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EVOLUTION OF THE BUREAUCRACY IN SINDH: THE ROLE OF SDGS IN EMPOWERED LOCAL GOVERNMENT OF KARACHI

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Abstract

Article 140 (A) of 1973 Constitution of Pakistan clearly provides basis for the establishment of an empowered elected local government by covering all the domains of devolution of power i.e. political, administrative and financial. However, ethnic, political and federal interests constrained the practical implementation of it in Karachi, an economic hub of the country and provincial capital of Sindh.

Karachi is the one of most populated metropolitan cities of the world including suburbs that faced the challenges in the absence of viable local government. Covid-19 that hit globally in the year 2020, has shaken the socio-economic conditions of the countries and more importantly their metropolitans. This research study is an attempt to investigate lacunas of Karachi's LG System. Does local government of Karachi was empowered, both administratively and financially, enough for coping the Covid-19 challenges that city faced during the phase of pandemic? Do the weaknesses and issues of metropolitan expose during the said time span, are due to ineffective local government of the city? Does the weaknesses and issues of metropolitan are due to negligence of the responsibility by local government of Karachi? Do the Constitutional provisions safeguard the empowerment of LG? Do the political and ethnic factors constrain the reformation of LG system in desirable need of the city? Does the recently passed - The Sindh Local Government (Amendment) Bill 2021, hinder the UN's 2030 Agenda for the Sustainable Development goals by creating structural and procedural controversies and controversies over empowerment? The research methodology includes literature review. Apart from it, questionnaire survey conducted from academia and journalists, approximately fifty from each community will serve as a voice for resolving the appropriate LG system's problems with adequate empowerment in the challenging circumstances.

Keyword: Local Government Karachi, Sindh and Covid-19, Sustainable Development Goals.

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Problem Statement

The ethnic diversity with political and financial interest, political environment and affiliations, and negligence to the demand of the megapolis hinders the true spirit of decentralization despite the broaden constitutional role provided to Local Government. The desire to hold the control over the resources, passage acquired for the kickbacks and corruption and consensus free constitutional amendments has developed a network of failures to the sustainable development in most of the devolved sectors. The Corona Virus adversely exposed the status of a megapolis. The vacuum of the representatives elected Local Government workforce has enhanced the adversity to the good governance.

Hypothesis

The third tier of government i.e. Local Government with constitutional safeguard of administrative and financial autonomy is essential in Karachi to meet the challenges and tasks ahead.

Scope

This research reflects the issues of consensus over the appropriate applicable model for the LG system in the light of the recent political scenarios and try to bridge it with the existence of the dire need of the empowered LG for striving to achieve a sustainable future despite impediments like Covid-19 and its variants.

Introduction

The structure of governance with clear and defined set of powers and responsibilities provide a pathway to the development of a state. Pakistan, being a post-colonial state historically possessed experience of governance in terms of centralization, decentralization, delegation and devolution reciprocal to the nature of regime i.e. military or civilian. Therefore, the local government also went through such kind of experiments since its independence. Ayub's Khan (1958-1968) Basic Democracies created local councils at district and sub district levels with 80,000 basic democrats.

"While these councils received state funds to perform municipal and civic functions, the district administrative bureaucracy retained virtually total authority over them, including the powers to overrule council decisions and suspend the execution of their orders" (DEVOLUTION IN PAKISTAN:REFORM OR REGRESSION?, 2004).

The Constitution of 1973, being a document provide a passage of decentralization with better prospects.

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"While the Constitution of Pakistan as enacted in 1973 very specifically detailed the separation of responsibilities and functions between the federal and the provincial governments, significant in the context of this assessment is the fact that until the issuance of the Legal Framework Order

(LFO) 2004, "the Constitution of Pakistan did not fully recognize local governments as a separate tier of the government with their own powers and functions. […]. Prior to the addition of the LFO in the overall governance framework, local government was essentially viewed as an extension and appendage of the provincial governments, through which some functions were delegated to them." (Anwar, 2018).

General Zia ul Haq (1977-1988), local bodies were entrusted with limited administrative and financial powers, however the law and order was retained by the civil bureaucrats as Commissioner and Deputy Commissioner, the ex officio or non-voting members of the local bodies.

1988-1999, despite being democratic era with the elected representative governments of consecutive regimes of Benazir and Nawaz Sharif overruled the local government authority in order to hold the control through the civil servants appointed as administrators.

Devolution Plan of Musharraf's era (1999-2008) was the departure to the formal local government scheme. The key features are:

i. Abolition of the post of Commissioner and Deputy Commissioner and Assistant Commissioner.
ii. District Coordination officer (DCO) appointed by nazim (previously mayor) with the consent of district assembly.
iii. 12 departments of the Provincial Government were devolved to the District Governments with administrative and financial powers
iv. Provincial Finance Commissions were constituted for allocation of financial resources from provinces to districts. (REPORT OF THE NATIONAL COMMISSION FOR GOVERNMENT REFORMS ON REFORMING THE GOVERNMENT IN PAKISTAN, 2008)

To some extent, the plan envisages the delegation of authority both fiscal and administrative by controlling the influence of District Management Group (DMG) of civil servants over the law and order, holding the Commissioner and Deputy Commissioner posts in provinces and devolving the provincial departments to the local tier.

But the successive regimes despite reforming it progressively further, revive the centralization of power at federal and provincial level by ignoring the significance of the third tier.

Karachi the megacity of Pakistan, an economic hub and thickly populated urban center also has its local government history since colonial era with the different models applied by post-independence successive regimes varying from the ample

devolution power to the nominal role of LG. The legislations for local government in Sindh are:

- **Sindh Local Government Ordinance 1979**
- **Sindh Local Government Ordinance 2001**
- **Sindh People's Local Government Ordinance 2012**
- **The Sindh Local Government Act 2013**
- **The *Sindh Local Government* (Amendment) *Act, 2021***

The last elected City District Government Karachi (CDGK) tenure ended in August 2020.

"According to the law, the Sindh government has three months to hold the local government elections from the day the local bodies' representatives step down" (Sindh's local government bodies complete tenure, 2020).

But, the elections remained delay even after passing more than one year. Meanwhile, The Sindh Assembly passed LG Bill 2021 on 26th November, 2021 which faced strong opposition from the Jamat-eIslami, Mutahadida Qaumi Movement and Pakistan Tehreek-e-Insaaf claiming that the provincial government has retained most of the functions and resources to itself. The controversial provisions were related with:

- Functions of education and health sectors taken away
- Mayor to be elected through secret ballot and can be 'any person' elected by a council
- Towns to be replaced DMCs (Siddiqui T. , 2021)

Due to strong opposition and concerns over some provisions by the Governor of Sindh, the bill was sent back and then revised bill was presented in the provincial assembly on 11th December 2021. The revised bill contains:

- Sindh Solid Waste Management previously hold by provincial government through Sindh Solid Waste Management Law, passed in 2014 would be handed over to metropolitan/municipal corporation mayors for effective service delivery to the sanitation. (Tunio, 2021)
- Officials of education, health, police, agriculture, livestock, sports and women development departments will submit their quarterly reports to local councils such as town committees, municipal committees and union councils… the council will deliberate on reports and send observations to the head of the concern institutions. (Tunio, 2021)
- Removed the provisions of 'secret ballot' and election of 'any person' as mayor, deputy mayor, chairman and vice chairman of a council instead of elected members.

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However, the revised bill again faces rejection and strong opposition, demanding complete devolution with administrative and financial autonomy, since it contains:

- the Sindh Solid Waste Management Bill, 2021, making mayors of metropolitan and municipal corporations co-chairpersons of the Sindh Solid Waste Management Board along with the LG minister (Siddiqui, Sindh PA removes provision of secret ballot from LG law, 2021)
- Immovable property tax collection taken away from local bodies to the Excise and Taxation Department (Tunio, 2021).

The provision of the secret ballot was previously added to the Sindh Local Government Act 2013 (SINDH ACT NO. XXXVIII OF 2015.), however, the High Court order against it revive 'show of hands' procedure for the election of the mayor and deputy mayor.

Originally, Karachi was divided into five districts i.e. East, West, Central, South and Malir. In November 2013, District East was bifurcated into District Korangi, with four administrative zone. Further, soon after the current end of tenure of LG the Sindh Cabinet approved the bifurcation of District West into District Kemari, that is also facing opposition. The recommendation proposed by the political party Jamat-e-Islami, under the leadership of JI Karachi chief Hafiz Naeem ur Rehman, for amendment in Sindh Local Government 2013 was incorporated in the recently passed Amendment Bill and replacing Town from District.

"Rehman also said that the JI proposed to replace the district municipal corporation system with town municipal administrations." ('Karachi deserves an empowered mega city government', 2021)

The rationale behind it was to improve administrative effectiveness,

"This will help the devolution of service delivery at the lower and manageable level. It was the demand of all major political parties." (Secret ballot clause withdrawn from LG bill: CM Murad, 2021)

However, despite that it also faced criticism. Since the overall structure framed in accordance with the new bill lacks the administrative and financial empowerment to the CDGK, no matter establishment of towns reduced population ratio for administrative compatibility.

"The new bill gives so much control to the provincial government over municipal organizations that it can be effectively pull back their reins with just a notification without going through the cumbersome process of legislation." (Ayub, 2021).

Therefore, the opposition parties are protesting against it by referring it a 'black law.' The vacuum and controversies has adverse effect on the public service delivery.

"Essential public services are critical for human development" (Citizen-Driven Reform of Local-Level Basic Services: Community-Based Performance Monitoring, 2009)

The United Nation' has set an agenda of 17 Sustainable Development Goals for sustainable development across the globe in 2015 with vision to accomplish in 2030.

"The 17 SDGs are integrated—they recognize that action in one area will affect outcomes in others, and that development must balance social, economic and environmental sustainability". (The SDGs in action)

Peace, justice and strong institution (Goal 16) is one of the seventeen goals that can ensure equitable service delivery.

"Institutions that do not function according to legitimate laws are prone to arbitrariness and abuse of power, and less capable of delivering public services to everyone. To exclude and to discriminate not only violates human rights, but also causes resentment and animosity, and could give rise to violence". (Peace, Justice and Strong Institutions: Why they matter)

Pakistan, being a developing county also striving to achieve SDGs for that purpose SDGs support Unit established with the UN partnership, both at federal and provincial level. Sindh SDGs Unit was established in Planning and Development Board in 2017,

"All governments, including Pakistan's, who have become signatories to the SDGs, are now expected to take ownership and establish national frameworks for the achievement of the 17 goals. When it comes to prioritizing the implementation framework in terms of spheres of governance, the local government tier enjoys a critical importance" (Sobia, Rashid, & Anwar, 2016).

However, the controversies and issues highlighted above impede the SDGs in accordance with the absence of strong Local government institution. Consequently, it laid overall adverse impact on the effective service delivery.

For instance the K4 project for the supply of clean water initiated in 2007 during the tenure of former mayor Mustafa Kamal and was to be completed in June 2018 still under process, despite spending of 11.75 Billion Rupees on it. (Shah, 2022)

The outbreak of pandemic has also put challenges on service delivery like health, education, municipal sectors etc.

"This is because many societies have not fully addressed long-lasting, underlying inequalities related to poverty, hunger, gender, access to healthcare and basic services such as clean water and sanitation that have been plaguing our societies for decades. This has led to people around the world facing simultaneous health, economic and social crises during the pandemic." (Covid-19 pandemic exposed, widened inequalities: experts, 2021)

The pandemic situation laid stress for future planning. Instead the devolution is grabbed and become controversial. The power and functions, absence of LG since sixteen months worsened the issues, decision making and appropriate policy adoption accordingly. For instance, decisions for the SOPs, closure of intuitions and targeted

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lockdown regarding Corona virus and its variants, also varied from cities to cities based on the rate of the spread of the virus. The current position of the city government also embarked issues in this regard.

Literature Review

The Sustainable Development Goals Report 2021 of the United Nations clearly depicts the effect of the pandemic on the SDGs and highlighted the issues that need to be addressed. Effective public service delivery is one of the main suggested tasks that the governments should work on.

Carl Wright research on *Local government fighting Covid-19*, provides a useful insight to the importance of the local government for combating the health, municipal services and the economics setbacks occur due to the pandemic.

A document of USAID funded research project with the Shehri-Citizens for a Better Environment, *Local and city government handbook Province of Sindh and Karachi city* is a useful contribution for providing understanding to the governance structure of Pakistan with different models of Local Government of Sindh applied since 1960. The information about the powers, function, responsibilities of the selected institutions, vested through the Sind Local Government Act 2013 also serve as a useful source for understanding the applied model of LG Karachi for the last tenured LG, August 2020.

The Sindh Local Government (Amendment) act, 2021, Sindh act no. XXXII of 2021 provides the outlook of the upcoming elected City Government Karachi.

Research methodology

"To secure good governance the free will of the people to reflect in the state policies is primary requisite" (Kamran, 2008)

Therefore, apart from the literature review, the research methodology is based on the questionnaire survey also.

Data Collection

Since the journalist community and academia are well aware of the issues, problems of the megacity, Karachi and current development of legislation on the Local Government, and the consequent controversies therefore the survey is conducted to collect data for their observations and suggestions.

The questionnaire survey was divided into three sections including first section for personal data, second section covers 'City government of Karachi (tenure end August 30, 2020)' and was meant to assess the administrative and financial empowerment of CDGK and its performance with reference to some selected departments i.e. Health and Medical Services, Planning development and maintenance of roads, Traffic Engineering, Solid Waste Management, Storm Water Drain, Fire Fighting and

Municipal Services. The third section 'City Government Karachi since August 2020' was designed to address the issues, problems, concerns about the vacuum of the CDGK in the light of SDGs, pandemic and the recently passed Amendment Bill. Overall one hundred and eight responses were collected which include:

55.6% journalist associated with the seventeen different print and electronic media organizations of Pakistan

44.4% academia associated with four different universities of Karachi, three Government colleges, Education and Literacy department of Sindh, National School of Public Policy, a renowned school, a polytechnic institute and think tank.

63% male and 37% female, 94.4% residing in Karachi for more than ten years with 30.6% residing in east and 11.1% in south other than rest of the districts. The district south is the workplace of the 29.6% respondents and 16.7% is east other than rest of the districts.

Data Evaluation

Section Two

As far as the administrative and financial devolution of department is concerned the firefighting is rated with highest percentage of completely devolved department i.e. 17.6%, Municipal services as 13.9%, Planning development and maintenance of roads with 9.3%, Strom Water Drain and Solid Waste Management with 8.3%. The Health and Services and traffic engineering appears with nominal rating.

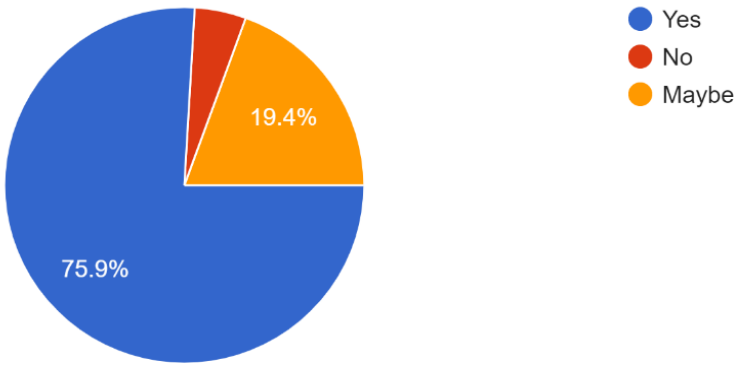
The negligence of these departments, despite being capable and devolve is also assessed and revealed that complete negligence from the service delivery is rated under the range of 39.8% to 21.3%. Planning development and maintenance of roads is rated with highest percentage of negligence i.e. 39.8%, Storm Water Drain with 36.1% and Solid Waste Management with 33.3%.

Data also reveal the poor confidence level i.e. 72.2%, on the competency, education and training level of the workforce of the CDGK, remained in office until August 2020.

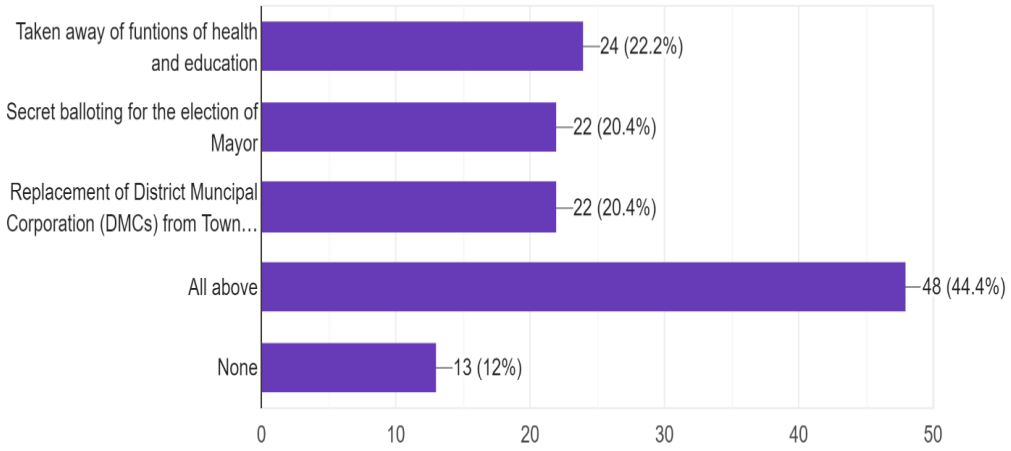
Section Three

The delay in election is being observed as a serious concern for the respondents.

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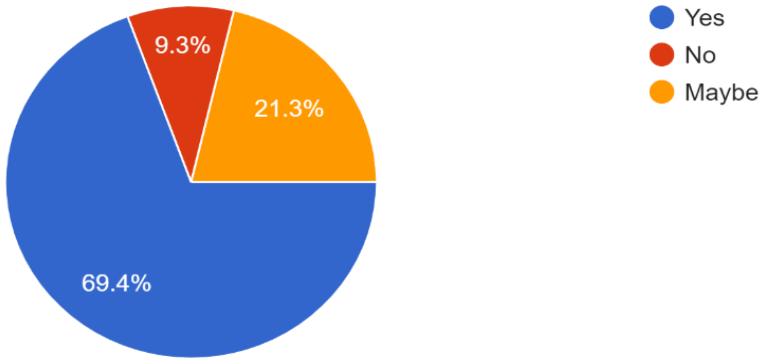


The rating for the controversial provision is observed with following variations:



74.1% respondent rated the vacuum being created for a long period due to the controversies for the desirable structure by the political elements, since the end of tenure of CDGK. Moreover, 76.9% observed the consequent effect on the citizens as being devoid of the appropriate platform of the city government to address their needs and problems, also observed effect on the UN agenda of SDGs 58.3% completely and 36.1% with the possibility.

The varied responses received for the empowered LG system, essential to achieve the SDGs.



The approximately balance responses (54.6% with rejection and 45.3% with need and possibility) received for the empowerment with reference to cope up the challenges faced by Karachi due to the upcoming wave of corona virus.

Conclusion

The Local government is the government by the local people, however, Karachi being economically important, both for federal and provincial governments enjoyed a limited phase of the LG empowerments in the successive regimes. The rapid urbanization and the significance of being an economic hub following with the ample migration of rural population, has put pressures on the service delivery. The element of 'voice' for the constitutional safeguard with administrative and financial autonomy for LG is often envisage as a politicized matter instead the requirement and demands of the megacity. The above data is an attempt to derail the misconception. In the light of the outbreak of the corona virus and its variants, it is obvious that it provided an opportunity to understand the status quo of the service delivery. The consensus based constitutional amendment is the immediate need of time to secure future challenges and thriving SDGs by 2030.

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