Local bodies are an essential part of stable democracy but unfortunately in Pakistan they are on weak foundations as they are vulnerable to stay with the change of governments at provincial and national levels. With the introduction of Punjab local government act 2019, there is again a debate in place questioning. The continuity of these local government institutions. The present study has been conducted in order to discuss the comparative structure of two important acts of 2001 and 2013 focusing on the differences in powers. It is a comprehensive account regarding the powers and responsibilities of the District Government key officials like Elected Heads, District Coordination Office (DCO) and Deputy Commissioner (DC). The Punjab Local Government Act, 2013 differed from Punjab Local Government Ordinance, 2001 on many terms which are of relative importance to be studied in depth in order to improve the system of local government in Pakistan. Along with this, the Civil Administration Ordinance approved by Punjab Cabinet on 30th December 2016, needs an analytical examination in order to find out some new approaches towards the future of Local Government in Punjab especially in coming of new law in 2019.

Introduction

The year 2013 marked some successful events for the democratic configuration in Pakistan especially in the wake of general elections and subsequent transfer of democratic powers. The political parties in their campaigns had promised to establish local bodies after assuming power. Following the order of Supreme Court, all the provincial governments submitted the local government plans for their respective provinces after few months. This was another positive step towards the success of democracy in the country.
On August 21, 2013 the Provincial Assembly of Punjab passed the Punjab Local Government Act 2013. The Act was a controversial subject because all opposition parties, religious groups, Lahore High Court Bar Association and non-government organizations (NGOs) launched a protest movement against it. They also filed a petition against it in Lahore Court on August 24, 2013.

If we examine right from the history, Local Government is the subject in Pakistan which raises the eyebrows of all political parties. The party leaders start to give their justifications on the delaying and discontinuity in the development of the area of local bodies. It is a fact that our political leaders had always tried to get rid of the formation of local authorities while on the other side our military dictators had always established this basic ingredient of democracy under the umbrella of their dictatorship. The system of Basic Democracies 1959, Local Bodies Ordinance 1979 and Devolution Plan 2000 are really good examples of this artefact. Among all three systems, Devolution Plan 2000 was quite different on many terms. Since the establishment of Devolution Plan 2000 and Sindh Balochistan Punjab NWFP (SBPN) Ordinance 2001, a change in the local government system of Pakistan has been seen. The plan continued till the year 2010 but not in its actual form.

The Punjab Local Government Act 2013 was claimed to be a new system of laws differing from Devolution Plan 2000 on many terms. But the hot topics which captured the attention were the revival of the office of Deputy Commissioner (DC) and recommencement of rural-urban division. The office of DCO was replaced and all of its powers and status are shifted to Chief Officer.

A two-tier system for the rural sector is presented consisting of Unions and District Councils which was criticized by the opposition members, NGO’s and Lahore High Court. In the previous plan of 2000, the strong role of the Tehsil Municipal Administrations (TMA’s) was experienced under the Tehsil Council which now has totally terminated. However, the Punjab Local Government Act 2013 has revived many provisions of the Devolution Plan 2000 in order to form its desired local government system, which is yet to be established.

The last phase of local government elections in Punjab was completed on December 13, 2016 whereas the Heads of local councils took oath to their offices across the province on December 31, 2016. It’s been three years, the Punjab Local Government Act 2013 was presented but now things are changed due to many modifications in the Act, among which one of is the Civil Administration Ordinance 2016. If we carefully examine the Punjab Local Government Act 2013, we can clearly find the distortion regarding the office and powers of Deputy Commissioner. Between these three years there was a confusion that either the office of District Coordination Office (DCO) would continue or the Commissioner system would be revitalized. Now the scenario of Local Bodies has been changed after 17 years since Devolution Plan 2000 was presented. To understand this new power tussle, a detailed account has been presented regarding the powers and authorities enjoyed by the key offices of Local Council under both the Local Government Plans of Punjab 2001 and 2013.
The Elected Heads of District Council - *Nazim* Vs Chairman

The *ZilaNazim* enjoyed excessive powers and command under the Punjab Local Government Ordinance 2001. It brought many new members in the politics by giving them substantial powers as elected heads of the districts. Though, the District Heads were elected on indirect mode but these were made superior over the provincial bureaucracy, police services and other tiers of local government like Tehsil and Union councils. A new identity with some powerful functions was given to the office by using the name of *ZilaNazim*. It has been assumed that the District Heads elected under the Local Government Act 2013 would not be as authorized as the *ZilaNazims*. The reason behind this is the resurgence of Deputy Commissioner Office, which has minimized the powers of elected heads. They have been deprived of many financial, executive and administrative duties which were given to *ZilaNazim*.

**Financial Powers of ZilaNazim**

Under the Punjab Local Government Ordinance 2001, the *ZilaNazim* was responsible for maintaining administrative and financial discipline in the District Government and maintaining the intra-district fiscal transfers. He was also entitled to present tax proposals to the *Zila Council*. Among these mentioned assents by *ZilaNazim*, the District Council Chairman under Punjab Local Government Act 2013 is only empowered to propose tax proposals to the council. The Director-General Audit of the province could cause the audit of District Provincial Account on the request of *Nazim*. In order to take further necessary action, the report made by Local Fund Audit was presented to the concerned *Nazims* along with the Accounts Committee of the council however the new plan of 2013 has changed it by giving authority to Punjab Local Government Commission to make enquiry about the report and suggest recommendations to the Government to take action on it.

**Executive Powers of District Nazim**

The *ZilaNazim* was fully authorized to request for the transfer of DCO in case he was not satisfied with his performance. Along with this, the authority to write the Annual Confidential Reports (ACRs) of DCO was also moved to the responsibilities of the *ZilaNazim*. As the Annual Confidential Reports embodies the administrative location of the staff so DCO was below the *Nazim* in district setup, his ACR’s were written by him. It depicted the strong hold of *Nazim* over DCO which created a strong impact on the working patterns of the DCO. Similarly, the Executive District Officers (EDOs) had their ACR’s written by the DCO and the District Officers (DOs) had their ACR’s by EDO’s which were countersigned by DCO’s. It seems like a working chain however, one of each was dependent on other for their performance evaluation as well as bound not to complaint against any unlawful act by any person due to fear of personal clashes which automatically effect their performance evaluations and services.

The Punjab Local Government Act 2013 along with the Civil Administration Ordinance 2016 has snapped this working chain by handling power of writing
ACRs to Deputy Commissioner. Along with this, he may suspend the District Council and turn down the budget approved by the Council.\textsuperscript{6} Irrespective of many functions like the administration of the district police, investigation of criminal cases and police functions relating to prosecution, The District Police Officer (DPO), head of the police was responsible to the \textit{ZilaNazim} for police functions under the Police Order 2002. The District Police Officer (DPO) and the district police were made answerable to the district \textit{Nazim} and that was quite enough to raise his status in the local political arena.

\textbf{Administrative Duties of \textit{ZilaNazim}}

The first session of \textit{ZilaCouncil} was addressed by \textit{ZilaNazim}. He was also entitled to inform the council about his plans and programs after elections.\textsuperscript{7} Another devastating authority provided to \textit{ZilaNazim} under the Punjab Local Government Ordinance 2001 was his power to initiate inspection of Tehsil Municipal Administration, Town Municipal Administration (TMA’s) and Union administration. He was able to initiate inspection teams in the Tehsils, Towns and Unions.\textsuperscript{8} These inspection teams were supposed to prepare reports and submit it to the \textit{ZilaNazim}. Such oversees authorities of Chairman District Council are missing in the 2013 Act of Local Government of Punjab.

As the concept of rural-urban division has been resumed in Local Government Plan 2013, the District Council has given powers to supervise and control the performance of the Union Council. A two-tier system at rural level only comprising of Districts and Union Councils has been set under new plan. The District Council has given responsibility to provide assistance to Union Councils in maintenance of basic needs of water supply schemes, public sources of drinking and other works for water supply.\textsuperscript{9}

The \textit{ZilaNazim} under the Punjab Local Government Ordinance 2001 enjoyed control over many major tasks of the district administration. The function related to Law and Order was first marginalized to any of elected head at district level.\textsuperscript{10} In the new Act of 2013 we find some changes over the matters of social sector too. Conversely, the \textit{ZilaNazim} was Chairman of Lahore Development Authority (LDA) under 2000 system of local bodies whereas now the departments like Water and Sanitation Agency (WASA) and LDA has been transferred from districts, automatically to provinces. So Chairman of these departments will also be the Chief Minister of the province which indicates more powers to the provincial sector.\textsuperscript{11}

\textbf{Deputy Commissioner (DC)}

Deputy Commissioner has served as a linchpin of the district, as the whole district revolves around him. Before independence and after independence too under the Basic Democracies System 1959, he was a well-trained officer in a junior capacity to administrate the areas under his jurisdiction. Not only the local governments formed under the military rules, but also in Bhutto era the powers of police and so as of Deputy Commissioners were enhanced. He was empowered to call out army in aid of his civil power.\textsuperscript{12} The Deputy Commissioners and the provincial
governments were the *de facto* rulers of the local councils while the elected people were put at the mercy of bureaucratic leader. No activity in the districts transpired which was not the duty of Deputy Commissioner to keep himself updated and informed about the concerned activity. But for the first time the elected chairman was empowered under 2000 plan. The plan constituted direct assembly to make work the civil administration under the elected chairman of district, the *Nazim*.

**District Coordination Officer (DCO)**

A new office named District Coordination Officer (DCO) was introduced as the coordinating head of the district administration. DCO was the replacement of Deputy Commissioner and so were its powers. Three main powers like Magistery, law and order maintenance enjoyed by DC since the colonial period were spilt up into the hands of *ZilaNazims*, District Judges and Session judges. As he was the coordinating head of district administration, he worked under the directions of *ZilaNazim* and was made answerable to him. Both of them formed a complicated relationship because of their terms of being in office. DCO was provincial servant of BPS 20th scale while the *ZilaNazim* was just a matriculated person who was elected by locals. The DCO lacked many of the legal powers of the Deputy Commissioner, but still he had significant executive and managerial responsibilities. The powers over the revenue department, law and order department and police enjoyed by him were more than that of District Management Group (DMG). Though, the elimination of magistracy removed his control over police which was a stronger element of power in order to run the local government system efficiently.

**Administrative Powers**

DCO was the Principal Accounting Officer of the District Government and was made responsible to the Public Accounts Committee of Provincial Assembly. Besides this, he was also made chairman of the District Development Committee (DDC) which was previously under the supervision of Deputy Commissioner who played an important role in the developmental projects.

With many coordinating activities, DCO was subjected to act and perform functions of Collector, as Sec 28, 2 (f) of the Punjab Local Government Ordinance 2001 states:

“DCO shall act and perform functions of Collector under sections 54, 68, 70(2), 71,72,92,93, rule 18 of Order XXI, Order XL and for similar other provisions of the Code of Civil Procedure 1908 (Act V of 1908)”

**Financial Powers**

DCO had power to prepare the first draft of district budget and maintain control over the staff of district council while in case of any financial loss or unlawful expenditure he was made responsible. Before the 2000 plan, DC possessed a focal position in the district but other departments were not answerable to him. After the abolishment of the post of DC, this was transferred under the authority of District Coordination Officer. The Executive District Officers (EDOs) of the
departments decentralized to district level also worked under the supervision of District Coordination Officer. He was also provided with the financial sanction powers which previously lied with the provincial secretaries.

**Deputy Commissioner under Punjab Local Government Act 2013 & Civil Administration Ordinance 2016**

When the Punjab Local Government Act 2013 was approved it decided to abolish the office of DCO and revived the Deputy Commissioner post. The Local Government Plan 2013 was unclear about the position and functions of Deputy Commissioner. For three years, the Punjab Government was confused to adopt the Commissioner system whereas the DCO was in practice. The enduring confusion regarding the continuity of office of DCO was finally concluded with the approval of Civil Administration Ordinance 2016 by Punjab Assembly on December 30th. The Ordinance has officially declared to form commissioner system in the country after seventeen years of gap which was filled by the office of DCO.

"A Deputy Commissioner shall be the office-in-charge of general administration and principal representative of the Government in the District." 20

The following functions are assigned to Deputy Commissioner within the Districts, under Civil Administration Ordinance 2016:

- To supervise and monitor the discharge duties of Assistant Commissioners (ACs)
- Coordination in all the works of offices and public facilities to provide effective service delivery and cohesive development
- To support and facilitate the offices and public facilities
- Ensure the fulfilment of the standards and objectives set by the Government for public facilities
- To supervise and coordinate the implementation of all the policies under the instructed guidelines of the Government. 21

In the districts, Deputy Commissioners and his team including additional and assistant commissioners would act as revenue and coordinating officers on behalf of provincial government. He will also be the coordinating officer in case of any calamity. Deputy Commissioner shall maintain district accounts for the purposes of development, improvement of public services and provision of relief in case of any emergency. He is also given responsibility to supervise and monitor the discharged duties of Assistant Commissioners in the district. He will coordinate the works of all offices for developmental reasons, efficient use of public resources and ensure effective service delivery to public. Another suggestion has made under the Civil Administration Ordinance 2016 which is the formation of a new office of one or more additional commissioners under the divisional commissioner and one or more Additional Divisional Commissioner (ADC) under each district. 22 The office would perform its duties under the supervision of Deputy Commissioner. 23 Since the Civil Administration Ordinance 2016 promulgated, the Assistant Commissioners serving in the province of Punjab went on pen-down strike. It has
been claimed by the protestors that Assistant Commissioners (ACs) would be the most affected office in this new administration law. “An Assistant Commissioner may distribute work among the officers subordinate to him in the manner and to the extent prescribed.”

The ACs demanded that the government should raise an administrative police system. In their opinion, the police must provide such space and empowerment to deal exclusively with law and order situation and terrorism. It will also provide assistance and help to district administration in provision of efficient services and welfare of the people.

**Deputy Commissioner’s Collaborative duties with District Police Officer**

The district police was made answerable to the district Nazim under the Devolution Plan. He issued executive orders to District Police Officer (DPO) and for emancipation of functions for the law and order purposes. The District Police Officer (DPO) was responsible to the ZilaNazim for police functions under the Police Order 2002.

Civil Administration Ordinance 2016 has empowered Deputy Commissioners to take decisions jointly with the District Police Officers (DPOs) in case of any emergency or violation of law and order situation and convene meetings to tackle the matter. Deputy Commissioner can also allow any public meeting, procession or gathering in consultation with DPO. A committee was constituted by Chief Minister in order to decide who will convene the meeting which resulted in the decision that Deputy Commissioner on his own or on the request of Chairman of the Council or DPO would organize a meeting to convey his concerned implementations.

Now whose decision would be binding among these three persons? Punjab Law Minister Rana Sanaullah Khan, assured that it would be decided with due course of time.

A proposal was made by Chief Minister which authorized Mayors and Chairman to oversee meetings of the councils instead of Deputy Commissioners. However it was disparaged, the Chief Minister provided explanation over this by saying that elected representatives had political conflicts and rivalries. They could prompt such authority to settle their personal scores by victimizing the opponents.

**Safety and Complaint Commissions**

The IGP claimed that there was no need to put any further external overview for police department. Police do not want any control by bureaucracy. On this point, however, the Punjab Chief Minister replied that “We will do it ourselves if you do not.”

In order to fulfil this task, the Punjab government is thinking to establish the safety commissions which would be enough empowered with grit to perform an oversight function without being subjugated by Police.

The Safety and Complaint Commissions in Punjab would be much stronger and independent as compared to existing Police Order 2002.

**District and Health Authorities under Administration of Deputy Commissioner**

Deputy Commissioner has been appointed as the administrator of District Education Authorities (DEAs) and District Health Authorities (DHAs) which have been established on January 1st, 2017. The Education and Health departments were
decided to be separated from district administration under the Punjab Local Government Act 2013.³² It was mentioned that these departments would be headed by separate Chief Executive Officer (CEO) appointed by the Government. The number of other members will be determined by the Punjab Government for each district. Technocrats would also be part of the authorities. Other than the union councils, the members of both District Education and District Health Authorities would be elected by the local governments amongst their respective members. The Chairmen and Vice Chairmen of the authorities would be appointed by the Government. It will be the responsibility of Chairman and Chief Executive Officer (CEO) of the respective authority to ensure the proficient working of the Health and Education authorities in accordance with the determined objectives and laws.³³

**Justice of Peace (JoP)**

A justice of the peace (JoP) is a judicial officer. Under the Section 22, of the Code of Criminal Procedure Code (CrPc) 1898, the provincial governments are responsible for the appointment of justices of the peace and to set their powers and duties respectively. Currently this office is available only to the lower judiciary rank in Pakistan. However, the new law of civil administration 2016 has stipulated to provide the powers of Justice of Peace to Deputy Commissioners and Assistant Commissioners.³⁴ The main function of Justice of Peace is to order the registration of a First Investigation Report (FIR) if the police refuse to register it. Critically giving his argument, Former IG Tariq SaleemDogar expressed that there was no need to give powers of the Justice of Peace to the Deputy Commissioners.³⁵ The reason is that already there are Session judges for this office. He argued that this decision is against the spirit of the separation of the Judiciary from the Executive. The born-again Deputy Commissioner’s office does not have as much powers as enjoyed before. Since the office of Deputy Commissioner was abolished under the Devolution Plan 2000 the powers under the office were also divided among the other authorities which have now became quite powerful. It is not that much easy to recommence them. Many powers of the executive magistracy were transferred to session judges including the right to authorize anti-corruption raids preventive powers under Criminal Procedure Code (CrPC), which is quite tough to take them back. The anti-corruption powers are irreversible as a separate department at district level has now been established.³⁶ The power of district treasury has also been abolished. However, it is believed that as time will pass Punjab Government will empower the Deputy Commissioners with many other major power.

**Concluding Remarks**

The Civil Administration Ordinance 2016 has given a new identity to the Punjab Local Government Act of 2013. Though, it has taken time but with the beginning of the New Year 2017, all the local government councils have started to assume their offices which represent a sign of a good hope for the future of local bodies in Pakistan. There is a dire need to install trust in local governments so that institutional capacity and fortification must be started at some point. The Members of National and Provincial Assemblies (MNAs & MPAs) must realize the fact that
local bodies must be given opportunities and assistance to properly make them function effectively. It is time that the parliamentarians start realizing that their job is to make laws rather than to build roads or ensure water supply in their constituencies. Along with this, the bureaucracy must also not be given free hand to act as a controlling authority over local councils. The commissioner system has always brought some negative marks in the history of local government. The new commissioners must not be given free access to misuse their powers in order to subordinate every other official of local councils. It is hoped and prayed that new administration law would bring some positive conclusions in the subject of local government along with the provision of effective services and integrated development within every tier of local bodies.
Notes and References

1. Section 18 (f) (g) (h), *Punjab Local Government Ordinance 2001*
2. Section 74 (d), *Punjab Local Government Act 2013*
3. Section 115(3), *Punjab Local Government Ordinance 2001*
4. Section 108 (4), *Punjab Local Government Act 2013*
7. Section 43, *Punjab Local Government Ordinance 2001*
8. Section 135, *Punjab Local Government Ordinance 2001*
9. Section 77 (1), *Punjab Local Government Act 2013*
10. Section 18 (c), *Punjab Local Government Ordinance 2001*
16. Ilhan Niaz, 130
17. Section 28, 2(e) *Punjab Local Government Ordinance 2001*
19. Section 20, *Punjab Local Governemnt Ordinance 2001*
20 Section 3 (3), _Civil Administration Ordinance 2016_

21 Ibid., Section 5

22 Section 6 (1), _Civil Administration Ordinance 2016_

23 Ibid., Section 6 (3)

24 Ibid., Section 6 (4)

25 Dawn, 2 January 2017

26 Dawn, 31 December 2016

27 Ibid.,

28 Ibid.,

29 Ibid.,

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31 Ibid.,

32 Section 92, _Punjab Local Government Act 2013_

33 Dawn, 2 January 2017

34 Anwer Sumra, “Bitter babus”, Friday times, 13 January 2017

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36 Intikhab Hanif, 28 July 2013 Dawn