced from Veda period. India was an agrarian society and its affairs were run by a *Panchayat* which consisted of five elder men of the village. The main responsibilities of these *Panchayats* were collection of taxes, conduction of administrative and legal matters, provision of public services and maintenance of justice. *Panchayat* also played the role of an intermediately agency between the central government and the village. Every Indian village had an autonomous *Panchayat* in ancient times. These *Panchayats* generated revenue through imposition of toll taxes, individual donations and taxes on daily commodities. Every village was like a small republic due to competent functioning of these *Panchayats*. Sir Charles Metcalf remarks that:

“They (village communities) seem to last where nothing else lasts. Dynasties tumble down, revolution succeeds revolution. Hindu, Pathan, Mughal, Maratha, Sikh and English: all are masters in turn but village community remains the same”.⁵ The powers were centralized under British rule in India and no efforts were made to continue the existing system of LG. However, local taxation system was continued in local finance. There were four phases of local self-government in India under British rule. In 1882, Lord Rippon issued resolution on local self-government and the first phase ended. During the second phase (1892-1919), more powers were delegated from the central government to the provinces. Changes were recommended in the existing Indian local self-government system by the Decentralization Commission of 1907. The third phase covered developments up to 1935, during which problems of local taxation were considered by the Indian Taxation Enquiry Committee (1925) and the Simon Commission recommended strict control of the state over local bodies and the

process of decentralization was also repealed. The fourth phase extended up to 1947. During the last phase, the independence movement got momentum and “local self-government became a mere annex to the national political stadium, where the struggle for independence was moving towards its climax”.⁶

Local Government in Pakistan since 1947

An inclination of transfer of power to the federal government was seen in Pakistan after getting independence from the colonial rule in 1947. The institution of LG did not play any impressive role in the freedom movement. The municipal councils and village *panchayats* existed in functional form in the Punjab province and majority of their members were non-elected. It is also worth mentioning that about 75 percent villages of the said province did not have *panchayats*. The LG system was there in the provinces of Sindh and North West Frontier Province (NWFP). However, it was non-existent in tribal areas, princely states and Baluchistan.⁷

Instability was seen in the political landscape of Pakistan in 1950s and the institutions of LG were controlled by the bureaucracy. Ayub Khan imposed martial law in the country in October 1958 and abrogated the Constitution of 1956. He wanted to introduce such kind of democracy that might increase his powers and could also satisfy the public.⁸ Ayub Khan introduced the system of LG and gave a message to the public: “We have given the name Basic Democracies (BDs) for evident motive that we desire to evolve and grow from the very first step of the political ranking so that it finds roots deep among the people starting at the village level in rural areas and the *mohallah* level in towns”.⁹ Ayub Kahn designed the BDs system, having the characteristic of “political tutelage”. Bureaucrats were nominated in the BDs and members of the National Assembly, Provincial Assemblies and the President was to be elected by the members of the BDs.¹⁰ The Basic Democracies Order was ratified in 1959 and Ayub Khan made a claim that the new scheme of BDs will provide a base for the establishment of a sound political system. Both the Wings (the East Pakistan and the West Pakistan) of Pakistan were given equal representation in the BDs and its total membership was

80, 000.¹¹ The bureaucrats were also nominated as members of BDs and they had more powers as compare to the elected members of BDs. Ayub Khan resigned from the office of the President on March 25, 1969 and the system of BDs was also disappeared from the political scene of Pakistan.

Zulfiqar Ali Bhutto did not show any zeal in respect to the LG system. Two LG Ordinances were introduced in 1972 and 1975, however, the system of LG was not executed and its elections were not held during Bhutto era. General Ziaul Haq toppled the elected government of Bhutto on July 5, 1977 and imposed martial law in the country. Ziaul Haq launched his scheme of LG and ratified LG Ordinances in 1979.¹² LGs' elections were held in 1979, 1983 and 1987 during the military regime. Ziaul Haq centralized powers at the federal level to secure his office and devolved the provincial powers to the local level.¹³ LGs were not the autonomous bodies and were controlled by the respective provincial governments.

General Ziaul Haq died on August 17, 1988 and an era of democracy was restarted and the existing LGs were dissolved. The LGs were not encouraged and were undermined during the democratic/civilian governments (1988-1999) of Nawaz Sharif and Benazir Bhutto.¹⁴ The elected Government of Nawaz Sharif was toppled by General Parvez Musharraf on October 12, 1999. The transfer of power to the grass roots level was included in the seven-point agenda envisioned by Musharraf. He introduced a new system of LG under the Devolution Plan 2001. Autonomy was not given to the district government under the said plan. The relationship between the LGs and the concerned provincial government remained problematical. Sometimes the provincial government showed its biasness towards the district *nazims* (an elected head of a district council) belonging to the rival political party.¹⁵

Pakistan's past history reveals that the military dictators (Ayub, Ziaul Haq and Musharraf) strengthened the institution of LG to legitimize their rule. However, they did not try to make the institution of LG an autonomous body. LG also lacks constitutional support in Pakistan whereas LG has been recognized as third tier of government under the 73rd and 74th amendments of the Indian Constitution.²¹

The 18th Amendment

Under the 18th Amendment 2010, 102 Articles of the Constitution of 1973 were addressed. The political leadership showed extensive maturity and the 18th Amendment can be said ‘a paradigm shift’ in the political landscape of Pakistan. The spirit of genuine parliamentary democracy that was envisioned under the 1973 Constitution was restored under the said amendment. The discretionary powers of the President of Pakistan (Head of the State) given under the 17th Amendment including the dissolution of the National Assembly of Pakistan were reversed. The former CLL was abolished from the Constitution of 1973 and seventeen federal ministries were transferred to the provinces. The powers of the Senate of Pakistan (Upper House) have been slightly enhanced. Under the 18th Amendment, judges of the superior courts are appointed through judicial commission. Three basic rights (right to information, right to education and right to free trial) were included in the Constitution of 1973. The Article 6 was revised and democracy was strengthened.²² The 18th Amendment also addressed LG. The amended Article 140 (A) says: “Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments. Elections to the local governments shall be held by the Election Commission of Pakistan”.²³

Enhancement in the Functions of the Provinces after implementation of the 18th Amendment

The subjects of FLL-I come under the domain of the federal government. Some subjects of the FLL-I such as entry 21 (major ports), entry 33 (state lotteries), entry 38 (census), entry 40 (powers of a member of police force), entry 45 (duties in respect of succession to property) and entry 46 (estate duty in respect of property) were deleted from FLL-I under the 18th Amendment. The subjects enumerated in the FLL-II

fall under the preview of the CCI. The said list was also revised and role of the provinces was enhanced under the 18th Amendment. Four items namely; major ports, census, extension of the powers and jurisdiction of members of a provincial police

force to other provinces and national planning and economic coordination were transferred from FLL-I to FLL-II. Four new items namely; all regulatory

authorities established under federal law, supervision and management of public debt; standards in institutions of higher education as well as research, scientific and technical institutions, and InterParliament coordination were added to Part II. Two items of the former CLL electricity and legal, medical and other professions were shifted to (FLL-II).¹⁶

Under amended Article 157, it is obligatory for the federal government to consult the concerned provincial government before construction of hydroelectric power stations in the province. In case of a dispute, the matter can be referred to the CCI. The role of the CCI was also enhanced under amended Article 153 and Article 154. Under the amended Article 172, the natural resources of a province are jointly and equally owned by the federal government and the concerned provincial government. Under the amended Article 160-(3-A), 'the share of a province in the National Finance Commission (NFC) Award will not be less than its share in the previous. The provinces have a significant role in the functioning of matters of the federation of Pakistan in the post 18th Amendment scenario.¹⁷ The said amendment ensured provincial autonomy in a true spirit and it will certainly strengthen the federation of Pakistan.

Local Government in Pakistan in Post-18th Amendment Scenario

The 18th Amendment enhanced functions and responsibilities of the provincial governments and it was expected that the provinces will also transfer some of their functions and responsibilities to the LGs. It is quite pertinent to have knowledge of LGs' laws in post-18th Amendment scenario. The following LGs' laws were introduced after ratification of the said amendment.

- The Punjab Local Government (Amendment) Act (Act XVIII) of 2013, as amended upto May 4, 2019.

- The Khyber Pakhtunkhwa Local Government Government (Amendment) Act, 2018, as amended upto April 29, 2019.
- The Sindh Local Government Act (Amendment) 2017, as amended upto February 20, 2019.
- The Balochistan Local Government Act, 2010, as amended up to March 4, 2015

The tenure and structure of LG in the four provinces differed according to the above mentioned acts.

Table 2: Term and Structure of Local Governments

Province	Structure of Local Governments
KPK: Term (4 Years)	<ul style="list-style-type: none"> • Village Council (for a Village in the Rural Area and Neighbourhood Council (for an Urban Area) • Town Municipal Administration for a Tehsil and Tehsil Municipal Administration for a Tehsil • District (District Government for a district other
Balochistan: Term (4 Years)	<input type="checkbox"/> Union Council <input type="checkbox"/> Municipal Committee/ Municipal Corporation <input type="checkbox"/> District Council/ Metropolitan Corporation
Sindh: Term (4 Years)	<input type="checkbox"/> Union Council <input type="checkbox"/> Metropolitan Corporation, District Municipal Corporation Municipal Corporation, Municipal Committee, Town Committee, District Council
Punjab: Term (5 Years)	<input type="checkbox"/> Union Councils <input type="checkbox"/> Municipal Committee, Municipal Corporation, Metropolitan Corporation (Lahore District), District Council

Source: *Comparative Analysis of Local Government Laws in Pakistan*, 8.

<https://pildat.org/wpcontent/uploads/2019/04/ComparativeAnalysisofLocalGovernmentLawsinPakistan.pdf>

Under the 18th Amendment, seventeen federal ministries were abolished and their powers and functions were transferred to the provinces. The powers of the provinces were extensively enhanced under the said amendment and it was expected that the provinces will also devolve some of the powers to the LGs. The elections of LGs were held in three phases in the three provinces namely; Sindh, Balochistan and Punjab.

However, elections of all LGs throughout the Province of KP were held in a single phase (see table 3).

Table 3: Local Governments' Elections

Province	Election Dates
Balochistan	Phase I: December 7, 2013 Phase II: May 29, 2014 Phase III: December 31, 2014
Sindh	Phase I: October 31, 2015 Phase II: November 19, 2015 Phase III: December 5, 2015
Punjab	Phase I: October 31, 2015 Phase II: November 19, 2015 Phase III: December 5, 2015
KPK	May 30, 2015

Source: *Comparative Analysis of Local Government Laws in Pakistan*, 8.
<https://pildat.org/wpcontent/uploads/2019/04/ComparativeAnalysisofLocalGovernmentLawsinPakistan.pdf?>

The powers and functions assigned to local bodies under the above mentioned provincial LG Acts are briefly mentioned in the following paragraphs.

Khyber Pakhtunkhwa Under the Khyber Pakhtunkhwa Local Government Act (KPLGA) 2013, there were three levels of LGs namely; Village Council (for a Village in the Rural Area and Neighborhood Council (for an Urban Area), Town Municipal Administration for a Tehsil and Tehsil Municipal

Administration for a Tehsil and District Government for a district other than Peshawar. The Nazim (an elected representative) enjoyed the executive authority of the district government. Under the aforementioned Act, some of the powers and functions of the district council (the highest level) were such as; making bye-laws for devolved subjects, approval of taxes, approval of development schemes, approval of budget, election of finance committee and standing committees of the district council, establishment of joint committees of village and neighborhood councils, examinations of reports presented by the District Nazim and the district council. The KPLGA 2013 empowered the provincial government to control over and to supervise the LGs through different means such as; audit of accounts, suspension of Nazim and Naib Nazims of local councils, issuing of directive orders, control over budget and inspection of local councils. It could be rightly said that the LG was a subordinate body to the said provincial government.¹⁸

Sindh

Under the Sindh Local Government Act 2017, The Sindh provincial government enjoyed the power to set up “a Board, Authority or any corporate body to perform any one or more functions of any Council, singly or jointly with any public or private body, and may acquire, continue, manage or operate any commercial venture or activity as deemed necessary in the public interest”. The said government had the power to make appointments of the chief executives of the local councils. Financial supervision and executive administration came under the jurisdiction of the chief executives of the local councils. The provincial government had the power to supervise and control over local councils by itself or through regional directorates of LG. It also enjoyed the power to issue an advice to a council to revise its decision. The Sindh Provincial Government could suspend the authority of a local council for up to six months.¹⁹

Balochistan:

Under the Balochistan Local Government Act 2015, the provincial government enjoyed the power to conduct general supervision and control over the local councils. It had the power to do inspection of local councils and audit of accounts and issue

directions. It also had the power to dissolve and suspend the local councils.²⁰

Punjab

On the recommendation of the Punjab Local Government Commission, the provincial government could assign any power of a mayor or a chairman to a deputy mayor or vice chairman. Under the Punjab Local

Government Act, each LG “shall be bound by the directions of the Provincial Government.” The Punjab Local Government Commission had the power to conduct surprise inspections of the LGs. The said commission was also authorized to hold inquiry, audit and solve disputes concerning to the LGs. The provincial government could suspend a mayor or a chairman for 90 days.²¹ The general elections were held in 2018 in Pakistan and the Pakistan Tehrik-e- Insaf (PTI) formed its provincial government in the Punjab Province and introduced a new system of LG similar to the LG system of KP.

Challenges for Decentralization of Powers to Local Governments

Under the 18th Amendment, seventeen federal ministries were transferred to the provinces, CLL was abolished from the Constitution of 1973 and provincial autonomy was ensured. The functions and responsibilities at the provincial level were enhanced under the said amendment and it was expected that the provinces will also devolve powers to the LG. However, it deems that the provincial governments are reluctant to share their powers to the LG. Article 140 states: “(1) Each Province, shall, by Law, establish a local government system and devolve political, administrative and financial responsibility and authority to the local governments. (2) Elections to the local governments shall be held by the Election Commission of Pakistan”.²²

The 18th Amendment empowered the provinces in the true sense but the provincial governments are unenthusiastic to transfer political, administrative and fiscal powers and functions to the LG. In his last interview, the outgoing UNDP country director to Pakistan Marc-Andre Franche expressed deep concerns over the status of LG in the country. He remarked, “We are generally disappointed with the quality of LG laws that each province has

developed. Only KP has a decent law that gives real power and real money to the LG.” He was of the view that just holding the elections of the LG was not sufficient. Franche opined that an effective devolution of political, administrative and fiscal powers will be helpful in the establishment of a strong LG system in Pakistan.²³

The 18th Amendment is a paradigm shift that accomplished the dream of a decentralized federation. Under the said amendment, Article 140 (A) was inserted with the intention to devolve administrative, political and fiscal powers at the grass roots level. However, the provinces showed reluctance in holding LG elections in post-18th Amendment scenario. Balochistan took the lead in holding LG elections. The other three provinces namely; Khyber Pakhtunkhwa, Punjab and Sindh held LG elections in the year 2015 on the directions of the Supreme Court of Pakistan. The Pakistani political elites take the institution of LG as their rival. They have the apprehension that a strengthened LG system will undermine their positions in their relevant constituencies.²⁴

LG is the first tier of democracy and training nursery for the politicians. Bureaucracy and the politicians of Pakistan blame each other for the failure of LGs in the country. There is a need of political will to establish a strong LG system.²⁵ Pakistan is still in search of a strong LG system. Continuity in the democratic process will certainly lead to the achievement of a viable LG system in the country. The evolution of LG in the country is expressed in the Constitution of 1973 under Article 140. The said constitution is silent about the specific kind and modality of LG system. Under Article 140, LG is a provincial subject and the responsibility lies upon the provincial assemblies to pass laws to design a strong LG system. In the words of a retired army general and a renowned politician of Pakistan, Abdul

Qadir Baloch, “we as a nation are shy of local government”.²⁶

Pakistan’s political parties don’t show enthusiasm to empower the institution of LG. It is a fact that a strong LG system is the need of the hour and the provincial assemblies should play their effective role to empower it. The 18th Amendment addressed a lot of issues, ensured decentralization in the country but the

institution of LG was given a slight touch.²⁷ Waseem, an expert of Pakistani federalism opines that “local bodies have been pawns in the hands of civil and military governments”.²⁸ It seems that civil bureaucracy and politicians at the central and provincial levels don’t intend to empower local bodies. Both of them view that their role will be lessened by devolving powers to LGs and also hold the position that elected representatives at local level are less qualified, less experienced and can’t perform their functions properly.²⁹

Current Situation of Local Government in Pakistan

LGs functioned in the four provinces at the beginning of the year 2019. In Balochistan, the four-year tenure of LGs was expired on May 3, 2019. In KP, the three-year tenure was completed on August 28, 2019. Sindh’s LGs completed their tenure on August 31, 2020. All LGs were dissolved in Punjab through Punjab Local Government Act 2019 on May 3, 2019. However, the Supreme Court of Pakistan declared the dissolution as illegal and restored LGs in Punjab on March 25, 2021.³⁰ On May 24, 2020, the Punjab Government filed a review petition in the Apex Court against its decision of March 25, 2020. The said government took the plea that the Punjab Local Government Act (PLGA) 2013 has been replaced by the PLGA 2019. A new structure has been introduced under 2019 Act and the restoration of the local bodies will create unusual circumstances. The aforesaid government stated that “the local government system under PLGA 2013 does not fulfil the requirements of Article 140-A of the Constitution of Pakistan”.³¹ The provinces have not yet decided to hold new elections of LGs. It is significant to mention that powers and functions of local bodies are being performed by bureaucrats. It seems that the provincial governments intend to continue this tendency unless there is a huge pressure for holding of LGs’ elections.

Conclusion

A modern state cannot function properly without a dynamic LG institution. The advantages of LGs have already been explained. Pakistan’s past experience indicates that the federal government and the provincial governments have intentionally undermined

the institution of LG and it is the main cause of a feeble LG system in the country. A true devolution of power to the lowest level did not happen and the citizens still remain deprived of an impressive structure of service delivery. A detailed definition, structure, powers and functions of LGs (Panchayats) have been written under Article 243-A to 243-ZT of the Constitution of India. Whereas, Article 140 of the Constitution of 1973 just talks about the evolution of LG system in the country and does not talk much about the structure and kind of LG and leaves the responsibility upon the respective provincial legislatures. LG is a provincial subject under the said article and the provincial governments should take the responsibilities to chalk out an effective and strong LG system.

The 18th Amendment redesigned the political structure of the country and it is rightly taken as a paradigm shift. A true spirit of parliamentary democracy envisaged under the 1973 Constitution was restored. The said amendment also ensured provincial autonomy through deletion of the CLL and transfer of seventeen federal ministries to the provinces. Article 140-A was also inserted in the 1973 Constitution and it was expected that the provinces will transfer fiscal, administrative and political powers to the LGs. Unfortunately it did not happen and the provinces showed reluctant attitude to strengthen the institution of LG. The tenure of local bodies has been completed in the four provinces and the provincial governments have not yet decided to hold new elections of LGs in their respective provinces. It is significant to mention that the powers and functions of local bodies are being performed by bureaucrats. It seems that the provincial governments intend to continue this tendency unless there is huge pressure for holding of new elections of LGs.

Recommendations

- Pakistan's military dictators usurped powers, abrogated the constitutions (e.g. the Constitution of 1956 by Ayub Khan and the Constitution of 1962 by Yahya Khan) or introduced amendments in the Constitution of 1973 (8th Amendment by Ziaul Haq and 17th Amendment by Pervaiz Musharraf) to secure their rule. The institution

of LG was put at a high pedestal during military regime in the country. LG is also taken as military dictators' legacy in Pakistan and there is utmost need to change this attitude. The politicians, academicians, civil society and NGOs can play their fruitful role in this regard.

- The provincial governments dissolved elected LGs of their respective provinces in the past. It is recommended that LG should be given the constitutional protection under the Constitution of 1973.
- The institution of LG ensures the devolution of power at the grass roots level. The elections of LGs should be held at regular intervals. It is recommended/suggested that a period of 60 days must be given to the provincial government to hold fresh elections of local bodies in case of completion of the tenure of local governments. There is also need to revise Article 140 in this perspective.
- The political parties can play an effective and an impressive role to design a strong structure of LGs. The third tier of government in a federal state is LG. Under Article 140, LG is a provincial subject. There is utmost need to give constitutional protection to this neglected institution. It is recommended that revision should be made in Article 140 and it can be achieved through the consensus of the politicians at the national and provincial levels.
- Fiscal decentralization is a key to the smooth functioning of LGs. It is observed that LGs are given less fiscal powers in Pakistan and they have a minute share in tax collection. It is recommended that true fiscal decentralization must be ensured and LGs' powers of tax collection must also be enhanced.
- The past experience reveals that the provincial governments allocated development funds to the representatives of local bodies on the basis of their political affiliation. It is recommended that allocation of funds must be made on merit. The intervention in the development projects of LGs by the members of national and provincial legislatures belonging to the ruling party must be checked.

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