
FROM FEDERALISM TO LOCAL GOVERNMENT: AN ANALYSIS OF THE IMPLICATION OF FEDERALISM AND LOCAL GOVERNMENT ON CITIZEN

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Abstract

Regional autonomy and decentralization are to strengthen federation in a federal system. Like very important element of federation, local government exists to identify, plan and solve gross root level issues at door step. A mix system comprised on local and federal system is established to flourish democracy and solve people's problem. By observing benefits of local government in one province, it is replicated in other provinces. This study aims to explore the relationship between federation and local self-government as well as observe the decentralization of power from federation to local self-government. It also aims to find out the ways how local government solves the problems of people. It also investigates the impact of delayed functionality of local self-government. If a government claims democracy in country, then it's the responsibility of government to ensure local government system in country.

Keywords: Local Government, Federalism, Elections, Relationship between federal and local government, Transfer of Power

Introduction

Federal form of system assures that political powers are not centralized and selected from bottom level. More general public is engaged in development projects and as a result more public is benefitted. Currently local government system is in place in 30 countries out of 195 countries, which covered 40 percent population of the world (IDEA, 2020).

In Pakistan, local self-government has been established with graceless treatment by both bureaucratic and political elites in different times. Pakistan is a country where local governments

not allowed performing functions efficiently. The reason behind this is that despite providing constitutional preservation, these governments are under the control of provincial governments and the scope of such governments has been limited. And this could be observed through Pakistan people's party (democratic) regime. Under PPP government, 18th amendment in constitution had been passed that ensured provincial autonomy. Now this constitutional amendment allowed the provinces to form their own local governments and local government's structures were quite different from each other's. In this regard, local government act had been passed by Baluchistan provincial assembly in

2010. However, the rest of the provinces passed local government acts in 2013 (Assembly, 2013).

If we see historically, ancient philosopher Aristotle said in his Politics maintains that those who do not share in the offices and honors of the state are just like “residentialiens”. And defining a citizen he lays down the following pre-requisites as a criterion of a citizen; a man who shares in the administration of justice and in the holding of office. It was an inherent characteristic of Greek democracy that all people should take part in deciding the day-to-day problems and take active part in enforcing their solution. The Greeks therefore would not have challenged Abraham Lincoln’s definition of democracy “as a government of the people, by the people, for the people”. But we can well question as to who are the people? As a matter of fact, democracy is one of those elusive concepts which defy definition. It is one of those concepts which since its very inception has been exploited much and understood little. So much has been written on it that it is difficult to get at the truth, beneath the layers of interpretations and misinterpretations

What is Local Government?

In the past hundred years the sphere of governmental activities has expanded so rapidly that it is becoming difficult for even the most efficient centralized systems operating at the national level to cater to, and look after the social, political, cultural and material needs of all the people living in big cities and in remote territories.

The local government system is a bridge between the federal government and common people of the state. It is generally recognized that local governments are liable for carrying a wide range of services i.e. roads and traffic; planning; housing; economic and community development; environment; recreation and amenity services; fire services and for maintaining the register of electors.

Furthermore, because of its juxtaposition to the people, the local governments would be able to

ensure that federal government policies render into services that will inevitably meet the requirements of the people.

Importance of Local Government System

Local government system in Pakistan is not new. The style of state governance and local governments are gradually developed with changes in political situations. In British ruled era there was bureaucratic local government. The post-independence Punjab had inherited local administrative structure under The Municipal Act, 1911, District Board Act, 1883, Panchayat Act, 1939, Small Town Act, 1931, Town Improvement Act, 1923, Municipal Code and District Code, 1926 respectively. After the first military take over Basic Democracies Order, 1959 and Municipal Administration Ordinance, 1960 were promulgated that were replaced by Punjab Peoples Local Government Ordinance, 1972 and later it was replaced by Punjab Local Government Ordinance, 1979. The Ordinance of 1979 remained in force till 1996 when it was repealed but after coming into power Mr. Nawaz Sharif’s party revived the Ordinance of 1979 and it remained into force until repealed by the Punjab Local Government Ordinance, 2001.

After 18th Amendment and Article 140-A, constitution of Pakistan 1973 requires the provincial government to decentralize the government administration. It is written in Article 140-A as: “Local Government: (1) Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments. (2) Elections to the governments shall be held by the Election Commission of Pakistan. “After this all the provinces were responsible to help local government elections. The Punjab Government introduced “The Punjab Local Government Bill, 2012”. This bill was revived and retained the Punjab Local Government Ordinance of 1979 with minor modifications.

What is Federalism?

The concept of federalism in actual mode of political institute that agreed separate units or states within overarching political system, in this system allows to each maintaining its own integrity. Federal system allows to provinces or units to build their own government within constitutional limit. In federal system most of people participate in basic political system and directly dealing their development. They also collect taxes for the betterment of their areas and social life of local residential. In Pakistan local government work within allocated constitutional powers by provincial government, as well provinces political powers from federation.

Structure and Mandate:

The structure was constituted on urban and rural councils in its section 6.

A. Rural Local Councils:

The law stated following local councils are to be constituted in rural local areas as below:

1: Panchayat 2: Union Council 3: Markaz Council 4: Zila Council

i. Panchayat:

The concept of traditional Panchayat is centuries old. It is not same as executive body of tribes called Sarpanches. This body in act 2012 as an advisory body to the union council, a Panchayat is a body in the village having minimum population of three hundred citizens. This Panchayat has no political or administrative roles.

The Ordinance of 2001 had such bodies under umbrella of Village Councils. The village and neighborhood councils under this ordinance were independent as their members are directly elected while members of Panchayat are elected by provincial government and are answerable to them.

In 2012's bill it was lack of direct election of providing local government structure.

ii. Union Council:

The first stage of local government is Union Council. It comprises of villages excluding rural areas. The basic structure of entire local government system under the Ordinance of 2001 was Union Council.

iii. Markaz council:

The Markaz Council is the area one or more union councils in the Markaz. It consists of the Chairman of union council within the area of Markaz. Zila Council more than fifty percent of the population of whose electoral unit falls within the area of the Markaz. The elected members of this Markaz council have no right to vote. It is a supervisory body, it reviews, recommends, initiate, prepare for development projects, agriculture inputs and works of social welfare. In comparison with Ordinance of 2001, its role is similar to the Town/Tehsil Government. It is for rural areas and its members are not directly elected by the people. Its role is for supervision of union councils in rural areas. The chairman of union councils is ex-officio members of the Markaz Council.

iv. Zila Council

Zila Council is a local body of an area of provincial government area of a revenue district, but not includes urban and cantonment areas. It has general members, minorities, belonging to peasants, workers, youth and women and such number of technocrats. In rural areas the major municipal functions include public works, public health, education, agricultural development, promotion of culture, public safety, environmental protection, rural development and social welfare.

B. Urban Local Councils

The urban local council is a single tier as the two tiers in rural areas i.e. Union and Zila Council.

These are categories of local area defined by law.

- i. Town Committee
- ii. Municipal Committee
- iii. Municipal Corporation
- iv. Metropolitan Corporation

Sr. No.	Urban local body	Population Scale
1.	Town Committee	Population more than ten thousand but not more than thirty thousand
2.	Municipal Committee	Population more than thirty thousand
3.	Municipal Corporation	Population exceeding five lacs
4.	Metropolitan Corporation	Population exceeding twenty-five lacs

LGS in Pakistan and Punjab:

Local government system is best solution for gross root level issues and community development. But in Pakistan local government is not praised or encouraged by provincial or federal governments. In 1960s basic democracy concept was emerged in Pakistan and local governments were also encouraged. In 1970s local government ordinance was passed, after in 2002 local government ordinance was passed. In 2010, with so many changes in country local government had a constitutional status, and due to this it became obligation for provincial government to promulgate local government act from provincial assemblies and held elections following. Historically the taxes of local government were collected by Excise and Taxation department on the basis of inadequate capability. Local government was not enough capable to collect its taxes as a result provincial government collected it and distributed to local governments. The revenue was shared between provincial and local government gained by

property tax and betterment tax. Relevant local councils had major portion of these revenues. In Balochistan, Sindh and Punjab 85% of this tax were transferred to local government while in KP 95% was transferred to local government and remaining to provincial governments.

In 1980s and 2001 local government were created as ordinance and in 2010 have constitutional provision. As a result, provincial government had binding to conduct local government elections. Balochistan passed Local Government Act Balochistan 2010 and elections were held in 2013. In Punjab and KP act was passed in 2013 after enforcement of Supreme Court.

There were District City Governments, Tehsil Municipal Administration in all provinces and Village Neighborhood Council in KP.

The main local tax in 2001 was Octroi Tax known as Zila Tax, was very important tax source of 60% to 65% resources. After 2001 Federal Government replaced this tax with grants. It was a positive notion if local

governments collect and spend out taxes on its own, as compared to charity, or grant. It proves local government does not have its voice and unable to secure sustainable resources. Provincial Financial System at provincial level existed to share resources between provinces and local government following National Finance Commission. It defines the percentage of resources kept by provincial and local government and consumption pattern. In KP the funds were allocated on the bases of the population.

In Pakistan it was a new institution created and dismantled many times to evolve a refined shape. Few years back in most populous province Punjab maximum decision and budget related powers were in the hands of provincial government resulting in limiting the capacity of effective services delivery at gross root level. Major problems were faulty planning and budget releasing patterns. When developmental projects were developed for health, education and other services projects were developed by special wings not by the genuine assessment of people needs and demands. The structure at district level was changed which brought decentralization of powers from provincial to district level. As a result, health, education, local government and others departments were able to perform better.

Local Government Act 2013:

Local government is 3rd and most important tier of government, in which people are able to identify common issues and problems and find

solution by government closest to them. Local government is optimal choice to solve day to day issues as compared to provincial and federal government. Local government thus began to acquire a degree of importance which it never had before. Although the roots of local administration reach back into the remote past, the representative institutions of popular local government are the creation of the nineteenth century, "systematized and consolidated in the first decades of the present century (Jennings, 1948).

In simple terms local government can be defined as a method whereby various services are run for the benefit of a particular community. Sir Ivor Jennings clarifies this point by saying that "according to the ordinary use of the language local government is not merely government which is local; it is, also, government which is subordinate to some higher governmental (Jennings, 1948, p. 29). We can therefore deduce from the above observation that institutions of local government are governmental organs having jurisdiction not over the whole country but over specific portions of it. The importance which local government has attained in the recent years is also due to the emergence of democracy as the supreme order and foundation of government. One century ago the word "democracy" had an ugly sound. It signified a perverted form of government. It involved control of the upper classes by the lower classes? Democracy meant government by the rabble, and was a form of institution which only extreme radicals and other undesirable persons were prepared to (Byraces, 1924, pp.

131-132). But now democracy has become to many a way of life, and as writers and philosophers praised democracy so they did local government. Lord Bryce in his *Modern Democracies* after surveying the experience in many countries the makes the statement that the best school of democracy and the best guarantee is the practice of Local Self-Government (Byrace, 1924, p. 132). He gave great importance to local government because it creates among the citizens a sense of their common interest in common affairs, and of their individual as well as common duty to take care that those affairs are efficiently and honestly administered.

Purpose and Importance:

We cannot realize the full benefit of democratic government unless we begin by the admission that all problems are not central problems. If problems are not central in their incidence, they require decision at the place, and by the persons, where and by whom; the incidence is most deeply felt. Among the inhabitants of some given area, that is to say, there is a Consciousness of common purposes and common needs by which they are differentiated from the inhabitants of other areas. Professor Harold Laski elaborates upon this point by saying "we find they by common council we can seek to give those purposes a quality of satisfaction which contents us more than we should be contented if that quality of satisfaction was contributed by others from without. For administration from without lacks the ability to be responsive to local opinions" (Laski, 1938).

There are other reasons why strong local government is important. First of all, if a service is exclusively applied to the benefit of a particular locality it is only fair that the inhabitants of the territory should share its burden in monetary terms. To raise from them the funds for payment means the certainty that they will demand control of the service and the probability that they will manage it efficiently in order to keep their bill of cost as low as possible.

Second, while there is only one national government in each nation, there are many local governments. Clearly, we cannot make an average man realize his citizenship in any creative way if his only relation to government is obtained by voting once every four or five years in a national election. "Its relevance to him must be brought more directly home, otherwise his interest in the political process will wane to vanishing process (Laski, 1938).

Third, if citizens can directly and continuously participate in local government than in national government, the direct participation by a maximum number of citizens in their government makes a healthy democracy, and is a strong barrier against tyranny. Highly centralized administration can also become the hallmark of the dictatorship form of government. One of the earliest tendencies of any modern dictator is to reduce the power and responsibility of all locally elected bodies and to increase the degree of central control. Thomas Jefferson has aptly said: "When every man is a sharer in the direction of... and feels that he is a participator in, the government of affairs, not merely at an election

ne day in a year, but every day; where there shall not be not a man in the state who will not be a member of some one of its councils, great or small, he will let the heart torn out of his body sooner than his power to wrested from him by a Caesar or a Bonaparte" (Jefferson, 1903).

Fourth, local government is an invaluable socio-political laboratory for trying and testing on a small scales various new proposal for government organization and social and economic policies. Local failures can be borne with far less social cost than can failures of the national government, and local successes can and often do serve as models; the national government may follow with a minimum of risk. Last, but not least the dead hand of uniformity imposed on all local areas by a national government is bound to stamp out the variety and local color that contributes so richly to the life of any nation. Strong local self-government is the most effective barrier against any such possibility. While judging the merits of a strong system of local government we must not lose sight of its possible disadvantages. If local bodies become too independent in managing their affairs and sever contact with the center, there is every possibility of their developing a tendency of secession, and placing local interests over and above national interests. Furthermore, strong units of local administration can make the central government weak and if there is a strong government in the center too, then a clash may be inevitable.

Significance of Basic Democracy:

There is very important relation between federation and local government that powers are delegated to gross root level and more and more common are facilitated. People got political training by involving in local government system. Federal form of system is being there in 30 countries and some countries consider it important democratically and people are satisfied with it. In Pakistan local government system is conceived form dictatorship, first time General Ayoub Khan introduced this system and then General Zia Ul Haq and then General Pervaiz Musharraf introduced new reforms in this system. In Pakistan not a single democratic government remained successful to practically implement this system.

The Basic Democracies Scheme which replaced the old system of local government in Pakistan and which is the subject of our discussion in the following chapters apparently aims at creating conditions where the people and local officials can work side by side, in cooperation with one another so as to achieve maximum betterment of the people. This should be an important step since the administrative structure of the past, which Pakistan inherited from the British, did not take into consideration the wishes of the people. It was a purely bureaucratic set up with bureaucratic notions based on a benevolent paternalism, which treated the people merely as objects or at the most subjects and never as responsible citizens. The people were absolved of all responsibilities which a normal citizen of a modern state has towards the state. Thus, the object of the Basic Democracies to bring officials

closer to the masses that they remain in continual contact with each other is an experiment that has never been tried before in the history of the Indo-Pakistan sub-continent. It is premature to claim that Basic Democracies is the panacea for all the ills facing the country. Basic Democracies should be judged on the basis of results and not on the basis of preconceived notions of its ultimate usefulness and accomplishments.

Research methodology:

Methodologically, it is an analytical and descriptive research using both primary and secondary sources. Furthermore, it is a mix method research. However, predominantly, this study employs qualitative research methods as appropriate. The data used for this research is collected using openly available sources in the form of reports on federation and local government, surveys, government PC1 documents, media comments, articles, books, think tank documents/reports, to make empirical analysis.

Findings

a. Role and power of Bureaucracy

In Local Government System ideally bureaucracy was answerable to the elected councils in PLGO 2001. Union Nazim and Union Naib Nazim were enough empowered to take action against officials for provision of services to the local councils. Furthermore, Union Nazim hold status of Executive Head for administrative matters and all the union officials were sub-

ordinated to Union Nazim. In Bill of 2012 a centralized system was there. Powers were actually held by government officials and local councils had to rely on government officials for community development. Generally this system considered one of the best local government system although this introduced by dictator government.

b. Participation and ownership of general public:

The Ordinance of 2001 did not primarily have participation and sense of general public's ownership. Self-accountability and accountability of elected representatives to local administration was major feature of the system. Citizen Community Board (CCB), Village and Neighborhood Councils were salient features for people's participation in the local government system.

These features were included in 2013 and as a result people's participation and ownership was also decreased.

c. Democracy:

There must be representation of all society members and all genders. In elections 2001 provides for the members of union councils to be elected through direct election. There was special quota reserved for women, workers and peasants.

Development and decentralization:

Federal system is getting famous in comparison of dual system that is central state and provincial relations. This is an effort to institutionalized

government at multi-level. Constitutional recognition is not best suitable. There is need to redefine the local government system especially its functions and roles of representatives. But this should not be at the cost of province or state. Strong local government is base for provincial government. Local and provincial government are best when practiced complimentary. Local government is best system when it is independent for financial matters. If it has independence to collect taxes and generate revenue from different projects then its sustainability may be possible. When provincial government collect taxes and share certain amount with local government then people centred development is not possible. A big question remained on performance of local government is its maturity to perform independently. If it is exercised without supervision then balance it crucial. There is an important layer of multi-level government.

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