



Proceedings

PILDAT Legislative Capability Building Programme



Workshop for NWFP MPAs on

Federal, Provincial and Local Governments

Demarcation of Roles, Issues and Possible Solutions



**August 27-28, 2003
Hotel Pearl Continental , Peshawar**

PILDAT
Pakistan Institute of
Legislative Development
and Transparency

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PILDAT would like to especially thank all the resource persons and speakers for their time, sharing of invaluable ideas and their involvement throughout the workshop. These illustrious resource persons and speakers include Senator Professor Khurshid Ahmad; Dr. Hasan-Askari Rizvi; renowned political and defence analyst; Senator Asfandiyar Wali, President Awami National Party; Mr. Muhammad Haneef Ramay, former Chief Minister Punjab; Mr. Mujib-ur-Rehman Shami, renowned columnist; Mr. Naeem-ul-Haq, Member National Reconstruction Bureau and Mr. Abdul Akbar Khan, Parliamentary Leader of PPP in NWFP Assembly. We thank the Nazims of Peshawar, Kohat and Dera Ismail Khan for their active participation in the dialogue between them and selected MPAs.

We also thank the session chairs at the workshop including Mr. Abdul Akbar Khan, Parliamentary Leader of PPP in NWFP Assembly, Mr. Sardar Mohammad Idrees, Provincial Minister of Local Government; and Mr. Bakht Jahan Khan, Speaker of the Provincial Assembly of NWFP, who despite various demands on their time, participated in the workshop and actively chaired and coordinated their respective sessions.

We especially acknowledge the wholehearted support and warm hospitality of Mr. Bakht Jahan Khan, Speaker Provincial Assembly of NWFP; and the help, support and coordination by the staff of the Assembly Secretariat led by Mr. Nazir Ahmad, Secretary Provincial Assembly of NWFP. Without their help, this workshop could not have taken place.

In the end, it is the commitment, zeal and hard work of the PILDAT team that ensured another successful workshop and compilation of this report. We hope that the readers of this report find it useful.

Disclaimer

PILDAT has made every effort to ensure the accuracy of views, discussions and presentations in compiling and editing of this report. PILDAT, however, does not take any responsibility of any omission or an error since it is not deliberate. The views expressed at the workshop and presented in this report are those of the resource persons and participants and do not necessarily represent the views of PILDAT.

Executive Summary

The workshop for MPAs of NWFP on Federal, Provincial and Local Governments: Demarcation of Roles, Issues and Possible Solutions was organised so as to raise the awareness of the MPAs about the demarcation of roles and responsibilities between the three tiers of the government in order to help them identify issues and concerns and work towards arriving at a better understanding of the system.

The workshop, held on August 27-28, 2003 at hotel Pearl Continental, Peshawar, was attended by sixty-one (61) MPAs belonging to six (6) political parties represented in the Provincial Assembly of NWFP. In addition to MPAs, resource persons of national and international repute addressed the workshop. Divided into six (6) sessions, the workshop discussed issues of Federalism, Provincial Autonomy and the System of Local Government, while two (2) sessions on two (2) days were devoted to Group work by MPAs in which they were to prepare their recommendations on the issues of Provincial Autonomy and System of Local Government respectively.

Actively participated by the MPAs, the workshop enjoyed intense and vibrant interaction in all sessions. The unanimous view of the NWFP MPAs, forcefully represented at the workshop, was that the federal government does not provide the required autonomy to the province which is constitutionally guaranteed and is necessary to effectively run the system. The MPAs believed that the province of NWFP was financially deprived of its legitimate shares by the federal government, which has resulted in the underdevelopment of the province and the poor condition of its people.

Terming the Local Government System as a ploy of the federal government to further snatch the powers of the provincial government, many MPAs demanded that the system should be placed under the jurisdiction of the provincial government and the provincial assembly should be free to amend or further legislate on the issue of Local Government System.

The participants felt that the workshop provided them with a platform where members and experts could rise above their party lines and differing schools of thought to interact, debate and learn from each others perspective. They termed the workshop as a comprehensive learning experience which not only enhanced their understanding of issues but also provided an impetus for further debate.

Background

PILDAT Legislative Capability-building Programme

The PILDAT Legislative Capability-building Programme focuses on building the capability of elected legislators so as to better equip them towards an effective discharge of their duties. The Programme has been formulated in consultation with present and veteran legislators, opinion leaders, analysts and academicians to cater to the specific policy-making and analytical needs of Pakistani legislators at all levels.

Demarcation of Roles between Federal, Provincial and Local Governments:

Being a federal state, Pakistan has been confronted with issues of federation and provincial autonomy from the start; the provinces accuse the centre to hold on to most powers which should be part of the provinces. The introduction of the system of local government in Pakistan in 2001 brings another dimension to this issue. Instead of the logical devolution of power from the centre down to provinces and to the local level, the provinces complain that while centre holds on to its powers, the system of local government further robs the provinces of their powers which are devolved to the local level.

Elected Legislators working at the provincial level need to be fully aware of the the three tiers of government and their clear demarcation. It is in this backdrop that PILDAT held the workshop for the MPAs of the NWFP Assembly. The basic purpose of the workshop was to create a better understanding of the system and contribute towards a smoother interaction between the three tiers of government.

A similar workshop has been held for Balochistan Assembly while these are also scheduled for the Punjab and Sindh Assemblies as well.

Components of the Workshop

The workshop was a two-day event and divided into six (6) sessions. **Appendix A** carries the detailed programme of the workshop.

Workshop Dossiers were prepared by PILDAT containing relevant information for the benefit of the participating MPAs. Among other things such as programme, profile of participants and speakers and some presentations of resource persons, the dossiers also included two (2) briefing papers prepared by PILDAT on the topics of Federal System in Pakistan and the System of Local Government in Pakistan.



Sixty-one (61) MPAs belonging to six (6) political parties participated in the workshop. **Appendix B** carries a list of participating MPAs as well as their party and gender profile.

Session 1

Federalism and Provincial Autonomy

Introduction

by Mr. Ahmed Bilal Mehboob
Executive Director, PILDAT



Mr. Ahmed Bilal Mehboob invited Mr. Jehangir Khan, MPA, for Tilawat-e-Quran at the start of the session. After tilawat, Mr. Mehboob welcomed the participating MPAs, distinguished guests and resource persons of session 1 at the workshop. Mr. Mehboob gave a presentation introducing PILDAT and the workshop. He explained the rationale behind the subject of the workshop and said that PILDAT, as an organisation, remains totally non-partisan on each issue. PILDAT's role, he emphasised, is to build the capacity of legislators by providing them with concise and objective information as well as a platform of informed dialogue and exchange of ideas. He said that the workshop was not organised as a seminar or a political meeting but a platform for serious discourse and interaction on crucial issues for the benefit of MPAs. **Appendix C** carries the complete presentation of Mr. Ahmed Bilal Mehboob.

Federalism: Federal-Provincial & Inter-Provincial Relations

by Senator Prof. Khurshid Ahmad
Vice President (*Naib Amir*)
Jama'at-e-Islami Pakistan
Chairman Institute of Policy Studies



statement in the briefing paper, he does not consider confederation as semi-federalism. He also pointed out that the examples of NATO and EU as confederating units in the briefing paper are also incorrect as the only example of confederation in the World is Switzerland and the rest of the countries follow unitary or federal system of government.

Prof. Khurshid Ahmad lauded the role of PILDAT for holding the workshop which, in his view, provided a crucial platform of discussion and learning to legislators. PILDAT is undertaking a very important job by building the capacity of elected legislators through scientifically planned programmes and he wished PILDAT success in its endeavours. Political leanings and ideologies are necessary and respectable, he said, but there is need for forums like PILDAT workshops where people from all parties could interact and discuss issues of national importance.

He said that federalism and inter-provincial relations are not ideological but pragmatic issues under which any system could be adopted on the basis of reason and suitability. Islamic system, he added, allows the adoption of any suitable system, be it unitary, federal or confederation. Logic, realism and understanding of local conditions is a must to discuss these issues.

Pointing to the PILDAT briefing paper provided to MPAs on the issue of Federal System, Prof. Khurshid Ahmad said that contrary to the

He explained that in the federal system different units can co-exist as well as retain their independence. Both the centre and the federating unit derive their authority from a single source which is constitution, which, other than laying down general laws on the conduct of centre and units, also specifies the course in the case of conflict.

He said that the roots of the federal system in Pakistan today can be traced to the pre-independence era. The Muslim Rule in India had traces of federalism while the British rule was truly unitary with administration and military as their main tools for governance. Instead of transferring powers to the provinces, the British created local governments. Socialism also has a unitary system with only local governments below that. The priority of Muslims at the time of independence, however, was that provinces should be strong and more powerful. The struggle for Pakistan was based on ideology; it was a people's democratic movement with clear goals that Pakistan will be a democratic form of government. Some thinkers say that the idea was to have a unitary system in

Pakistan, Prof. Khurshid Ahmad termed as a joke with the history and movement of Pakistan.

Tracing the constitutional history of Pakistan, Prof. Khurshid Ahmad said that from 1947 to 1962, mere lip service was paid to the principles of parliamentary democracy and federalism which resulted in the secession of East Pakistan in 1971. Terming the Constitution of 1973, as a golden achievement of that period and a historic document for Pakistan, he said that it was achieved through a political process and a national consensus. He warned that if the constitution of 1973 is weakened in any way, it can be catastrophic for the federation of Pakistan.

Prof. Khurshid Ahmad said that the model of federation adopted in the USA and India is different from the Pakistani model. Pakistan follows a bi-cameral system in which Senate was weak which is strengthened to some extent now. He said that the provinces have not made use of their rights under the 1973 constitution. The Council of Common Interests (CCI) has not been activated in 30 years although it is an excellent forum that provinces can use. The CCI can list issues for the parliament to discuss which it cannot ignore. He believed that if the centre has not been active in granting provinces their rights, provinces too have not done a good job for achieving those. He termed the system of local government as a hijack on provincial autonomy.

Prof. Khurshid Ahmad concluded that the country needed to go back to the basics of Islam, parliamentary democracy and true federalism. The constitution of 1973 provides a framework which should be implemented. Understanding of ones rights is necessary before the struggle for that can be waged, he said. Conflicts and issues in the country need to be resolved by a political process. Without awakening the people, assemblies and political parties cannot work. He said that a clear demarcation of the role of civil and military bureaucracy in Pakistan is required. The judiciary needs to be separated from the administration. He believed that the bureaucracy has not been given the constitutional power to say to the government of the day that it is wrong. And lastly, he believed, parliamentarians should understand and carry out their roles of legislation, representation and oversight of the executive.

Pakistan as a Federal State

by Dr. Hasan-Askari Rizvi
Defence and Political Analyst; Member
PILDAT Board of Advisors



Dr. Hasan-Askari Rizvi said that there are certain features and basic necessities for the system of federalism. Firstly, he said, federalism is a political process where pluralism as well as individuality is required. Unless participating partners feel that being part of a federation does not affect their individuality and rights, the system of federalism cannot work.

Secondly, he said, where distribution of power does not have a constitutional cover, that system cannot be called federalism. Thirdly, an independent judiciary is required in federalism which works as an umpire as differences can and do crop up between the centre and the federating units. Fourthly, the federating units should have shared political objectives and the political process leading to them should be federal.

Dr. Askari explained that each federation is different from the other due to its peculiar issues; the length and time and association also matters

a great deal in a federation and so does the practise and the direction of the political experience. Pakistan, he said, can be termed as a federal state with a strong centre. It fits the bill of basic requirements of the theory of federation such as working under a written Constitution, division of responsibilities, autonomy and a shared heritage. However, he said, the issues facing Pakistan as a federation thus are practical ones. Pakistani heritage has two conflicting traits: the British rule remained centre-strong, but the Muslim League preferred provincial autonomy and federation. Certain structural issues also harmed the federation: while East Pakistan had 54 per cent of the population, the West Pakistan was the centre of real power. West Pakistan enjoyed diversity but Eastern part was completely homogeneous.

He said that when democracy is not preferred, federalism gets weakened and the military and bureaucracy get to gain benefits. Similarly he said the monolithic ideas of nation-building and unitary thought also negate federalism. Military, he added, is by orientation centralised which is why it is not sensitive to federalism and its requirements. Military rule negates federation as martial law suspends constitution.

Lack of continuity also does not allow consolidation of system, explained Dr. Askari and systems get better and strengthened with time. Putting in place a ripe system is a contradiction in terms, he emphasised, as systems only develop with time and continuity. He believed that disorganised political parties are also a cause for disruption of democracy alongside military.

For a federation to work, he advised, the provinces or federating units neither need to totally submit nor totally defy the centre, but the middle road should be sought with the strengths of political bargaining for a healthy system.

Dr. Askari believed that economic issues are the root cause of the problems in the system. The powerful centre needs to be aware that education and local government etc. are not federal, but provincial subjects. He concluded by saying that federalism only exists theoretically in Pakistan and needs to be practically implemented by efforts of all parties for a prosperous country.

Provincial Autonomy from the Perspective of NWFP

by Senator Asfandiyar Wali
President Awami National Party



a province feels a part of the whole, there cannot be a federal system in the country.

Senator Asfandiyar Wali began by lauding the MPAs of the NWFP upon their walkout from the assembly during budget session on the issue of NFC. He termed this protest by MPAs a tremendous first in the parliamentary history.

Clarifying that he speaks as a representative of his province and not his party at the workshop, he said that the North West Frontier was a province of undivided India and the province needs its new name which represents the people living here.

Provincial Assemblies and their resolutions, he believed, are not taken seriously by the centre which is condemned to repeat the mistakes which led to the secession of East Pakistan. The smaller provinces, he said, suffer from a crisis of confidence with the centre, which the centre or Punjab do not seem interested to address. Unless

Senator Asfandiyar Wali termed the denied political and the economic rights of the smaller provinces as the main issue. In terms of economic rights, he said, those guaranteed in the 1973 constitution have been denied to NWFP till the late 1990s and it is pathetic the way federal government still struggles to walk around the constitution to avoid paying NWFP its net profit dues.

A further atrocity on NWFP, said Senator Asfandiyar Wali, is that the electricity arrears for Federally Administered Tribal Areas - FATA, are charged to the NWFP. The provinces of Sindh and Balochistan get their oil and gas money deposited to their provincial fund directly from the federation, but only the NWFP has to go to the OGDC for its money. Federal Government, he said is a defaulter of 10 to 12 billion rupees of NWFP, but despite the accountability hype of the centre, a province cannot hold the centre accountable for this default.

Senator Asfandiyar Ali also pointed out that NWFP produces 95 per cent of the total tobacco of the country which is its main cash crop, however, the excise duty is levied on tobacco and

put into divisible pool and distributed according to population. We demand, he said, that such a duty should be levied on cotton and rice of Punjab and Sindh as well which should be put into divisible pool, or else NWFP alone should be given the entire excise duty of tobacco to put to provincial use. Minerals and natural resources of NWFP, he added, are the other major money makers, but again the centre is in charge for minerals and natural resources.

Senator Asfandiyar Wali said that Hafeez Pirzada would bear witness to the fact that the 1973 constitution was unanimous but not unconditional. It was agreed at the time of signing the constitution that the provinces' rights would be discussed and revised after 10 years. The revision did not take place as Zia imposed his martial law, but even the rights of the provinces given in the 1973 Constitution have not been implemented, he lamented.

As for provincial harmony, three provincial assemblies of the country have passed unanimous resolutions against the building of proposed Kalabagh dam, but a single province of Punjab is in favour so rest of the three provinces are ruled out even today, he said. Gen. Pervez Musharraf, he said, sits on a chair which represents federation, but all the federating units including parliament vote for that chair. If he, representing federation, regards himself above those regulations, what kind of a federal system exists in the country, he questioned. Referring to Dr. Askari's point of a middle ground that provinces should seek while being part of a federation, he said that we as a province have pleaded, sought solutions, legalities and all that is required, but what course are we to follow when these approaches have not succeeded.

We as a province were crying, he said, on the provincial autonomy, but Gen. Tanvir Naqvi showed up with his devolution plan to further strip the provinces of their rights. Quoting his words that he said to President Musharraf on this issue in their meeting, he said that this system has reduced provincial governments to mere post offices between GHQ and the local governments and the Chief minister of the province as mere postmaster general with no authority of his in running the affairs of his province.

Requirements of Federalism

by Mr. Muhammad Haneef Ramay
Former Chief Minister Punjab;
Former Speaker of the Punjab Assembly



Mr. Muhammad Haneef Ramay said that the military in Pakistan has not added an inch of land but only contributed to its break up. We the people, he said, are the masters in this country and the military should learn to behave as the servants.

Despite being the chief Minister of Punjab, the province which is known by smaller provinces as a usurper of their rights, he said, he was thrown in Jail for 16 months by Prime Minister Zulfikar Ali Bhutto for demanding provincial autonomy.

Counting the reasons for not having true federal practices in the country, Mr. Ramay said that the country continued without constitution for 28 years; one unit and issue of parity created a crisis of confidence; strong representation of Punjab in the military and bureaucracy worsened the system; foreign policy weaknesses, confrontation with India and the involvement of foreign hands contributed to strengthening of the centre; ordinary citizens needed to resort to corruption and nepotism as no institutions were built.

A province is not a widow without pension, he said and the federal government should realise that. Sindh today demands international mediation on water which shows the worst lack of confidence on federal government. The smaller provinces, he added, also need to understand

that Punjab is a big province and has a bigger number of people and their needs to meet. For the federation to continue, he said, it is needed that military should never rule the country. Unless a respectable peace is reached with India, he opined, the country can have no hope of military going back to barracks. He blamed political parties and political governments for worst victimisation of their opponents and for inviting the military into politics and said that unless there is unity between political parties over the rule of democracy in the country, there is no hope of a sustainable democracy in Pakistan.

Judiciary itself does not have the right to amend the constitution so it is absurd for it to give this right to a single individual, he said. Starting from Justice Munir, he said, the judiciary is responsible for lack of sustainable democracy in Pakistan. Speaking on LFO, he said that Gen. Ziaul Haq at least brought his constitutional amendments to the parliament but Gen. Musharraf thinks his LFO is above parliament. Zulfikar Ali Bhutto, he added, is given the credit for the unanimous 1973 constitution, but he also has the infamous credit of making seven amendments to it. Another political prime minister brought 9th to 14th amendments in the constitution, and political governments are equally responsible for exacerbating the crisis of confidence.

Mr. Ramay said that he was witness to the fact that it was verbally agreed and decided in the 1973 constitution that the concurrent list would go to provinces. Provincial autonomy should be clearly demarcated and complete provincial harmony is to be achieved on each issue for saving federation.

He was of the view that Punjab should be further divided into three provinces which will ease its administration and also finish the insecurity of other provinces against it.

He concluded by saying that he is against the word of political tolerance which implies that the worst is being tolerated; instead, he said the word of political accommodation should be used in which political opponents should be respected for who they are and vice versa. His complete paper is attached as **Appendix D**.



Q&A/Comments Session

Question by:

Mr. Mujahid Alhussaini, MPA

What is to be the demarcation of roles between the Local Government System and the Provincial Government? Why is this system imposed upon us?

Answer by:

Mr. Muhammad Haneef Ramay

This is a very important issue which is why tomorrow's whole day is devoted to this issue. You will have a chance to raise this question and benefit from relevant persons' views on this.

Question by:

Mr. Qazi Mohammad Asad, MPA

We are a security-conscious country and one of the fallout of this is that military gets a huge

budget. But isn't security a real issue of Pakistan. Can we seriously make peace with India? Shouldn't we be strong defence-wise first and then worry about political and economic stability?

Answer by:

Senator Prof. Khurshid Ahmed

Security is an important issue which cannot be overlooked. But security is strongly related to democracy, law and order and finance. Strengthening the military alone is a big risk. The political role of military has weakened it which is also a grave risk. Have we been able to achieve security by allocating such a huge budget for defence? I don't think so. In my opinion, the lifestyle of military, its culture, administration and its economic empire weaken its capability and its prestige. In the name of security, military's involvement into politics, political affairs, democracy and running of the state is in fact a reason why security of the country is under threat.

Session 2

Working Session on Provincial Autonomy

Session No. 2 was designed as a working session in which participating MPAs were divided into three (3) different groups, each group comprising a mix of political parties and gender. The groups were asked to prepare their separate recommendations on the issue of provincial autonomy.

Each group was assigned facilitators from amongst the resource persons while group members were to elect their own group leader who would present the recommendations of the group in the session 3.

The groups were allotted one hour each to finalise their recommendations. **Appendix E** carries list of the three (3) groups.

Session 3

Presentation of Working Groups' Reports on Federalism and Provincial Autonomy

Group Leaders of the three (3) groups presented their specific group's recommendations. Mr. Abdul Akbar Khan, Parliamentary Leader of PPPP and former Speaker of the NWFP Assembly was the session chair and moderator in the session.



Recommendations of Working Group 1:

Group 1 had chosen Mr. Qazi Mohammad Asad as its group leader who presented the following recommendations of the group:

- 1 The centre should only keep the areas of foreign policy, international trade, defence and currency with it while all there maining areas should be handed over to the provinces.
- 2 The National Finance Commission - NFC should be activated to play a just role.
- 3 Eighty (80) per cent of the federal divisible pool should be distributed to the provinces according to their population
- 4 Archaeological artefacts of a province should remain in the province
- 5 Unanimous resolutions of the provincial assemblies should be acted upon.



Recommendations of Working Group 2:

Group 2 chose Mr. Ikramullah Shahid, Deputy Speaker of the NWFP Assembly as its group leader who presented the group's recommendations which are as follows:

- 1 Military intervention into politics should be stopped
- 2 Judiciary should carry out its role independently and objectively
- 3 Concurrent list should be abolished
- 4 Except Defence, Communications, Foreign Affairs and Currency all areas should be handed over to the provinces
- 5 The CCI and NFC should be activated
- 6 Local Government should be placed outside schedule 6 of the constitution
- 7 The rule of political acceptance be adopted instead of political tolerance
- 8 There should be democracy within political parties
- 9 Family-based politics should be abolished
- 10 The Constitution of 1973 should be revived

Recommendations of Working Group 3:

Group 3 chose Maulana Ismatullah Khan as its group leader who presented the group's recommendations which are given below:

- 1 The centre should only have the areas of defence, foreign policy and communication; rest of the areas should be with the provinces who should be free to do foreign trade independently
- 2 The centre should not interfere into province. Emergency should only be declared if the simple majority of the provincial assemblies allow that.
- 3 Governor should have the right to abolish provincial government not provincial assemblies
- 4 Centre should not post federal employees into provincial departments
- 5 WAPDA should pay a share of surcharge to NWFP



Comments by Session Chair

Mr. Abdul Akbar Khan
MPA, Leader of PPPP
Parliamentary Party, NWFP Assembly



Mr. Abdul Akbar Khan was of the view that federation is made up of federating units which make up the system and hence provinces make a federation and not the centre.

Commenting on the recommendations of the three (3) groups, Mr. Abdul Akbar Khan said that although these were three (3) different groups meeting at different places and each one has members of different political parties as its part, yet their recommendations convey a consensus on the issue of provincial autonomy.

Mr. Abdul Akbar Khan says that the NFC award is not supposed to exceed a day over 5 years but it has not even been constituted. He demanded that 15 paisas per unit share of Ghazi Barotha should go to the NWFP as it does in the case of Mangla Dam to Azad Kashmir. He warned the centre to listen to the issues of the provinces now before it is too late.



Q&A/Comments Session

Question by:

Mr. Qazi Mohammad Asad

Our group recommended that the centre should not have more than defence, currency and foreign affairs etc. I wonder if that is done, would a strong Pakistan survive.

Answer by:

Mr. Abdul Akbar Khan

Strong federation means a strong defence. If you take out areas such as telephone and railway from centre's areas, federation cannot work. However provinces should pressurise the centre for their lawful rights and there are constitutional forums which can be used for this.

Question by:

Mr. Shah Raz Khan

If the centre does not pay up our lawful dues, what forums do we have to raise such issues in?

Answer by:

Mr. Abdul Akbar Khan

If there are any issues between the centre and province or between two provinces, this can be taken to the Supreme Court.

Comment by:

Mr. Muhammad Haneef Ramay

If Pakistan as a federation has to exist then the centre and bigger provinces should listen to the issues of smaller provinces. Demarcation of roles is necessary and it should be mutually agreed, respected and implemented. I propose that PILDAT should hold an inter-provincial conference on the issue involving MPAs from all provinces.

August 28, 2003

Session 4

System of Local Government

Introduction

Mr. Ahmed Bilal Mehboob
Executive Director, PILDAT

Upon the start of the session, Mr. Ahmed Bilal Mehboob thanked the participating MPAs for their active involvement and interest in the workshop and welcomed them to the second day of the workshop. He specially welcomed the session chair Mr. Sardar Mohammad Idrees, Provincial Minister of Local Government, Elections and Rural Development to the workshop and lauded him for his punctuality, as the minister walked into the workshop hall exactly at the specified time of 10:00 am. Mr. Mehboob welcomed the speakers of the session Mr. Naeem-ul-Haq, Member NRB and Mr. Abdul Akbar Khan, Parliamentary Leader of PPPP in NWFP assembly.

Mr. Mehboob invited Sardar Mohammad Idrees to be the session chair and conduct the session.

Local Government System, Devolution & Issues

by Mr. Naeem-ul-Haq
Member National Reconstruction Bureau



Thanking PILDAT for giving him an opportunity to interact with MPAs on the subject of local government system, Mr. Naeem-ul-Haq commented that the NRB could only identify some of the issues but the identification of practical issues that people face and their suggestions towards solutions could be highlighted by participating MPAs during interaction at this session.

Defining the need for local government system, Mr. Naeem-ul-Haq said that local government system was necessary for people-centred development and service-oriented government. The concept is based upon the principle of subsidiarity: what can be done at the local level should not be dealt with at the higher level. Through the introduction of this system, he said, bureaucracy was decentralised and administrative authority was established at the level of the people. The system, he added, abolishes delays in decision making and red-tapism, and people get justice at their doorstep through bodies such as *Masalehati Anjuman*.

Commenting on the earlier system which was replaced by the local government system, Mr. Naeem-ul-Haq said that the Commissioner and Deputy Commissioner had no mechanism to know as to how many departments worked under them. Under the Local government system, all departments are integrated under the district Nazim with different coordinating agencies. He elaborated that the NRB also facilitated the Provincial Police Order. The district Nazim is now responsible for the law and order in the district.

Mr. Naeem-ul-Haq said that a better understanding and knowledge of the system is required. He said that the provincial finance commission is generally misunderstood for the NFC. Similarly, the system ensures that officials can report the wrongdoings of their higher-ups to the district ombudsman. Bodies such as Citizen Community Board facilitate public-private partnerships, he added.

Taking a historical perspective on the development of the system, he said that the number of reports and commissions on the need to reform the system from 1947-1999 indicate the seriousness of the state to make the administration of the country more effective. He said that the current local government system differs from the past such endeavours at political, administrative and financial levels. The current system has vertically integrated the three councils; added number of districts to improve efficiency; changed from deputy commissioners to district Nazim and changed superintendent of Police to DPO by de-concentration.

Mr. Naeem-ul-Haq said that although the framework has been changed to change the system but the mindset has not changed. He highlighted linkages between local and provincial governments, development grants of legislators and their role, establishment of new institutions, posting and transfers, knowledge-gap and the need for capacity building of local governments as some of the major issues confronted by the system. He was of the view that if Local Government Ordinance of 2001 and Police Order of 2002 could be effectively implemented in their entirety, people's issues could be solved. His complete presentations can be viewed in **Appendix F.**

Practical Issues in the Local Government System

by Mr. Abdul Akbar Khan
MPA; Leader of PPPP
Parliamentary Party, NWFP Assembly

Mr. Abdul Akbar Khan was of the view that the Local Government System has been implemented merely to further take away provincial rights to the local level, thereby creating many provinces in the country.

Speaking of the practical issues of the system, he said that the system was deliberately politicised although the earlier such systems starting from 1867 have been carried out in a completely non-political fashion. In the current system, he said the ACR of bureaucracy is written by the district Nazim, a lever which is not even in the hands of prime minister and the chief ministers.

The local government system has destroyed the concept of federation, he held. Despite the constitutional rights of provincial assemblies to legislate on provincial matters, the LFO forbids provincial assemblies to legislate on the local government system. He questioned the legitimacy of a single person re-creating the system. The

centre, he said, has not devolved a single power to the provincial level or to the local level; thus it is unfair to place such a system upon the provinces to devolve their already limited powers to the local level.

Speaking on the no-confidence mechanism put in place to oust a district Nazim, he said that those who vote the Nazim in, should have the right to place no-confidence motion against him. He criticised that the bodies such as the village council and the neighbourhood council were still a mere concept as no elections took place to set up these in the past two years.

He believed that the system had such serious flaws which convert the districts into police states. There is no monitoring system over the local governments as provincial assemblies, on purpose, have been set against this system. Despite the promises of the system to work for the people, he said, Nazims only listen to those who voted for them.

Mr. Abdul Akbar Khan was of the view that unless the local government system considers provincial assemblies and provincial governments as friends, the system cannot work. Provincial Assemblies should amend the system in the light of the highlighted issues for an effective local government system.



Q&A/Comments Session

Question by:

Ms. Nighat Orakzai

I believe district Nazims should be given all authority to effectively run the system. I disagree with Mr. Abdul Akbar Khan that the police is placed under the Nazim as Nazims are so powerless that they cannot even transfer an SHO.

Answer by :

Mr. Naeem-ul-Haq

We will ponder over Mr. Abdul Akbar Khan's views and review the situation. Articles 33-34-35 of the Police Order 2002 define District Nazim's relations with the District Police Officer. The DCO is ineffective with respect to the police as he/she coordinates for support under the direction of Nazim. We have had the first decision from the court in NWFP. Both Nazim and the DPO have to do it. There is unity of command through the DPO with

a direct consent from the Nazim. The visit of Nazim is supervision, not just a courtesy visit. Checks and balances in the system have been introduced to avoid politicisation. Section 127, 128, 129 of the Local Government Ordinance allow checks and balances to avoid misuse of power. The local government ordinance, however, is a living entity and not static and can be improved with experience. The ACR not only has to be countersigned by the chief secretary but chief executive of province as well, which is the chief minister.

Comment by:

Mr. Mohammad Mujahid Alhussaini

Mr. Naeem-ul-Haq's lecture has been to put us in awe of the district nazims, but we do not accept that. A province comprises few districts and these districts cannot be government upon themselves.

Question by:

Mr. Qazi Mohammad Asad

When the Local Government system is implemented, what is the practical value of provincial governments after that? The system has removed district commissioners and Nazims have not been placed under the Chief Minister. MPAs have been allocated development funds but no administrative powers to use them. PILDAT is trying to convince us today that our job is to legislate. If we want to legislate, we want to legislate for our constituencies.

Answer by:

Mr. Ahmed Bilal Mehboob

The only objective of PILDAT behind holding this workshop is to build the capacity of elected legislators through enhancing their knowledge of issues and to provide them a platform where an informed discussion could take place for the benefit of the legislators. I must re-emphasise, as I did in the start that PILDAT does not take any position on Local Government System and this exercise is not to sell or convince MPAs of the virtues of Local Government System. Instead, as a non-partisan institution, the PILDAT initiative is to create a better and more profound understanding of issues in MPAs so that they are better equipped to deal with those issues as representatives of the people.

Answer by:

Mr. Naeem-ul-Haq

I think you have raised a very important issue. The answer to this is to synthesise between the two points of view. As a new system, it is still wrongly-perceived and requires a thorough understanding.

Comment by:

Ms. Nasreen Khattak

I congratulate PILDAT for such a powerful and effective gathering and offer support and cooperation for legislative development. As for

women seats, when women are not given any latitude for the educational requirements for contesting elections, even in remote areas, then until there 100 % seats are filled in any council that council should not be considered valid.

Question by:

Mr. Khalid Waqar

Why were the resignations by Nazims sent to the President and not to the Chief Executive of the Province? Where were these to be sent?

Answer by:

Mr. Sardar Mohammad Idrees

Resignations were to be sent to the Chief Minister. If it is violated, what is the provincial government supposed to do?

Question by:

Mr. Ibrahim Asmi

In FATA, there is a Nazim but no Police but Levies and hence Police Act is not applicable. NRB has acted like a party to the conflict between Provincial Government and Nazims and took Nazims to the Governor House. Governor is the federal government representatives and the Local Governments are created through a provincial ordinance.

Answer by:

Mr. Naeem-ul-Haq

Two points were raised: one was the issue of levies in Malakand and the check of police on them. I think the provincial government should first try to resolve this issue and if required, NRB support could be provided. The issue of Levies was resolved in Balochistan on August 14, 2001. A district administrative officer, in addition to DPO was made available there as most of the province is under the control of the Levies, only 5 % under the control of regular police.

As for the resignations issue of Nazim, since I was part of the whole dialogue that took place

after that, I can tell you that we as NRB did not discuss anything with NWFP Nazims without the presence of the Chief minister of NWFP and Sardar Mohammad Idrees. As for going to the Governor's House, when President of Pakistan visits the province, he holds a meeting at the Governor's House. The Chief Minister NWFP however was present there with him. NRB, I must emphasise is not a party to the conflict as was said here. We are only relevant because the plan originated with us, which was conceived in consultation with the provincial governments.

The Criminal Procedure Code took 28 years to be finalised. Magisterial powers to the district officer under that system too were first given and then withdrawn and remained that way for many years. The district officer under that system had the main job of revenue collection and control of police to take care of law and order situation. That powers in that system only wanted to deal with one person. For people to govern in this country through their elected representatives, it is necessary that such a system should be changed. That change in the system was brought on August 14, 2000. The system requires your cooperation and support to be successful.

Comment by:

Mr. Muhammad Haneef Ramay

Continuity is what makes a system. My 40-years experience in politics tells me that perception is reality in politics. If the local government system is very good and has been implemented with good intentions, even then the perception in provinces about it is that it has been created to weaken provinces and it has been produced to recreate the one-unit system. I would request Mr. Naeem-ul-Haq that the only way to make this system succeed is to plan decentralisation from the federal to provincial and then below.

Comments by Session Chair

Mr. Sardar Mohammad Idrees
Provincial Minister for Local Government,
Elections and Rural Development



I thank PILDAT for organising an excellent workshop for NWFP MPAs and for inviting me to share my views on a crucial issue. My fellow MPAs, through their questions and comments have said what I needed to. When I look back, I see that about 19-20 amendments are needed in the local government ordinance, but in democracy, we have been forbidden to make any amendments. Local Government is a provincial issue. NRB on the one hand says the provincial assemblies' job is to legislate and on the other hand forbids it under the LFO. We have no authority over the Local Government System and can only pass resolutions in the assembly. Nazims have become chief ministers of their districts and MPAs have voiced their reservations against it which should be respected.

The MMA government has been successfully dealing with all issues in the province. Our strategies on poverty alleviation have also been appreciated by the centre and the International Financial Institutions. Under the leadership of the Chief Minister and alongside our fellow MPAs, our government is working towards effective delivery of services for the poor in the province.

Session 5

Perspective of Practical Players: MPAs and Nazims: Issues and Options

Session 5 consisted of a dialogue between Nazims and MPAs. The session was moderated by Mr. Mujib-ur-Rehman Shami. Mr. Shami invited Nazims and MPAs one by one to present their views.

Mr. Abdul Rasheed
Naib Nazim
Union Council Khushhal Garh



It is media hype that Nazims have amazing powers and resources at their disposal. Reality is different. There are no secretariat staff and union council offices at places. There are no finances as the province is not paying any money to the local governments. As Union Nazim of my area, I know how many teachers are required in the school in my area but the posting is done by the provincial minister. This is the level of powers that we enjoy. We cannot even appoint or transfer a teacher of primary school with our discretion.

I believe PILDAT should have representatives of bureaucracy in the workshop too as it is bureaucracy which mainly creates conflicts between MPAs and the local governments.

I believe that the house that elects Nazims should have the right to remove them. Such workshops are necessary for a dialogue which is the key to creating a smooth functioning system. I think there should be a regular follow up of such discussions.



Ms. Nighat Orakzai
MPA

The Chinese Local Government System is a basic factor in strengthening their society. I think the Local Government System in Pakistan should be strengthened and not abolished. However, I feel a better relationship between MPAs and Nazims should be built.

District Nazims may have some powers but the most crucial power over police is not there. Nazims cannot even move an SHO under this system and I strongly feel their powers should be enhanced.

I feel bureaucracy is responsible for creating conflicts between the provincial and district governments. I trust the system and I have given my development fund to my Town Nazim to use upon his discretion for the development of the area.

There should not be a power struggle between the district and provincial governments but instead these should complement each other.

Maj (R) Latifullah Khan Alizai

District Nazim
Dera Ismail Khan



I thank PILDAT for providing us an opportunity to interact with each other. MPAs and Nazims are both elected representatives, but with different responsibilities.

We as Nazims do not want to work around the rules, but after October elections the local governments have not been able to work due to unnecessary postings and transfer carried out by the provincial governments. Nazims have not been consulted in this process and as a result bureaucracy is again strengthened and in the forefront. Provincial Government should take district government along and not deliberately work against them.

MPAs have to legislate and we have to work at the local level; if we both do not carry out our responsibilities the province will suffer. I feel external recall of the district Nazim should be abolished as they are not elected by the provincial government.

Mr. Felix Innocent
MPA



I commend PILDAT for holding a dialogue between Nazims and MPAs. I think this forum will dispel some misunderstandings on both sides.

Minorities do not benefit by the Local Government System and steps need to be taken to create room for them. Despite the implementation of the local government system, power has not devolved to the people. No District Nazim belongs to a middle or lower class background and even this system has brought more of the same ruling elite to represent the interests of the people. On the other hand, the provincial assembly of Frontier and even the Chief Minister are from the people and understand their issues better.

District Nazims consider districts to be their *jagir* and consider themselves to be the *jagirdars* of the area. There is an army of councillors available but they do not have any work to do. It is ironic that a Union Nazim has office secretary but an MPA does not. There is a 58 (2) B for MPAs but nothing of the sort for district governments.

If there is to be devolution of power to the people in this country, let it start from the top.



Mr. Malik Asad

District Nazim
Kohat

I think this workshop provides us with a good opportunity to interact for better relations and an outline of future co-existence. I am a civil engineer by background and a contractor and know through experience how people are put through anguish in this country. This is what brought me to be a part of the exercise of devolution of power to the people.

I think lack of rules and respect to them is the basic issue of Pakistan. The original draft ordinance of the local government system is amended to an extent that its soul is gone.

To put things in perspective, let me tell you that the District of Kohat has a budget of 58 crores, and

57 crores out of it go to the salaries. The district did not produce a single student this year who could be promoted to matric and join a profession onwards. The pass percentage is 18 per cent at the primary level. In health sector, each patient costs 250/300 rupees per visit. And we only get 20 rupees per capita for development which is not even 3 per cent of the total budget. Transfer of funds is delayed to an extent that these cannot be used and in this year, a lot of funds were turned down by districts as there was absolutely no time to use them during the fiscal year.

There is a lot of interference in the district through postings and transfers and the bureaucracy is used to make matters worse. Not even a copy of the transfer or posting order is sent to the Nazim for information, let alone consultations.

For smooth running of the local government system, it is necessary that the system of 2001 in letter and spirit should be implemented. District Nazim should be the chairman of the DDC. Two thirds majority should be required for no-confidence motion against the Nazim. If a move of no-confidence is lost then it should reverse in removal of the movers. And last, but not the least the bureaucracy needs to be curtailed.



Ms. Naeema Akhtar

MPA

A new system should have room for improvements. Since local governments is a provincial issue, it is the prerogative of provincial assemblies to be able to legislate on it to suit the needs of the people. By introducing the local government system, on the one hand it is demarcated for MPAs to focus only on legislation and on the other hand LFO and Sixth schedule debar them from doing so. Provincial assemblies are not against the local government system but we only want our powers as representatives of the people. Power needs to be devolved from the centre to the provincial and then to the local level.

Local government system is supposed to be for the convenience of the people but they do not have a good impression of it. Power hasn't devolved to the people and instead Nazims have become kings in their districts. Councillors are closer to the people but they have no financial or administrative powers. It is unfair that while MNAs and MPAs have to be graduates to be able to contest elections, Nazims only need to have a matriculation certificate. Considering Nazim's power and responsibility, the requirement of education for them should be master's degrees. .

Mr. Azam Afridi

District Nazim
Peshawar



I thank PILDAT's executive director for this invitation and for holding such a useful workshop.

The system of local government was put in place to devolve power to the people. When we took charge, we found that the commissioner's house had 18 cars and drivers and Deputy Commissioner had 12 cars and drivers: we have given it all back and the Nazim has only one car and driver today. The slogan of all political parties has always been to rid the country of the stronghold of bureaucracy. The local government system has exactly delivered this to them and why do they complain now?

Peshawar has 26 MNAs and MPAs and right after their oath, we invited them and asked them for their support, guidance and cooperation in running district government. I hold an MA Islamiyat. Degree with distinction. I have not done a thing which would be against any MNA or MPA under my government. The district business is run on the basis of what our district assemblies and unions tell us. The powers of the local government system have been taken from the bureaucracy and not from the legislators.

I challenge that people say that I don't meet them

Moreover the stories about immense power of Nazims are all media hype. I do not even have power to give exemption from post-mortem of a corpse, but I am doing it just to help people. To be able to deliver to people, we need more powers. We are ready to be held accountable for our powers every month. I invite all MPAs to sit with me to discuss development schemes and funds.

I demand that the provincial government should stop issuing statements against the local government system; the local government ordinance of 2001 should be put in place in letter and spirit; no-confidence should be abolished and public safety commissions should be formed.

Mr. Khalid Waqar
MPA



No one is against the local government system but we want a balance of powers between the federal, provincial and local government, which did not exist in a fair manner already but is further lopsided through the introduction of the local government system. The system of local government as it exists today in Pakistan is only suitable in those countries where there are no provinces but only districts.

Despite the pumping of tremendous resources into this system, its stability is still in question. Which union council and district government is on its feet in this duration? If the President of Pakistan wanted this system to stay intact, he should not have held provincial assembly elections.

I believe Nazims should be elected by union councils and only these should be able to elect and remove the Nazims. Nazims were meant to be non-political people, but they are all political.



Q&A/Comments Session

Question by:

Mr. Qalandar Lodhi

Who has power if both MPAs and District Governments do not have it? Nazims have turned into deputy commissioners. It is mere lip service that MNAs and MPAs are accommodated by district governments.

Answer by:

Mr. Naeem-ul-Haq

Powers and lack of it are issues here. People need to carefully read the local government ordinance to understand it. Union councils are required to read budget and can reject it. To support and facilitate it, honorarium was given but it is district government's responsibility to decide. Provincial Assemblies can ask how much money is given to these offices. People know that local governments exist and where should they go for their problems. All systems have good and bad pictures. But we need to spend some time understanding the linkages between various systems.

Mr. Mujib-ur-Rehman Shami
Moderator
Editor-in-Chief Daily Pakistan;
Member PILDAT Board of Advisors



I think deep insight was displayed in a serious discourse in this session. We have to take into consideration our own history and traditions. Local government systems have always worked under non-political governments, not under democratic ones. If we want to have democracy, it should be there at the local level too. Charters should be developed by NRB to explain the role of local governments as well as those of the provincial assemblies. Legislators have been traditionally dealing indirectly with postings and transfers; development work has been thrust upon MPAs since 1985. Devolution has kept them from both and a mechanism needs to be developed through which some relationship needs to be developed between both sides. If it does not happen, the life of local governments will not be long. NRB, legislators and political parties should be the part of a whole and not opposing each other. Dialogue is a must.

Session 6

Working Session on System of Local Government

Session No. 6 was designed as a working session in which participating MPAs were divided into three (3) different groups, each group comprising a mix of political parties and gender. The groups were asked to prepare their separate recommendations on the local government system.

Each group was assigned facilitators from amongst the resource persons while group members were to elect their own group leader who would present the recommendations of the group in the session 3.

The groups were allotted one hour each to finalise their recommendations. Appendix G carries list of the three (3) groups.

Session 7

Concluding Session

At the start of the session, the leaders of the three (3) working groups presented their groups' recommendations. These recommendations were followed by the synthesis of the two-days workshop by Mr. Mujib-ur-Rehman Shami, while the concluding address was delivered by Mr. Bakht Jahan Khan, Speaker Provincial Assembly of NWFP.



Recommendations by Working Group 1:

Group 1 chose Mr. Qazi Abid as its group leader who presented the group's recommendations which are as follows:

- 1 Reduce number of union councillors. Women Peasant workers do not have any practical value
- 2 Naib Nazims' role should be made more effective in the union council
- 3 The old ward-based constituency for the union council should be revived
- 4 Union council Nazim should be elected as a councillor first and be elected as a Nazim only by majority councillors
- 5 Imposition of Section 144 and price control should be handed over to two executive magistrates

- 6 Regular meetings should be held by the District Nazim to brief and take into confidence the MPAs regarding development schemes in their respective constituencies.
- 7 District Nazims should be elected by the district councillors
- 8 For assurance of its longevity the Local Government system should be initiated by the provincial assemblies. Its imposition by the dictatorial governments ends it when such governments go home.
- 9 Co-ordination mechanism should be introduced between the MPAs and district governments for smooth functioning of the Local Government System
- 10 People's awareness about the local government system should be enhanced. The system should have been implemented in phases
- 11 Local Government System should be limited to development only
- 12 District and Provincial Safety Commissions should be set up immediately
- 13 Honorarium should be paid to all councillors
- 14 Educate councillors



Recommendations by Working Group 2:

Group 2 chose Mr. Jamshed Khan as its group leader who presented the group's recommendations which are as follows:

- 1 Local Government ordinance should be placed outside the sixth schedule of the Constitution and the powers of the provincial assemblies should be restored
- 2 Demarcation of roles and powers should be fairly recreated between MPAs, Provincial Governments and district governments
- 3 Tehsil councils and union councillors funds should be given directly to them without the involvement of district Nazims
- 4 District Nazims should distribute equal funds to all tiers of local governments
- 5 In every district, a committee should be created through legislation including the legislators of the area as well as the representatives of the district government. This committee should help establish working relationship between the district and provincial governments. The chairperson of this committee should be appointed in consultation with the Chief Minister.
- 6 The number of the union council members should be decreased by 50%.
- 7 District Nazim should be elected from amongst union Nazims
- 8 All district bodies under the local government ordinance should be established forthwith
- 9 Women councillors should be given funds for women issues properly



Recommendations by Working Group 3:

Group 3 chose Mr. Ismatullah Khan as its group leader who presented the group's recommendations which are as follows:

- 1 Power should be devolved, in true sense of the term, to the grassroots
- 2 The ACR of DCO and SP should be written by the provincial government
- 3 Local governments should themselves earn and spend on local development
- 4 DDC should include MPAs
- 5 Local government is a provincial issue and provincial assemblies should be allowed to legislate on this
- 6 Postings and transfer in all provincial departments should be under the jurisdiction of the provincial governments
- 7 Local Government system should clearly define the role of the women and minorities
- 8 Audit of local governments should be carried out by the MPAs
- 9 Monitoring of the local governments should be carried out by provincial assemblies
- 10 The number of councillors should be adequately reduced and their honorarium set
- 11 Monitoring committees and inquiry committees of local governments should be abolished

Synthesis of the Workshop

by Mr. Mujib-ur-Rehman Shami
Editor-in-Chief Daily Pakistan;
Member PILDAT Board of Advisors

The first day of the workshop enjoyed intense interaction on the subject of provincial autonomy, its history, financial issues and how MPAs view it. There seems to be a concept in Pakistan that the federating units have given their powers to the centre. But historically, it is the centre which has created provinces.

The Muslim majority areas at the time of independence were to be created into a country.

NWFP was given a choice to go with either Pakistan or India. Now NWFP was a province which was considered as a financial burden and Lord Mountbatten even conveyed the same to Liaquat Ali Khan. Liaquat Ali Khan, however, responded that it is not about loss or profit but the fact that it is a Muslim majority province and should be part of Pakistan. This is the context of the centre creating provinces on the basis of ideology that should be kept in mind.

Federalism has been a contentious issue between the East and West Pakistan as well. In Pakistan, the demarcation of existing provinces can only be changed through a constitutional amendment which requires two-third's majority in the Parliament. However, in India, the parliament can create or change the demarcation of existing provinces through a simple majority which is why there is a large number of provinces in India and further are created for administrative reasons. The upper house in India is constituted on the basis of population, not provinces and Prime Minister of India can also come from the upper house. The history of Pakistan, however, is different. In Field

Marshal Ayub Khan's era, it was said that Bahawalpur will be created into a different province but it was not done.

The constitution of the 1973 determines demarcation of the federating units. But since the democracy was interrupted a few times and the constitution suspended a few times, all democratic institutions got affected in the process. The federal spirit also got affected and the country is still grappling with the effects of that. The provinces need to be given autonomy.

NWFP, it was expressed vociferously by the elected representatives of the province, wants its net profit of electricity, and just allocation of financial resources. If there is discrepancy between the points of view of the federal and provincial governments, understanding should be sought through research and study of the issue. To strengthen provincial representation, financial powers should be given to the Senate. The LFO only just brought these powers to the senate without really giving it the authority to exercise these.

The smaller provinces feel, as was expressed by NWFP MPAs in this workshop too, that it is Punjab which stands in the way of their provincial autonomy. Punjab only faces this dilemma when the party in the centre can not form its government in Punjab. As for the local government system in Punjab, the MPAs in Punjab are just as vocal against the system in private as the other provinces. Only in Public, Punjab MPAs do not voice their views as vociferously due to the majority party's overt support to the system.

The centre's involvement into provincial affairs, including the system of local government must stop for a viable federation. If the constitution of 1973 is implemented in true letter and spirit, the federation would get strengthened. More provinces can also be created in the country through a political process.

The local governments system has no popular support as no political party or provincial government owns this system. The NRB should consider the realities on the ground and make politically viable recommendations and solutions for the continuity of the system.

Concluding Address

by Mr. Bakht Jahan Khan
Speaker
Provincial Assembly of the NWFP



Provincial autonomy was not given priority right after independence due to which the centre amassed more powers. It reached its peak when the constitution of 1962, created by a dictator, absolutely usurped the rights of the provinces. The Constitution of 1973 was agreed to give reasonable autonomy to the provinces to the satisfaction of the political powers of the time. But the powers-that-be never transferred those powers to the provinces which were promised in the 1973 constitution.

If parliament and provincial assemblies are created today, these should be allowed to legislate and carry out their responsibilities. But these powers are taken away in the shape of the sixth schedule. If each institution is allowed to work democratically, the country would not be divided into Pakhtuns, Punjabis, Sindhis and Balochis but will be known as Pakistan. History shows that every dictator has brought the system of the local government to strengthen his power. The local government system should not continue at the cost of the provincial governments, provincial assemblies and the principles of federation. The federation will only be strengthened if each citizen feels a sense of participation in the national affairs through a democratic process.

I praise PILDAT for organising this successful workshop on a very crucial issue and for gathering a wide variety of resource persons to present different shades of opinion. I am sure the MPAs stand enriched through the wide variety of points of view represented at the workshop.

Pakistan is an ideological country. The Constitution of 1973 is a unanimous constitution but it has not been protected due to which democratic institutions are in such disarray today.

Vote of Thanks

by Mr. Ahmed Bilal Mehboob
Executive Director PILDAT

At the end of the workshop, Mr. Ahmed Bilal Mehboob thanked the session chair, the speakers of the workshop, members of the PILDAT Board of Advisors present at the workshop as speakers and the participating MPAs for their time, involvement and a great interaction at the workshop. He especially thanked the secretariat of the provincial assembly for their association and help for holding the workshop and making it a success. Mr. Mehboob also acknowledged the efforts of the PILDAT team in holding the workshop.

APPENDIX A

PROGRAMME

LEGISLATIVE CAPABILITY PROGRAMME
PILDAT
 Workshop for Members of the Provincial Assembly of NWFP
 Federal, Provincial and Local Governments
 Demarcation of Roles, Issues and Possible Solutions

WEDNESDAY, AUGUST 27, 2003

ITEM	Subject/ Topic/Activity	TIME	SPEAKER
1	Registration	09:00 to 10:00 am	
2	Session No 1: Rationale and Introduction	10:00 to 10:30 am	Mr. Ahmed Bilal Mehboob Executive Director PILDAT
	Federalism: Federal-Provincial & Inter-Provincial Relations - What is federalism? - International Examples - Development of Federalism in Pakistan - Lessons to be learnt from the Separation of East Pakistan - Constitutional Overview on the subject - Issues in Provincial Autonomy - Possible Solutions	10:30 to 11:15 am	Senator Prof. Khurshid Ahmad MMA; Chairman, Institute of Policy Studies
	Pakistan as a Federal State	11:15 to 11:45 am	Prof. Dr. Hasan-Askari Rizvi Renowned Political Analyst
	Provincial Autonomy from the perspective of NWFP	11:45 to 12:15 pm	Senator Asfandiyar Wali ANP
	Requirements of Federalism	12:15 to 12:45 pm	Mr. Muhammad Haneef Ramay Former Chief Minister Punjab
	Q&A/Comments	12:45 to 01:45 pm	
3	Lunch & Prayer Break	01:45 to 03:00 pm	
4	Session 2: Working Session Working Session on Federalism and Provincial Autonomy	03:00 to 04:00 pm	The participants were divided in three (3) groups. These groups independently worked out their respective recommendations and prepared their separate presentations.
5	Session 3: Session Chair Mr. Abdul Akbar Khan MPA; NWFP Assembly		
	Recommendations of Groups	04:00 to 04:30 pm	
	Comments by Session Chair	04:30 to 04:45 pm	
6	Tea Break	04:45 pm	
	End of Day 1		

LEGISLATIVE CAPABILITY PROGRAMME
 Workshop for Members of the Provincial Assembly of NWFP
 Federal, Provincial and Local Governments
 Demarcation of Roles, Issues and Possible Solutions

WEDNESDAY, AUGUST 27, 2003

ITEM	Subject/ Topic/Activity	TIME	SPEAKER
	- Respective Options for solution Questions for MPAs - How does LG plan affect your role as MPA? - What is the feedback of your constituents about the LG system so far? - How does the local government of your area interact with you? - What are the three most crucial issues with the LG system in your view and what is the possible solution to those? Discussion	02:00 to 04:00 pm	MPAs Ms. Nighat Orakzai MPA Mr. Felix Innocent MPA Ms. Naeema Akhtar MPA Mr. Khalid Waqar MPA
10	Session 6:	04:00 to 05:00 pm	The participants were divided in three (3) groups. These groups independently worked out their respective recommendations and prepared their separate presentations.
	Working Session on System of Local Government		
11	Session 6:		
	Session Chair Mr. Bakht Jahan Khan Speaker Provincial Assembly of NWFP		
	Recommendations of Groups	05:00 to 05:30 pm	Mr. Mujib-ur-Rehman Shami Editor-in-Chief, Daily Pakistan Mr. Bakht Jahan Khan Speaker NWFP Assembly
	Towards a Synthesis	05:30 to 06:15 pm	
	Comments by Session Chair	06:15 to 07:00 pm	
12	Tea	07:00 pm	
	End of Workshop		

APPENDIX B

LIST AND PROFILE OF PARTICIPANTS

List of Participating MPAs

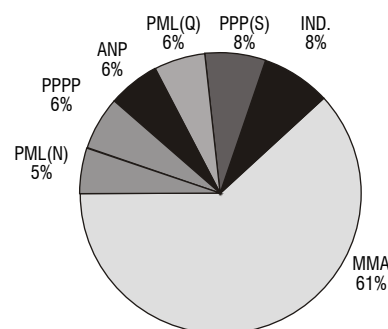
	Name	Party
1	Abdul Akbar Khan	PPPP
2	Abdul Majid	MMA
3	Aftab Shabeer	MMA
4	Alamzed	PPP (S)
5	Alhaj Muhammad Ayaz Khan	MMA
6	Amir Rehman	ANP
7	Amir Zada	MMA
8	Amnat Shah	MMA
9	Dr. Imtiaz Sultan Bukharri	PML (N)
10	Dr. Simin Mehmood Jan	PML (Q)
11	Eng. Muhammad Tariq Khattak	PPPP
12	Faisal Zaman	PML (Q)
13	Fauzia Farakh	MMA
14	Filex Innocent	MMA
15	Gorsarn Lal	MMA
16	Hafiz Hashmat Khan	MMA
17	Haji Qalandar Khan Lodhi	IND
18	Hussain Ahmad	MMA
19	Ikramullah Shahid	MMA
20	Israr-ul-Haq	MMA
21	Jahangir Khan	MMA
22	Jamshid Khan	PPP (S)
23	Javed Khan Mohammad	MMA
24	Kashif Azam	MMA
25	Khalid Waqar Chamkani	MMA
26	Khalil Abbas Khan	ANP
27	Malik Hayat Khan	MMA
28	Maulana Irfan Ullah	MMA
29	Maulana Mufti Hussain Ahmad	MMA
30	Maulana Muhammad Idrees	MMA
31	Maulana Nizamuddin	MMA
32	Mohammad Amanatullah	MMA
33	Mohammad Amin	MMA

	Name	Party
34	Mohammad Mujhaid Khan	MMA
35	Mohammad Zakir Shah	MMA
36	Molvi Abdur Razzaq	MMA
37	Muhammad Arshad Khan	PPP (S)
38	Muhammad Ibrahim Qasmi	IND
39	Muhammid Salim	IND
40	Mukhtiar Ali	ANP
41	Musamir Shah	MMA
42	Nabeela Manzar	MMA
43	Nadir Shah	MMA
44	Naeema Akhtar	MMA
45	Nargis Zain	MMA
46	Nasreen Khattak	PPP (S)
47	Nighat Yasmin Orakzai	PML (Q)
48	Pir Muhammad Khan	MMA
49	Qazi Muhammad Asad Khan	PML (Q)
50	Qurban Ali Khan	PPPP
51	Rehana Ismail	MMA
52	Riffat Jabeen	MMA
53	S. Mazhar Ali Khan	IND
54	Sabira Shakir	MMA
55	Saeed Khan	PML (Q)
56	Sardar Muhammad Idrees	IND
57	Sardar Mumtaz Hussain Abbasi	PML (N)
58	Sarfraz Khan	ANP
59	Shad Muhammad Khan	PPP (S)
60	Shagufta Naz	MMA
61	Shah Raz Khan	MMA
62	Tajul Amin	MMA
63	Zafrullah Khan	PML (N)
64	Zubaida Khatoon	MMA

Profile of Participants

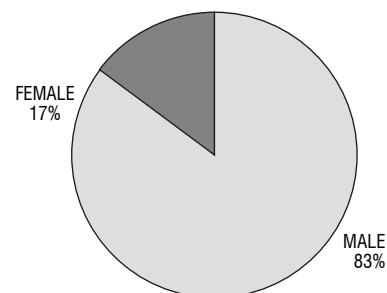
Party Wise Representation

Party	Attendance in Workshop		Percentage in Assembly
	Number	Percentage	
MMA	39	61%	53%
IND	5	8%	6%
PPP(S)	5	8%	10%
PML(Q)	4	6%	8%
ANP	4	6%	8%
PPPP	4	6%	8%
PML(N)	3	5%	4%
Total	64	100%	



Gender Wise Representation

Gender	Attendance in Workshop		Percentage in Assembly
	Number	Percentage	
Male	53	83%	82%
Female	11	17%	18%
Total	64	100%	100%



APPENDIX C

**PRESENTATION BY
MR. AHMED BILAL MEHBOOB**



PILDAT
 Pakistan Institute of
 Legislative Development
 and Transparency

Workshop for NWFP MPAs

Objectives

- ❖ Enhance awareness about Roles, Responsibilities and Limitations of each tier of Govt.
- ❖ Promote Understanding of issues relating to the subject
- ❖ Promote Dialogue among the stake-holders
- ❖ Promote thought process for the resolution of issues.

4

PILDAT
 Pakistan Institute of
 Legislative Development
 and Transparency

Workshop for NWFP MPAs

Why the Workshop subject is important ?

- ❖ Federation – Provinces relationship crucial for National Unity (Separation of East Pakistan)
- ❖ Local Govts. System: Rather new, important to understand & address concerns
- ❖ Better understanding of the issues will make Assembly debates more informed, more effective and more useful

5

PILDAT
 Pakistan Institute of
 Legislative Development
 and Transparency

Workshop for NWFP MPAs

Why PILDAT holds Workshops for Legislators?

- ❖ To see legislators more effective and powerful (Knowledge is power)
- ❖ To see Assembly Members participating in policy-making (Supremacy of Legislature)
- ❖ To see Democracy and Democratic Institutions strengthened in Pakistan

6

PILDAT
 Pakistan Institute of
 Legislative Development
 and Transparency

Workshop for NWFP MPAs

Who Funds PILDAT?

- ❖ Seed money by Overseas Pakistanis
- ❖ Pilot project funded by UNDP
- ❖ Seek and accept support from all sources without any covert or overt strings (Pure PILDAT Agenda)
- ❖ So far events are supported by UNDP, FNS, FES, DFID, The World Bank, IRI etc.

7

PILDAT
 Pakistan Institute of
 Legislative Development
 and Transparency

Workshop for NWFP MPAs

What is PILDAT?

- ❖ Independent, Non-profit, Research & Study institute
- ❖ Indigenous entity well-versed in local conditions
- ❖ Strictly Non-partisan Values trust of all parties
- ❖ Dedicated to Parliamentary Strengthening
- ❖ Mission: Strengthening Democracy & Democratic Institutions for a better Pakistan

8

PILDAT
 Pakistan Institute of
 Legislative Development
 and Transparency

Workshop for NWFP MPAs

Some Recent Activities

- ❖ Legislative Cap Building Pilot Project-UNDP
- ❖ Briefing Sessions on WTO and PRSP
- ❖ Workshop for on Budget Process
- ❖ Workshop for MNAs on Devolution
- ❖ State of Democracy Report
- ❖ Workshop for Balochistan MPAs
- ❖ Young Parliamentarians Forum

9

LEGISLATIVE CAPACITY PROGRAMME
Workshop for Members of the Provincial Assembly of NWFP
Federal, Provincial and Local Governments
Demarcation of Roles, Issues and Possible Solutions

PILDAT
Pakistan Institute of
Legislative Development
and Transparency

Workshop for NWFP MPAs

Near-future Activities

- ❖ Workshop for Punjab & Sindh MPAs on roles of Federal, Provincial and Local governments
- ❖ Briefing on Pak-India Relations
- ❖ Workshop on Public Policy Analysis
- ❖ Briefing on Issues of Water Resources
- ❖ Workshop on effective committee system
- ❖ Orientation Workshop for MNAs, Senators & MPAs

10

PILDAT
Pakistan Institute of
Legislative Development
and Transparency

Workshop for NWFP MPAs

PILDAT Research & Needs Assessment

- ❖ 1.5 Year-long Consultation with
 - Former & Current parliamentarians (238)
 - Political parties
 - National & International Political Institutions
 - opinion leaders
 - CSOs
- ❖ Questionnaire, Legislators Data Forms
- ❖ Needs Assessment Session, Dec. 2002
- ❖ Scientific Sample Survey of New MNAs
- ❖ Legislative Strengthening Conference

11

PILDAT
Pakistan Institute of
Legislative Development
and Transparency

Workshop for NWFP MPAs

PILDAT Legislative Strengthening Plan:

- ❖ Legislative Capacity Building Project
 1. Sensitize Parliamentarians, CSOs, Voters
 2. Strengthen Committee System
 3. Capacity-building of Legislative Staff
 4. Capacity-building of CSOs
 5. Overseas Pakistani Legislators Network

12

LEGISLATIVE CAPABILITY PROGRAMME
PILDAT
Workshop for Members of the Provincial Assembly of NWFP
Federal, Provincial and Local Governments
Demarcation of Roles, Issues and Possible Solutions

PILDAT
Programme of
Legislative Development
and Transparency

Workshop for NWFP MPAs

..... PILDAT Legislative Strengthening Plan:

6. Strengthen Parliamentary Parties

7. Capacity-building of Legislators

- Issue-based Workshops
- Briefing Papers & Sessions
- Policy Analysis Sessions
- Multi-party Caucuses - Etc.

13

PILDAT
Programme of
Legislative Development
and Transparency

Workshop for NWFP MPAs

..... PILDAT Legislative Strengthening Plan:

❖ Centre for Legislative Development & Leadership (CLDL)

- Research -Briefings -Orientation
- Capacity Building -Budget Analysis
- Policy Analysis -Etc.

Examples: BIPS (Bangladesh), BPST (India), KPI (Thailand)

14

APPENDIX D

محمد حنیف رامے کی تقریر کا خلاصہ

سابق وزیر اعلیٰ پنجاب ، سابق سپیکر پنجاب اسمبلی
رکن پلڈاٹ بورڈ آف ایڈوائزرز

وفاقیت کے تقاضے

محمد حنیف رامے

پاکستان کے قیام کے وقت سے زبانی کلامی دعویٰ تو یہی کیا جاتا رہا ہے کہ ملک میں ایک وفاقی نظام حکومت قائم کیا جائے گا جس میں وفاق، صوبوں اور مقامی سطح پر اختیارات کی مناسب تقسیم ہوگی لیکن عملاً ایسا نہیں ہوا۔

اس کی چند بڑی بڑی وجوہات یہ ہیں:

- 1- ملک وقفے وقفے سے دستور کے بغیر چلتا رہا۔
- 2- بار بار مارشل لاء لگنے سے جمہوری عمل رکتا رہا اور دستور بار بار منسوخ یا معطل ہوتا رہا۔
- 3- ”ون یونٹ“ اور ”پیرٹی کے اصول“ نے صوبوں اور وفاق کے درمیان بد اعتمادی پیدا کر دی۔
- 4- فوج اور بیوروکریسی میں پنجاب کی غالب اکثریت کے باعث خود صوبوں کے درمیان فاصلے بڑھ گئے۔
- 5- مقامی حکومتیں یا تو برطانوی عہد میں نافذ ہونے والے 1935ء انڈیا ایکٹ کے تحت قائم ہوئیں یا پھر مارشل لاء حکومتوں نے ان کے قیام پر زور دیا اس لئے سیاسی جماعتوں نے انہیں شک کی نظر سے دیکھا۔
- 6- تینوں سطح کی حکومتوں کو ایک ساتھ چلنے اور ایک دوسرے کے دائرہ عمل کو متعین کرنے کا موقع بہت کم ملا۔
- 7- سیاسی جماعتوں کے اپنے اندر جمہوریت نہ ہونے کے باعث ان کے دور حکومت میں بھی اختیارات مرکز یا وفاق سے صوبوں اور مقامی حکومتوں کو منتقل نہ ہو سکے۔
- 8- خارجہ پالیسی کی کمزوریوں، بیرونی طاقتوں پر انحصار اور ہمسایہ ملکوں، خصوصاً بھارت کے ساتھ مسلسل ٹکراؤ (Confrontation) کے باعث مضبوط مرکز کے حامیوں کے ہاتھ مضبوط ہوتے رہے۔
- 9- 1973ء کے دستور میں صوبوں کے مخصوص اختیارات کی فہرست شامل نہ کی گئی۔

پاکستان کا مطالبہ اس لئے کیا گیا تھا کہ ہم نہ صرف انگریز بلکہ ہندو کے غلبے سے بھی نجات چاہتے تھے۔ ہمیں انگریز سے آزادی مطلوب تھی لیکن ڈرتھا کہ مسلمانوں کا الگ وطن قائم نہ ہوا تو انگریز کے جانے کے بعد پورے ہندوستان میں ہندوؤں کی غالب اکثریت کے باعث ہم اپنے مفادات کا تحفظ نہیں کر سکیں گے۔ ہماری خواہش تھی کہ اپنے نوآزاد ملک میں ہم اپنے عقائد، ثقافت اور رسم و رواج کے مطابق ایک نیا دستور بنا کر ایک نئی زندگی شروع کریں۔ لیکن ہوا یہ کہ 1947ء سے 1956ء تک کے نو سال کسی نئے دستور کے بغیر گزر گئے اور زندگی انگریزوں کے بنائے ہوئے 1935ء کے انڈیا ایکٹ ہی کے تحت گزرتی رہی۔

1956ء میں پاکستان کی تاریخ کا پہلا دستور منظور ہوا جسے 1958ء کے فوجی ”انقلاب“ کے موقع پر منسوخ کر دیا گیا۔ یوں 1958ء سے 1962ء تک کے چار سال ایک مرتبہ پھر کسی دستور کے بغیر گزر گئے۔

جنرل ایوب خان نے جو اس وقت چیف مارشل لاء ایڈمنسٹریٹر تھے جسٹس شہاب الدین کی سربراہی میں قائم ہونے والے دستوری کمیشن کی سفارشات کو نامنظور کرتے ہوئے 1962ء میں ایک فرد واحد، پیرسٹر منظور قادر سے ایک من پسند دستور بنوایا اور اسے مقامی حکومتوں یا بنیادی جمہوریوں کے ارکان کے ووٹوں سے ملک پر نافذ کر دیا۔

مارچ 1969ء میں جنرل یحییٰ خان نے اقتدار سنبھالا۔ اصولاً 1962ء کے دستور کے مطابق صدر ایوب خان کو جاتے ہوئے اقتدار قومی اسمبلی کے سپیکر عبدالجبار خان کو سونپنا چاہئے تھا جو مشرقی پاکستان سے تعلق رکھتے تھے۔ اس کے برعکس اپنے بنائے ہوئے دستور کی اپنے ہاتھوں مٹی پلید کرتے ہوئے صدر ایوب خان نے اقتدار فوج کے سربراہ کے ہاتھ میں دے دیا جس نے آتے ہی 1962ء کا دستور منسوخ کر دیا۔ اس طرح 1969ء سے 1973ء تک کے مزید چار سال پھر کسی دستور کے بغیر گزر گئے۔ اس دوران وہ قیامت گزر گئی جس کے نتیجے میں مشرقی پاکستان ہم سے جدا ہو کر بنگلہ دیش کے نام سے ایک الگ ملک بن گیا۔

1973ء کے دستور کی منظوری پاکستان کی تاریخ کا بہت اہم موڑ ہے۔ مشرقی پاکستان کی علیحدگی کی بڑی وجہ یہ تھی کہ اسے صوبائی خود مختاری نہیں دی گئی تھی جس کے نتیجے میں وہاں چھ نکات کے نام سے ایک سیاسی تحریک اٹھی جس کا مقصد پاکستان کو ایک فیڈریشن یا وفاق بنانے کے بجائے ایک کنفیڈریشن بنانا تھا۔ جس روز 1973ء کا دستور منظور ہوا، نورالامین مرحوم نے تقریباً روتے ہوئے کہا کہ صوبوں کے لئے جتنی خود مختاری اس دستور میں رکھ دی گئی ہے اگر مشرقی پاکستان کو بروقت مل جاتی تو وہ کبھی ہم سے جدا نہ ہوتا۔

صوبائی خود مختاری کی اہمیت کا شدید احساس اس وقت کے صدر پاکستان ذوالفقار علی بھٹو مرحوم کو بھی تھا جن کا تعلق پاکستان کے ایک چھوٹے صوبے، سندھ سے تھا۔ چنانچہ انہوں نے مشرقی پاکستان کے حالات پر 1970ء میں شائع ہونے والی اپنی کتاب ”عظیم المیہ“ (The Great Tragedy) کے صفحہ 5 پر لکھا تھا:

”تاریخی، نسلی اور لسانی وجوہات کی بناء پر پاکستان کے لئے وفاقی ڈھانچا ہی موزوں ترین ہے۔ پاکستان کا المیہ اس حقیقت میں مضمر ہے کہ گو وفاقیت ہی ہمارے حالات کے لئے موزوں ہے پھر بھی گزشتہ 23 سال میں پاکستان صرف نام کی حد تک وفاق کہلاتا رہا۔ اس صورتحال کا نتیجہ تباہ کن نکلا۔ وفاقیت کی روح اور بقائے باہمی کے اصولوں کو ہوس اقتدار کی بھیجٹ چڑھا دیا گیا اور مضبوط مرکز کے نام پر صوبوں کے اختیارات کو اس حد تک کم کر دیا گیا کہ وہ نہ ہونے کے برابر رہ گئے۔“

1973ء کا دستور جولائی 1977ء تک نافذ رہا جب جنرل ضیاء الحق نے ملک میں ایک مرتبہ پھر مارشل لاء لگا دیا اور ”حسب دستور“ دستور کو معطل کر دیا۔ مگر اس کے معطل ہونے سے پہلے اس دستور میں نہ صرف سات، قریب قریب ایک طرفہ ترمیمیں کر دی گئی تھیں بلکہ بلوچستان کی مینگل/برنجو حکومت کو بھی برخاست کر دیا گیا تھا جس پر احتجاجاً صوبہ سرحد کی مفتی محمود/ولی خان حکومت از خود مستعفی ہو گئی تھی۔ افسوس ہے کہ یہ سب کچھ پاکستان پیپلز پارٹی کے دور اقتدار میں ہوا جس نے پہلی مرتبہ دستور میں ”زیادہ سے زیادہ (maximum) خود مختاری“ کا اصول شامل کیا تھا اور اس اصول کے مطابق سینیٹ کے نام سے ایک ایوان بالا بھی قائم کیا تھا جس میں صوبوں کو خواہ ان کی آبادی زیادہ تھی یا کم، برابر برابر نمائندگی دی گئی تھی۔

1973ء کا دستور 1977ء سے 1985ء تک معطل رہا۔ یوں پاکستان کی تاریخ میں مزید آٹھ سال تک ہم کسی دستور کے بغیر چلتے رہے۔ 1985ء میں پاکستان کو بے 38 سال ہو چکے تھے جن میں سے 25 سال دستور کے بغیر اور 13 سال دستور کے ساتھ گزرے تھے۔

1985ء میں جنرل ضیاء الحق نے 1973ء کا دستور اس شکل میں بحال کر دیا کہ اس میں آٹھویں ترمیم کے نام سے 58-2/B جیسی مدیں شامل کر دیں جن کے باعث اس دستور کا وفاقی اور پارلیمانی مزاج بری طرح مجروح ہو گیا۔

یہ کتنا پھٹا دستور 1998ء تک چلتا رہا۔ اس دوران 1988ء میں جنرل ضیاء الحق ایک مہلک حادثے کا شکار ہو گئے۔ دو مرتبہ محترمہ بے نظیر بھٹو اور دو مرتبہ میاں نواز شریف وزیر اعظم بنے۔ درمیان میں بلخ شیر مزاری، معین قریشی اور ملک معراج خالد کی عبوری حکومتیں بھی بنیں۔ محترمہ بے نظیر بھٹو کو دونوں مرتبہ پارلیمنٹ میں دو تہائی اکثریت حاصل نہ ہوئی جس کی وجہ سے وہ آٹھویں ترمیم ختم نہ کر سکیں لیکن میاں نواز شریف نے نويس سے لے کر چودھویں ترمیم کے ذریعے تلے اوپر چھ ترمیمیں کر کے 1973ء کے دستور میں وزیر اعظم کے اختیارات میں خاصا اضافہ کر لیا۔ خصوصاً انہوں نے 58-2/B کو ختم کر کے صدر کے ہاتھ سے وزیر اعظم کی حکومت اور منتخب اسمبلیوں کو معطل کرنے کا اختیار واپس لے لیا۔ مگر اس کا نتیجہ یہ نکلا کہ حکومت وقت کو تبدیل کرنے کا صرف یہ راستہ باقی بچا کہ ملک میں ایک نیا مارشل لاء لگا دیا جائے۔ چنانچہ 12 اکتوبر 1998ء کو جنرل پرویز مشرف نے میاں نواز شریف کی مسلم لیگی وزارت عظمیٰ ختم کر کے مارشل لاء کی اصطلاح استعمال کئے بغیر ملک کا اختیار سنبھال لیا اور جیسے کہ پہلے ہوتا آیا تھا، 1973ء کا دستور ایک مرتبہ اور معطل کر دیا گیا۔

سپریم کورٹ آف پاکستان نے جنرل پرویز مشرف کی حکومت کو تین سال کے اندر نئے انتخابات کرا کے اقتدار منتخب نمائندوں کو منتقل کرنے کا جو فیصلہ دیا اس سے فائدہ اٹھاتے ہوئے دستور کو ان تینوں سالوں میں بھی معطل رکھا گیا۔ ساتھ ہی اس میں کئی من مانی ترمیم کر دی گئیں جنہیں ایل ایف او (L.F.O) کا نام دیا جاتا ہے۔ اب اسمبلیوں اور سینیٹ کے انتخابات کے بعد 2003ء میں جب دستور کو بحال کرنے کا اعلان کیا گیا ہے تو یہ اصرار کیا جا رہا ہے کہ ایل ایف او دستور کا حصہ ہے۔ چنانچہ گزشتہ کئی مہینوں سے اسمبلیوں میں اسی حوالے سے مسلسل کشمکش ہو رہی ہے۔ اپوزیشن کا موقف ہے کہ ایل ایف او صرف اس صورت میں دستور کا حصہ بن سکتا ہے کہ اسے پارلیمنٹ میں زیر بحث لا کر دو تہائی اکثریت سے منظور کیا جائے۔ اس کا یہ مطالبہ اس لئے بھی وزنی ہے کہ جنرل ضیاء الحق نے آٹھویں ترمیم کو دستور کا حصہ بنانے کے لئے اسمبلی میں غور و فکر اور افہام و

تفہیم قبول کر لی تھی۔

قصہ مختصر، پاکستان کی تاریخ کے 55 سال اول تو کسی مستحکم دستور کے بغیر ہی گزر گئے اور اگر ملک آدھا رہ جانے کے بعد 1973ء میں ایک متفقہ دستور بن گیا تو اسے بھی مسلسل ومتواتر معطل کیا جاتا اور متنازعہ بنایا جاتا رہا۔ وفاقی، صوبائی اور مقامی حکومتوں کے درمیان اختیارات تو دستور ہی نے متعین کرنے تھے۔ جب دستور بنایا نہیں یا بار بار منسوخ اور معطل ہوتا رہا تو یہ اختیارات بھی غیر متعین رہے۔ چونکہ مرکزی یا وفاقی سطح پر تو ہر وقت فوجی یا غیر فوجی کسی نہ کسی طرح کی حکومت قائم رہی تھی اس لئے صوبائی اور مقامی حکومتوں کے اختیارات بھی زیادہ تر مرکزی اور وفاقی حکومتوں کے ہاتھوں میں مرکوز رہے۔ دستور کے عدم وجود اور عدم استحکام کے باعث ملک میں ایسے ادارے اور ایسی روایات قائم نہ ہو سکیں جن کی بدولت وفاقی، صوبائی اور مقامی حکومتوں کو ایک دوسرے کے اختیارات میں دخل اندازی کے بغیر اپنا اپنا کام کرنے کا موقع ملتا۔

”ون یونٹ“ اور ”پیرٹی کے اصول“ نے بھی حکومت کی ان تینوں سطحوں کے درمیان بد اعتمادی پیدا کرنے میں بہت اہم کردار ادا کیا۔ لیکن اب ون یونٹ ٹوٹ چکا ہے اور صوبے بحال ہو چکے ہیں۔ اس لئے صرف اتنی احتیاط کافی ہے کہ دوبارہ اس طرح کی غلطی نہ کی جائے۔ جب جنرل صدر مشرف کی حکومت نے منتخب وفاقی اور صوبائی حکومتیں ختم کر کے مقامی حکومتوں کے قیام پر زور دیا تو سیاسی حلقوں میں یہ احساس پیدا ہوا کہ فوجی حکومت ان مقامی حکومتوں کے ذریعے صوبائی حکومتوں کو نظر انداز کر کے ایک طرح سے دوبارہ ون یونٹ قائم کرنے کا ارادہ رکھتی ہے۔

پیرٹی کے اصول کے ذریعے مشرقی پاکستان کی 54 فیصد اکثریت کو مغربی پاکستان کی 46 فیصد اقلیت کے برابر نمائندگی دی گئی تھی جس سے وہاں احساس محرومی پیدا ہوا۔ لیکن اب موجودہ پاکستان میں سینیٹ میں تمام صوبوں کو آبادی کے فرق کے باوجود یکساں نمائندگی دے کر جو پیرٹی قائم کی گئی ہے اس سے وفایت کو تقویت ملی ہے بلکہ یہ سیاسی مطالبہ بھی جائز اور موزوں ہے کہ سینیٹ کو مزید بااختیار کیا جائے۔ خصوصاً وفاقی اور صوبائی حکومتوں کے درمیان اختیارات کی تقسیم کے معاملات میں سینیٹ کی رائے کو زیادہ اہمیت حاصل ہونی چاہئے۔

1971ء کے بعد کے پاکستان میں پنجاب کو اپنی آبادی کے اعتبار سے نہ صرف قومی اسمبلی میں اکثریت ملتی آئی ہے بلکہ شروع ہی سے فوج اور بیورو کریسی میں بھی اس کی اکثریت رہی ہے۔ اس صورتحال کا کسی حد تک مداوا تو سینیٹ میں چھوٹے صوبوں کو پنجاب کے برابر نشستیں دے کر کر دیا گیا ہے۔ اگلے قدم کے طور پر سندھ اور بلوچستان کے عوام کو فوج میں زیادہ سے زیادہ بھرتی کرنا چاہئے اور کسی چھوٹے صوبے میں پنجابی بیورو کریسی نہیں بھیجی جائے۔ وفاقی سطح پر بھی چھوٹے صوبوں سے زیادہ افسر لینے چاہئیں۔

یہ حقیقت ہے کہ عوام کے مسائل عوام کے دروازے پر حل ہونے چاہئیں اور اس اعتبار سے ساری دنیا کی طرح پاکستان میں بھی بااختیار مقامی حکومتیں موجود ہونی چاہئیں لیکن جب یہ حکومتیں وفاقی اور صوبائی حکومت کو معطل کرنے کے بعد فوجی حکومتوں کے تحت بنائی جاتی ہیں تو ان سے وہی بو آتی ہے جو انگریزوں کے زمانے میں 1935ء کے ایکٹ آف انڈیا کے تحت قائم ہونے والی مقامی حکومتوں سے آتی تھی۔ ان حکومتوں کے

ذریعے انگریز ہمیں یہ بتانا چاہتا تھا کہ ہم نہ تو آزادی کے قابل ہیں اور نہ ہی قومی سطح پر حکومت چلانے کے۔ پاکستان کی تاریخ میں کئی مرتبہ ایسا ہوا کہ قومی خصوصاً صوبائی حکومتیں غائب کر دی گئیں اور مقامی حکومتیں بنادی گئیں۔ کئی مرتبہ اس سے الٹ بھی ہوا کہ قومی اور صوبائی حکومتیں تو بن گئیں لیکن مقامی حکومتوں کے انتخابات نہ کرائے گئے۔ اس طرح ہم اقتدار کا ایک ایسا ڈھانچا بناتے رہے کہ اگر مقامی حکومتوں کے ذریعے دیواریں کھڑی کر دی گئیں تو ان کے اوپر منتخب قومی اور صوبائی حکومتوں کی چھت نہ ڈالی گئی اور اگر قومی اور صوبائی حکومتوں کی چھت ڈالنا چاہی تو مقامی حکومتوں کی دیواریں بنانا بھول گئے۔ یہی وجہ ہے کہ جمہوریت کی عمارت بار بار گر رہی۔

بہر حال اس وقت ملک میں تینوں سطح کی حکومتیں موجود ہیں جو برے بھلے انتخابات کے نتیجے میں معرض وجود میں آئی ہیں۔ اگر چہ ایل ایف او کے معاملے پر وفاقی حکومت اور اپوزیشن کے درمیان خاصی گرم محاذ آرائی جاری ہے پھر بھی امید اور امکان ہے کہ افہام و تفہیم سے یہ معاملہ سلجھ جائے گا۔ شرط صرف اتنی ہے کہ دونوں فریق جمہوری رویے کا ثبوت دیں اور ایک فریق کی جیت اور دوسرے فریق کی ہار کے بجائے دونوں فریقوں کی جیت کا راستہ اختیار کریں جو قتل، رواداری اور اجتماعی مفاد کو پیش نظر رکھنے سے عبارت ہے۔ بے شک اس سلسلے میں وفاقی حکومت کے پاس دینے کے لئے زیادہ کچھ ہوتا ہے، اسے ہٹ دھرمی کے بجائے پاکستان پیپلز پارٹی، مسلم لیگ نواز گروپ اور متحدہ مجلس عمل کو سیاسی فیصلوں میں احساس شرکت دینے کی پالیسی اختیار کرنی چاہئے۔

یہاں اختیارات کی تقسیم (Devolution of power) کے ضمن میں سیاسی جماعتوں کے رویوں اور روایات کا ذکر بھی ضروری معلوم ہوتا ہے۔ ہماری اکثر و بیشتر سیاسی جماعتیں با اصول، مستحکم اور متوازن سیاسی اداروں کے طور پر کام نہیں کرتیں۔ وہ مخصوص شخصیات کے حوالے سے بنتی اور ٹوٹی رہتی ہیں۔ سیاسی جماعتوں کے اپنے اندر جمہوری قدریں کا فرمانہ نہیں۔ اول تو ان میں انتخابات ہوتے ہی نہیں اور اگر الیکشن کمیشن کی شرائط پوری کرنے کے لئے ہو بھی جائیں تو الا ماشاء اللہ سراسر جعلی اور کاغذی ہوتے ہیں۔ ان جماعتوں کے لیڈر اپنی اپنی جگہ اچھے خاصے ڈکٹیٹر بنے ہوتے ہیں چنانچہ جب وہ برسر اقتدار آتے ہیں تو جہاں ان کا رویہ یہ ہوتا ہے کہ اپوزیشن کا زن بچہ کو لھو میں پھوادیں وہاں وہ صوبائی اور مقامی حکومتوں کو اختیارات منتقل کرنے سے بھی گریز کرتے ہیں خواہ ان میں ان کی اپنی جماعت ہی کے لوگ بیٹھے ہوں۔ یہی وجہ ہے کہ نہ صرف فوجی حکومتوں کے دور میں بلکہ نام نہاد جمہوری حکومتوں کے عہد میں بھی اختیارات مرکزی یا وفاقی حکومت ہی کے ہاتھوں میں مرکوز رہتے ہیں۔ شاید اس رویے کی جڑ پاکستان کی تاریخ سے بھی پرانی ہے۔ خلافت راشدہ کے چند ابتدائی سالوں کو چھوڑ کر مسلمانوں کی تاریخ بادشاہوں، سلاطین اور فاتحین سے اُٹی نظر آتی ہے جنہیں اقتدار یا تو وراثت میں ملا یا پھر انہوں نے اسے بزور شمشیر حاصل کیا۔ مغلیہ عہد ہی کو دیکھ لیں، اکبر کے آخری دور سے بہادر شاہ ظفر تک کی تاریخ باپ اور اولاد اور بھائیوں کے مابین اقتدار کی جنگ کی کیسی ہولناک، دردناک اور شرمناک داستانیں سن رہی ہے۔

یہ صورتحال اس وقت تک بدستور قائم رہنے کا خدشہ ہے جب تک عوام کو تعلیم اور ہنر سے بہرہ ور کر کے اپنے حقوق کا شعور نہ دے دیا جائے اور ان کے اندر اپنے حقوق حاصل کرنے کی صلاحیت نہ پیدا کر دی جائے۔ ہماری ہر حکومت نے عوام کا نام لیا ہے لیکن انہیں با اختیار نہیں بنایا۔ اس میں فوجی حکومتوں کے ساتھ ساتھ سیاسی حکومتیں بھی برابر کی شریک جرم ہیں۔

اس مسئلے کی ایک اور جہت یہ ہے کہ پاکستان کی خارجہ پالیسی نے اسے بہت حد تک تنہا کر دیا ہے۔ دنیا میں آج ہمارے دوست بہت کم رہ گئے ہیں ہم اپنے آپ کو طفل تسلیاں دیتے ہیں کہ چین اور عالم اسلام ہمارا دوست ہے۔ اس دوستی کا مظاہرہ ہم نے اس ہفتے کا بل میں دیکھ لیا ہے اور جو کچھ چند روز پہلے کونسل میں ہوا اس کا رد عمل مستقبل قریب میں ایران کے اندر نظر آ سکتا ہے۔ رہا ہمارا اجگري دوست چین تو وہ بڑی تیزی سے بھارت کے قریب جا رہا ہے اور امریکہ جو ہمیشہ مطلب کا یار رہا ہے، اس کی دوستی کب تلک؟ ان حالات میں قدرتی امر ہے کہ ہماری وفاقی حکومت فیاضی اور مروت کے بجائے اقتدار کے ساتھ چمٹے رہنا ضروری محسوس کرے اور صوبائی اور مقامی حکومتوں کو با اختیار بناتے ہوئے ہچکچائے۔ ہماری اکثر وفاقی حکومتوں نے بیرونی طاقتوں پر زیادہ اور اپنے عوام پر کم انحصار کیا ہے اور ”پاکستان خطرے میں ہے“ کا نعرہ لگا کر ”مضبوط مرکز“ کا جواز پیدا کرتی رہی ہیں۔ بہتر یہی ہے کہ پاکستان اپنے خطے میں امن تلاش کرے۔ اس سلسلے میں بھارت کے ساتھ امن قائم کرنا ہمارے لئے انتہائی ضروری ہو چکا ہے۔ اسی طرح ہمیں افغانستان اور ایران سے اپنے تعلقات کو پائیدار بنیادوں پر استوار کرنا ہوگا۔ خطے میں امن ہوگا تو وفاقی حکومت کو تمام تر اختیارات سمیٹنے کے بجائے ان اختیارات کو صوبائی اور مقامی حکومتوں کے ساتھ بانٹنے میں نفسیاتی طور پر آسانی محسوس ہوگی۔

آخر میں دو اہم عملی باتیں: مقامی حکومتوں کی عدم موجودگی میں اور پھر نمائندہ قومی حکومتوں اور کنزرویسیسی حکومتوں کے عہد میں قومی اسمبلی اور صوبائی اسمبلیوں کے ارکان کو ترقیاتی کاموں کے لئے فنڈز جاری ہوتے رہے۔ ارکان اسمبلی کو عادت سی ڈال دی گئی ہے کہ وہ قانون سازی کو بیوروکریسی کے رحم و کرم پر چھوڑ کر ذاتی یا گروہی مفادات پر توجہ مرکوز رکھیں۔ اسمبلیوں میں اپوزیشن کے ارکان کا کام احتجاج یا واک آؤٹ کرنا اور حزب اقتدار کا کام حکومتوں کے لائے ہوئے ان بلوں پر ہاتھ کھڑا کرنا رہ گیا ہے جو بیوروکریسی نے تیار کئے ہوتے ہیں۔ ہمیں اس صورتحال سے، جو ایک دائرہ بد (Vicious Circle) بن چکی ہے، نکلنا ہوگا۔ بے شک ایم این اے اور ایم پی اے صاحبان کو اپنے علاقوں کی ترقی میں پوری دلچسپی لینی چاہئے لیکن انہیں دس یا بیس کونسلوں یا وارڈوں کا ممبر بن کر نہیں رہ جانا چاہئے۔ انہیں اپنے اصل کام، قانون سازی کو پوری توجہ اور اولین ترجیح کا مستحق سمجھنا چاہئے۔ بہتر یہی ہے کہ علاقوں کے ترقیاتی کام مقامی حکومتوں ہی کی تحویل میں رہیں۔

اسی طرح صوبائی خود مختاری کے سلسلے میں 1973ء سے چلی آتی اس کوتاہی کو بھی جلد از جلد دور کر دینا چاہئے کہ اس دستور میں صوبوں کے مخصوص (Exclusive) اختیارات کی فہرست سرے سے رکھی ہی نہیں گئی۔ اس وقت اس میں صرف دو فہرستیں ہیں۔ ایک وفاقی حکومت کے اختیارات کی اور دوسری وفاق اور صوبوں کے مشترکہ اختیارات کی۔ وفاقی حکومت کی طرف سے 1973ء میں غیر تحریری طور پر وعدہ کیا گیا تھا کہ دس سال بعد مشترکہ فہرست کو وفاق اور صوبوں میں تقسیم کر دیا جائے گا۔ جب 1983ء آیا تو ہنزل ضیاء الحق کا مارشل لاء لگ چکا تھا چنانچہ یہ فہرست تقسیم نہ ہو سکی اور آج تک نہیں ہوئی۔ عجیب بات یہ ہے کہ صوبائی اختیارات کی الگ فہرست 1935ء کے ایکٹ آف انڈیا اور 1956ء اور 1962ء کے دستوروں میں تو موجود تھی لیکن 1973ء کے اس دستور سے غائب ہے جسے ہم ایک وفاقی دستور کہتے نہیں تھکتے۔ پارلیمنٹ کو چاہئے کہ حزب اقتدار اور حزب اختلاف کے باہمی تعاون سے صوبائی اختیارات کی الگ فہرست فوری طور پر مرتب کرے اور اسے دستور کا حصہ بنا کر صوبائی خود مختاری کے کاغذی دعوے کو لباس عمل پہنا دے۔

APPENDIX E

**LIST OF GROUPS ON FEDERALISM
AND PROVINCIAL AUTONOMY**

Group 1

1	Abdul Razzaq Mujaddadi	MMA
2	Arshad Khan	PPP(S)
3	Gorsarn Lal	MMA
4	Jahangir Khan	MMA
5	M. Tahir Khan	MMA
6	Mohammad Ayza Khan	MMA
7	Musamir Shah Haqqani	MMA
8	Nadir Shah	MMA
9	Naeema Akhtar	MMA
10	Qalandar Lodhi	IND
11	Qazi Mohammad Asad	PML-Q
12	Qurban Ali Khan	PPPP
13	Sabira Shakir	MMA
14	Sardar Momtaz Khan Abbasi	PML-N
15	Sarfraz Jadoon	ANP
16	Shah Mahmood khan	PPP(S)

Group 2

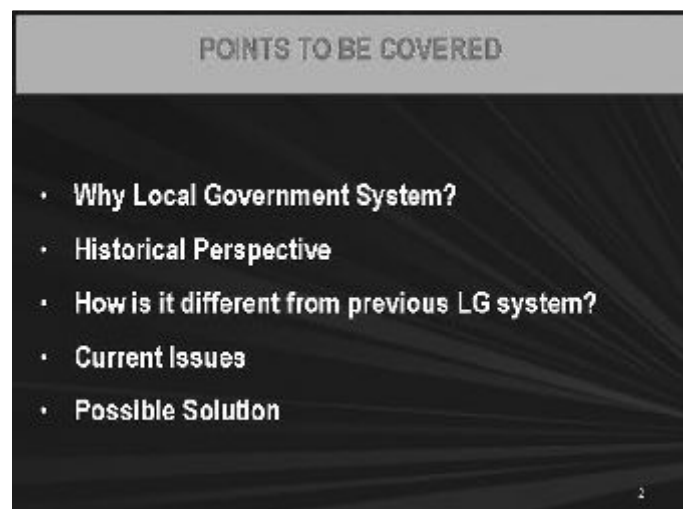
1	Abdul Majid	MMA
2	Dr. M. Zakir Shah	MMA
3	Eng. Mohammad Tariq Khatak	MMA
4	Ikramullah Shahid	MMA
5	Irfan ullah	MMA
6	Jamshaid Khan	PPP(S)
7	Kashif Azam	MMA
8	M. Javed Khan	MMA
9	Mohammad Amin	MMA
10	Mufti Husanin Ahmad	MMA
11	Mukhtiar Ali	ANP
12	Nargis Zain	MMA
13	Nighat Yasmin	PML (Q)
14	Rehana Ismail	MMA
15	Shah Raz Khan	MMA

Group 3

1	Aftab Shabbir	MMA
2	Amenat Shah	MMA
3	Faisal Zaman	PML-Q
4	Fauzia Farrukh	MMA
5	Hafiz Hashmat Khan	MMA
6	Israrul Haq	MMA
7	Khalil Abbas	ANP
8	Maulana Ismatullah	MMA
9	Maulana Nizamuddin	MMA
10	Mohammad Asif	MMA
11	Mohammad Idrees	MMA
12	Nabila Manzar	MMA
13	Pir Mohammad Khan	MMA
14	Rehana Ismail	MMA
15	Riffat Jabeen	MMA
16	Saeed Khan	PML-Q
17	Shagufta Naz	MMA
18	Tajul Amin Jabal	MMA
19	Zafarullah Khan	PML-N
20	Zubaida Khatoon	MMA

APPENDIX F

PRESENTATION BY
MR. NAEEM-UL-HAQ
Member NRB



Peoples centered development Service Oriented Government

The objectives of changing the system of governance at the district, Tehsil/Town in a city district and union level are as under:

- a) Restructure the bureaucratic set up and de-centralize the administrative authority to the district level and below.
- b) Re-orientate administrative systems to allow public participation in decision-making.

Contd²..

- c) Eliminate delays in decision-making and disposal of business through enhanced administrative and financial authority of district and Tehsil/Town level officers.
- d) Ensure functioning of the related offices in an integrated manner to achieve synergistic effect and improve efficiency for better service delivery.
- e) Facilitate monitoring of government functionaries by the monitoring committees of the local councils.
- f) Introduce performance incentive systems to reward efficient officials.

Contd²..

- g) Improve administrative and financial management practices in the district and management controls over operational units.
- h) Redress grievances of people against mal-administration through the office of Zila Mohtasib. The government functionaries will also be eligible to lodge complaints against the unlawful and motivated orders of the elected officials.
- i) Enable the proactive elements of society to participate in community work and development related activities.

7

Historical Perspective

8

21-INITIATIVES TO IMPROVE THE ADMINISTRATIVE SYSTEM IN PAKISTAN SINCE INDEPENDENCE

S#	Subject
1.	Report of the Committee headed by Sir Victor Turner on Review of the organization structure and the level of expenditure of various Ministries (1947 - 48)
2.	Report of the Pay Commission headed by Mr. Justice M. Munir (1948)
3.	Report on Improvement of Public Administration in Pakistan prepared by Rowland Egger (1953)
4.	A report on Reorientation of Pakistan Government for National Development prepared by Bernard L. Gladioux (1955)
5.	Report of the Federal Reorganization Committee headed by Mr. G. Ahmed (1956)

Contd...

6. Report of the Economy Committee headed by Mr. Justice ASM Akram to review the expenditure of the Central Government and suggest economy measures (1957)
7. Report of the Administrative Reorganization Committee headed by Mr. G. Ahmed (1961)
8. Report of the pay and services Commission headed by Mr. Justice A.R Cornelius (1962)
9. Report of the Standing Organization Committee (S.O.C) headed by Mr. M. Shoaib on reorganization of the functions and structure of the Central Government in the light of the 1962 Constitution (1962)
10. Report of the Working Group on the Reorganization of the Public Service Structure in Pakistan headed by MR. D. Khalid Power, Principal, Pakistan Administrative Staff College, Lahore (1969)

10
Contd...

11. Services Reorganization Committee Report headed by Mr. Justice A.R Cornelius (1970)
12. Report of the Administrative Reforms Committee headed by Mr. Khurshid Hasan Mir (1973)
13. Report of the Economy Committee headed by Mr. M. Aslam, Prime Minister's Representative on Administrative Inspection (1975)
14. Report of the Civil Services Commission headed by Mr. Justice Anwarul Haq (1978-79)
15. Report of the Services Reforms Commission headed by Mr. Justice Dorab Patel (1989)

Contd...

16. Report of the Economy Commission headed by Senator Raja Zafarul Haq (1993)
17. Report of the Chattha Commission (1995)
18. Report of the Committee on reduction of non-development expenditure constituted by the Care-taker Government in 1996
19. Report of Dr. Hafiz Pasha Committee (1997)
20. World Bank Report on Civil Service Reforms (1998)
21. Report of the Commission on Administrative Restructuring (1999)

12

IMPACT OF REFORM INITIATIVES

13

The above reform initiatives demonstrate the long felt need for reform. However, hardly any of the said reforms were implemented. Perceptions about civil services and general tenor of administration are :-

- burden on the meagre financial resources of the country;
- lack of professionalism – emphasis on generalist approach;
- low salaries which perpetuate low standards;
- problem resolution through adhocism;
- unwilling to share the information with the public;
- avoids participation of people in decision-making; and
- declining standards.

14

INITIATIVES TO IMPROVE THE LOCAL GOVERNMENT SYSTEM IN THE SUB-CONTINENT

S.#	Year	Subject
1	1842	Enforcement of Conservancy Act in Bengal Presidency to allow formation of Sanitary Committee upon application by house dwellers/ owners
2	1850	All India Municipal Act to allow setting-up Municipal Committees on the request of House owners
3	1864	In Bengal District Improvement Act for big towns – Commissioner ex officio Chairman for all Municipal Committees in his division Board of Conservancy in Karachi

Contd...

4	1867	Punjab Municipal Act
5	1868	Bengal District Town Act
6	1873	New Municipal Act for Punjab and Bombay (including Sindh)
7	1878	City Municipality of Karachi allowed to levy a house tax on the property of owners
8	1882	Lord Ripon reforms-elections of Municipal Committees and non official appointed as Chairman
9	1901	Lord Curzon introduced reforms

ColbA...

10	1907	Decentralization Commission recommended that a non official should be Chairman in urban areas only
11	1911	Punjab Municipal Act
12	1919	Government of India Act – Local Government became a transferred subject
13	1922	In Punjab 75% seats of local bodies reserved for elected people Small Towns Act Improvement Trust Act
14	1935	Government of India Act

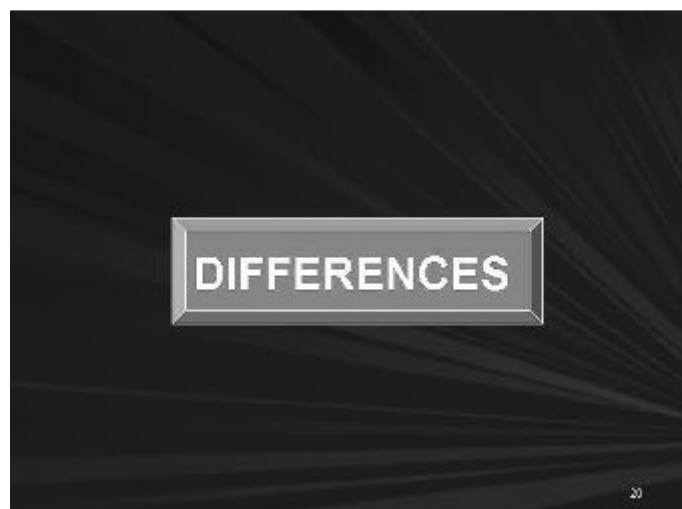
ColbA...

15	1941	Lahore Corporation Act
16	1946	Municipal Act for Quetta
17	1947	After independence adult franchise was introduced for elections to Municipalities Sindh Local Authority Service Act to provincialize the key posts
18	1950	Municipal Act for NWFP
19	1959	Basic Democracies Order – District/Union Councils in rural areas
20	1960	Municipal Administration Ordinance
21	1971	Local Government Institutions (Dissolution) Order (Martial Law Order 21)

ColbA...

22	1972	Peoples Local Government Ordinance
23	1975	Local Government Ordinance
24	1979	Local Government Ordinance

19



GOVERNANCE IN DISTRICTS (PRE DEVOLUTION)

22

INCREASE IN DISTRICTS IN THE FOUR PROVINCES

Province	Position in		% age Increase
	1947	2001	
<u>Punjab</u>	19	34	79 %
<u>Sindh</u>	8	21	163 %
<u>NWFP</u>	10 (1970)	24	140 %
<u>Balochistan</u>	7 (1970)	26	271 %

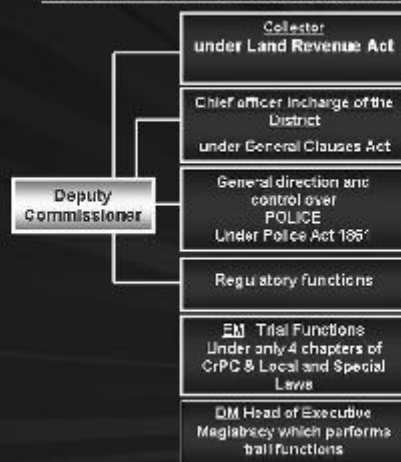
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- In the old system of governance at the local level, the province governed the districts and tehsils directly through the bureaucracy at the Division, District and Tehsil levels.
- The local governments for towns and cities existed separately from those of the rural areas. The provincial bureaucratic set-ups were the designated controlling authorities of the local governments, and tended to undermine and over-ride them, which bred a colonial relationship of ruler and subject.
- The separate local government structures engendered rural-urban antagonism, while the administration's role as controlling authorities accentuated the rural-urban divide.

- The colonial system of governance was designed to collect land revenue, and maintain public order in a predominantly agricultural economy.
- The offices of Deputy Commissioner, Superintendent of Police and Station House Officer had vast powers.
- Apart from being the District Magistrate, combining executive and judicial powers and control over the police, the Deputy Commissioner had the powers to hold the court and award punishment.

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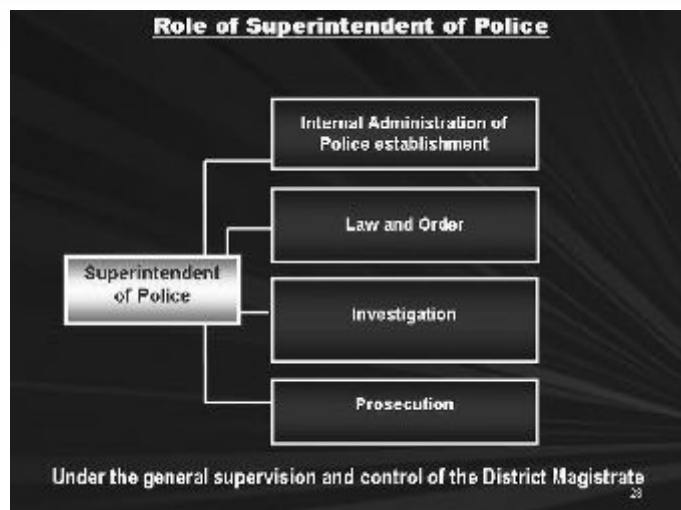
ROLE OF DEPUTY COMMISSIONER



26

- The Superintendent of Police combined functions of law and order, investigation and prosecution. Such concentration of functions & power facilitated corrupt practices.

27



- Governance structure was centralised. It did not allow public participation in determining their priorities or needs in policy formulation and implementation.
- Provincial government had its offices at the division, district and tehsil level.
- Focus was on creating more districts and organizations.
- Horizontal expansion increased with centralization of authority. Overlapping levels of bureaucracy were created and several organizations performed similar functions.

- Development was not demand driven. People's participation in prioritisation of development plans was non-existent.
- Activities of nation building departments were coordinated through ACs, DCs and Commissioners.
- Litigation was rampant due to cumbersome and lengthy procedures and discretionary powers used arbitrarily.
- To get justice and relief people had to travel from Tehsil headquarters to District headquarters to Divisional headquarters and finally to the Provincial headquarters.

- Offices did not have service orientation.
- The political and administrative dispensation in Pakistan, that was seemingly democratic, heavily favoured the rich and the powerful. It did not allow the common people to play their role in governance, nor let the fruits of independence reach them. Poor governance created 'governance deficit'.
- The programme for devolution of political power and decentralization of administrative and financial authority to the local governments, which places the people at the centre of governance, was implemented on 14th August 2001.

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LOCAL GOVERNMENT SYSTEM (POST 14TH AUGUST 2001)

32

Decentralization

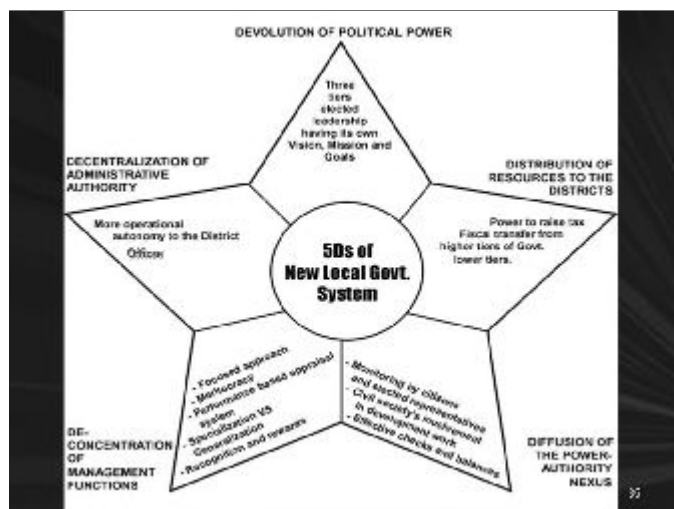
Decentralize or Decentralized means conferment by the Government under this Ordinance (LGO 2001) of its administrative and financial authority for the operation, functioning and management of specified offices of the Provincial Government to the local governments.

33

5 Ds

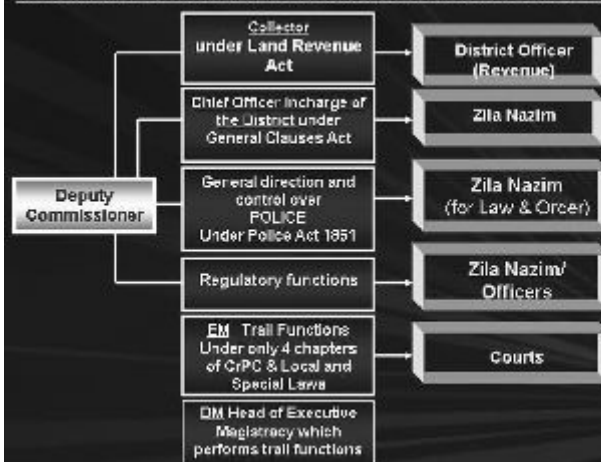
- ☐ Devolution of Political Power
- ☐ Decentralization of Administrative Authority
- ☐ Distribution of Resources to the Districts
- ☐ De - concentration of Management Functions
- ☐ Diffusion of the Power-Authority Nexus

34

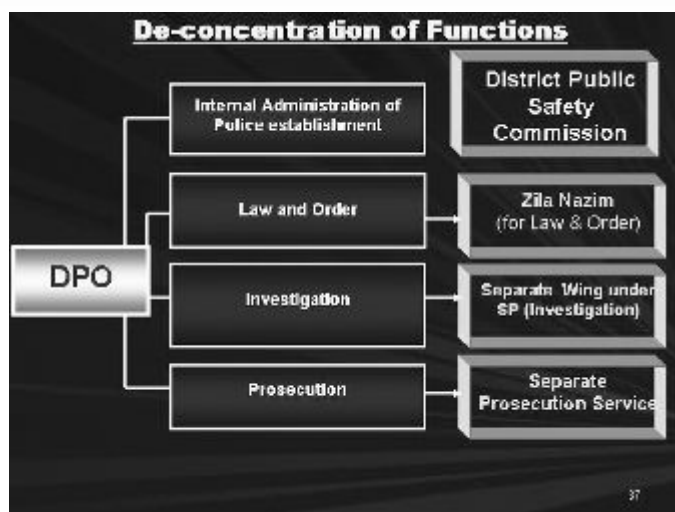


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DE-CONCENTRATION OF MANAGEMENT FUNCTIONS



36



FEATURES OF THE LG SYSTEM 2001

- Divisional tier of administration abolished.
- District has been made unit of analysis and action.
- Offices at the District level decentralized to the District Government and groups of offices created. New offices for literacy, Law, IT, Community Development etc.
- Zila Nazim - head of the District Government.
- DCO is the coordinating head of District Administration and reports to Zila Nazim.
- Zila Nazim writes PER (ACR) of Officers.

Contd..

- Administrative powers decentralized to the district level.
- Separate administrative set-ups at Tehsil/Town/Taluka and Union level have been established.
- The councils and administration have separate roles and functions.
- Adequate opportunities for the people to participate in the development process.

Contd..

- The three tiers of local government have distinct status, functions and roles. The linkages among three levels and provincial level have been provided while maintaining autonomy of each level.
- Zila Nazim performs functions relating to law & order in the district. DPO is responsible to the Zila Nazim for police functions.
- Administrative and Regulatory Functions previously available to DC/DMM/EMs de-concentrated to Zila Nazim, officers of the District Administration and the Judiciary.
- Functions of Superintendent Police de-concentrated.
- All trial Functions transferred to the Judiciary.

Contd..

- Stringent checks on Zila Nazim and Police through Police Order 2002.
- A new system of check and balance over the performance of Local Governments by Councils.
- A new system of local finance introduced to provide financial resources through Provincial Finance Commission.

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INSTITUTIONS

- Provincial Local Government Commission
- Provincial Finance Commission
- Public Safety Commissions (under Police Order 2002)
- Zila Mohtasib
- Monitoring Committees
- Musalihat Anjumans
- Union Public Safety Committee
- Village/Neighbourhood Councils
- Citizen Community Boards

42

INSTITUTIONS UNDER LG ORDINANCE, 2001

- Provincial Local Government Commission
- Provincial Finance Commission
- Zila Mohtasib
- Monitoring Committees
- Ethic Committees
- Accounts Committees
- Insaf Committees
- Musalihat Anjumans
- Mushavirat Committee
- Union Public Safety Committee
- Village/Neighbourhood Councils
- Citizen Community Boards

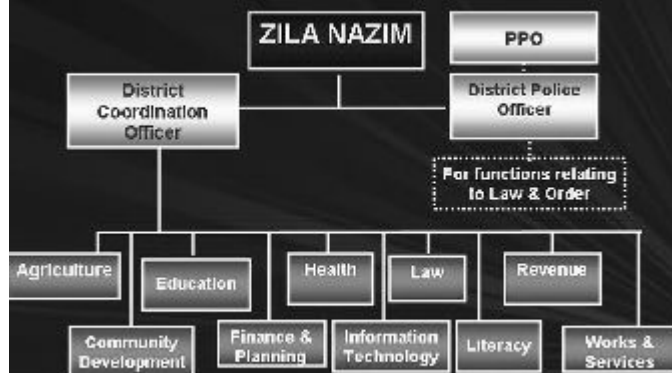
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INSTITUTIONS UNDER POLICE ORDER, 2002

- District Public Safety Commission
- Capital City District Public Safety Commission
- Islamabad District Public Safety Commission
- Provincial Public Safety Commission
- National Public Safety Commission
- Federal Police Complaints Authority
- Provincial Police Complaints Authority
- Criminal Justice Coordination Committee
- National Police Management Board
- Citizen Police Liaison Committee
- Prosecution Service

44

POST DEVOLUTION ADMINISTRATIVE STRUCTURE



45

MUNICIPAL ADMINISTRATION UNDER LOCAL GOVERNMENT SYSTEM 2001

DELIVERY OF MUNICIPAL SERVICES

Post Devolution Period

Tehsil Municipal
Administration

Tehsil Council

*With new check and balance mechanism through District
and Provincial Government.*

BENEFITS OF TMAs AND TEHSIL COUNCILS

- Rural and urban areas have come under a single structure for municipal functions. Village has been recognized as a municipal entity.
- TMAs are responsible for municipal functions and provide support to the villages for municipal functions in all unions.
- Land use control and master planning for every urban place and village across the tehsil, thus setting a stage for coherent development of the entire Tehsil and 'urbanization of rural areas'.
- Decentralization of PHED, HPPD and LG&RDD to TMA has enhanced TMA capability to deliver municipal services.

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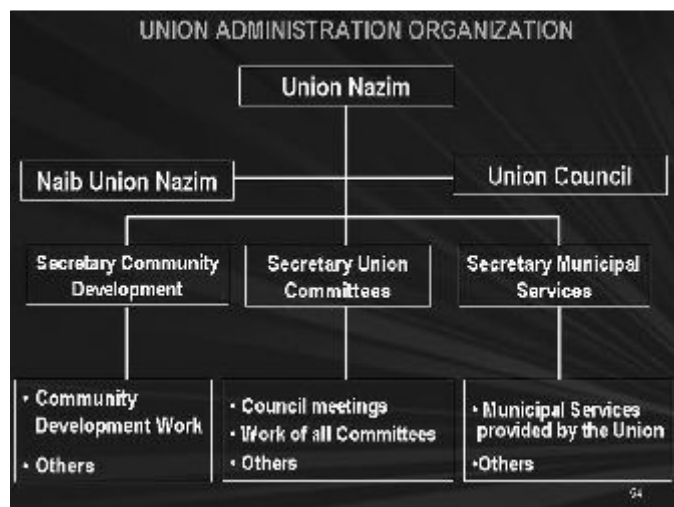
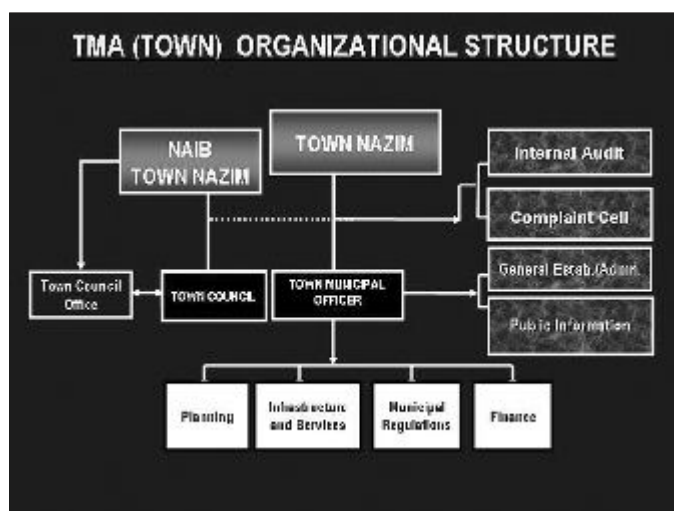
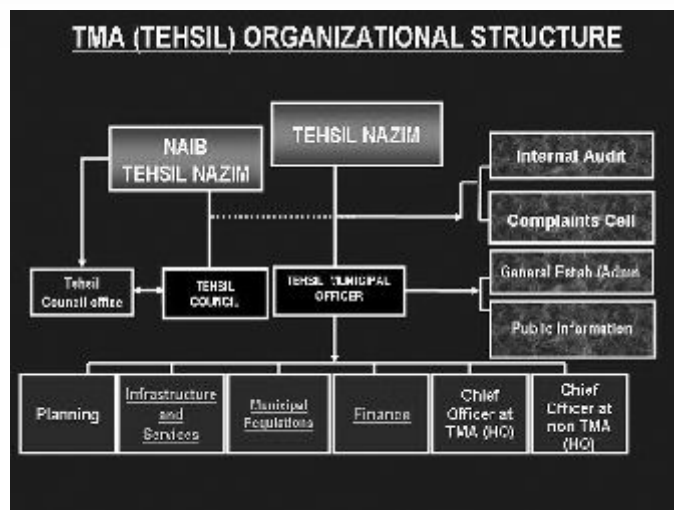
- Tehsil Councils reduce rural-urban friction by providing opportunities for representation in proportion to population and taxation in proportion to services.
- Expansion of Union Councils to urban areas provides equal opportunities for participation at the most local level.
- Monitoring of Tehsil Municipal Administration and the District Government officials at the Tehsil level is undertaken by the Monitoring Committees of the Councils.

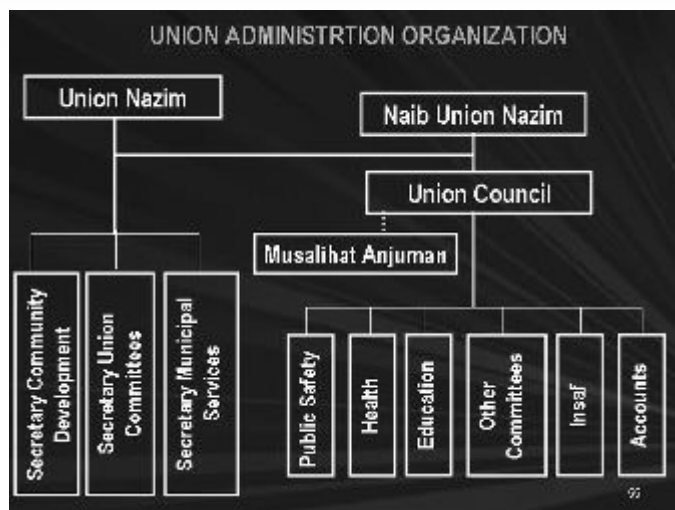
OBJECTIVES TO BE ACHIEVED THROUGH TMA

1. Improved Delivery of Municipal Services
2. Support to Unions for development and improvement of Union-wide Municipal Services
3. Coherent development of the entire Tehsil – a Tehsil can become a City District
4. Arresting the trend of ribbon development and Ruralization of Urban Areas
5. Improved spatial planning

STRUCTURE OF TEHSIL MUNICIPAL ADMINISTRATION

- Tehsil Nazim
- Tehsil Municipal Officer
- Tehsil Officers:
 1. Municipal Regulations
 2. Infrastructure and Services
 3. Planning
 4. Finance
- Role of Chief Officer



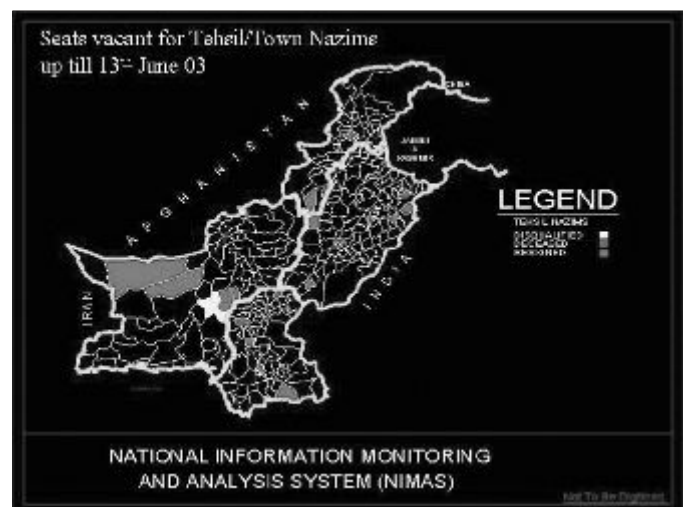
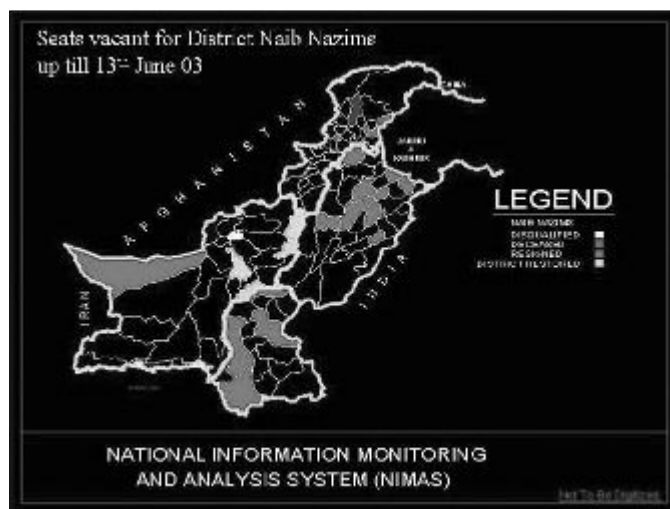
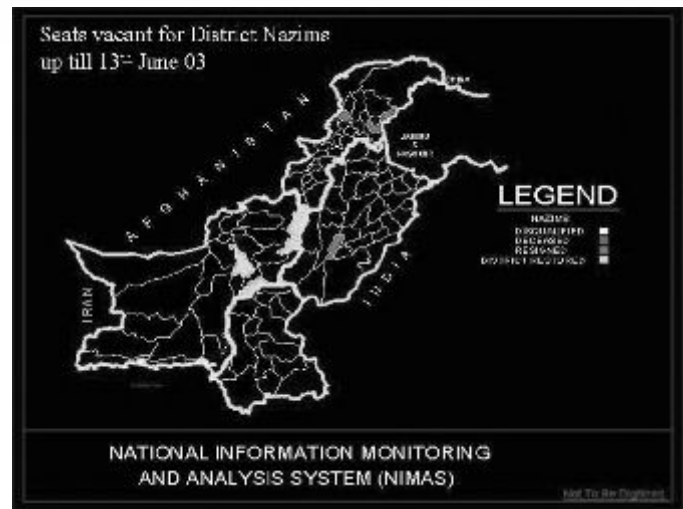


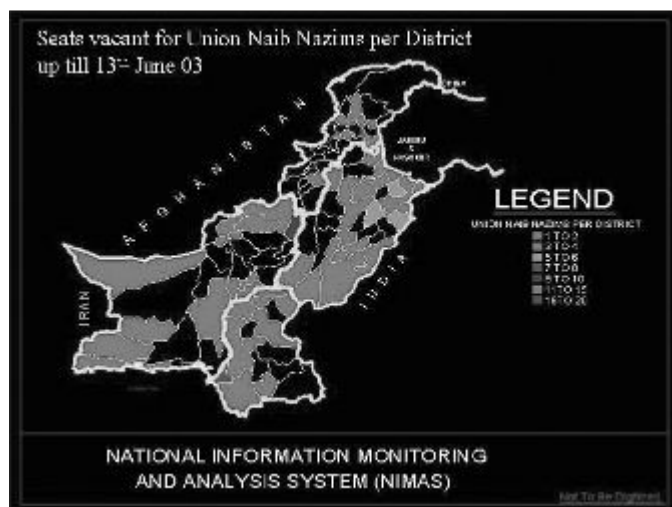
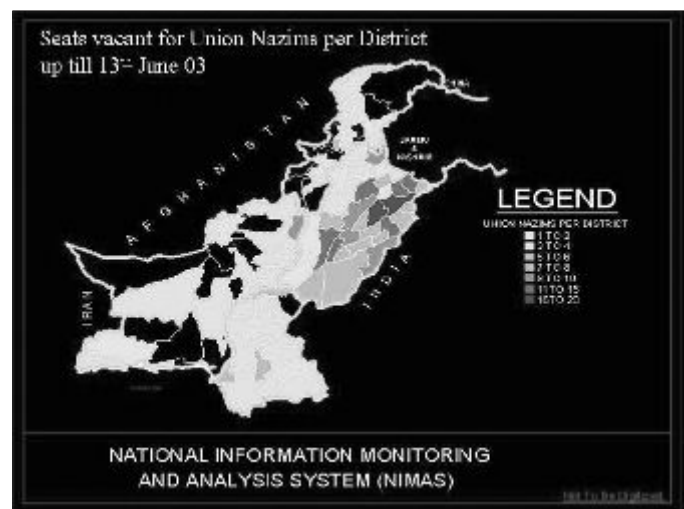
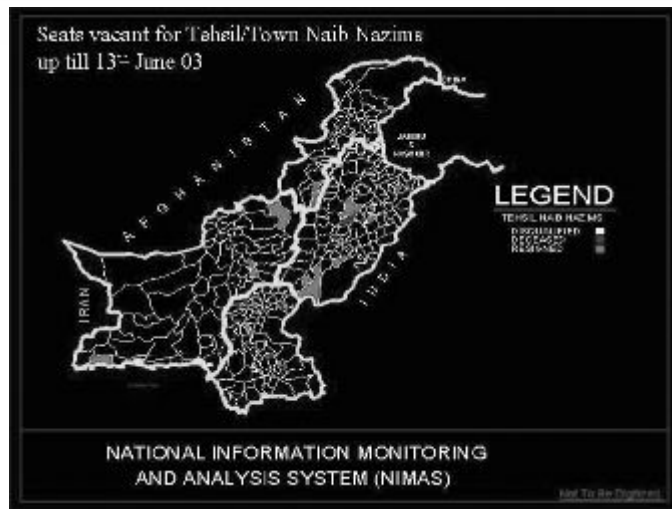
ISSUES GENERALLY RAISED

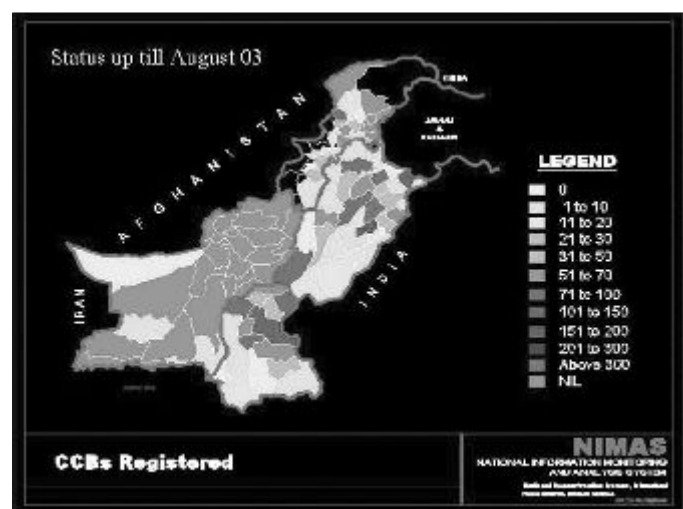
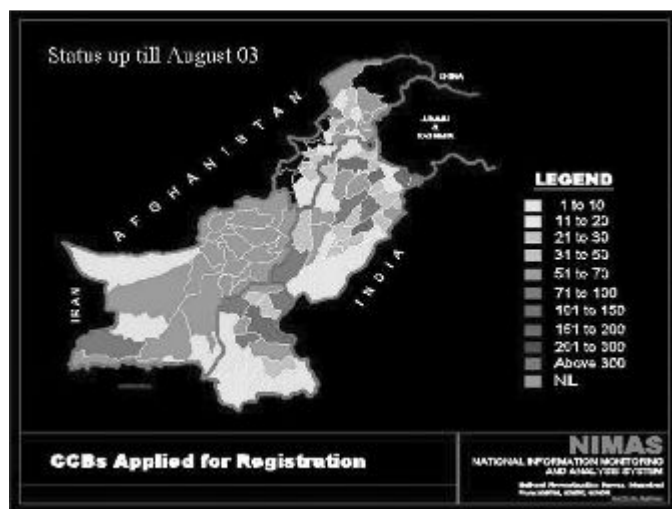
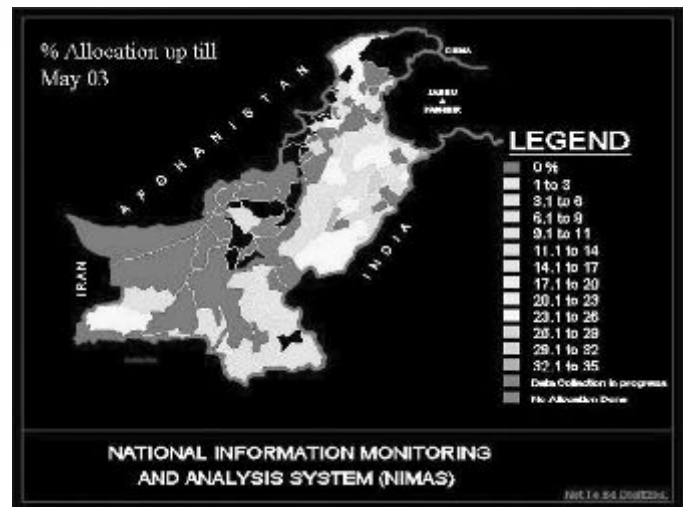
- Linkages and relationships:
*Provincial vs Local Governments,
 Intra-district relations
 Zila Nazim, DPO, DPSC and CJCC*
- Development
- Establishment of new Institutions
- Functioning of new institutions
- Postings/Transfers and Personnel Issues
- Consequential amendments
- Price Control , Encroachments, Adulteration
- Knowledge gap
- Capacity Building of Local Government Functionaries
- Mindset

Vacant Seats

Updated till 13th June 03







District Public Safety Commission

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DPSC Status on 1st October 2002



NATIONAL INFORMATION MONITORING
AND ANALYSIS SYSTEM (NIMAS)

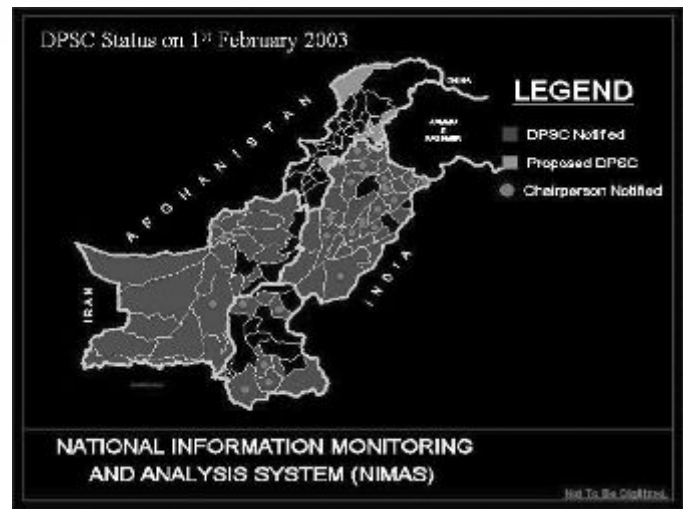
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DPSC Status on 1st November 2002



NATIONAL INFORMATION MONITORING
AND ANALYSIS SYSTEM (NIMAS)

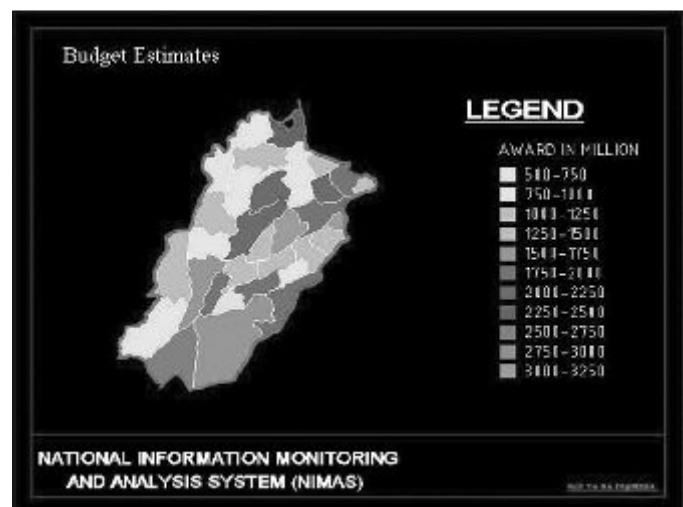
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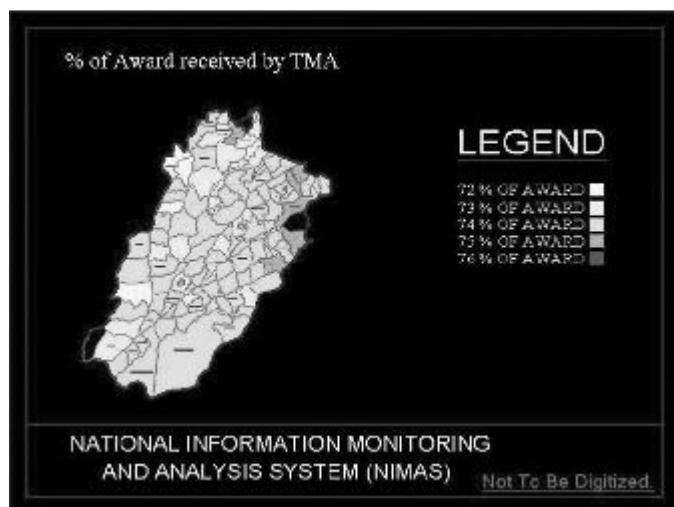
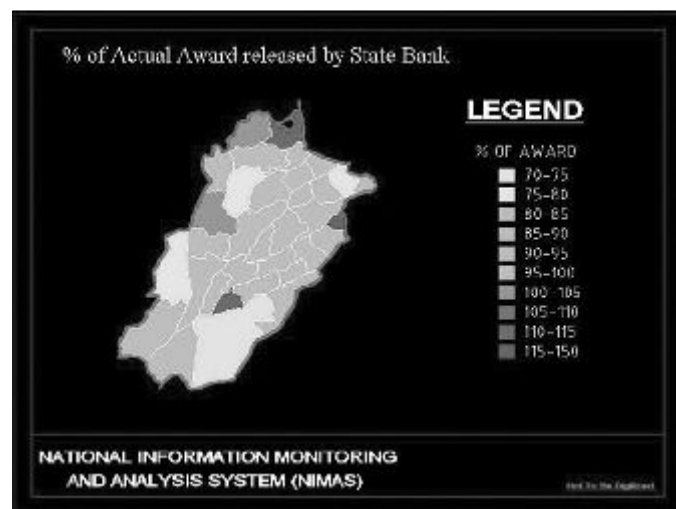
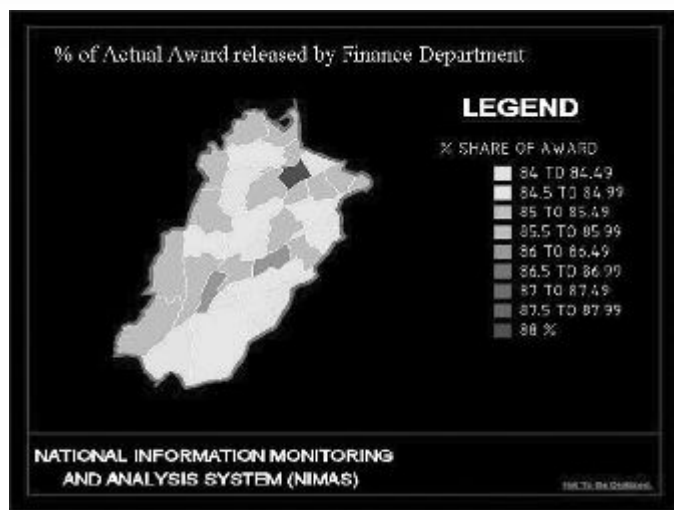


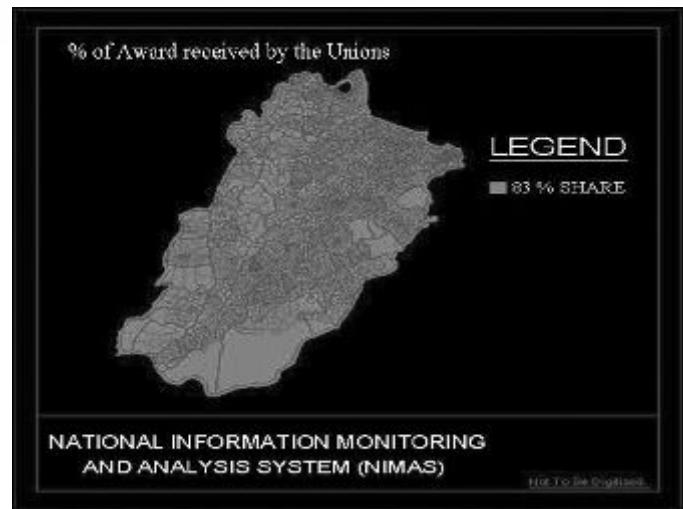
Punjab Finance

Updated till May 03

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POSSIBLE SOLUTIONS

Effective implementation of :

- a. NWFP Local Government Ordinance 2001 ; and
- b. Police Order 2002

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APPENDIX G

**LIST OF GROUPS ON LOCAL
GOVERNMENT SYSTEM**

Group 1

1	Abdul Majid	MMA
2	Abdul Razzaq	MMA
3	Aftab Shabir	MMA
4	Ameerzada	MMA
5	Dr. Imatiz Sultan	PML (N)
6	Jahangir Khan	MMA
7	Khalid Waqar	MMA
8	Muhammad Amin	MMA
9	Nargis Zain	MMA
10	Nighat Orakzai	PML (Q)
11	Qazi M. Asad	PML (Q)
12	Riffat Jabeen	MMA
13	Sabira Shakir	MMA
14	Sardar Mumtaz Khan	IND
15	Shad Muhammad	PPP (S)

Group 2

1	Abdul Akbar Khan	PPPP
2	Alam Zaib Omarzai	PPP (S)
3	Ameer Rehman	ANP
4	Hussain Ahmad	MMA
5	Irfan Ullah	MMA
6	Jamshaid Khan	PPP (S)
7	M. Shah Haqqani	MMA
8	Mujhid Khan	MMA
9	Mukhtar Ali	ANP
10	Naeema Akhtar	MMA
11	Nizamuddin	MMA
12	Pir M. Khan	MMA
13	Qurban Ali	PPPP
14	Rehana Ismail	MMA
15	Shgufta Naz	MMA
16	Zubida Khatoon	MMA

Group 3

1	Amanat Shah	MMA
2	Dr. Simin Mahmood	PML (Q)
3	Felix Innocent	MMA
4	Fouzia Farrukh	MMA
5	Haji Qalandar Khan	IND
6	Javed Khan	MMA
7	Kashif Azam	MMA
8	M. Arshad	PPP (S)
9	M. M. Asmat Ullah	MMA
10	Mazhar Ali	IND
11	Mazhar Jamil Alizai	PPPP
12	Mohammad Idrees	MMA
13	Nabila Manzar	MMA
14	Nasreen Khatak	PPP (S)
15	Sarfraz Khan	ANP
16	Shah Raz Khan	MMA



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