

THE HOPELESS EXECUTION OF LOCAL GOVERNMENT LAWS IN PAKISTAN

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ABSTRACT

Through this paper an attempt has been made to examine the legislation & implementation of local government laws and the governmental efforts for the development of the local government system. Since the inception of this system till the present day, various governments of Pakistan have taken a number of legislative and reformatory steps for the improvement but unfortunately, neither the system has ever been empowered so much to work effectively nor the relevant legislative enactments have been implemented properly. It is also tried to examine the successive attempts by the present regime towards the new plan of power devolution.

INTRODUCTION

The system of local governance introduced by the early Muslim Rulers was retained during the Mughal period (1526–1857). The Mughals were essentially urban and laid particular stress on the maintenance and beautification of towns and cities.

The system of local government is an old institution it is basically meant to play an effective role in the society as an agent of change and development. Local government is an instrument that is used for the betterment of a community living in a particular locality. According to Stone P, "Local government is not a sovereign body but it rather acts as the representative body which makes the surroundings fit to live in (Stone, 1963)

With the advent of the British, the complexion of local institutions underwent far-reaching changes. The system evolved through experimentation over centuries in the Sub-continent when in the year 1687 the East India Company established a corporation to provide public services to the presidency of Madras. In 1726 three other corporations were established (Syndicate Report, 1974). Thus a new intervention in the form of reorganized district administration was introduced. The local government system that ultimately developed in the rural and urban areas of Pakistan was neither a true replica of the British nor the native systems. A period of experimentation, trial and error ensued with the local bodies ending up by serving colonial interests each time. (Afzal, 1987)

Local government legislation on a wider scale started with the Municipal Act of 1850. This enabling law provided for the constitution of municipal committees at the initiative of the citizens. This Act was extended to the Punjab and Karachi with the transfer of authority from the East India Company to meet the political aspirations of the people, the introduction of some form of local government was felt necessary (Afzal, 1987). The promulgation of forecited Act led to the establishment of Karachi Municipal Committee in 1851 and Hyderabad Municipal Committee in 1854. In 1873 the Bombay Municipal Act was promulgated which declared a considerable number of committees as city municipalities. On the recommendations of the Simon Commission the Panchayat Act of 1922 was passed with certain amendments and subsequently the Village Panchayat was constituted under the Village Panchayat Act of 1939 (Wajidi, 2000). The British Indian local government system continued even after the independence of Pakistan.

OBJECTIVES OF THE BASIC DEMOCRACIES SYSTEM

The structure and functions of the basic Democracies system were designed to achieve some predetermined objectives. Qureishi (1964) has very precisely summarized the objectives provided by the Basic Democracies Order 1959;

1. To provide as much authority and responsibility to the people at all levels.