



Transformative Impact of Decentralization and Federalism on Democracy in Pakistan

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Abstract:

The exploration of how regime changes impact decentralization in federations with a history of autocratic rule remains an unmapped phenomenon. This article seeks to fill this gap by examining the levels of static and dynamic decentralization in Pakistan, a federal country that has experienced prolonged periods of autocratic governance since the inception of its first constitution in 1956. Utilizing qualitative method, the article challenges the prevailing notion that only military regimes have contributed to centralization, shedding light on the various instruments of decentralization and the key factors driving these changes, including the military, political parties, provincial autonomy and the local government structures. As the substantial study of its kind on Pakistan, and part of the broader project 'Why decentralization in federations?' this article adds to the research literature on decentralization in hybrid regimes by tracing the longitudinal evolution of Pakistan's federal system.

Keywords: Pakistan, federalism, decentralization, democracy, autocratic governance, hybrid regime, military rule, political parties

INTRODUCTION

Pakistan's federalism is comparatively unobserved as neighboring adversary India. Pakistan has espoused a more robust federation, whether founded on democratic promise or dominant authority imposition is that there is power distribution among Centre and federating units endure in organize, coordinate and independent way without being subordination (Munir, 1975), therefore progressed new institutions (Council of Common Interest) to adapt the true essence of federalism

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(Mahmood, 2003). Federations fluctuate on democratic nature, territorial or multinational, acknowledgement of diversity or documented diversity manner and alternative mechanisms. Multinational federation is a sub-unit that is federally or quasi-federally constituted for local majority or/and minority to practice significant self-governance (McGarry, 1993) & (Kymlicka, 2005). Pakistan's federalism of 1956 was not multinational to accommodate territorial concentrated or regional linguistic groups.

Illiberal federalism refers to federalism protracts and strengthens authoritarian regime (Adeney, 2007). Federations are democratic and non-democratic equally. The United Arab Emirates was the solitary non-democratic federation, but then the USSR and Yugoslavia also exist contemporary non-democratic federations.

Comprehending the bond between federalism and democracy necessitates exploration of multiple kinds of democracy. Democracy encompasses the occurrence of repeated elections (Huntington, 1991) or enormously attaining human economic and social equality (Sen, 1999). Katharine Adeney and Filippo Boni classify four elements on Pakistan's federalism in political science literature. The first literary assortment concentrates on promulgation of constitution, where nine-year laborious toil framed the Constitution of Pakistan 1956 (Baxter, 1974; Sharma, 1987; Samad, 1995). The second literary assortment focusses on design and operation of Pakistan's federalism to manage the task of Punjabi domination and multiple ethnic publics (Khan, 2014; Bhattacharyya, 2020). The third literary assortment dedicates consideration to the motives, explanations and consequences of the enactment of 18th amendment (Adeney K. , 2012; Shah, 2012) or decentralization provincial responsibilities (Faiz, 2015) & (Ahsan, 2020). Finally, the fourth literary assortment includes federalism surveys across history (Rabbani, 2016).

This paper inspects decentralization as distribution of resources and responsibilities among the Centre and provincial governments (Dardanelli, 2019), probing the intricacies of local government structures. Primarily it elucidates the key factors driving transformation in separation of responsibilities and resources over history. According to accumulated research wisdom, Katharine Adeney & Filippo Boni, as well as Tunio & Nabi (2021) implemented fundamental aspects of decentralization schema [as projected by Dardanelli et al] to Pakistan's federalism (Boni, 2022) & (Tunio, 2021). Though, their investigation is limited to past, subsequently offering static review rather than dynamic inquiry of decentralization. The present article also evaluates the political institutional or provincial autonomy, central for deliberating federalism in hybrid regimes or dictatorships.

This article contributes a valuable triple influence. Firstly, it endeavors to offer the logical study on Pakistan's federalism, analytical assessing static and dynamic decentralization since the promulgation of Constitution in 1956. Secondly, present article enriches the decentralization treatise of hybrid regimes and enhances literature on how military regimes navigate the transformation to civilian governance in federation. This is achieved by dissevering military rule into direct regime and military leaders' rule, thus offering critical shades to comprehend authoritarianism on decentralization. Moreover, it broadens the prevailing literature by investigating how military regimes have engineered local government schema to destabilize autonomy, while also explaining how military regimes have augmented legislative provincial autonomy to strengthen their rule legitimacy. Thirdly, the present longitudinal investigation offers

awareness into less-examined dynamics of alteration within Pakistan's federalism. It highlights how decentralization aligns with substantial recurrent history and complicated civil-military dynamics in Pakistan. Despite detecting centralization tendency to consequential military involvement in politics, the present study discovers or illustrates that military regimes have augmented provincial independence at times, whereas civilian governance has consistently not connected with increased decentralization.

The present paper exemplifies the following research objectives: to assess Pakistan's experience with democracy and federalism following its independence in 1947; to examine the notion of democracy, as well as its past, present, and future in Pakistan, and; to investigate the actual spirit of Pakistan's federal system, as well as the positions of each province on the issues of provincial autonomy and decentralization.

In the first section, the study aims to examine the period from 1947 to 1969, the crucial period of our history for because during this period dialogue with democratic forces continued but it ended in 1st military intervention in 1958. Since then, till 1969 Pakistan was subject to the new form of controlled and militarily patronized democracy, popularly known as Ayub's basic democracy (BD) system. The Ayub Khan's Era was followed by a short military intervention of Yahya Khan, whose desire to institute democracy in Pakistan was followed by holding a successful general election in Pakistan. The result of the election was a big surprise for all in Pakistan. It brought two Parties system into the forefront of the country's politics, in the East Pakistan the Awami League of Sheikh Mujeeb-ur-Rehman and in the West Pakistan, the Pakistan People's Party (PPP) of Zulfikar Ali Bhutto. The lack of experience with democracy resulted in chaos and finally culminated in the disintegration of Jinnah's moth-eaten Pakistan and the bloody birth of Bangla Dash in 1971. Federalism and democracy marked the end of a Historical era where both democracy and federalism failed to save Jinnah's Pakistan. Then there was another episode of democratic process in early 1970s followed by the Marshal-Law of General Zia until his plan-crashed assassination in 1988. The era of country's experience with democracy during the period 1988 to 1999 presented a dismal picture of democratic rule in Pakistan. Democracy and federalism since then have remained under stress in the country. Hence, there is an urgent need to revisit our experience with democracy in a federal setup. The paper carefully examines the true spirit of the federal structure of Pakistan and the positioning of each province on the issue of provincial autonomy and decentralization.

LITERATURE REVIEW

Katharine Adeney in "*Democracy and Federalism in Pakistan*" (2007) observes that diverse conflictual structures of federalism lacked democracy during military regimes (1958-1970, 1977-1988, and 1999-2002) where political parties such as Awami League, and MRD or ethnic cooption were deprived of democratic governance. Pakistan's federation has entrenched sabotaging demographics into elections. Therefore, democracy has not enhanced ethnic accommodation. The elective supremacy of Punjab constituted federal government. Regional political parties influence is restricted or bargained for national power quest. Military and bureaucratic dominance of Punjab generates governance tensions in federation on resource distribution and representation. (Adeney, 2007). Katharine Adeney has documented only ethic accommodation in Pakistan's federalism that

triggered or heightened past tensions and presented federal reform that new provinces in Pakistan's heart land of Punjab could be created to accommodate the minor ethnic communities.

Lane and Ersson in "*The Riddle of Federalism: Does Federalism Impact on Democracy*" (2005) offer solitary federal and democracy relationship and restrained to political decentralization of constitutional edifice in federalism (Ersson, 2005). Congruently, this influence is not direct or forthright. Moreover, several federations are not constitutionally devolved, or equitably delegated, as Indian federalism is a prime example. Unitary republics are extra decentralized than several federations. Currently, major federations are democracies, but numerous federal states are not democracies. It is not fundamental that federalism necessitates or mandates democracy.

Ali Cheema, Asim Ijaz Khwaja, and Adnan Qadir in "*Decentralization in Pakistan: Context, Content and Causes*", (2004) analyze that the local government reform has inaugurated by non-representative federal regime as fascinating phenomenon. The local government reform development converts endogenic or serves the centralization goals of hybrid regime (Cheema, 2004). The limited period account of decentralization under Musharraf regimes delivers a research gap to be discovered in order to comprehend improved potential decentralization antiquity of democracy.

Jaffrelot (2015) provides an account of Pakistan's political conundrum. The political culture of the country, military intervention in politics, and its long-term effects on the development of democratic culture in Pakistan must all be critically examined. The author claims that Pakistani Democrats have been given very little room to deliver in terms of the economy, etc. Hence, the obvious outcome was the stifling of political culture. Additionally, he offers a thorough understanding of impossible democracies and impossible Democrats (Jaffrelot, 2015). His work is considered seminal on Pakistan's political evolution; "Pakistan Paradox" offers a perceptive examination of the country's complexities and contradictions. For academics, decision-makers, and anybody else wishing to gain a deeper understanding of Pakistan's past, present, and future, Jaffrelot's thorough analysis and rigorous scholarship make it an invaluable resource.

Sanwal Hussain Kharl, Khizar Abbass, and Numan Oghai in "*Governance Decentralization in Pakistan: An Analysis of District Council and Its Powers*", sees that Pakistan's political civilian elite is resultant to hand over power on local government or lower district councils. Development funds attracted power attention of federal civilian legislators. Indecorous, unfitting, or unacceptable local government scheme and partial power transformation are causes of public difficulties and worries (Sanwal Hussain Kharl, 2018). The secondary data built qualitative research of decentralization governance process confines to District Council or Local Governments Ordinance 2001 investigative analysis for deductions which opens impending research avenues on Pakistan's federalism and democratic governance. The present study will endeavor to bridge that research gap.

Khalid (2020) provided a thorough comprehension of decentralization, democracy, and federalism, providing a significant opportunity for promoting effective governance, inclusiveness, and stability in Pakistan. However, achieving these goals depends on resolving deep-rooted power dynamics, institutional deficiencies, and historical grievances. Pakistan can successfully manage its complicated political terrain and develop a more inclusive and resilient future by actively

upholding democratic values, empowering local communities, and accommodating multiple identities (Khalid, 2020).

Katharine Adeney and Filippo Boni in *"Federalism and Regime Change: De/centralization in Pakistan-1956-2020"* (2022) detect that Pakistan espoused federal administration policy, fiscal management permanency and provincial autonomy in all constitutional arrangements since independence. Provincial autonomy surges during military regimes and civilian governments with predominant federal policy supremacy. Civilian governments have not promoted decentralization at all times. Though, decentralization of 18th amendment portrayed civilian accord against military influence. Weak political caliber, persistent perpetuation and preservation of military political power, and military intrusions settled de/centralization in federation at the backdrop of capable Indian adversary and centralization. Nevertheless, provincial autonomy augmented after military and hybrid regimes (internal acceptability or external military legitimacy through 'civilization') (Boni, 2022). Three variables measurement, such as autonomy, hybrid regimes and constitutions of 1956, 1962 and 1973 offer research gap in decentralization quest of Pakistan's federalism history.

HISTORICAL BACKGROUND

Before British rule, India had no advanced system of local government. However, in rural regions, a basic local government system has existed. These were village panchayats (literally, five-member councils) that handled administrative, judicial, and developmental responsibilities. In pre-British India, the Panchayat represented the founding families, higher castes, and affluent farmers. Rather than depending on village panchayats, the British built local governments from the bottom up. The focus shifted away from local governments as a result of World War I and nationalist party agitations for increased representation in provincial and federal governments. As the result of these changes, the Local government was moved to a provincial Indian minister in 1919 and became a transferred subject (Shah A. , 1999).

The establishment of a rural-urban split was a critical feature of the British government structure. The British created urban local councils (ULCs) to offer municipal services in the cities where they lived. Local politicians covered rural councils by providing them minimal representation, and as a result, their capacity to deliver municipal services has grown even more constrained (Shahab, 2018). Through a selective but comprehensive patronage system, the British center used the district bureaucracy as well as central and provincial proposals to co-opt and establish local elites. It became colonial policy to protect the loyal landlord families from economic and political influence by urban elites.

DISCUSSION AND DATA ANALYSIS

Only Punjab had functioning local governments in 1947, village Panchayats, and municipal councils, which were primarily composed of non-elected members. From independence, there would be no official assurances, there was no true commitment with the decentralization process by the administration. Local governments were stripped of their legitimacy by failing to hold elections and, when they did, by having a limited 'franchise' and perpetrating massive fraud (Guess, 2005). With the implementation of the first Martial Law in 1958, national and provincial assemblies were dismissed. The Ayub administration wasted no time in removing politicians from power. Local governments have been revived as the only form of governance that has representation. They had a

four-tiered hierarchical structure. Numerous regulatory and development responsibilities were transferred to local governments, notably at the lowest levels and districts, under the system. The system was susceptible to bureaucracy via "controlling power" put in the DC offices, Commissioners, and Government for several tiers, similar to the British period (Rothchild, 2005). The use of the local government system to support Ayub's essentially unitary Presidential Constitution was the most controversial aspect of the system (1962). Pakistan's government structure, according to its supporters, was a form of "representational democracy" that allowed for corruption and small-scale patronage. Popular impressions of major violations ruined the 1965 Presidential election, which placed Ayub against Jinnah's sister, Fatima Jinnah. The system was closely connected with the military dictatorship in the public consciousness and popular opposition to it in 1968-69 lead to violence against Basic democratic parties (Bossert, 2018).

Because rural regions were in his major support, Ayub khan increased the share of targeted provincial and federal development funding spent toward them. Due to the emergence of organized political organizations, notably in urban Punjab, the rural tilt in Pakistani politics began to diminish as Ayub's term drew to a close. The fast urban growth that occurred in the 1950s and 1960s established a solid basis for these movements. Lawyers, students, journalists, laborers, and other urban workers had converted Punjab's metropolitan regions into anti-Ayub by 1965. The foundation Pakistan Peoples Party's electoral ascent in the mid-1970s was established by these organizations, which were backed by the rural middle classes. The evolution of the local government system was significantly influenced by these political upheavals (Guess, 2005).

The military regime of Zia ul Haq combined federal and provincial political centralization with a legitimization program that required just local electoral representation. Local governments were re-established in 1979 and 1980 with the passing of Local government ordinances (LGOs) by the administration, and local bodies were elected in all provinces of Pakistan. In essence, the army attempted to revive its old 'divide and rule approach by developing a new class of 'collaborative' local-level politicians (Salman, 2009). Local governments were still unconstitutionally protected, and the provinces remained in charge of establishing and maintaining them. Because military commanders designated as province governors controlled provincial administration under the early Zia government, the military exercised considerable authority over local administrations. Instead of ensuring that all members of all levels of local government be elected directly by adult vote, Zia endorsed populist traits proposed by Bhutto's unimplemented Local Government Acts (1972 & 1975).

As a result of Zia ul Haq's endorsement of the representative principle, elected representatives at the local level have more autonomy. The provincial government retained suspension powers and the capacity to reject decisions and processes throughout the Zia regime, but its influence over local governments with direct representation was weakened. This might have been a retaliation to the growth of mass-population politics in the 1960s and 1970s. Zia upheld the long-standing policy of non-party municipal elections, which had been the rule in areas of Pakistan like British rule. As a result of Zia ul Haq's reforms at the rural or district councils, town, and municipal committees, rural-urban divides were remained the same. This approach was kept in place by Zia to limit political party dominance at the local level (Cheema, 2005). Furthermore, in 1979, the army rejected a huge number of PPP-affiliated candidates, significantly reducing election

competitiveness. The result of these strategies makes politics more localized and personalized (Wilder 1999).

The state was able to accept substantial anti-Bhutto political mobilizations among the urban middle class because of the decision to preserve when urban local revenues were increasing, that is why the urban-rural differences were increased. Rural local governments' capacity to carry out even their meager statutory responsibilities was limited due to a lack of consistent financing (Zaidi, 2019). These changes assisted the establishment of urban political organizations like the Muthida Qaumi Movement (MQM) in Sindh and the Muslim League's Nawaz Sharif party in Punjab, the latter of which rise to importance in provincial politics under the Zia administration. After the restoration of elected federal and provincial administrations, the accommodation of urban interests continues.

Localization of politics in Pakistan began with municipal elections in 1979 and continued throughout the 1980s with the revival of party-based provincial and federal governments also. The continuance of this trend may be attributed in part to the weakening of party organizations as a result of the Bhutto and Zia administrations' unfavorable de jure and de facto measures. Conflicts between provincial and municipal politicians have arisen as a result of a lack of political links between levels of government. As a result, party ticket and ministry distribution are mostly the outcome of individual bargaining between influential local politicians and party leaders. The federal government's incursion into provincial tasks, was viewed as a way of weakening the provinces' scope, exacerbated the 'tension' between the provinces and local governments (Khan, 2016).

Conflicts between provincial and municipal officials have arisen due to a lack of political links between levels of government. As a result, party ticket and ministry allocation are mostly the outcome of individual bargaining between powerful local investors and party leaders. The federal government's incursion into provincial tasks, which was seen as a way to weaken the provinces' scope, exacerbated the 'tension' between the provinces and local governments. In the 1980s, the bureaucracy developed as a subservient partner in the military's battle for state authority. Due to conflicts between the provincial and municipal levels, local bodies were suspended from 1993 and 1998. In the early wake of independence, Democratic forces at the provincial and national levels called for a retreat of municipal administrations (Musarrat & Azhar, 2012).

Political control is widely used to transfer officials laterally and from top to down across cadres weakened the bureaucracy's authority. This became a popular way for getting rid of bureaucrats who refused to comply, and subsequent political regimes adopted it. The replacement of party-based elected administrations in 1988 did not reverse the drift of money and political power centralization that had occurred previously. One of the most notable was the lack of a single dominant political party in both national and provincial elections. Presidents' use of dissolving powers typically reduced the timeframes of the political leadership at the center, creating incentives for monetary centralization (Ahmad, 2020).

The recent process of decentralization, which began in January 2000 with General Pervaiz Musharraf's "Devolution of Power" plan and was completed in August 2001 after a series of local government elections. Devolution includes changes in the governmental level of decision-making and decision-maker responsibility, as well as the devolution of administrative and financial obligations to local governments to varying degrees. Devolution resulted in a newly elected

government at the district level, which was politically linked to sub-district councils (Tehsil and union council) (Picard, 2008). The District Coordination Officer (DCO) leads the district administration and reports directly to the Nazim of the district. This is a significant departure from the previous structure, in which the officer reported to the provincial administration, which was not elected. Furthermore, the DCO, the new head of district administration, is no longer the district magistrate or collector. The majority of public services that were previously administered by provincial governments are now handled by local governments. The scope and duty of local governments for delivering public services has greatly expanded (Khan, 2016).

Even though the scope of local administration in Pakistan has expanded significantly since devolution, financial decentralization remains limited. District governments continue to have limited revenue collection powers, relying mostly on provincial and, eventually, federal funding through provincial finance commission grants. The bulk of district costs are "establishment charges," which cannot be altered once they have been spent by the district. These costs include the salaries of administrative staff who are still employed by the province and, as such, cannot be fired or changed by the district in any manner. at the provincial or municipal levels (Majid, 2021). The transfer of provincial authority and duties to the district and lower levels of government was the main focus of decentralization, with no decentralization of federal activities to either the provincial or local levels.

Before devolution, the provincial administration was responsible for the majority of government services and was only indirectly accountable to provincial elected members. With devolution, however, a significant portion of these functions was transferred to elected local governments. This has resulted in an unusual but predictable conflict between municipal, provincial, and federal elected officials (Bossert, 2018). Before devolution, there existed a distinct and financially substantial difference between urban and rural local governments. This difference, as seen in the images, no longer exists post-devolution. In terms of the number of resources moving from urban to rural areas, this change is considerable. Members of urban local councils and district councils were directly elected before devolution, as were the heads of their respective councils. Under devolution, members and chairmen of the union council, the lowest level of government, are still elected by public vote. By ensuring that the majority of Tehsil council members are selected leaders, the new legislation has strengthened inter-governmental political links (Li, 2021).

Pakistan remains a two-tier federal state, despite the new local government structure, with local governments not recognized as the third tier of government under the 1973 Constitution. Local governments are given limited protection by the 17th Constitutional Amendment for just six years, during which time provinces can make changes to local government law with the President's permission (Ali, 2015). Several essential duties, such as the regulating of irrigation and the police, were handed over to the regional and provincial government. Certain operations judged to have better economies of scale remain under provincial jurisdiction, even within the devolved departments (Zaidi, 2019). The devolution includes those changes in the level of decision-making in the service; a specific service that was formerly selected by bureaucrats at the provincial level but is now decided by bureaucrats at the district level. Because the decision-making authority has been assigned to an elected district representative, the public is now directly responsible for this service (Marchildon, 2018).

CONCLUSION

The specific Pakistani federation, in which one province holds a majority of federal legislative seats to exercise substantial power over state institutions that generates permanent instability even during democracy. National federations, a leading powerful group within a single unit, often have probability of dissolution. While Pakistan is not at risk of fragmentation, this does not refute the existence of fundamental tensions. The substantial electoral supremacy of Punjab necessitates that political parties secure legislative conquests to gain power at the federal level. The Punjabis, though not uniform in nature, constitute the core ethnic group of the federation. Although Punjabis are diverse, they are often stereotyped as homogeneous. Splitting the Punjab into two or more provinces could offer innovative solution to resource distribution and legislative representation, even though declining the acuity of dominance that strains inter-provincial relations. However, such division may be pursued to weaken the provinces' influence further. Inspecting the viability of splitting the core region of Pakistan at this juncture of history holds implication; if division proves unattainable, alternative solutions must be prioritized. Yet, it's astute to analyze similar federations with few units, as they often encounter failure or perpetual strife.

Understanding Pakistan's current decentralization requires placing the shift in the context of previous similar changes. It contends that these reforms were used to legitimize a non-representative center by avoiding political players at the regional and national levels. Each of the three military regimes adopted local government reforms, which have since been undermined or ignored by successive civilian administrations. With an elected provincial and national administration in place, conflicts have begun to arise between the province and local governments. The current decentralization reforms, on the other hand, have gone far further in terms of breadth and scope. While local governments continue to have limited revenue-raising powers and practically no ability to vote on expenditure, they now have control over the bulk of public services. If local governments remain a part of Pakistan's democratic system, they will have an impact on the delivery of public services. It remains to be seen whether this will be for the better, with local governments being more accountable to the people, or for the worse, with patronage and "biraderi" politics becoming more widespread.

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