

## **Liberating Local Democracy from Subservience to Bureaucracy in Pakistan: Ramifications & Recommendations**

**Amir Ullah Khan\***

### **Abstract**

In Pakistan, political engineers at different times have designed such institutional structures which have generally resulted in their mutual tug of war. This has not only happened at the national level but also at the local level. Democracy has been a victim of three enemies: incompetent politicians; military coups and a corrupt bureaucracy. The last corrodes the system from within.<sup>1</sup> Despite their role as micro managers local government institutions have ironically been opposed by the higher bureaucracy. It has been its effort all along to weaken the local elected bodies, make them subservient and keep them under its thumb. In fact the bureaucracy has used the local institutions to further consolidate their power. Under the Devolution of Power Plan, 2001 an attempt was made to make bureaucracy subordinate to local elected-public representatives. Unfortunately, this plan too could not escape the stranglehold of the bureaucracy. The civil servants in collaboration with power hungry politicians saw to it that democracy at the grass-roots level failed each time it was introduced in Pakistan. In short, local governments have been an anathema in the political and administrative structures prevailing in Pakistan.

**Keywords:** Democracy, Bureaucracy, Constitution of Pakistan,  
Local Government System.

---

\* The author is Lecturer in Political Science, Department of Political Science, Islamia College University Peshawar, Khyber-Pakhtunkhwa, Pakistan; & PhD Scholar, School of Politics & International Relations, Quaid-i-Azam University, Islamabad.

<sup>1</sup> S. A. Kaul, "Democracy and Bureaucracy," *Pakistan Times*, July 28, 1989. See also Syed Abdul Qudus, *Bureaucracy and Management in Pakistan* (Karachi: Royal Book Company, 1991), 138. Cited hereafter as Abdul Qudus's *Bureaucracy and Management in Pakistan* ...

## Historical Background

Political history is witness to the antagonistic attitude of federal and provincial governments towards local bodies' institutions.<sup>2</sup> As a result local bodies' institutions in Pakistan have never been allowed to flourish. Democracy at the grass-roots level has met premature death every time it has tried to make its place in governance. In Khyber Pakhtunkhwa<sup>3</sup> it was simply superseded.<sup>4</sup>

The debate between the idea of local autonomy and bureaucratic control has always engaged the minds of the policy makers in the country.<sup>5</sup> General Ayub Khan's Basic Democracies (BD)<sup>6</sup> system was a blend of both bureaucracy and local democracy<sup>7</sup>. The logic behind establishing the BD system was to integrate the rural and urban areas of Pakistan, but the emphasis was on the former, where the bulk of the country's population lived.<sup>8</sup> However, a reverse scenario was enacted. The BD system left decision making to the bureaucracy. Political leadership at the lower tiers of government were made subservient to officialdom. The Commissioner, Deputy Commissioner (DC), and Assistant Commissioner (AC) were given additional responsibilities as chairmen of the Divisional, District<sup>9</sup> and Tehsil councils respectively. The only units that had elected chairmen were

---

<sup>2</sup> Shahid Ali Rizvi, "Local Bodies in Pakistan," *Pakistan Quarterly*, vol. 14, 1966, 50-57. See also Taj Moharram Khan, "Governmental Control and the Growth of Local Government institutions in Pakistan," *Journal of Law & Society*, XVIII-XIX, (Jan & July, 1998), 77.

<sup>3</sup> Now it is renamed as Khyber-Pakhtunkhwa under 18<sup>th</sup> Amendment of the *Constitution of Pakistan, 1973*.

<sup>4</sup> Shahid Ali Rizvi, "Local Bodies in Pakistan," *Pakistan Quarterly*, 14, 1966, 50-57.

<sup>5</sup> S. Shahid Ali Rizvi, *Local Government in Pakistan: A Study in Clash of Ideas* (Karachi: The Centre for Research in Local Government, University Campus, 1980), 60. Cite here after as Rizvi's *Local Government in Pakistan*...

<sup>6</sup> Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford Press, 2009), 125-126

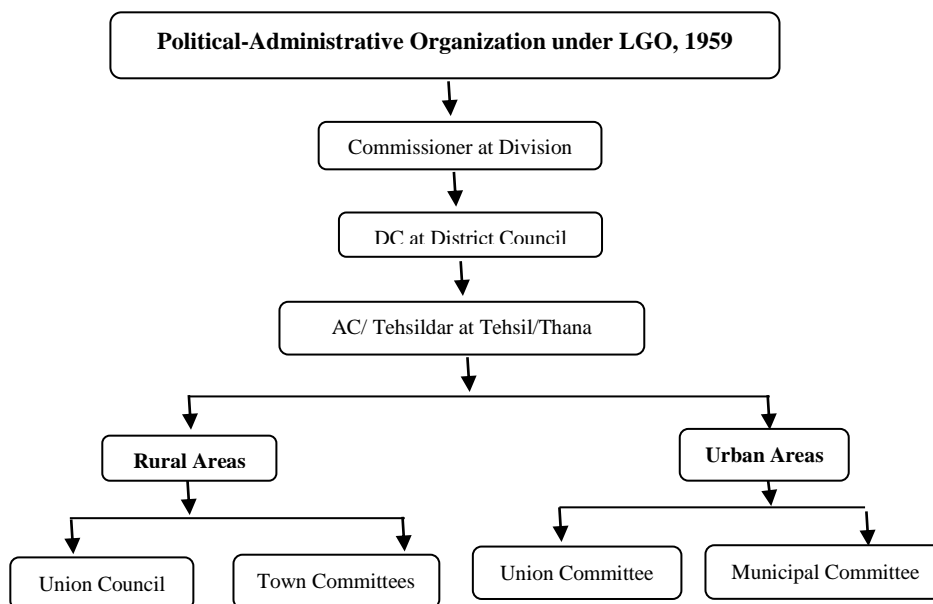
<sup>7</sup> Local democracy is the process in which the people participate in the decision-making process through their directly elected representatives in the local government institutions. In simplest form, it is democracy at the grassroots level. However, here it is taken as synonymous to local government leadership.

<sup>8</sup> Lawrence Ziring, "The Administration of Basic Democracies," in *Administrative Problems in Pakistan* by Guthrie S. Birkhead (New York: Syracuse University Press, 1966), 31. See hereafter as Lawrence Ziring's 'The Administration of Basic Democracies'...

<sup>9</sup> There were 17 district councils in East Pakistan and 58 in West Pakistan. These figures include 12 agency councils for the tribal areas of West Pakistan. For details see Lawrence Ziring's 'The Administration of Basic Democracies'..., 35.

union committees and union councils<sup>10</sup>, in urban and rural areas respectively.<sup>11</sup>

**Figure-1**



Literature on local government bodies in Pakistan bears testimony to the fact that Ayub Khan's Basic Democracies system was created for a political purpose – to build a support base for the dictatorship. For the office of the President and the national legislature, the BD system functioned as an electoral college. The DC and the Police officials exercised rigid control over this body.<sup>12</sup> In addition to this, the DC was empowered under *the Basic Democracies Order, 1959* (BDO) to exercise enormous administrative,

<sup>10</sup> It is worth mentioning that under the BDO, 1959, a chairman could not be removed from the office. Later on an amendment was introduced in 1963 through which he could be removed through a vote of no-confidence provided passed by 2/3<sup>rd</sup> majority of the total member of the union council. See for details *The Gazette of West Pakistan* (November 16, 1963). See also Lawrence Ziring's 'The Administration of Basic Democracies'..., 33; Total Union councils were 614 (412 in East Pakistan and 202 in West Pakistan). For details Lawrence Ziring's 'The Administration of Basic Democracies'..., 34.

<sup>11</sup> Amir Ullah Khan, "Financial Management of The Union Councils in Pakistan: The Case Study of Town-1, City District Government of Peshawar", (Unpublished M. Phil Thesis, Department of Political Science, University of Peshawar, 2005-06), 8-9. Cited hereafter as Amir Ullah Khan...

<sup>12</sup> Rizvi's *Local Government in Pakistan*..., 67.

electoral, judicial and financial<sup>13</sup> powers.<sup>14</sup> So under BD system, bureaucratic control was dominant.<sup>15</sup> Many other factors like corruption and structural problems, lack of decentralization of powers in letter and spirit were some of the fundamental flaws in the BD system.<sup>16</sup> During Ayub Khan's era, it was believed that:

“The political complexion of Pakistan in future would be largely determined by the extent to which these British trained senior administrators and army officers considered that they were the only qualified to control the evolution of the country's institutions.”<sup>17</sup>

Discussing the dominant role of the bureaucrats, Lawrence Ziring says:

“The Basic Democracies system in part aims at breaking the paternal control of bureaucracy, decentralizing administration, and fostering the growth of responsible leadership at the grassroots level. However, at all the tiers above the union council, the civil servant continued to dominate the scene.”<sup>18</sup>

In short, during the entire period of Ayub Khan's government, the civil services of Pakistan remained supreme and no administrative re-organization could be made that threatened its privileged position.<sup>19</sup> The political history of Pakistan witnessed a very pathetic institutional development when the elected government of Mr. Zulfikar Ali Bhutto rolled back the BD system on January 22, 1972 instead of making amendments in it. He stated:

---

<sup>13</sup> The 5<sup>th</sup> Schedule of the BDO, 1959 entrusted 29 items for taxation to District and Union Councils to impose provided prior sanctioned by the DC in case of Union Council. For details Rizvi's *Local Government in Pakistan...*, 173.

<sup>14</sup> Rizvi's *Local Government in Pakistan...*, 85-86.

<sup>15</sup> *Ibid.*, 65.

<sup>16</sup> *Ibid.*, 232-246.

<sup>17</sup> *Observer* (London), Sep 4, 1965. See also Hamid Ali Khan Rai, *Pakistan: A Study in Political System*, (Lahore: Kazi Sons, 1972), 87. Cited here after as Hamid's *Pakistan's A Study in Political System...*

<sup>18</sup> Lawrence Ziring's 'The Administration of Basic Democracies' ..., 38

<sup>19</sup> Hamid Ali, *Pakistan*, 95

“I am abolishing the system of Basic Democracy that has bred nothing but nepotism and corruption, a system that reduced democracy to a farce.”<sup>20</sup>

Like his military predecessor, General Zia-Ul-Haq also introduced a local bodies system by promulgating the ‘*Local Government Ordinance, 1979*’.<sup>21</sup> He promulgated local government laws for each province, the federal area, Northern Areas, and Azad Kashmir. No doubt, each province had passed its own local government ordinance but there was great homogeneity among them. The Ordinance provided for both rural and urban areas.

At the apex of the local government in rural areas was the District Council. The broad categories of functions of the District Council were public works, health, education, agricultural development and economic welfare, articles on food and drink, drainage, public ferries, livestock and dairy development, culture, public safety, development functions, etc.<sup>22</sup> In urban areas Town Committees were set up for small towns; Municipal Committees for ordinary cities; and Municipal Corporations for larger cities. For Karachi, a Metropolitan Corporation was established.<sup>23</sup>

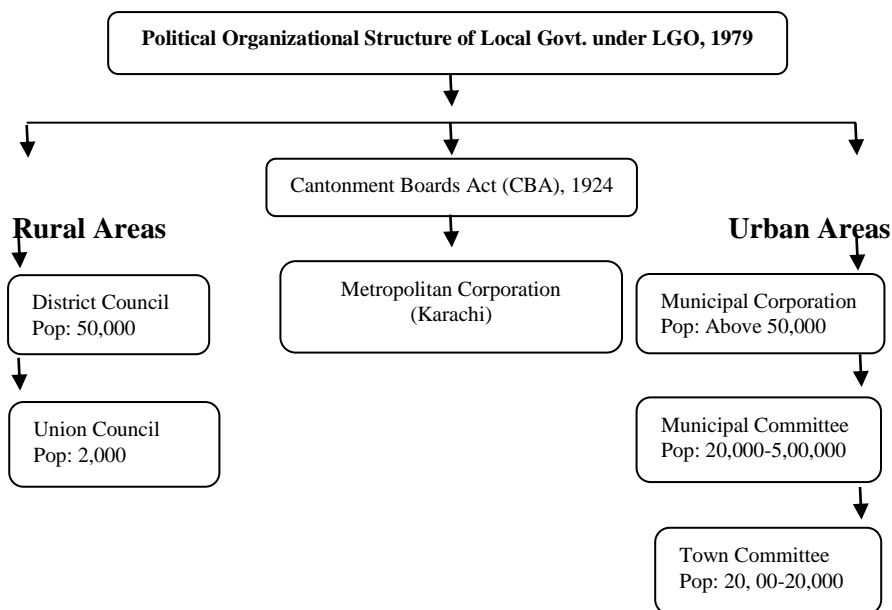
---

<sup>20</sup> *Dawn* (Karachi), Jan 26, 1972. See also Shahid A. Rizvi, *Changing Patterns of Local govt. in Pakistan*, (Karachi: Pakistan Historical Society, 1976), 91. Cited hereafter Rizvi’s *Changing Patterns of Local govt. in Pakistan*...

<sup>21</sup> Amir Ullah Khan, “The Myth Of Party-Less Local Bodies Elections Under LGO, 2001,” *Journal of Law & Society*, XXXVIII, No. 52, Law College, University of Peshawar, (July 2008): 93.

<sup>22</sup> Chapter IX of the *NWFP Local Government Ordinance, 1979*, deals with the functions of the District Councils.

<sup>23</sup> In case of Khyber-Pakhtunkhwa, there were 13 District Councils in settled area and 11 Agency Councils in FATA. The District councils had a fixed membership of 30 with 2 seats reserved for women in each council and one seat reserved for minorities in the two councils of the Districts of Swat and Chitral. The LGO, 1979 provided for three types of urban councils, namely, Town Committees, Municipal Committees and Municipal Corporation. Their composition depended on the size of population and location of the area. The membership of Town Committees and Municipal Committees varied from seven to fifteen with reserved seats for women in each committee. The Municipal Corporation Peshawar consisted of 43 members including two women reserved seats and one minorities reserved seat. See for details ‘*A Profile of Local Councils Elections, 1987*’ in N.W.F.P., Provincial Election Authority, N.W.F.P., 2. Cited hereafter as ‘*A Profile of Local Councils Elections, 1987*’...

**Figure-2**

A study of the 188 Articles, 22 Chapters and three Schedules of LGO, 1979 reveals that there is not a single clause, section or Article in the said Ordinance which empowers the local elected representatives of the people to exercise supremacy over bureaucracy at any level. Theoretically, bureaucracy was kept away from local democracy. But, in actual practice, the civil servants steered all the local affairs. The Deputy Commissioner was the king at the district level. He exercised exclusive powers in the district. He was not made responsible to the district's elected representatives. That was also the case at the lower tiers of the system established under LGO, 1979. The statute did not empower the District Mayor to transfer or to write the Annual Performance Report of the District officers. Under this system three times the local bodies' elections were held. The first elections to the Local Councils in the former NWFP were held in September 1979<sup>24</sup>; the second in September 1983 and the third in November 1987.<sup>25</sup> But instead of resulting in greater powers of the elected bodies the inherent structural and functional flaws of LGO, 1979 only weakened the local government institutions. These political institutions could not grow roots. Contrary to this, the bureaucracy strengthened its supremacy and

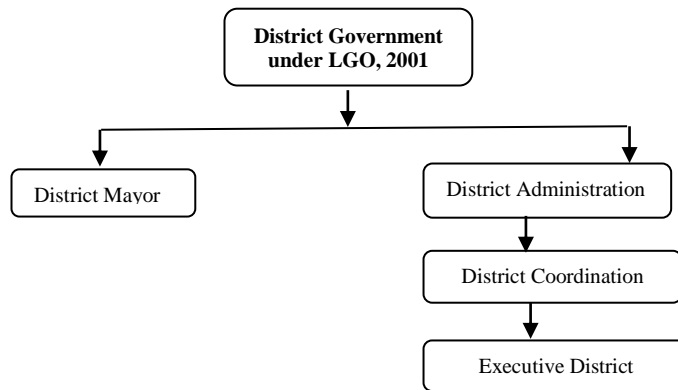
<sup>24</sup> The first Local Councils were inducted into office on December 16, 1979. See for details A Profile of Local Councils Elections, 1987..., 4. See also Amir's The Myth of Party-Less Local Bodies Elections..., 94.

<sup>25</sup> A Profile of Local Councils Elections, 1987'..., 2. See also Amir's The Myth of Party-Less Local Bodies Elections..., 93.

grew stronger at the expense of these institutions. These flaws in the system also paved the way for the asymmetrical institutional growth that we see in the country.

Next, General Pervaiz Musharaf introduced a local government system under *Local Government Ordinance, 2001* (LGO, 2001). Contrary to LGO 1979, the 2001 law put the bureaucracy under the peoples' elected representatives. The Zilla Nazim<sup>26</sup> headed the District Government.<sup>27</sup> The District Coordination Officer at the district level was responsible to the District Nazim.

**Figure-3**



In the history of the local government system in Pakistan, it was the first time that an elected representative of the people was empowered to represent and steer the affairs of the District in place of a civil servant. The District Mayor had the power to direct the District Coordination officer (DCO) and Executive District Officers (EDOs) to discharge functions.<sup>28</sup> In addition to this, the District Mayor also had an edge over the civil servant at the district level because in case of unsatisfactory role of the DCO<sup>29</sup> and EDO<sup>30</sup>, the District Mayor had the jurisdiction to request the Provincial Government to transfer them. The Provincial Government shall take action against the concerned person after the recommendations or enquiry made by the Local Government Commission.<sup>31</sup> Besides this, the District Mayor was armed with the power to initiate the Annual Performance Reports of the

<sup>26</sup> Zilla Nazim means District Mayor.  
<sup>27</sup> See for details Chapter-III of LGO, 2001, 9-16.  
<sup>28</sup> Article 18 (n) of LGO, 2001, 10.  
<sup>29</sup> Article 30 (4) of LGO, 2001, 10.  
<sup>30</sup> Article 30 (6) of LGO, 2001, 10.  
<sup>31</sup> Article 30 (5) of LGO, 2001, 10.

District Officers, i.e., DCO, EDOs, District Police Officers (DPOs), District officers (DOs) and Deputy District officers (DDOs).<sup>32</sup>

This was an innovation in the history of local government in Pakistan. It was a paradigm shift from the colonial legacy. LGO 2001 was considered as a Damocles' sword hanging over the heads of the top bureaucrats at the district and tehsil levels. Naturally this institutional development caused resentment among the bureaucracy. In return, the bureaucracy opened its front against this set up to make it a failure and to overhaul it according to its own wishes. Like the previous local government laws, LGO 2001 was also thrown in the dust bin. The military regime conducted two local bodies' elections but the civilian government returning to power did not bother to hold elections.<sup>33</sup>

In compliance with the constitutional provisions and Supreme Court's verdicts regarding the establishment of local governments, the Provincial Government of Khyber-Pakhtunkhwa passed the *Khyber-Pakhtunkhwa Local Government Bill, 2012* on May 8, 2012. The Governor of the Province gave his assent to this bill and it became an Act. The LGA 2012 is nothing but the revival of the Local Government System 1979 with minor modifications. Under this current Local Government Act, district bureaucracy has been kept out of the influence of district people's elected representatives.<sup>34</sup> It is ironic that despite the inherent weaknesses of Khyber-Pakhtunkhwa Local Government Bill 2012, local government elections were not held and this Act exists on paper only.

In compliance with Article 32(1) and Article 140(1) of the *Constitution of Pakistan, 1973*, the Government of Khyber-Pakhtunkhwa passed *Khyber-Pakhtunkhwa Local Government Act, 2013* (LGA, 2013) on October 31, 2013. The Governor gave his assent on Nov 5, 2013. It is significant to note that LGA 2013 provides for the establishment of City District Government for Peshawar, the provincial capital, District Government for each district other than Peshawar, Tehsil Municipal Administration and Town Municipal Administration under city district government, Village Council for a village in rural areas and Neighbourhood Council for a neighbourhood in areas with urban characteristics. It is worth mentioning that under LGO 2001 the distinction between urban and rural councils had not been maintained. Now under LGA 2013 the urban-rural concept has been revived. The previous Union Council and Wards have been replaced with Village and Neighbourhood Councils respectively at the

---

<sup>32</sup> Article 34 of LGO, 2001, 10.

<sup>33</sup> See Amir, "The Myth of Party-Less Local Bodies Elections," 94-5.

<sup>34</sup> See for details *The Khyber-Pakhtunkhwa Local Government Bill, 2012*, Provincial Assembly Secretariat, Khyber-Pakhtunkhwa.



grassroots level. Previously there were over 950 union councils across the province. The new law envisages establishing 3,500 villages and neighbourhood councils across the province.

It is also noteworthy that under LGA 2013 some characteristics of LGO 2001 have been retained like the titles of City Nazim, District Nazim and Naib Nazims.<sup>35</sup> The LGA 2013 is ambiguous and does not say anything about the supremacy of political bosses over the district bureaucracy. It does not provide any clear framework for the supremacy of popularly elected local representatives, particularly District Nazims, over the District bureaucracy contrary to LGO 2001.<sup>36</sup>

### **Factors that Facilitate Bureaucratic Supremacy**

There is no denying the fact that bureaucracy has remained supreme and it has dominated the political system in Pakistan and in order to perpetuate its supremacy it has not allowed local body institutions to function and flourish. How has this feat been accomplished by officialdom. There are several factors which seem to have facilitated the bureaucracy to gain the upper hand in the administration of the country.

First, is the character of the national political leadership which uses the bureaucracy to achieve its ulterior and material interests. The bureaucracy in its turn seek all kinds of favours from the political rulers and adds to its powers. The corruption of the politicians and the bureaucrats' lust for power has created an unbalanced political system. This has encouraged the growth of asymmetrical political institutions in Pakistan. Henry Frank Goodnow is of the view that the higher bureaucracy exerts such dominant influence as to make the climate unfavourable for the development of democratic institutions.<sup>37</sup> In this connection, Riggs says:

---

<sup>35</sup> "Local Government Bill 2013: New draft ensures interference by Provincial Government in district affairs," *Express Tribune*, October 7, 2013.

<sup>36</sup> See for details *The Khyber-Pakhtunkhwa Local Government Act (XXVIII), 2013*, Provincial Assembly Secretariat, Khyber-Pakhtunkhwa.

<sup>37</sup> Arshad Syed Karim, "Modernising Bureaucracy in Pakistan: Its role in Policy Implementation," *Pakistan Journal of Public Administration* (Karachi: National Institute of Public Administration), vol. XXIII, no. 2, 1996, 28. See hereafter as Arshad Syed Karim... See also Henry Frank Goodnow, *The Civil Service of Pakistan* (New Haven: Yale University Press, 1964), 3-22. See hereafter as Henry Frank Goodnow...

“Bureaucracy is usually tempted to give preference to its own interests. Pakistan’s political system can safely be termed a ‘bureaucratic polity’, that is, an unbalanced polity dominated by a powerful bureaucracy.”<sup>38</sup>

Second, concentration of power in their hands has always been the priority of both politicians and bureaucrats. Bureaucracy cannot give up its powers at any cost because it translates into control over the finances and privileges. Gustav Papanek says that “Given the nature of Government in Pakistan, decisions of any importance are concentrated in the hands of a few government officials and ministers. Economic powers rest primarily with the Central Government and especially its Ministry of Finance. As a result, an extraordinary share of major economic decisions is in the hands of a very small number of individuals in that Ministry, nearly all of them civil servants.”<sup>39</sup>

Mustafa Chowdhury adds:

“Bureaucracy is able to resist certain administrative reforms which are directed at breaking their monopolistic hold over key posts and reducing their domination in the administrative structure of Pakistan. Administrative reforms were sabotaged by the bureaucracy through its membership on the various commissions, its representation to various commissions, and its contracts with the President, ministers, and other influential political leaders.”<sup>40</sup>

Third, the bureaucracy in Pakistan is the legacy of the British imperial era. The public servant imitated the Crown and assumed royal airs with Western way of living. The role of culture and lifestyle cannot be ignored. Bureaucracy has a longer history than democracy in Pakistan. The public servant in Pakistan, by and large, is the product of the British administrative system in India.<sup>41</sup> Being the colonial remnant, bureaucracy in Pakistan is western-oriented. The civil servant in Pakistan has still that colonial

<sup>38</sup> Mustafa Chowdhury, *Pakistan-Its Politics and Bureaucracy* (New Delhi: Associated Publishing House, 1988), 164.

<sup>39</sup> Mustafa Chowdhury, *Pakistan*, 163-4. See for details Gustav F. Papanek, “The Location of Economic Policy Decisions in Pakistan,” in Carl J. Friedrich & Seymour E. Harris (eds.), *Public Policy* (Cambridge University Press, 1959), 127-48.

<sup>40</sup> *Ibid.*, 185.

<sup>41</sup> Masih-Uz-Zaman, ‘Public Service Traditions in Pakistan: A Case for Revision,’ cited in Abdul Qudus’s *Bureaucracy and Management in Pakistan*, 99. The same Article is also published in *Bureaucracy & Development in Pakistan* by Inayatullah, (Peshawar: Pakistan Academy for Rural Development, 1970), 285-298. Cited hereafter as Masih-Uz-Zaman’s *Public Service Traditions in Pakistan...*

mentality and lifestyle. Robert Presthus says that variations in bureaucratic behaviour stem from cultural differences.<sup>42</sup> Though the values of the administrators are shaped by cultural conditions of society, fundamental differences exist between the general culture of the society and the 'administrative culture'.<sup>43</sup> Masih-uz-Zaman states in this regard:

By and large the candidates coming to the Public Service Commission expect, because of tradition and history, that they should be possessed of social grace acceptable in a Western society..... It amounts to a moral commitment to a Western way of living. Even the pride of culture might be an issue involved in this situation.<sup>44</sup>

Fourth, the permanent nature of bureaucracy compared to transitory hold of the political rulers has also contributed to absolute control of the bureaucracy on local bodies.<sup>45</sup> Civil servants are permanent employees contrary to politicians who are elected for a specific time period. When a government resolves to introduce reforms to correct the balance it finds it difficult in a polity dominated by a strong self-conscious bureaucracy.<sup>46</sup> The successor governments show no respect to the reforms introduced by the predecessor. This gives an opportunity to the bureaucracy to rollback these reforms which it considers a threat to its status and power. It allows only those reforms which suit its interests. The situation would have been different if political parties had a uniform administrative policy to implement irrespective of the party that came to power.

### **Ramifications of Bureaucratic Control**

In democracy the dominance of political institutions is essential. In case this balance reversed its ramifications are deep and severe for the country.

First, the supremacy of bureaucracy over democracy is against the spirit of participatory democracy. Participation in local affairs is the fundamental characteristic of a local government system. Local government

<sup>42</sup> Robert Presthus, "Bureaucracy in Many Cultures," *Public Administration Review*, vol. 19, (1959); also see his "Social Bases of Bureaucratic Organisation," *Social Forces*, 38, (1959). See also Mustafa Chowdhury, *Pakistan*, 168.

<sup>43</sup> The term 'administrative culture' is used by Jose V. Abueva. Jose V. Abueva, "Conditions of Administrative Development: Exploring Administrative Culture and Behaviour in the Philippines," *CAG Occasional Paper* (Indiana, 1966). See also Mustafa Chowdhury, *Pakistan*, 168 & 186.

<sup>44</sup> *Ibid.*, 101.

<sup>45</sup> Syed Abdul Qudus, *Local Self-Government in Pakistan* (Lahore: Vanguard Books Ltd, 1981), 77.

<sup>46</sup> Mustafa Chowdhury, *Pakistan*, 186.

is regarded as the nursery for democracy. It imparts necessary training to the would-be politicians and provides to them sufficient opportunities for participation in the management of local affairs. Local government is primarily a political institution and as such is a vehicle of the state.<sup>47</sup> Any effort to sabotage local government institutions will mean cutting the roots of participatory local democracy.

Second, the supremacy of bureaucracy over democracy hampers the ability of local government institutions to raise future leadership from the grass-roots level.<sup>48</sup> At the higher levels of government, there is generally less mass participation, while at the bottom there is a larger mass participation. This participation of a large number of citizens in the political affairs of the state leads to a direct and healthy democracy and provides a strong barrier against tyranny. Disallowing local government institutions to flourish is tantamount to debarring local people from participation in the affairs of the state.

Third, the supremacy of bureaucracy hampers the process of political training and political education. Local government institutions provide opportunities to people belonging to all walks of life. Women, peasants, labour and minorities have the constitutional right to participate in decision-making at the grass-root level. The social structure of the society and poor academic background has already debarred women from playing an active role in the decision-making at the lower tiers of government. Local bodies allow all sections of people to learn the art of financial management because they have no knowledge of the mechanism how funds are generated, allocated and audited for various developmental works.<sup>49</sup> By depriving this opportunity to the people at the grass root level the bureaucrat ensures his permanent hold on power because there is none who knows how to exercise it.

Fourth, the supremacy of bureaucracy over democracy is also against the spirit of *the Constitution of Pakistan, 1973*. The Constitution of Pakistan states:

---

<sup>47</sup> Amir Ullah Khan..., 8

<sup>48</sup> Haji Ghulam Ali, affiliated with JUI (F), remained as District Nazim of City District Government Peshawar during MMA government and later on became Senator. Niaz Muhammad, affiliated with ANP, remained Nazim of UC Yakka Toot and later on became Naib Nazim of Town-1 Peshawar. Qamar Abbas, affiliated with PPP, remained as Member of Provincial Assembly (MPA) and provincial minister. Haji Dost Muhammad, affiliated with Jamat-e-Islami, also made his career as a Nazim of Town Council and then became MPA.

<sup>49</sup> Amir Ullah Khan, "The Enigma of Local Government Institutions in Pakistan," *Journal of Law & Society*, 40, no.55 & 56, (January & July, 2010), 166. Cited hereafter as *The Enigma of Local Government Institutions in Pakistan...*

“As a principle of policy, requires decentralization of government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public.”<sup>50</sup>

Similarly, Article 140A of the *Constitution of Pakistan, 1973* provides for the establishment of a local government system and devolution of political, administrative and financial responsibility and authority to the elected representatives of the local governments. Under the 18<sup>th</sup> Amendment, local governments have been placed under provincial government.<sup>51</sup> It is frustrating that despite being a provincial subject, the provincial governments except for Balochistan have failed to restore local government system in their respective provinces. In the post-18<sup>th</sup> amendment period, various federating units announced to hold local bodies elections as soon as possible. In Khyber-Pakhtunkhwa, the provincial government time again announced to hold local bodies elections, which still remains a far cry.<sup>52</sup> Similarly, Punjab government announced to hold local bodies elections within three months. But more than a year has passed but it did not take any concrete steps to implement local government laws.<sup>53</sup> The provincial governments are shying away from this constitutional requirement because it would mean relinquishing control over finances that MPAs and MNAs now enjoy.

Fifth, not holding of local bodies elections leads to the violation of Supreme Courts’ verdicts regarding the implementation of LG system. The provinces do not comply with the apex court’s decision of the country which ordered to hold local bodies’ elections immediately. Since the Supreme Court’s verdict the provincial governments have not taken any concrete step to ensure the implementation of Constitutional provisions and court’s decision pertaining to local government institutions.<sup>54</sup>

Lastly, the supremacy of bureaucracy over democracy will promote dynastic politics in the country. Local democracy is a threat to break and erode traditional dynastic politics from the society. Participation of citizens at the grass-roots level is important to promote democratic culture in the country. According to Hugh Tinker, “Many of the leaders were the men

<sup>50</sup> Article 37 (i) of *The Constitution of The Islamic Republic of Pakistan 1973*

<sup>51</sup> *The News*, Jan 10, 2010. See also for details Article 140A of *The Constitution of The Islamic Republic of Pakistan 1973* as amended by The Constitution (Eighteenth Amdt.) act, 2010 (Act No. X of 2010), 73. See also *The Enigma of Local Government Institutions in Pakistan...*, 16

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> “SC Orders Immediate Local Bodies Polls”. <http://dawn.com/2012/04/13/sc-orders-immediate-local-bodies-polls/>. (accessed April 13, 2012).

who received political training in the local government school. In addition to this, the participation of citizens in the local affairs imparts necessary training that enables them to shoulder responsibility at higher levels later in their career.”<sup>55</sup> In the absence of local government institutions, leadership will come from top rather than emerging from the bottom.

## Recommendations

There is light at the end of the tunnel, though for the time being at least we don't see its glimmer. There is a set of reforms that can be suggested to remedy the chronic supremacy of officialdom on democratic structures.

First, the people of Pakistan are now sovereign. They have different cultural values. The public servant needs to familiarize and adjust himself with his national culture so as to become a real servant of the people. Syed Abdul Qudus says:

“A positive endeavour on the part of the public servant is necessary to identify himself with the pattern of our national culture. He must possess knowledge of and take pride in his own heritage. Without a complete identification with the national idea the public servant cannot enlist cooperation of the people. This identification should create an understanding between them and the public whom he has to serve. Socially and culturally he must demonstrate through his dealings and conduct that he is a Pakistani. His conduct has generally to reflect that he is at least intellectually conscious of his heritage as a citizen of a State which has won its freedom in the mid-20<sup>th</sup> century.”<sup>56</sup>

Second, a public servant should keep his self-interests subservient to that of the community. He is part of that community and must swim and sink with it. Syed Abdul Qudus says:

“A public servant himself, above all, has to have a clear vision and always to remain cognizant of the fact that he has to serve the best interests of all the people and not the selfish interests of any group of people. He has to realize that the office he holds is a position of public trust and confidence and he can be an agency for the progressive improvement of our national life.”<sup>57</sup>

---

<sup>55</sup> Hugh Tinker, *The Foundations of Local self-Government in India, Pakistan and Burma* (London: The Athlone Press, 1954), 143. See also Amir Ullah Khan..., 12.

<sup>56</sup> Syed Abdul Qudus..., 81.

<sup>57</sup> *Ibid.*, 82.

Similarly, Masih-uz-Zaman says:

“The norms of a democratic society demand cultural affinity of the public and the public servant. They also require affection for national products and traditional culture.”<sup>58</sup>

Lastly, in a true democratic polity, the supremacy of the popular executive instead of bureaucracy should prevail. The elected representatives are directly accountable to people for their acts and omissions. Contrary to this, the civil servants are not directly responsible to people. Civil servants are responsible to the rank and file through their elected leaders. Mohibullah says:

“It is the will of our people that has to be carried out by the State in every sphere of its activities and it is only the elected representatives of the people who are supposed to know what the people want to be done.<sup>59</sup> Secretariat is the PEN of the “popular executive” not it’s BRAIN.”<sup>60</sup>

Goodnow advocates balanced institutional growth both in sphere of political and administrative developments. “Institutions must be strong enough to perform their primary functions, but not so strong as to dominate or intimidate other desirable institutions.”<sup>61</sup>

Society must change and demand in proportion to the change adjustment in the attitude and behaviour of the public servant before the public servant is called upon to change, and this change must be gradual.<sup>62</sup> The significance of local government cannot be ignored as it is regarded as the cradle of democracy. It is, therefore, suggested that the local councils should be allowed to function as free and responsible institutions so that the local authorities can develop a sense of responsibility and self-respect.<sup>63</sup>

The analysis of the working of Local Government institutions in Pakistan reveals that bureaucracy has been conceived as the guardian of local government in one form or the other. However, it is too much to expect from a bureaucrat to contribute in the development of political institutions. Elected bosses, not selected bosses are the representatives of the people. The former are directly accountable to their electors. The latter should be made responsible to elected representatives of the people.

---

<sup>58</sup> Masih-Uz-Zaman’s Public Service Traditions in Pakistan..., 110.

<sup>59</sup> Mohibullah, ‘What is wrong with our Bureaucracy’, cited in Abdul Qudus’s Bureaucracy and Management in Pakistan, 87.

<sup>60</sup> Ibid., 92.

<sup>61</sup> Henry Frank Goodnow..., p. 291. See also Arshad Syed Karim..., 28-29.

<sup>62</sup> Masih-Uz-Zaman’s Public Service Traditions in Pakistan..., 110.

<sup>63</sup> Rizvi’s Local Government in Pakistan..., 86.

Ironically in Pakistan, local government system has always been introduced by the military junta but extenuated by the democratic forces for their ulterior motives. Political systems cannot be imagined to be free from flaws and anomalies. It needs frequent overhauling and introduction of reforms to keep the system fine tuned to developments taking place. The enigma of local government institutions is that the national and provincial civilian leaders are not making sincere efforts to introduce and implement LG system because local government institutions are threats to their political monopoly.<sup>64</sup>

The overall study shows that the local bodies alone can ensure development at the grass-roots level as the higher echelons of power are not aware of local needs and problems. The higher tiers will have no need to worry about local development and will have the time to make policies and plans at the macro level. There can be no other way to improve governance. Local governments must get their chance if Pakistan has to progress towards real democracy. The country should not be made a laboratory for experiments any more.<sup>65</sup> It may be summed up with the remarks of Dr. Arshad Syed Karim:

“The present leadership must look into reforming the existing bureaucratic system in Pakistan. They should develop a new strategy of harmonising the apparently conflicting interests of a highly centralised bureaucracy and a fragmented socio-political system by introducing such changes in the existing bureaucratic set up which help to eliminate corruption and inefficiency from the routine cycle of policy implementation and making it to accept advisory role in the formulation of public policy. Pakistan today, therefore, faces a great challenge of how to take over the tasks of policy formulation from the powerful elite of civil bureaucracy and to give the country a real modernising character.”<sup>66</sup> ■

---

<sup>64</sup> The Enigma of Local Government Institutions in Pakistan..., 170.

<sup>65</sup> Ibid.

<sup>66</sup> Arshad Syed Karim..., 54-55.