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RECENT DEVELOPMENTS IN LOCAL GOVERNANCE IN SINDH PROVINCE

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RECENT DEVELOPMENTS IN LOCAL GOVERNANCE IN SINDH PROVINCE

I. Background

According to article 140A of Pakistan's Constitution, "[e]ach 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."¹ The above article was inserted into the Constitution pursuant to the Eighteenth Amendment, which came into force on April 19, 2010. Colin Cookman, a Research Associate for National Security at American Progress, states that this provision provides "little clarity on which administrative or financial authorities will be delegated" to local governments or "how they should be constituted."²

In July 2011, the PPP (Pakistan People's Party) announced the restoration of the old commissionerate system of local governance in Sindh, where appointed commissioners are given responsibility for local district-level governance.³ However, after its off-and-on coalition partner, Muttahida Qaumi Movement (MQM), fiercely opposed the move, an agreement was reached in August 2011, restoring the *Nazim* (mayor or administrator) local government system, pursuant to Sindh Local Government Ordinance 2001,⁴ in Karachi and Hyderabad while the remaining twenty-one districts in Sindh remained "under the bureaucrat-dominated 'commissionerate' system."⁵

The Sindh Local Government Ordinance 2011, largely a restatement of the 2001 Ordinance, expired on November 5, 2011.⁶ Prohibited by the Eighteenth Amendment to Pakistan's Constitution,⁷ the August 2011 Ordinance could not be reissued or repromulgated. As

¹ PAKISTAN CONST. art. 140A, <http://www.na.gov.pk/publications/constitution.pdf>.

² Colin Cookman, *The 18th Amendment and Pakistan's Political Transitions*, (Center for American Progress, April 2010), http://www.americanprogress.org/issues/2010/04/pakistan_political_transitions.html.

³ The Sindh (Repeal of the Sindh Local Government Ordinance 2001 and Revival of the Sindh Local Government Ordinance, 1979) Act, No. 24 of 2011, <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XXIV%20of%202011.pdf>.

⁴ The Sindh Local Government Ordinance, No. 27 of 2001, http://www.sindh.gov.pk/dpt/services/RULES/SLGO%202001%20_February03_.pdf.

⁵ *Two Ordinances Bring Back Nazims in Karachi and Hyderabad*, THE EXPRESS TRIBUNE (Aug. 7, 2011), <http://tribune.com.pk/story/225608/zardari-altaf-working-together-to-strengthen-institutions-awan/>.

⁶ Masroor Afzal Pasha, *Commissionerate System Stands Restored in Sindh*, DAILY TIMES (Nov. 5, 2011), http://www.dailytimes.com.pk/default.asp?page=2011\11\05\story_5-11-2011_pg7_3.

⁷ PAKISTAN CONST. amend. 18, <http://www.na.gov.pk/publications/constitution.pdf>.

a result of the measure's expiration, the local government system reverted to the old commissionerate system, restoring the Sindh Local Government Ordinance, 1979, albeit with minor amendments.⁸ The administrative boundaries of Hyderabad were not altered, but the province was divided into five divisions.⁹ The previous "administrative status of Karachi," nevertheless, was restored, "dividing the city into five districts: South, Central, Malir, East and West."¹⁰

The MQM has traditionally been a fierce opponent of the revival of the old commissionerate system, fearing it undercuts local elected governance and empowers Pakistan's feudal elite.¹¹ The PPP, on the other hand, prefers to keep the old commissionerate system. According to an *Express Tribune* news report, the PPP does not want the *Nazim* local government (LG) system "since it favours the MQM both demographically (in terms of how district boundaries are set up) as well as by political design: the PPP prefers a system where the provinces retain most of the powers given up by the federal government."¹²

II. Current Developments

As of early December 2011, the Sindh government coalition partners, the PPP and the MQM, are still negotiating a new local government system for the province of Sindh. As of December 7, according to a *Dawn* report, "[t]he MQM and the Pakistan People's Party are set to meet on Dec. 10 to discuss and finalize a consensus document to be tabled [introduced] in the Sindh Assembly for legislation."¹³ Each party has drafted a proposal for a new local government system.

According to recent news reports, the PPP was in favor of leaving more power at the provincial level rather than the district level. The PPP's proposal is seen as closer to the "Local Government system of 1979."¹⁴ The PPP proposed that district-level government will only "provide municipal services including provision of providing [sic] water, sewerage and cleanliness in their areas."¹⁵ Furthermore, "the District Governments must be accountable to the

⁸ Pasha, *supra* note 7.

⁹ *Back to Commissioners...But with Some 'Limits'*, PAKISTAN TODAY (Nov. 11, 2011), <http://www.pakistantoday.com.pk/2011/11/back-to-commissioners%E2%80%A6-but-with-some-%E2%80%98limits%E2%80%99/>.

¹⁰ *Id.*

¹¹ *MQM to File Petition Against Commissionerate System*, THE EXPRESS TRIBUNE (July 10, 2011), <http://tribune.com.pk/story/206689/mqm-may-file-petition-against-commissionerate-system/>.

¹² *PPP, MQM Meeting: Local Govt Issue Still Blocking Progress*, THE EXPRESS TRIBUNE (Sept. 4, 2011), <http://tribune.com.pk/story/244551/ppp-mqm-meeting-local-govt-issue-still-blocking-progress/>.

¹³ *Divergence of Muttahida-PPP Views on LG System Continues*, DAWN (Dec. 7, 2011), <http://www.dawn.com/2011/12/08/divergence-of-muttahida-ppp-views-on-lg-system-continues.html>.

¹⁴ Ramzan Chandio, *MQM Wants More Powers for LGs*, THE NATION (Dec. 4, 2011), <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/04-Dec-2011/MQM-wants-more-powers-for-LGs>.

¹⁵ *Id.*

provincial governments.”¹⁶ According to the same report, “[t]he ruling PPP has also suggested that the revenue, police, education and other provincial departments would not be in the domain of the District Governments, arguing that land grabbing and education deteriorated in the province because of their devolving to the District Governments.”¹⁷

In contrast to the PPP’s proposals, the MQM has suggested more powers for the mayors of district governments.¹⁸ According to a recent *Pakistan Today* news report, MQM is pushing to

[give] district nazims most of the powers in the new local governance system that were accorded to them in the Sindh Local Government Ordinance 2001, including allotment of land, writing annual confidential reports (ACRs) of district officers, etc. The party also wants to keep Karachi and Hyderabad as districts, instead of the five administrative divisions in the province.¹⁹

Other reports indicate that the MQM proposal can be seen as a “mixture of [the] 1979 and 2001 Local Government system.”²⁰

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¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Your LG System or Ours? The Deadlock Continues*, PAKISTAN TODAY (Dec. 4, 2011), <http://www.pakistantoday.com.pk/2011/12/your-lg-system-or-ours-the-deadlock-continues/>.

²⁰ Chandio, *supra* note 15.