

# Pakistan

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## 1. BRIEF DESCRIPTION OF THE COUNTRY

### 1.1 Socio-economic profile

Pakistan is a country with a rich and diverse cultural heritage, abundant natural and human resources and an important geopolitical position. Pakistan spans over an area of 796,095 sq. km and comprises four provinces: Punjab, Sindh, North Western Frontier Province (NWFP) and Balochistan. The country has a border on the east with India; the north and northwest with Afghanistan (known as the Durand line); on the west with the Islamic Republic of Iran and in the south with the Arabian Sea. Pakistan also shares a border of about 595 km. with China. The common wealth of independent states is separated from Pakistan by a narrow strip of Afghan territory called Wakhan.

The total cultivated area of Pakistan is 22.17 million hectares. The total forest area is about 5 per cent, which places Pakistan as a forest deficit country. Though the forest resource is meager, it plays an important role in Pakistan's economy by employing half a million of people, providing 3.5 million cubic meters of wood and one-third of the nation's energy needs. It supports livestock, which contributes more than US\$ 400 million to Pakistan's annual export earning.

Pakistan is the world's seventh most populous country. With 146 million people, it is growing at a present rate of 2.16 per cent per annum. The total population of Pakistan has increased 5 times during the 55 years since independence (1947). In 1998, 90 million people lived in rural areas, accounting for 67 per cent of the total population. The urban population was 5 million in 1947 (15.4 per cent of the total population), 23.84 million in 1981 (28 per cent) and 42.44 million in 1998 (32.5 per cent). During the period 1981-1998 the urban and rural populations have increased by 60 and 40 per cent respectively. The high urban population increase has been caused by the rapid migration of rural people to the urban centers in the search of employment (Table 1).

There has been a significant increase in the population growth rate of Karachi, Quetta, Islamabad, Rawalpindi and Faisalabad, which is mainly due to the Afghan refugee influx in these cities and the expansion of the capital Islamabad (Table 2).

The large population increase has tended to overshadow the achievements made by successive governments during this period in social sector development. In 1998-99, 28.2 per cent of the total population (32 per cent of the rural and 19 per cent of the urban) lived below the poverty line, defined as 2150 calories and Rs. 650/- per capita per year in the official poverty line adopted by the Government of Pakistan in 1998-99 (Table 3).

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**Table 1: Population (by sex) for urban/rural areas (in millions)**

Mid year end-June	All areas	Rural areas	per cent	Urban areas	%	Male	%	Female	%
1999	136.69	91.91	67.33	44.78	32.76	71.9	52.6	65.60	47.4
2000	139.96	93.63	66.89	46.13	33	72.65	51.9	67.11	48
2001	142.86 3	95.36	66.75	417.50	33.25	74.23	51.9	68.63	48
2002	145.96	97.06	66.45	48.9	33.55	75.79	51.9	70.17	48

Source: Economic Survey of Pakistan 2001-2003

Note: Pakistan Censuses were conducted in February 1951, January 1961, September 1972, March 1981 and 1998.

**Table 2: Population of major cities (1998)**

City	Household (1998)	Population (1998)	Population (1981)	Average annual growth rate 1981-1998 (%)
Karachi	1,436,373	9,269,265	5,208,132	3.45
Lahore	740,638	5,063,499	2,952,689	3.22
Peshawar	148,689	984,113	566,248	3.30
Quetta	74,218	560,307	285,719	4.04
Islamabad	92,883	524,500	204,364	5.70
Rawalpindi	220,342	1,406,214	794,843	3.41
Faisalabad	278,942	1,977,246	1,104,209	3.49
Hyderabad	178,024	1,151,274	751,529	2.54

Source: Fifth Housing Census 1998, Government of Pakistan

**Table 3: Population living below the poverty line (per cent)**

Year	Total	Rural	Urban
1963-64	40.24	38.94	44.53
1966-67	44.50	45.62	40.96
1969-70	46.53	49.11	38.76
1979	30.68	32.51	25.94
1984-85	24.57	25.87	21.17
1987-88	17.32	18.32	14.99
1990-91	22.11	23.59	18.64
1992-93	22.2	23.91	17.71
1993-94	25.0	29.72	13.58
1996-97	21.8	25.98	12.44
1998-99	28.2	31.95	19.13

According to an economic survey in 2001-2002, the literacy rate was estimated as 50.5 per cent (male 63 per cent; female 38 per cent). Rural and urban literacy rates were 30 per cent and 70 per cent respectively. The worsening health condition is reflected in the very high rate of infant and child mortality and a life expectancy of 63 years.

Pakistan is predominantly a rural economy. Agriculture is the main source of employment and income, which accounts for 44 per cent of the national labour force and 24 per cent of the total GDP. While mainly dependent on agriculture, the economy remains volatile and is negatively affected by natural calamities. The real GDP grew at the rate of 3.6 per cent by the year 2001-02; GNP at a rate of 5.4 per cent and the real per capita GNP by 3.2 per cent; GDP by 3.6 per cent; agriculture by 1.4 per cent; manufacturing by 4.4 per cent and the services sector by 5.1 per cent. The major contributors to GDP growth are agriculture, manufacturing and services sectors at 0.33 per cent, 0.75 per cent and 2.53 per cent respectively (Table 4).

**Table 4: Sectoral growth performance and contribution to the GDP growth (2001-02)**

Sector	Sectoral growth rate	Sectoral contribution to GDP growth (in points)
GNP (Constant factor cost)	5.4 %	-
GDP (Real)	3.6 %	-
Agriculture	1.4 %	0.33
Manufacturing	4.4 %	0.75
Services Sector	5.1 %	2.53

Source: Economic Survey of Pakistan 2001-2003

The total labour force is 41.5 million, of which 28.5 million (67.7 per cent) comes from rural and 13 million (32.3 per cent) from urban areas. The unemployment rate is estimated as 5.90 per cent (Table 5).

**Table 5: Labour force employment (in millions, 1999-2000)**

Total	Rural	Urban
Labour force participation (percentage)	28.97	27.14
Total labour force	29.82	12.31
Employed labour force	41.51	24.71
Unemployed labour force	38.29	13.58
Unemployment rate	3.25	1.22
	7.82	9.92

The government has launched a small public works programme (Khushhal Pakistan Programme) to create employment opportunities for the poor. So far Rs. 24 billion has been spent on this programme and an allocation of Rs. 15 billion has been made for the outgoing year. This has created one million temporary jobs in the rural areas and adjacent small towns. To promote the Small and Medium Enterprise (SME) sector, the government has also set up SME Bank on January 1, 2002 to provide small loans. The Bank has so far disbursed Rs. 95 million for 330 projects,

which have created about one thousand jobs. The government has also established Khushali Bank (a micro-finance bank) for improving poor peoples access to credit and making them self-employed. In the next five years, the Bank has a target to provide loans to 600,000 people with loan portfolio of Rs. 7.6 billion.

## **1.2 Political and administrative structure**

Pakistan has a federal and a parliamentary form of government with a president as head of state and Prime Minister as the head of government. It has a bicameral system of legislature. There are two houses. The upper house is called Senate and the lower house the National Assembly. The provincial assemblies elect the Senate on the basis of equal representation from all provinces. Members of the National Assembly are elected directly by the people. Provincial representation in the national assembly is made on the basis of population. Every Pakistani over the age of 18 years is entitled to elect representative from each constituency. The electoral college of the national and provincial assemblies together elects the president of Pakistan for a period of five years. Elections are to be held every five years according to the constitution.

All provinces have their own elected assemblies. In the federal set up of the country, both the federation and the federating units (provinces) derive their authority from the constitution and the provinces enjoy autonomy in the areas of activities assigned by the constitution. In the constitution, the allocations of the functions of the federal and provincial governments are clearly specified. There are some functions that are the exclusive responsibility of the federal government while others can be performed either by the federal or provincial governments.

Local government plays no role in the elections of the Senate, the president or in the political and electoral structure of Pakistan. All provinces have equal seats in the Senate, with the total strength of hundred senators. The National Assembly has 342 seats while the four provincial assemblies have 728 seats in total. Details of the National and Provincial Assembly members by province are given in Tables 6, 6.1 and 6.2 below.

**Table 6: Members of the Senate, by province**

<b>Province</b>	<b>General Seats</b>	<b>Women</b>	<b>Technocrat</b>	<b>Total</b>
Balochistan	14	4	4	22
FATA *	8	-	-	8
Islamabad	2	1	1	4
NWFP **	14	4	4	22
Punjab	14	4	4	22
Sindh	14	4	4	22
<b>Total</b>	<b>66</b>	<b>17</b>	<b>17</b>	<b>100</b>

\*Federally Administered Tribal Areas

\*\*North West Frontier Province

Note: Islamabad is a capital district and FATA is the area administered by the Federal Government both does not fall in the category of the province.

**Table 6.1: Members of the National Assembly, by province**

Province	General seats	Non Muslim	Women	Total
Balochistan	14		3	17
FATA	12		-	12
Federal Capital	2		-	2
NWFP	35		8	43
Punjab	148		35	183
Sind	61		14	75
<b>Total</b>	<b>272</b>	<b>10</b>	<b>60</b>	<b>342</b>

**Table 6.2: Members of the Provincial Assemblies**

Province	General Seats	Non Muslim	Women	Total
Balochistan	51	3	11	65
NWFP	99	3	22	124
Punjab	297	8	66	371
Sindh	130	9	29	168
<b>Total</b>	<b>577</b>	<b>23</b>	<b>128</b>	<b>728</b>

In Pakistan a thriving multi-party system exists both at the national and provincial levels. Hundred of parties exist in the political area, with open scores of candidates contesting one-assembly seats. However, since the return of elected assemblies in 2002 only one party has been formed. Parties have also had resources to form coalitions with other small parties. To form sub national governments at the provincial level, a large number of smaller province level parties join together. Although party politics dominate heavily, independent persons as well as members of government at the provincial level have been part of the assemblies.

## 2. EVOLUTION OF LOCAL GOVERNMENT

The existence of local government is not formally embodied in the constitution. Local governments in Pakistan exist under the supervision of the various provincial governments, where provincial governments have merely delegated some of their functions and responsibilities to local governments by the promulgation of ordinances.

Realizing the fact that no one government can survive without popular support of the communities, the first organized effort of setting-up local self-government after independence was made in 1959 under the Basic Democracies System. It was a new model of local government introduced to ensure direct participation of the people in managing their own affairs through representative's bodies set up down to the village level. There were two separate laws for rural (i.e. Basic Democracy Ordinance 1959) and Urban Councils (i.e. Municipal Administration Ordinance 1960). It established a four tier hierarchical system of local council throughout the country, namely the Union Councils (for rural areas), Town Committees (for urban areas), and *Tehsil* Councils, District Councils and Divisional Councils. The *Tehsil* Council was the second tier above the Union Council. It was mainly concerned with the

development activities in the areas. The members of the *Tehsil* Council included a chairperson of all the Union Councils and a chairperson of the municipal committees, when concerned with the developments in the *Tehsil*.

Under this system, each administrative district had a District Council, which consisted of both official and elected members. An Electoral College consisting of the Chairmen of the Union Council, Union Committees and Town Committees within the district elected the latter. Official members were the district heads of nation building departments. The Deputy Commissioner was the ex-officio Chairman of the District Council while the Vice Chairman was selected from among the elected members. The fourth tier was the Divisional Council with the Commissioner as the Chairman. Again the non-officials and officials concerned with the nation building departments were taken as members in equal number. The Basic Democrats formed the Electoral College for electing the President and members of the provincial and national assemblies. These councils became inactive after 1969 and were finally abolished in June 1971.

The scheme suffered from some built-in-structural contradictions. It was based on a rigid hierarchical structure that could not meaningfully involve the rural masses in planning and implementation of the projects. Due to its partial elective characteristic, the element of official chairmanship and nomination at all-important levels, it resulted in the failure of real decentralization of the development process. Moreover, the corruption issues and allocation of funds in shape of political bribery weakened the confidence of the rural masses and the system gradually lost the support of the society and had to fall.

Heretofore one law about Basic Democracies and another law about Municipal Committees applied to all provinces. In the new order each province passed its own local government law, which were passed in the early seventies. For the Punjab, a law was passed in 1972, but it was never enforced. Another Act was passed in 1975. The new law provided for the constitution of Mohalla (Lane) Committees. Market Committees were independent institutions. The new law integrated Market Committees with Municipal Committees. Under the new law, the functions of Improvement Trusts were also entrusted to Municipal Committees.

The new also law has the following implications:

- It replaced the Cattle Trespass Act, and all responsibilities for the management of cattle ponds were transferred on local councils;
- It conferred judicial powers on local councils both in the rural and urban areas;
- It authorized the Municipal committees to establish Municipal Police. In the previous system there was a provision for controlling authority;
- There was no reference to controlling Authority;
- It provided for the constitution of District Coordination Committees to coordinate administration at the district level. In the previous laws the term of office of the members of local councils was five years which was reduced to three;

- It provided special representation to minorities, women, peasants and workers on the local councils. The local councils were required to hold general meetings once a year to which voters were to be invited; and
- It introduced some useful reforms in the field of local government.

In general, the new law introduced some useful possible reforms in the field of local government. But as elections were never held and local councils were not constituted, these reforms were not implemented. Hence, the country virtually did not have any local government system during the period 1971 to 1979.

After the promulgation of the local government ordinance in September 1979, elections of the District and Union Councils took place in each province as well as in the federating units. These local councils were assigned wide ranging functions under the Local Government Ordinances, in the area of public works, public health, education, agricultural development and economic welfare, drainage, livestock and dairy development and public safety. The Union Councils mostly depended on grants-in-aid from the provincial governments and self-help by the people, while the District Councils had also been empowered to generate their own sources of income in addition to grants-in-aid from the Provincial Governments.

As stated by K.M. Bhatti in a Research Study on Local Government for Rural Development:

*“The experience of rural development through local councils had been quite encouraging in the beginning, in terms of population participation in planning and implementation of projects at the local level. This process had encouraged the emergence of rural leadership, which had facilitated the process of two-way communication between the bureaucracy and the rural people. It had aroused a sense of participation by involving the villagers in government-sponsored programmes. Great enthusiasm was witnessed among villagers during local bodies elections held in 1979, 1983 and 1987 depicting activities of the democratic process at the grass roots level.”<sup>1</sup>*

The programme achieved a fair degree of success but it had some weak areas, which caused it to fall short of the desired targets. There was centralization in terms of services and facilities, lack of coordination between the Union Council and District Councils as well as with the national building departments i.e. agriculture, health and education etc. There was also an absence of adequate powers for effective functioning of the government organizations at the local level. The capacity of union and district councils had not been built in terms of finances, project planning and implementation so as to develop it as a viable institution of rural development. During this period several political and administrative decisions were made which were considered unwanted interference in the domain of local government system.

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<sup>1</sup> K.M. Bhatti, Research Study on Local Government for Rural Development in Pakistan, PARD 1990.

### **3. MAIN FEATURES AND CHARACTERISTICS OF THE LOCAL GOVERNMENT SYSTEM**

#### **3.1 Local government categories and hierarchies**

The Chief Executive of Pakistan, after taking over defined devolution of power as one of his seven main objectives on October 17, 1999, announced his intention to set up a think tank in support of the new National Security Council. This think tank began on November 16, 1999 as the National Reconstruction Bureau, with the mission of reconstructing the institutions of state necessary for establishing genuine democracy in the country as soon as possible.

Democracy, as enshrined in the constitution, has to be established at three levels – the federal, the provincial and the local. The government was committed to meeting this requirement of the constitution at all costs. It has chosen to start at the bottom – the local level – and take a bottom-up approach to establish genuine democracy at all three levels in a systematic manner so as to ensure that power is transferred to the people comprehensively and irrevocably as soon as possible.

Three months of intense effort, dedicated to creating a new system of local government, resulted in the Chief Executive of Pakistan announcing on March 23, 2000, a plan for establishing genuine democracy at the grass roots level throughout the country. The plan entailed establishing a three-tier local government system in every district of Pakistan through elections spread over seven months from December 2000 and ending with the establishment of local governments across the country by 14<sup>th</sup> August 2001. The election would use new electoral rolls being collated on behalf of the Election Commission of Pakistan by the National Database and Registration Authority.

The new local government system was introduced with the intention to ensure genuine democracy at the grass roots level. Power would thus be transferred to the people's representatives at all levels along with responsibility and administrative authority coupled with checks and balances to preclude the abuse of power or authority.

The reconstruction of local government has taken center-stage in the national reconstruction process because a large majority of issues of daily concern to the public are encountered at that level. People-centered national reconstruction processes must be aimed at addressing the afflictions people suffer at that level to strengthen grass roots democracy as stated in the seven point agenda of the government related to local government. It is at the local level that the state and the citizens interact to secure rights and services. The concentration of reform at the local government level provides the most appropriate and effective channel to address the largest quantum of problems in the least amount of time. The local government reform initiative should not be viewed in isolation, as it is one component of a much broader reform being initiated at the local, provincial and national level.

Based on the past experience of institutional performance in delivering services, the present Government has formulated a strategy for improving the governance system. This strategy is based on a programme of decentralization and institutional

restructuring through introduction of the Local Government Plan 2000 for devolution, decentralization and de-concentration of power, diffusion of the power authority nexus and distribution of resources to the district level, besides strengthening grass root level institutions.

The details regarding the different council structures set up as of August 14, 2001 are given in the Table 7 below:

**Table 7: Local council structure (number of elected councilors)**

Type of Councils with Members (No)	P R O V I N C E S				Total
	Punjab	Sindh	NWFP	Baloch istan	
<b>District Councils</b>	<b>34</b>	<b>16</b>	<b>24</b>	<b>22</b>	<b>96</b>
Members	3453	1094	957	518	6022
<b>Tehsil Councils</b>	<b>116</b>	<b>86</b>	<b>34</b>	<b>71</b>	<b>307</b>
Members	3453	1094	957	518	6022
<b>Union Councils</b>	<b>3453</b>	<b>1094</b>	<b>957</b>	<b>518</b>	<b>6022</b>
Members	65607	20786	18183	9482	114058
<b>Total Councils</b>	<b>3603</b>	<b>1196</b>	<b>1015</b>	<b>2789</b>	<b>6425</b>
<b>Total Members</b>	<b>72513</b>	<b>22974</b>	<b>20097</b>	<b>10518</b>	<b>126102</b>

Source: Election Commission of Pakistan

The salient features and functions of each institution set up under the newly inducted local government system are as follows:

### General

The age of voters has been lowered from 21 to 18 years and the women representation has been enhanced to 33 per cent at all levels. The representation of peasants, workers and minorities has been ensured in all three councils i.e. *Zila*/District Council, *Tehsil* Council and Union Council. Training programmes for the councilors have also been developed.

### Councils

The District Government, *Tehsil* and Union Municipal Administrations have been given vast powers besides establishment of strong linkages between Union, *Tehsil* and District Councils for effective coordination. All the councils have been given powers to levy taxes. The councilors have been given legislative powers besides their direct participation in planning, management and monitoring of development projects.

### **Nazim** (Elected Head of the District Government)

The *Zila Nazim* and *Naib Nazims* (equivalent to Chairman & Vice-Chairman of the respective councils) will have academic qualification of at least matriculation/secondary school certificate. No *Nazim* or *Naib Nazim* may hold the same office for more than two terms. The term of the local councilor is four years.

The Union *Nazim* will also be member of the *Zila*/District Council; and the *Naib* Union *Nazim* will also be member of *Tehsil* Council.

### **Administration**

The District Bureaucracy will work under District Coordination Officer (DCO) of Grade-20. The DCO will be accountable to the *Zila*/District *Nazim*. The police for law and order will be accountable to the *Zila*/District *Nazim*.

### **Development**

The urban and rural division of the past system has been removed. The Union Council can also initiate development planning and execute the development projects. The *Tehsil* Councils will execute and supervise the municipal projects whereas the District Councils will be responsible for development projects of the district.

### **Community participation**

The community participation has been ensured through village/ neighbourhood councils and Citizen Community Board (CCB). The community can contribute in planning and execution of the development projects and have ownership of development.

### **Monitoring and transparency**

The citizens are given a monitoring opportunity by being ensured information about development activities. The monitoring committees will be informed in all the three local councils as a check on administration. Citizens can also play their direct role in monitoring the performance of the district councils and the departments through the Citizen Community Boards. To ensure transparency, the information will be made available to everybody. It will be obligatory to display the information on various development activities by the local council for the public knowledge.

## **3.2 Local government structures and functions**

The District Government includes the *Zila*/District *Nazim* and *Naib Nazim*, the *Zila* Council and the District Administration. The *Naib Zila*/District *Nazim* will be the speaker of the Council and the *Zila Nazim* will not be a member, since *Zila Nazim* and *Naib Nazim* have been elected directly and not from among the members of the *Zila* Council.

The *Zila*/District *Nazim* provided political leadership for the development of the district and is in a position to influence policies that can improve both the current quality of life and the future development prospects of a district. In collaboration with the *Tehsil Nazims*, the *Zila*/District *Nazim* creates a development vision for the district integrating the roles and resources of the administration, private sector, civil society organisations, and local level institutions. This vision is realised through development plans and budget that the *Zila*/District *Nazim* will submit to the *Zila*/District Council for approval.

### ***Naib Zila/District Nazim***

The *Naib Zila/District Nazim* is the speaker of the *Zila/District Council* and provide liaison between the Council and the *Zila/District Nazim*. The *Naib Zila/District Nazim* can be deputed for the *Zila/District Nazim* in his temporary absence.

### ***Zila/District Council***

The *Zila/District Council* is a directly elected body comprising *Nazims* of all the Union Councils of the District. Under this arrangement, all the unions of the district get representation at the district level. The *Zila/District Council* has the following fundamental functions:

(a)	<b>Legislative</b>	Levying of taxes as per list of district taxes given in the Local Government Ordinance 2001; raising or lowering existing taxes; and making by-laws, rules, and procedures applicable to local governments.
(b)	<b>Monitoring</b>	The <i>Zila/District Council</i> monitors the district administration through a specialised committee system, which entails constituting as many Monitoring Committees as the number of Offices in the district administration. In addition, there is an Ethics Committee, a Justice Committee, and a Sports Committee.
(c)	<b>Approval of budget and development plans</b>	The <i>Zila/District Council</i> approves district annual development plans and budget presented by the district administration under the direction of the <i>Zila/District Nazim</i> .

### **District administration**

The *Zila/District Nazim* is the Executive Head of the District and the administration and the police are answerable to him/her. It makes the state functionaries and service provider accountable to the elected representatives of the people. The district administration is coordinated by a District Co-ordination Officer (a civil servant). The administration consists of up to 12 groups of district offices each headed by the Executive District Officer. District Officers will head sub-offices at the District Headquarters, while Deputy District Officers will be in charge of specific functions located at *Tehsils*. The Executive District Officers will primarily be coordinating the work of the sub-offices. There will also be an internal audit office under the *Zila/District Nazim*.

The main features of the newly introduced Local Government System under the Devolution Plan include the separation of revenue and magistracy. The division as an administrative tier has been abolished. The provincial authorities/agencies performing municipal/development functions were placed under the control of the respective local governments. The District Coordination Officer (DCO) in his interaction with the provincial government will not by pass the *Zila/District Nazim*. The appointment of DCO, District Police Officer and District Officers in the District will be made by the Provincial Government. The *Zila/District Nazim* being the head of administration will initiate the performance evaluation report of the District Co-

ordination Officer (DCO). The technical reporting officer of DCO will be the Chief Secretary, and the counter-signing authority the Chief Minister. The District Co-ordination Officer will initiate the performance evaluation report of the Executive District Officer (EDO) and the counter-signing authority will be the *Zila/District Nazim*.

Depending on the specific conditions, the district administration have been reorganized/re-grouped into the following Offices and Sub-Offices:

- a) **District Co-ordination Office:** Co-ordination, Human Resource Management, and Civil Defense.
- b) **Finance and Planning:** Finance & Budget, Planning & Development, and Accounts.
- c) **Works and Services:** Housing, Urban & Rural Development, Water Supply and Sanitation, Building & Roads, Energy & Industrial Promotion, and Transport.
- d) **Agriculture:** Agriculture (Extension), Livestock, Irrigation & Drainage, Fisheries and Forests.
- e) **Health:** Public Health, Environment, Basic and Rural Health Units, Child & Woman Health and Population Welfare. The Medical Superintendent(s) of Hospitals will also function under this Office.
- f) **Education:** Boys Schools, Girls Schools, Technical Education, Colleges and Sports.
- g) **Literacy:** Literacy Campaigns, Continuing Education and Vocational Education.
- h) **Community Development:** Local Government Institutional Development, Community Organization, Labour, Social Welfare & Special Education, Sports & Culture, Registration and Co-operatives.
- i) **Information Technology:** Information Technology Development, Information Technology Promotion and Database.
- j) **Revenue:** Land Revenue and Estate, Excise and Taxation.
- k) **Law:** Litigation, Legal and Legislation.
- l) **Magistracy**

The District Administration shall perform the following functions:

- a) Prepare plans and budget for submission to the *Zila/District Nazim* and upon approval by him/her and passage by the *Zila/District Council*, carry out their implementation;
- b) Formulate district rules and regulations for approval by the *Zila/District a Council*;
- c) Apply federal and provincial laws, rules, and regulations in areas covered by the administration;
- d) Undertake executive oversight of the execution of district policies;
- e) Provide information and co-operate with the legislative monitoring of the *Zila/District Council*. *Tehsil* and Union Monitoring Committees and Citizen Community Boards; and
- f) Use the information, collected through the information and evaluation system from all levels of monitoring.

## District ombudsperson

In order to strengthen the capacity of the local government to redress citizens' grievances related to district offices, the institution of District Ombudsperson (*Zila/District Mohtasib*) has been established. The Ombudsperson is selected and appointed by the *Zila/District* Council. The Ombudsperson will investigate and redress matters involving misadministration either suo moto or on a complaint from any citizen.

## District judiciary

The Local Government Proposed Plan published in May 2000 included recommendations for changes in judicial structures and systems at the district level and below which were approved by the National Security Council. These recommendations are being conveyed to the Chief Justice of Pakistan for consideration as part of the overall reform of the judiciary.

## Tehsils

The *Tehsil* government includes the *Tehsil Nazim*, the *Naib Tehsil Nazim*, the *Tehsil* Council, and the *Tehsil* administration. *Tehsil* governments have been established in all existing *tehsils* except in cases of districts that comprise only one *Tehsil*.

The integrated *Tehsil* Government mitigated the rural-urban frictions by providing opportunities for representation in proportion to the population and taxation in proportion to the services and thus effectively addressed the rural-urban divide.

The *Tehsil* Council is a directly elected body comprising *Naib Union Nazims* of all the unions of the *Tehsil*. Under this arrangement, all the union of a *Tehsil* will get representation at the *Tehsil* level. As the *Union Nazim* and *Naib Union Nazim* will be elected jointly, both will be operating in harmony in the interest of their union at all the three levels of the local government i.e. the union, the *tehsil*, and the district.

The *Tehsil Nazim* is head of the *Tehsil* Government. Under the *Nazim* there is a *Tehsil* Municipal Officer (TMO) who is the co-ordination officer of the *Tehsil* administration. There are four *Tehsil* Officers (TOs) reporting to the TMO, one each for (i) Finance, Budget and Accounts (ii) Municipal Standards and Co-ordination (iii) Land Use Control (iv) Rural-Urban Planning.

The municipal functionaries of the existing urban areas come under the charge of the Municipal Officer who is under the executive control of the *Nazim* through the *Tehsil* Municipal Officer. The number and status of the municipal functionaries vary depending on the requirements. The existing Local Council Service is thus decentralised to the *Tehsil* level. The *Tehsil* administration, under the direction of the *Tehsil Nazim* prepares the *Tehsil* budget, which is passed by the *Tehsil* Council. The *tehsil* municipal administration receives revenue from two main sources. The first source is budget allocations by the district government for functions specific to the

*tehsil* administration. In addition, the *Tehsil* government levies taxes from a specified list.

The primary function of the *Tehsil* government is the provision and coordination of municipal services to both urban and rural areas across the whole *Tehsil*, thus for the first time ever, recognising the village as a municipal entity. The *Tehsil* government performs macro municipal functions and provides support in basic municipal functions in the villages in all the Unions in the *Tehsil*, as and where necessary. The Union Councils perform the basic municipal functions, either singly, or through joint committees as and when necessary especially in the areas currently defined as towns.

The second function of the *Tehsil* Government is development through land use control and master planning for every town and village across the *Tehsil*, so that the *Tehsil* as a whole can develop in a coherent and integrated manner. This reverses the process of 'ruralisation of urban areas' to 'urbanisation of rural areas' and thus set the *Tehsil* on the path of growing into a well-planned city, leading ultimately to the conversion of the *Tehsil* into a city district. The third function of the *Tehsil* government is to monitor the work of the *Tehsil* administration and district government officials located in the *Tehsil*.

## Unions

The Union government comprises the Union *Nazim*, the *Naib* Union *Nazim*, the Union Council, and the Union administration. Union Councils are being extended to urban areas for equal local representation throughout the district. Thus, the population of Unions in urban areas matches the population of unions in rural areas in the district. This measure equalizes the level of local representation available to urban and rural areas. One third of the union councillors in a union are women. Electoral conflicts are mitigated through multi-member election wards in both urban and rural unions.

Every union has three secretaries (Secretary Union Committees, Secretary Municipal Functions, and Secretary Community Development) under the executive control of the Union *Nazim*. The Union Council will ensure that the municipal needs of villages, (which for the first time are being recognised as municipal entities), are met adequately, either by developing local capacity or through liaison with the *Tehsil* Officer Municipal Standards and Co-ordination.

The Union Council is organised into committees for monitoring specific functions of the district offices and service providers. This ensures the protection of citizens' rights and improvement in delivery of services; and promotes citizen participation in these matters. An additional opportunity for citizen participation is provided through public hearings of these committees. The assignment of specific responsibilities to members of the Union Council in the committee system will ensure citizen evaluation of their performance.

The monitoring committees of the Union Council, or the citizens themselves, may facilitate the creation of Citizen Community Boards in both urban and rural areas. These boards are the primary means of the involvement of civil society in

developmental activities and the monitoring of state functioning and provision of services.

The Union Council electoral system is designed to reduce divisive politics and create an environment for the growth of co-operative politics at the grass-root. In rural unions, members are elected by direct vote, from a single or multi-member ward basis. Candidates receiving the highest number of votes (until the designated number of seats for that multi-member ward is filled) will stand elected.

There are a total of twenty-one seats in a Union Council. It comprises twelve general seats, of which four are reserved for women. There are six seats for workers and peasants, of which two are reserved for women. Out of a total of eighteen Union Councillors six are women. The remaining three seats are those of the Union *Nazim*, the *Naib Union Nazim*, and one reserved seat for minorities. Women's seats, even if left uncontested and vacant, are not open to men and will remain vacant until filled through by-elections to be held every year. In a union where the population of the minorities is in excess of 10 per cent of the total population, reserved seats for minority communities are allocated in the manner prescribed by the provincial government.

Each union as a whole elects a Union *Nazim* and a *Naib Union Nazim* as joint candidates by direct ballot. To avoid divisive politics in the Union Council, the system of direct election has been preferred over the indirect. The directly elected Union *Nazim* and *Naib Union Nazim* also become members of the *Zila Council* and *Tehsil Council* respectively.

This arrangement ensures a directly elected *Zila Council* as well as *Tehsil Council*, in both of which each union is duly represented. The vertical integration across all the three tiers of Local Government improves communication and co-ordination. The Union *Nazim* and the *Naib Union Nazim* are not entitled to serve on any of the monitoring committees of the Union Council. The Union *Nazim* and *Naib Union Nazim* must have minimum academic qualifications of secondary school/matriculation or equivalent.

The Union Councils carry out their functions through the Union government and the Monitoring Committees. At a minimum, there are Monitoring Committees for municipal services, finance, public safety, health, education, literacy, works and services, and justice.

All Union Councils undertake local level development projects and monitoring citizens' rights, security, and services. Provision of monitoring reports to the *tehsil* and district level administration as well as the *Zila Council*, *Tehsil Councils*, and their Committees constitute a major function. They work closely with Village Councils in the rural areas and Citizen Community Boards in both urban and rural areas. This co-ordination entails promoting direct citizen involvement in developmental activities, including support for their micro-projects. The Union Council is able to levy taxes from a specified list.

Another function of the Union Council is the presentation of annual development plans along with local inputs that can be used in support of those

projects. These plans form the part of recommendations to the Tehsil and District levels of administration and will be given due priority when budgets are allocated and implemented.

The Union Council performs the functions related to conciliation of disputes in civil, criminal and family matters. The justice committee of the union council assists in convening the court facilitates, the functioning of the conciliation courts, assists in provision of witnesses, facilitate post trial actions, and conducts appraisal of the system.

### **Village councils**

The village is the ideal associative unit for participation, while the union is the ideal unit for delivery of services because of economies of scale. The Village Council is facilitating citizen participation to solve their problems. To fulfill this role, the Village Council is acting as the most direct interface between the Citizen Community Boards and local public officials. The Village Councils undertake their functions in close co-ordination with the monitoring committees and citizen community boards on local matters and micro-development projects.

The *Zila* Council will determine the strength of each Village Council. *Tehsil Nazims* will arrange to hold elections for each village council within three months of assumption of office. The *Zila Nazim* will ensure the provision of logistic support and completion of elections within the prescribed time.

In terms of functions, the Village Council is the primary political body for changing the attitude of the population from a reactive to a proactive mindset. It facilitates citizen participation in identifying and prioritizing their problems on the one hand, and finding solutions and organizing and managing the solving of these problems on the other.

The Village Council is responsible for assessing finances required for projects and mobilizing contributions of the people, promoting civic education and community learning, organizing recreational and youth activities, and promoting gender and women's issues. The Village Council also facilitates the creation and functioning of Citizen Community Boards.

### **City districts**

The tremendous growth in the population of cities has created pressure for manifold increases in infrastructural facilities and delivery of services. The existing structures and system of municipal governance inherited from colonial rule was considered to have outlived their capacity to meet the needs of the inhabitants of medium and large sized cities. In the Local Government Plan the city district is not an option but an imperative. It is necessary to bridge the urban-rural divide and contribute to organised urbanisation rather than the chaotic situation that currently prevails.

There are several indicators of when an existing city or newly urbanised *tehsil* should become a city district. The first is a political indicator and corresponds to

population (a population of 10 million being the requirement for a city district). The second indicator is more economic. It consists of the degree of commercial, industrial, financial, and governmental activities. The third indicator, related to both population size and economic activity, is administrative. This indicator looks at whether the administrative structures and systems designed for normal *tehsil* and district government are insufficient to meet the demands of a growing city.

When one or more of these indicators are present the formation of a city district becomes imperative. When deciding to form city districts, provinces would do well to anticipate the need proactively, rather than reactively create city districts after breakdowns of urban governance have already occurred. A powerful check and balance in this regard will be the pressure of the citizens of the potential city districts who stand to benefit from the formation of the city district through greater capacity for urban planning, finance, administration, public investment, service delivery, and law and order.

The Government at present has declared four provincial headquarters i.e. Karachi (Sindh), Quetta (Balochistan), Peshawar (NWFP) and Lahore (Punjab) as the City Districts. The election in the Federal Capital has not been held so far hence it is being administered under the previous system.

### **City district administration**

Whereas in a district, macro-municipal functions are primarily handled by *Tehsils*, in the case of city districts, important macro-municipal services will be managed centrally by a city district government with additional authority, capacities, and resources. The nature of infrastructure and population density in urban areas necessitates citywide planning to achieve economies of scale, the rationalisation of investments, or the benefits of modern technologies, among other reasons. Integrated management with a holistic perspective is applied to the most significant services, including:

- Water supply and sanitation;
- Sewerage and waste disposal;
- Land use, master planning and building control management;
- Public transport;
- Urban development, housing and public works;
- River and riverine management; and
- City expressways, roads and street management.

The principal functions of the town municipal administration is the monitoring of the performance of the city government within the town and the delivery of city-wide municipal services that have a town dimension, as well as the direct delivery of their own town services. The union will do likewise in relation to both the district and the town. Potential cash flows from municipal services will allow the city districts to utilise financial market mechanisms to underwrite some development projects. Partnerships with the private sector might also lead to additional forms of financing. The city districts will not only have more capacity to take advantage of different financial mechanisms, but also more autonomy to do so.

The city district requires large “law and order” efforts. White-collar crime is largely an urban phenomenon. Organised crime also tends to concentrate in the greater relative anonymity of the urban setting. Traffic congestion is most acute in cities. City police forces will be created to meet these challenges. They will be independent, modern, agile, and designed for the requirements of each city.

## **Cantonments**

Presently there are 41 cantonments in the country. These can generally be divided into those that have geographically become parts of cities like Karachi, Lahore and Peshawar: large garrisons like Kharian, Malir, Pano Aqil and Gujranwala; and small garrisons like Bannu and Kohat. Local government already exists in the cantonments in the form of cantonment boards. However, the issue of integrating cantonments into the proposed local government system will be reviewed as the district governments start functioning.

### **3.3 Local government finances**

A District Fund, a *Tehsil* Local Fund, a Town Local Fund and a Union Local Fund should be established for all Local Governments. The new local government system envisages formula-based fiscal transfers to the districts through Provincial Finance Awards. It will be a development grant to each District on the recommendations of the Provincial Finance Commission (based on the principles of fiscal need, fiscal capacity, fiscal effort and performance) established for the purpose. The Minister for Finance of the Provincial Government will head the commission with Secretary, Local Government, Secretary, Finance and Secretary, Planning and Development as its members. One *Zila/District Nazim*, one *Tehsil Nazim* and one Union *Nazim* along with three professional members from the private sector will also be the members.

In addition, local governments are allowed to levy local taxes from a specified list given in the table below:

#### **A. Zila Council, City District Council**

<b>TAXES</b>	<b>Authorised Councils</b>
1. Education	<i>Zila Council, City District Council</i>
2. Health tax	
3. Any other tax authorized by the Government	
4. Local rate on lands assessable to land revenue.	
5. Fees in respect of educational and health facilities established or maintained by the district government.	
6. Fees for licences or permits and penalties or fines for violations	
7. Fees for specific services rendered by a district government	
8. Toll on roads, bridges, ferries within the limits of a District, other than national and provincial highways and roads.	
9. Rent for land, buildings, equipment, machinery and vehicles.	

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10. Fee for major industrial exhibitions and other public events organized by the District Government.	
11. Collection charges for recovery of tax on behalf of the Government, <i>Tehsil</i> Municipal Administration and Union Administration.	Zila Council
12. Fee on advertisement.	City District Council
13. Collection charges for recovery of any tax on behalf of the Government, Town Municipal Administration, Union Administration or any statutory authority as prescribed.	
14. Fee for approval of building plans, erection and re-erection of buildings.	
15. Charges for execution and maintenance of works of public utility like lighting of Public places, drainage, conservancy and water supply operated and maintained by City District Government.	

**B. *Tehsil* Council / Town Council**

TAXES	Authorised Councils
1. Local tax on services	Tehsil Council / Town Council
2. Fee on sale on animals in cattle markets.	
3. Market fees.	Tehsil Council
4. Tax on the transfer of immovable property.	
5. Fee for fairs, agricultural shows, cattle fairs, tournaments industrial exhibitions, and other public events organized by the Town Municipal Administration.	
6. Fee for licenses or permits and penalties or fines for violation	
7. Collection charges for recovery of any tax on behalf of the Government City District Government, Union Administration or any other statutory authority as prescribed.	
8. Fee on cinemas, dramas, theatrical shows and fickets, thereof, and other entertainment.	
9. Rent for land, buildings, equipment, machinery and vehicles.	
10. Fee for specific services rendered by a Town Municipal Administration.	
11. Property tax rate as specified in the relevant section of the Ordinance.	
12. Fee for approval of building plans and erection and re-erection of buildings.	
13. Tax on vehicles other than motor vehicles registered in the Town	
14. Fee on advertisement, other than on radio, television, and a billboards.	
15. <i>Charges for development, betterment, improvement and maintenance of works of public utility like lighting of public places, drainage, conservancy, and water supply by the Tehsil Municipal Administration.</i>	

**C. Union Councils**

TAXES	Authorised Councils
1. Fees for licensing of professions and vocations.	Union Council
2. Fees for registration and certification of births, marriages and deaths.	
3. Charges for specific services rendered by the Union Council.	
4. Rate for the remuneration of Village and Neighborhood guards.	

5. Rate for the execution or maintenance of any work of public utilized like lighting of public places, drainage, conservancy and water supply operated by Union Administration.	
6. Rent for land, buildings, equipments, machinery and vehicles.	
7. Collection charges for recovery of any tax on behalf of the Government District Government, <i>Tehsil</i> Administration or any statutory authority as prescribed.	

All revenues received by a local government shall form part of the respective local government fund including.

- a. Monies transferred by another Local Government under this from the government or other sources;
- b. Grants made to, or monies received by, a local government from the government or other sources;
- c. The proceeds of taxes or charge levied by a local government under this ordinance;
- d. Rents and profits payable, or accruing to, a local government from immovable property vested in or controlled or managed by it;
- e. Proceeds or any other profits from bank accounts, investments or commercial enterprises of a local government;
- f. Gifts, grants or contributions to a local government by individuals or institutions; income accruing from markets or fairs regulated by a local government;
- g. Income accruing from markets or fairs regulated by a local government,
- h. Fines paid with respect to inferences under this ordinance or by laws or under any other law for the time being in force in which
- i. Provision is made for the fines to be credited to the Funds established under this Ordinance;
- j. Proceeds from other sources of income which are placed at the disposal of a Local Government under directions of the Government; and
- k. All monies transferred to Local Government by the Government including receipts accruing from trusts administered or managed by a local government, refundable deposits received by a local government and deferred liabilities.

The annual budget for each local government shall contain estimates of grants-in-aid from the Government, amounts available in the respective fund, receipts for the next year and expenditures to be incurred for the next year.

The following expenditure shall be treated as Charged Expenditure:

a. In relation to District Fund,

- The budget of the *Zila* Council;
- Any sum to satisfy, any judgment, decree of award against a local government by any Court or Tribunal;
- All sums to be paid in connection with the administration of the funds of the *Zila* Mohtasib; and
- Interest payments.

b) In relation to *Tehsil* Fund, Town Fund or Union Fund

- The budget of the *Tehsil* Council or Town Council or, as the case may be, the Union Council;
- Any sum to satisfy any judgment, decree or award against a local government by any Court or Tribunal; and
- Interest payments.

### 3.4 Personnel system in local government

The New Local Government System has given fairly good attention to the management of personnel, including their recruitment, promotion, service condition, welfare and training. The employees belonging to the decentralized offices in the system (as explained earlier under the head district administration) have been directly placed under the control of the district government for all matters whereas the district government will have the operational control of the other offices under the control of federal governments.

The Provincial Assembly, Chief Executive of the Province has the power to suspend or cease the functioning of *Zila/District Nazim*. The suspension of the *Zila/District Nazim* shall be subject to ratification of the Provincial Assembly with simple majority within thirty days. If the assembly ratifies the suspension of the *Zila/District Nazim*, s/he shall stand removed from the office. During this period, the *Naib Zila/District Nazim* will act as a *Nazim* of the District Government. The administrative control of the employees of the local council service entirely rests with the respective local council authority whereas the council enjoys the operational control over the employees of the decentralized departments. The cases related to their efficiency and disciplinary matters rest with the respective departments.

As regards the employees of the non-decentralized departments, the local councils are authorized to coordinate their functions. It has, however, been observed that the local councils have no control over the main organizations/agencies related to provision of essential services to the people such as the Water and Power Development Authority (WAPDA), Telecommunication, Sui Northern Gas and banks.

### 3.5 Local autonomy

The new Local Government System ensures full autonomy to the Local Government Institutions set under the Local Government Ordinance 2001. The provision under the system have been made for empowering people at the grass root level providing speedy justice near to their door steps through establishment of the office of the district Ombudsman and Constitution of Musalihat Anjuman (Conciliation Committee) at the level of the union council.

It also ensure fiscal autonomy since each District Government, *Tehsil* Municipal administration or Town Municipal Administration or and Union Administration shall have the powers to re-appropriate budgetary provisions in accordance with the re-appropriation powers delegated to them by the respective council. Provided that at the end of a financial year a full statement of all re-appropriations made shall be submitted to the council. No demand for a grant shall be made except on the recommendations of the *Nazim*. Conditional grants from the provincial retained amount shall be shown separately in the budget and shall be governed by conditions agreed therein. Following the presentation of the provincial budget, each *Nazim* shall, present the budget for approval by the respective council before the beginning of such financial year.

A *Zila*/District Council, *Tehsil* Council and Union Council may, in their ambit of responsibilities, make byelaws to carry out the purposes of this Ordinance. In particular and without prejudice to the generality of the fore-going power, such byelaws may provide for all or any of the matters specified below:

1. Conduct of meetings;
2. Registration of births, deaths and marriages;
3. Zoning, master planning and buildings;
4. Dangerous buildings and structures;
5. Prevention of encroachments;
6. Local Government (Elective officials remuneration and allowances);
7. Local Government (Agricultural development);
8. Local Government (Community Development);
9. Registration, management and regulation of orphanages, widow homes senior citizens homes, homes for the mentally ill and women in distress;
10. Regulation of burial and cremation places;
11. Slaughter of animals and maintenance of slaughterhouses;
12. Prevention of adulteration of foodstuffs;
13. Animal husbandry and milk supply;
14. Prevention and abatement of nuisances;
15. Dangerous and offensive trades and articles;
16. Regulation of traffic;
17. Organization and regulation of fairs, shows, tournaments and other public gatherings;
18. Prevention of beggary, juvenile delinquency and other social evils;
19. Licensing;
20. Markets;
21. Libraries;

22. Parks and open places;
23. Prevention of air, water, noise and soil pollution;
24. Forests and plantations;
25. Local government property;
26. Farm produce markets;
27. Delegation of powers, duties and functions of the sub-committees of farm produce market committees if any;
28. Enhancement on any public road, public street or public place;
29. Picketing, parking animals or collecting carts or vehicles on any street;
30. Throwing or placing any refuse on any street or in any place not provided or appointed for the purpose;
31. Dyeing or tanning animal skins;
32. Tampering with any main, pipe or any apparatus or appliance for the supply of water;
33. Excavation of earth, stone or any other material;
34. Disposing of carcasses of animals;
35. Use of sewer water for farming;
36. Flow or drain to be put upon any street or public place or into an irrigation channel or any sewer or drain not set apart for the purpose;
37. Fixing any bill, notice, placed or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by the local government;
38. Fixing of wooden *khokhas*, plying of handcarts for the sale of goods and temporary or permanent shops or extensions thereof on footpaths or beyond the street line;
39. Pollution of air, water or soil;
40. Watering cattle or animals or bathing or washing at or near a well or other source of drinking water for the public; and
41. Other matters as in the opinion of the *Zila/District Council* are necessary or expedient to be provided for in the byelaws.

The District Government shall carry out its decentralized functions in accordance with the provisions of this Ordinance and the rules made thereunder. The District Government shall collect such Provincial tax or taxes within its local area as the Government may direct and the District Government shall after the collection of such tax or taxes deposit the same in the relevant Government account. The Provincial Government may provide guidelines and render advice to the District Government through the concerned *Zila/District Nazim* for achieving the ends of Government policy and for promoting economic, social and environmental security of the province.

The Chief Executive of the Province may, by him/herself or through any officer specifically authorized by him/her, issue directives in public interest to a *Zila/District Nazim* for implementation. In situations which demand immediate action, and the *Zila/District Nazim* fail to comply with the directions given to him/her, the Chief Executive of the Province may require the Chief Secretary to direct the Inspector General Police and the District Coordination Officer concerned to take necessary action.

The Government shall appoint a Provincial Local Government Commission which shall be headed by the Minister of Local Government. The Provincial Local

Government Commission may, for the performance of its functions, co-opt any official of the Government for any specific assignment.

The Functions of the Provincial Local Government Commission shall be as provided in this Ordinance and, in particular, it shall.

- a) Conduct annual and special inspections of the local governments and submit reports to the Chief Executive of the Province;
- b) Conduct on its own initiative or, whenever, so directed by the Chief Executive of the Province, a special audit by itself or direct a District Government to arrange a special audit, of any local government;
- c) Resolve disputes between any Department of the Government and District Government or between two District Governments;
- d) Enquire into the matters referred to it by the District Coordination Officer under the provisions of sub-section (3) of section 28 and by the Government under sub-section (4) of section 30 and give its decision thereon or, as the case may be, submit report to the competent authority; and
- e) Submit to the Chief Executive of the Province an annual report on the over-all performance of the district and *Tehsil* level local governments.

The *Zila Nazim* needs to ensure not to act against public policy, the interest of the people, be negligent, or responsible for loss of opportunity for improvement in governance and service delivery to the people within the ambit of his/her responsibilities. If there is reason to believe that any of these are breached, the *Zila/District Council*, seconded by another Council, give notice to move a motion in the *Zila/District Council* through *Naib Zila/District Nazim* for recall of the *Zila/District Nazim*.

The Local Government Commission may, on its own accord or on receipt of an information or on an application, take notice of an order or decision of general application passed by a *Zila/District Nazim* and recommend to the Chief Executive of the Province for its assessment. The *Zila/District Nazim* may be given an opportunity of being heard before making recommendation to the Chief Executive of the Province. On a motion initiated by the Government, the Provincial Assembly may pass a resolution stating the grounds therefore, passed by simple majority of its total membership, and set aside a resolution of the *Zila/District Council*.

#### **4. EXTENT OF PUBLIC PARTICIPATION**

Community participation, involving reconstructing group identity among community members, raising consciousness, acquiring new skills and upgrading their knowledge base, has been conserved in the new local government system. It progressively imparts in the poor a new power over the economic and social forces that fashion their daily lives. It is through this power that the poor become an active force in initiating interventions that improve their own economic and social conditions. Empowerment of the poor means increasing their ownership of physical assets in order to secure sustainable and adequate livelihoods; augmenting human

capital endowment through improved access to education and health services; and movement towards pro-poor governance through changes in the political system, state institutions and the regulatory environment that promotes decentralization and participation of the people.

The new local government system advocates an enabling environment for significant citizen empowerment, participation and representation, making government increasingly responsive. In the new system, development schemes will be initiated by the community itself and will move up from union to districts. For equitable resource distribution, funds will flow from districts to *tehsil*/towns and down to unions. The system of transparency will provide easy access to information by the public.

The new system enables proactive citizens to participate in community development/services through creating voluntary organizations called Citizen Community Boards (CCB). The institution of Citizen Community Boards (CCBs) has been created to enable the proactive elements of society to participate in community work and development related activities in both rural and urban areas.

A local elected body, or its relevant committee, may facilitate the creation of Citizen Community Boards, or the citizens themselves may create them. The existing Community Based Organizations may continue their work. CCBs will mobilise communities and raise funds to solve local problems. The role of CCBs will be recognised through registration in the district. CCBs may keep their door open to new entrants to obviate negative competition and promote synergy.

As voluntary organizations, the Citizen Community Boards will organise themselves, determine their own form of functioning, and choose their own leaders through the mechanisms they see fit. Different communities will find different answers to these issues. The Citizen Community Boards will represent a powerful enabling environment for citizen participation. It is up to the citizens of each community to take advantage of that opportunity.

Citizen Community Boards may be organised for hospitals, basic health units, schools, colleges, *thanas*, infrastructure, or for other services such as transport and irrigation. These entities will need official recognition through registration for citizen monitoring. When they mobilise local resources for local development, micro-projects they may also receive cost sharing support from the government.

Citizen monitoring will permit the end-users to inform both elected representatives and the officials of the administration on the status of service delivery indicators and the level of citizen satisfaction, in addition to complaints about specific cases. For their citizen monitoring function, the Citizen Community Boards will work in close co-ordination with the monitoring committees of the Union Councils. Their information will be consolidated for the use of Union, *Tehsil*, *Thana*, and District officials. *Tehsil* Council and *Zila*/District Council will also receive this information that they can consolidate to get an overview of the situation on a given theme at their respective levels.

The creation of village and neighborhood councils will provide direct interface between the people at the grass-root level and the local governments for exchanging views and promoting community drives. District, *Tehsil*/Town and Union Councils have committees to monitor the performance of local governments at respective levels. The multi-layered and un-intrusive monitoring of the local governments, performed by the elected representatives, is expected to trigger improved governance and delivery of services throughout the district. Despite clear cut provision regarding the constitution of neighborhood/village councils and the CCBS under the Local Government ordinances, creation of these community level institutions as observed have not yet taken place in majority districts. It has, however, been noticed that CCBs in one district (Khairpur, Sindh province) have been formed which too are under the process of registration at present.

At every tier of the new local government system, women have substantial representation of at least 33 per cent, which was never witnessed in the past. Adequate representation has also been given to the workers, peasants and minorities.

## **5. CONCLUSIONS**

The Government of Pakistan has taken a major and bold step towards decentralization and restructuring of institutions with the establishment of district governments under the new local government system put in place in 2001. The newly inducted system no doubt provides sufficient institutional arrangements for organizing the community at the local level. The number of elected women, workers, peasants and minority candidates in all union councils during the five rounds of local government elections held under the *Local Government Ordinance* (1979) indicate that the system provides opportunities for participation and empowerment of traditionally marginal segments of society.

The task was of course gigantic in nature, including certain operational problems regarding reorganization of development departments, reallocation of their functions, and technical and financial powers besides recognition of the newly inducted Local Government. Issues related to fiscal transfers, common to such national-level initiatives, are also emerging, for which appropriate and prompt remedial measures are being undertaken. These include channeling of development funds from the federal government to the district government through provincial government imposition of taxes and allocation of funds to the elected representatives of the local government, especially to female councilors.

The exercise of decentralization and institutional restructuring is no doubt based on continued serious and genuine demands by the public and forward-looking segments of the society. It is being implemented with full sincerity and with consideration of all related issues simultaneously. It would, however, be premature to pass judgment on the efficiency, effectiveness and sustainability of the reforms being implemented to ensure good governance. This could only be done after gauging the performance of the district government institutions in relation to some common characteristics of good governance. These include: (i) transparency of the

decision-making process, (ii) accountability of decision makers by the stakeholders, (iii) efficiency of governance institutions, (iv) responsiveness to the people needs, (v) governance institutions role as facilitator and enabler rather than controller and (vi) performance of functions according to established laws and rules.

The newly inducted Local Government System seems to be facing problems relating to its recognition vis-à-vis the Provincial and Federal Governments. The Government is conscious of the prevailing situation and is taking serious remedial measures to redress the issues cropping up and removing misunderstanding and misconception of the local government system at the district as well as at the provincial levels.

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