



DECENTRALIZATION OR RECENTRALISATION: LOCAL GOVERNMENT REFORMS UNDER AUTHORITARIAN REGIMES IN PAKISTAN

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Abstract

The local government system adopted in the Pakistan's political and administrative structure was actually inherited from the British Colonial system, where the idea of 'self-governance' was initially witnessed. From the beginning, attempts have been made to exercise adequate power and authority by subjugating the lower tiers of the government. Ironically, being a democratic country, much of the period of local government system was under the military governments that set the tone for making the local government function in the country. However, all the military government have tried to place an authoritarian rule by limiting public participation and favouring the non-representative entities, such as bureaucracy. On the contrary, civilian government had done little to pervade the local government reforms by failing to provide socio-economic amenities or empower the local people. Though the Devolution of Power Plan, under General Musharraf's leadership, has remained the most effective step in making the lowest tier public-oriented, still provincial bureaucracies have appeared to carry out most of the state function in its post-implementation period. Thus, this article aims to comparatively analysing the local government reforms taken place during both military and civilian regimes, coupled with challenges drawn out as a



result of devolving the power and resources constitutionally. A blueprint of recommendations is provided to revive the grassroots level democracy.

Keywords: Pakistan, Local government System, Military Regimes, Devolution, Democracy

Introduction

In a free and democratic world, participatory development is regarded as a major precursor to meet social and economic needs of states in general and nations in particular. With this notion, the conceptualisation of 'decentralisation' has become increasingly significant and indispensable for the developing countries, especially if considering political initiatives for human development. In this perspective, the recognition of 'local governance' or local government system is being prompted by the necessity to counter political, social and economic problems through local representation (Beall, 2005). However, the overriding view by looking at the developing states like Pakistan is the vulnerability of local governments in tackling challenges drawn out from the upper, or powerful, ties of the state government. Thus, local government development in a predominantly agro-based country 'Pakistan' forms the very basis for national development. Moreover, with increasing focus on rural or the local sector, bloated institutional structure coupled with lack of sufficient resources always come as a hindrance to the way of bringing local government reforms in the country (Cheema, Khwaja & Qadir, 2006).

This local government system, as evinced from the history of Pakistan, is vehicle that has kept on being pushed on the backburner by disregarding public participation in the decision-making process or, to a certain extent, making the federal and provincial governments responsible, accountable and responsive to public needs.

Ironically, though Pakistan has always adopted a democratic form of government, major developments towards local government reforms were witnessed during military governments, such as those of Ayub Khan, Zia ul Haq and Pervez Musharraf. Nonetheless, the process of devolution in its full essence and spirit has been never materialised in Pakistan, partly due to concentration of political power and authority, and partly owing to lack of political will to delegate authority from the central to the provincial and local levels (Shah, Khalid and Shah, 2006). It is important to mention that Pakistan inherited the model of local governance through the British Parliamentary System, and a glimpse of the sort of regime during British colonialism in the sub-continent has also been seen, where non-elected institutions and non-representative elites appeared to run the affairs of the government. As a result, empowerment of local institutions has always been a nine days' wonder for democratically crisis state like Pakistan (Afaq, 2007).



Genesis of Local Government Reforms in Pakistan

The first and foremost practical step towards local government reforms was taken by the first military dictator General Ayub Khan. In sharp resemblance to British Colonialism during pre-independence period, he sought to rejuvenate the local government system by considering it as the sole representative tier of the government. This system was brought as a result of 'Basic Democracies' in 1960, alongside Municipal Administration Ordinances of 1959 and 1960. This newly established local government system consisted of a hierarchical form of administrative system where different tiers including union councils and municipalities were created (Zaidi, 2005). The members of these tiers were elected in an indirect manner, while some officials were also nominated by the Government.

Structure of Ayub's 'Basic Democracies'

As observed by political analysts, there was a restricted level of local government during Ayub Khan's era, particularly due to unnecessary intervention from civil bureaucracy on local matters. Whenever there would be an impending period of local government elections, there had been administrative malpractices at a massive level, which deteriorated the smooth conducting of local adult franchise. Thus, it could be stated that the very 'Basic Democracies' system was controlled via a delegated authority under bureaucracy, which was laden with the powers to suspend orders rendered from any local body, rescind enacted resolutions or suspend administrative proceedings sine die (Ali, 2003). In a nutshell, such a system of local government had bloated regulatory functions and no financial or fiscal capacity the local government ties, including district and union councils, could utilise. Another ramification of this system was that Ayub Khan endeavoured immensely to make his Presidential Constitution of 1962 legitimate, which depicted a unitary form of government.

This system appeared to link the office of the President with locally elected bodies by nominating as many as eighty thousand members through the electoral college, who were regarded as 'Basic Democrats'. These democrats were chosen to function for national and provincial tiers of the state, which gave an impression of 'guardianship', whereby the centre had to guide the local bodies in the performance of their functions. Further, in sharp resemblance to what British Colonialists did, Ayub augmented the proportion of provincial and federal resources of development by being pliant or generous towards rural areas (Hashmi and Matsuyuki, 2009). But the main reason of such a support was his



concentration in these areas with a view to getting popular support through feudal and local elites.

Reforms under Ayub's Regime

With the passage of time, when Ayub's approach to undermine the opposition and consolidate as much political power, with the aim to carry out the reforms in the entire administrative structure of the government. At that time, there was an endemic menace of corruption too, which Ayub cleaned up by taking disciplinary actions against civil servants, and took harsh measures against formerly elective bodies due to their lack of administrative efficiency. In this regard, one popular legislative law, known as 'Elective Bodies Disqualification Order' or EBDO was promulgated through which several politicians were disqualified on the basis of their political inefficiency (Khan, 1999). A number of renowned political figures like Qayyum Khan and former Prime Minister of Pakistan, H.S. Surhawardy, were tried under this law and were ultimately disqualified.

Furthermore, introducing land reforms in the country was also emphasised upon under Ayub's government. But such a move was to neutralise the political influence of several classes including aristocrats, who were in contrast to hard policies of Ayub Khan. As much as 3.2 million hectares of land, for public acquisition, was released between 1958 and 1969. Thus, swift agricultural reforms were undertaken coupled with introducing several schemes and tax incentives in order to boost industrial export (Musarrat and Azhar, 2012). Eventually, it paid dividends which were also credited by green revolution and industrial surge.

Ayub also showed keenness in working for the upbringing of the labour populace for which the factory owners were bound to assert the elected union or district councils as well as taken their opinions under consideration, which amount to public importance. As a result, a law for ensuring the provision of daily wages to the labour people was ensured with the passage of Labour Ordinance 1961.

Downfall of Ayub's Government

Nevertheless, with much reformative initiatives taken by him, Ayub's interest to keep political power intact and concentrate on controlling the local bodies as much resulted into his gradual, if not instant, downfall (Shah, 2005). When regarding his aim at imposing the state of emergency and controlling press or media blemished his popularity. The public anguish reached massive height against his government and touched a pinnacle when the middle urban class appeared to launch anti-Ayub movement, which involved civil society



members entailing doctors, lawyers, engineers, and businesspersons. He was eventually left with no option but to transfer the power in the successive government (Khan, Rehman & Khan, 2009). The cession of Auyb's dictatorial regime in the year 1969 and ultimate revival of democracy in the country began a period of apathy and reluctance towards making local government reforms.

Revival of the Local Government System

After the devastating year of 1971, when the eastern wing of Pakistan became a newly independent state, the subsequent year marked the commencement of a democratic government, which superseded all the preceding bureaucratic structure. Zulfikar Ali Bhutto, then the head of state, overtook the responsibilities of the head of government in the subsequent year of 1973. He was the only civilian Prime Minister in the history of Pakistan which assumed the status of 'Chief Martial Law Administrator', which has always been assumed by a military person (Jabeen & Jadoon, 2009). Unfortunately, he did not seem to take much interest in restarting the process of local government reforms. He was of the view that the previous local government system did nothing but bred nepotism and nationalism. At times, he also stated that this system had deteriorated the smooth running of the democratic process and reduced the mode of consensus between the government tiers and local people.

However, two years after he assumed the power, several ordinances related to local governance was introduced with an aim to constituting a new and different system of local government to what was experienced in the previous governments. However, they failed to be implemented. They foiled to be executed a year before which the Constitution of Pakistan 1973 was adopted (Cheema & Shabbir, 2005). But the government did not succeed in materialising or giving any practical shape to the third tier of the government. Since Bhutto could not retain his power and the government for a long period of time, another chapter of military regime came at the reign of the country. Nevertheless, some populist measures were undertaken during Bhutto's period, which entailed abolition of the direct representation system from the bureaucracy, particularly in local governments as chairmen, along with a stipulation that each member of each local government tier was to be elected directly via adult franchise. This practice marked a significant change from the Basic Democratic System. It is important to note that although the provincial administrations retained suspension powers coupled with the authority to quash legislative proceedings or resolutions, their administrative control over the local government functioning vis-à-vis direct representation was not implemented in its full essence (Ali, 2003).



Thus, such reforms had to bypass the provincial governments by giving uncontrolled powers to the central government. As a result, such a system proved to be more problematic than the preceding district magisterial system which it replaced. Besides, several efforts were made to equip local elites with local functions by rejuvenating the executive magistracy.

It is also argued that in the working of the 'People's Local Government', there was not apparent political strings in the new local government orders. The established local councils were required to initiate some reforms; however, as elections at the local level were never held under the newly executed law, these councils were not substantially able to be constituted, which ultimately resulted in the non-implementation of local government reforms (Khan et al., 2009). Nonetheless, it is not that the period of Bhutto was completely deprived of pervading local governance and empowering local people with adequate power. It was the regime which gave rise of urban middle class, which paved the way for mass mobilisation against Ayub's local government system. Even some of the passages of local government ordinances were materialised, they were not fully enforced until 1999 (Kandhro & Akber, 2015).

Returning of the Military Era

After an ephemeral period of local government reforms, the civilian regime under Zulfikar Ali Bhutto was overthrown by another military dictator 'Zia ul Haq' that brought both constitutional and political crisis in the country by witnessing another martial law. His regime, laden with ultra nationalist and religious sentiments, was able to revive the local government reforms. Similar to what was experienced during Ayub's LG system, he combined administrative centralization at the federal and provincial levels, which constituted electoral representation at the local level. This administrative centralization ensued a complete abeyance of the Constitution of Pakistan 1973, which was followed by the ill-famous Eighth Amendment passed and enforced in 1985 (Soomro & Chandio, 2013). This amendment gave massive power to the Head of the State by pervading a 'Quasi-Presidential' system. Several local government ordinances were introduced by the Zia's government, which resulted in the direct election of local bodies in all the four federative units. However, with the passage of time, direct representation of bureaucracy in local affairs was abolished, especially after introducing several populist measures that ensued commencement of unimplemented legislation regarding the local government reforms. However, provincial administrations' control over the functioning of local affairs was minimal, despite they had retain suspension powers.



Unfortunately, the long-protracted tradition of holding elections on a non-party basis continued to pervade, particularly when the 'representative principle' was unanimously adopted. One primary reason of this action was the appearance of political parties as significant and unavoidable political players in the local sphere of politics, which was also apparent in the post-1970 elections at the central and provincial levels (Paracha & Abdullah, 2003). Furthermore, Zia endeavoured to eliminate the district councils and their representation for rural-urban coordination, which rendered the councils with being responsible for local governance. Zia also persisted with the division of rural and urban areas, particularly when the increasing level of rural commodities into urban areas along with the enhanced size of urban markets was materialised (Ahmad, Khalid & Muzaffar, 2015). Nonetheless, he assured of meeting the interests of urban middle class from the early days of this tenure.

Structure of Zia's Local Government System

Considering the Structure of Local Government during Zia's regime, it was considered as the most effective relatively to what was witnessed in the previous governments. The resumption of the reforms as a result of propagating 1979 and 1980s ordinances led to the establishment of two types of rural and three types of urban local government structure. Moreover, while the elections of Chairman and Vice Chairman were conducted among councillors, the local bodies were duly elected in all the provinces (Ahmed, 2006). Balochistan was the last provinces where both the ordinances were promulgated.

In the rural areas, three governmental levels entailing union council, district council and tehsil council were established, whereas town committees, municipal or city corporations were operating in the urban areas. Also, they were politically complemented by ensuring further devolution of the administrative responsibilities from the provincial to the local level. Certain other laws were promulgated by Zia to avoid any hostility on the part of local representatives to bring unanimity in the decision-making process, especially in the rural sectors in order to make them more associated with their own populace (Shafqat & Wahlah, 2005). Later on, Zia abolished the tehsil level, and made the remaining two councils as the sole operational in the rural areas. Besides, for four years of political tenure, the Chairman and Vice Chairman of Union Councils were elected. The total number of members' strength in each council was dependent on the total proportion or population existent in each local council.

Continuity of his Local Bodies System



From the above articulation, it can be deduced that the local government reforms introduced by Zia ul Haq's government proved to be the most effective in both form and practice. One significant prospect of his regime was that all the committees from municipal, town and union were variable as far as their sizes are concerned; however, on the basis of similar administrative-cum-regulatory systems. All the tasks pertaining to general services were allocated to the urban areas under the direct supervision of local councils. Such a segregation between urban and rural councils ensued some sort of impartiality to the former in terms of total income generated and expenditures. Under Zia's rule, local governments enjoyed significant importance along with adequate funds to run their local affairs, which remained intact until 1995. Ultimately, as a consequence of empowering the local government through the reformation process, a local level committee was established and entrusted with performing managerial and advisory roles to their respective councils with a view to supporting and propagating the firm system of local government in Pakistan.

Devolution of Power Plan

The last and, perhaps, the most comprehensive form of local government reforms was experienced under the 'Devolution of Power' plan introduced by the last military General as the Head of the State, Pervez Musharraf. As stated by political analysts, the devolution process of Musharraf, when compared with previous local government schemes, was not uninformed particularly considering heterogeneity of the administration across all departments (Alam & Wajidi, 2013). It also involved alterations pertaining to decision-making at the administrative level through a peculiar mode of accountability from politicians and bureaucrats. When the reforms were being materialised, there was no considerable elected provincial government in power, which further prolonged the implementation of the devolution plan.

Key Features of Musharraf's Devolution Plan

This devolution process redesigned the district (sub-provincial) government's structure, which can be further delineated with the fact that the election government was established at the district level, which was spearheaded by the district administration, while the District Coordination Officer (DCO) would report to the chosen head of the government, a significant transformation from the conventional system where the Deputy Commissioner, often denoted to as the de-facto head of the district administration, used to report to the non-elected provincial secretariat as a representative (Kandhro & Akber, 2015). Surprisingly, despite the notion that this devolution plan has been the most public-oriented, provincial bureaucracy has seemed to have carried out most of the state level



functions in the post-devolution years. Besides, several proposals at the legislative level were proposed by creating political inter-governmental linkages among the heads of district and tehsil councils. One substantial change in this regard was that the reserved seats for women and non-Muslim minorities, which were up to one-third of the total number of seats in the district councils. It also entailed a significant transfer of power and responsibilities from the provincial to the local level by ensuring ample provision of financial resources.

Considering the fact that the devolution process was introduced when there was no elected government at the federal or provincial level, it was obvious that no concrete effort could be made to integrate the newly elected government with the other two tiers. It also did not matter earlier, since most of the services emanated from the state were provided to the provincial administration through de-concentration of power (Ali, 2003). Furthermore, there were some significant changes with regard to accountability, particularly at the district level. For instance, the provincial secretariat was answerable to the elected heads of District and Tehsil governments, while all the other non-elected provincial bureaucracy was accountable to the secretariat himself. Another change in accountability was that there was a de-facto head of the district administration, who was responsible for reporting to the provincial bureaucracy, while the DCO would have to report the elected District Nazim.

Fiscal Decentralization

As far as fiscal changes are concerned, one change pertaining to budgetary transfers took place, which subsequently created a 'rule-based' fiscal transfer system between the provincial and local governments. Relatively to earlier reforms, which failed to develop any adequate transfer system that left district councils incapable of rendering even limited level of functions with regard to expenditure, this change brought a 'Provincial Financial Commission' to determine budgetary transfers proportionally to all the federative units. However, though this rule-based transfer system developed financial awards at the provincial level, they were failed to establish well-defined rules for proper dissemination of consolidated funds to the local governments, despite they were stipulated through the legislative process (Khan et al., 2009). Thus, financial decentralization remained restricted despite the establishment of financial commission.

Undermining Local Institutions' Representation

There was a representation of the period of progression as a result of implementing the Devolution Plan during Musharraf's regime, and the requisite need to legitimise military control over the state was the only motivation of his and previous dictators'



government by initiating local government reforms. Thus, in the words of Musarrat and Azhar (2012), centralization of the political power had always been hand in hand with empowering local governments, which has somehow undermined the representative nature of local institutions. An element of biasedness is also exhibited when centralizing the political power is not without involving selected party representatives on the basis of self-interest (Khan, 2006). In 2002, a Legal Framework Order (LFO) was introduced, which legalised the political role of Army at the federal level as a result of reinforcing the Presidential power in effect to the elected Prime Minister. Regrettably, as witnessed in previous military regimes, there has been a consistent intervention against political parties' actions as well as those of politicians. It entails disqualifying politicians, establishing non-representative pro-military party, i.e. Pakistan Muslim League Quaid (PLMQ), and imposing educational criterion for electoral candidacy, to name a few.

Glimpses of Quasi-Presidential System

Another major ramification of Musharraf's regime was that he attempted to combine the central power with that of local governments by implementing a quasi-Presidential system. Furthermore, under the Devolution of Power plan, there was seemingly much acquaintance of local government structure by the local politicians, which has given rise to unity and resolution for common purpose by the general populace. For instance, in the Punjab province, the Local Council Association was established, which has emphasised on the local level democracy and empowerment of the local representatives, who are directly accountable to their people (Zaidi, 2005). Later on, a national association for local governments was also created for the same purpose. Besides, the establishment of local governments in all the provinces mobilised public support from the Pakistan society, particularly for preserving the local democratic governance in the country and retaining the local government structure.

The implementation of the devolution plan was materialised in the 2001 elections in Sindh province through which some supporting evidence could be provided regarding the execution of local government reforms. Out of those elected for the post of district mayors, only 2 had a past local government experience, while the remaining were novice to the local governance setup (Cheema & Mohmand, 2003).

However, this was a reflection of empowering and attracting new people to the mainstream national and provincial politics. Besides, when considering women's representation, it was relatively low, which Musharraf later on increased by at least thirty-three percent at all legislative levels, against five percent in the retrospective elections. Unfortunately, the restrictions he placed on the organisation of political parties through



non-representative designs disturbed the smooth running of the electoral process, which eventually spoiled the competition at the local level. Thus, all the military heads of states including Pervez Musharraf tried to necessity the conduct of local government election on a non-party or non-representative basis. As argued by Shah et al., (2006), one major reason behind this act was to neutralise strongholds of political parties at their respective constituencies. Similar act was done by Zia ul Haq when he disqualified some candidates who had association with the Bhutto's party. Many other candidates were threatened too to quash their party affiliations, after they successfully conducted elections in Southern Punjab and Sindh province. Thus, such an unnecessary meddling in the activities of political parties developed a politics of collaboration rather than competition, which further undermined the bases of political parties as far as provincial grounds are concerned. Though local governments were empowered in terms of political authority and resources, they almost remained dysfunctional due to lack of unanimity between provincial and local government on transferring administrative powers at the district level (Afaq, 2007).

Keeping in view the fact that deprivation of consensus among government tiers, coupled with weak ownership of the local government system and non-segregation of military from local politics have always aggravated tensions among representative and non-representative entities. The existence of vested interests cannot be ruled out in maintaining the unfair status quo of local governance system. The Devolution Plan led by Musharraf and enforced under the auspices of National Reconstruction Bureau (NRB) was not enforced and prevailed throughout the country in its full essence until the next government came into power, which took up the phase of devolution agenda.

Challenges for Local Government Reforms

Having an understanding from the above articulation that non-representative nature of local government system created manifold challenges to bring reformation into this process. At times, governments, be it military or civilian, have not given due attention or devolve powers in accordance with the constitution, along with procrastinating in local government elections left the system non-operational. Also, intermittent hostility among provincial and local government tiers regarding sharing of resources and transferring of administrative power have not rendered local politicians their due share of representation. As stated by Jalal (1995), mismanaging resources and showing apathy towards making bold decisions to integrate local people with politics increased traditional and ethnic political monopolisation have remained key hurdles in the way of ensuring continuity of the local government system. As a consequence, the perils of illiteracy, poverty, corruption, and nationalist tendencies have remained the fate of the country, which requires rewiring of the whole structure that can benefit vulnerable communities of the society



rather than complementing personal political motives and vendettas (Shafqat & Wahlah, 2005).

Conclusion and Recommendations

The above comprehensive discussion could not be completed without realising the significance and requisite need of continuing the grassroots level democracy, which has been contending with non-democratic and non-representative nature of self-governance. Legislative processes carried out to bring socio-economic benefit and empower the local people have mostly gone without any avail. It is also because the elected representatives have appeared reluctant or to restrict themselves from constituting legislations in a unanimous manner for the smooth running of the local government system. Besides, when assessing the system from the reformation lens, there seems to be a counter-cyclical pattern in devolving the political authority among the government tiers.

Thus, certain challenges that are required to deal with entail unnecessary political meddling, coupled with lack of political autonomy to render socio-economic benefits to the local people, bad governance on the part of civilian regimes, and absence of consensus building among federal, provincial and local level governments in the matters of devolution of power and authority. Confrontation against these challenges, therefore, requires empowerment and accountability on constitutional rather than personal grounds. It also encompasses awareness on the part of civil society members and institutions to remain proactive and acquainted with all the developments being purported on their constituencies, as well as hold their political representatives accountable for not providing with effective delivery of service. However, this would not be possible without making the local government institutions empowered and capable enough by providing with local staff alongside information channels for ensuring the smooth flow of communications between leaders for the benefit of local people. Importantly, successful decentralization should be in accordance with the constitution, particularly with regard to Articles 32 and 140-A, which stipulates own local government in each of the provinces through legislative procedure. While the local government future is still uncertain considering their restricted level of constitutional protection, it is hoped that Pakistan would see some effects of past efforts in the delivery of public service in a comparatively much effective manner.



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