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AMERICAN UNIVERSITY OF BEIRUT
BEIRUT -- LEBANON

BASIC DEMOCRACIES:
A STUDY OF LOCAL GOVERNMENT IN PAKISTAN

A Thesis submitted in partial fulfilment
of the degree of Master of Arts
in Public Administration
to the Department of
Political Studies
and Public
Administration

BY

BELAL AHMED KHAN
January, 1963

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Department of Political Studies
and Public Administration

This thesis, entitled *Basic Democracies: A Study of Local Govt. in Pakistan*, has been accepted by the Department of Political Studies and Public Administration, subject to final approval for format.

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Belal Ahmed Khan

PREFACE

Pakistan is one of those countries which got its independence immediately after World War II. Since then a lot of experimental work has been going on in order to change the system of administration which the British Imperial rulers had planted to suit their colonial interests. But not until recently were there any changes made in the field of local government. In October, 1959, the Central Government, with a stroke of the pen, abolished the then existing system of local government and replaced that by a new set-up known as the Scheme of Basic Democracies.

It was then that my attention was drawn towards this institution of local government, and being a student first of Political Science and then of Public Administration, my interest in the new system grew to be more than a layman's. In the course of the last four years, Basic Democracies seem to have played a vital role in re-shaping the administrative and political set-up in the country.

In this thesis I have attempted to analyse and critically study the entire Scheme which starts with the Union Councils at village level and, after building a pyramidal structure of councils, ends up at the Provincial level.

Only a few research material is available on the subject. Those who have attempted to write on Basic Democracies were on the whole descriptive rather than analytical. I have relied mainly on government publications, newspapers and a few books written by Pakistani writers.

I have to express my indebtedness to my advisor, Professor Emile S. Shihadeh, without whose sincere cooperation the presentation of this thesis on time would have been impossible.

I am also grateful to Mr. M. Rafiq Khan who was kind enough to bring with him some very useful material on the subject from Pakistan. Last but not least, my thanks are due to Miss Naziha Sheikh and Mr. Abdul Hamid Qureshi of the Information Division and other officials of the Embassy of Pakistan in Beirut who were always ready to supply me with the latest material available on the subject.

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CHAPTER I

FRAME OF REFERENCE

Introduction. Host to a variety of social, economic and intellectual stimuli, developing countries are finding their destiny directed into new and uneasy patterns. In the vast Indo-Pakistan sub-continent, we are witnessing to-day^a clash of cultures and ideas. In fact it has become commonplace to ask whether these newly independent areas can successfully adopt Western type democratic institution in societies quite different from those in which^a democratic institution first developed. Successful democratic development cannot take place without substantial growth in economic productivity which unfortunately is lacking in these countries. Asian societies are changing at a rapid pace with the illusion that they might soon catch-up with the West. In this process there is a striking feature that these changes are occurring at a time when one part of the world is already so far ahead. The result is a sense of urgency and a sense of underdevelopment which the West probably did not feel during its days of hectic growth. Then, too, growth in these areas occurs in societies where political consciousness is often high, "where twentieth-century political structure exists side by side with eighteenth-century social practices."^I The West took over two centuries to evolve their present institutions of democracy. The same is not true in the case of the Indo-Pakistan sub-continent where the

^I Myron Weiner, "The Politics Of South Asia," The Politics of the Developing Areas (New Jersey; Princeton University Press, 1960), p. 170.

limited self-rule which was granted to the people by the colonial rulers was severely handicapped by the army and the powerful bureaucracy whose sole purpose was the maintenance of law and order and the collection of revenue.

With independence the people demanded their share of participation in the affairs of their government at local and provincial level, but the British trained administrators expected unquestioned obedience and could not tolerate any questioning of the legitimacy of their authority. This meant a constant friction and mistrust between the powerful civil service on one hand and units of local self-government on the other. The bureaucracy could not adopt itself to the changing concept and role of modern governments. It lacked the realization that the government has now acquired a new but difficult and complex role of looking after the welfare of its citizenry.

What is Local Government ? In the past hundred years the sphere of governmental activities has expanded so rapidly that it is becoming difficult for even the most efficient centralized systems operating at the national level to cater to, and look after the social, political, cultural and material needs of all the people living in big cities and in remote territories.

Local government thus began to acquire a degree of importance which it never had before. Although the roots of local administration reach back into the remote past, the representative institutions of popular local government are the creation of the nineteenth century, "systematised and consolidated in the first decades of the present

century."²

In simple terms local government can be defined as a method whereby various services are run for the benefit of a particular community. Sir Ivor Jennings clarifies this point by saying that "according to the ordinary use of the language local government is not merely government which is local, it is, also, government which is subordinate to some higher governmental authority."³ We can therefore deduce from the above observation that institutions of local government are governmental organs having jurisdiction not over the whole country but over specific portions of it.

The importance which local government has attained in the recent years is also due to the emergence of democracy as the supreme order and foundation of government. One century ago the word "democracy" had an ugly sound. It signified a perverted form of government. It involved control of the "upper classes" by the "lower classes": "Democracy meant government by the rabble, and was a form of institution which only extreme radicals and other undesirable persons were prepared to support!"⁴ But now democracy has become to many a way of life, and as writers and philosophers praised democracy so they did local government. Lord Bryce in his "Modern Democracies," after surveying the experience in many countries makes the statement that ^{the} "best school of democracy and the best

²C.H. Wilson, Essays on Local Government(Oxford; Basil Black Well, 1948), p.3.

³Sir Ivor Jennings, Principles of Local Government Law(London: University of London Press, 1948), p.1.

⁴Ibid., p.29.

guarantee is the practice of Local Self-Government."⁵ He gave great importance to local government because "it creates among the citizens a sense of their common interest in common affairs, and of their individual as well as common duty to take care that those affairs are efficiently and honestly administered."⁶

Purpose and Importance. We cannot realize the full benefit of democratic government unless we begin by the admission that all problems are not central problems. If problems are not central in their incidence they require decision at the place, and by the persons, where and by whom, the incidence is most deeply felt. Among the inhabitants of some given area, that is to say, there is a consciousness of common purposes and common needs by which they are differentiated from the inhabitants of other areas. Professor Harold Laski elaborates upon this point by saying "we find that by common council we can seek to give those purposes a quality of satisfaction which contents us more than we should be contented if that quality of satisfaction were contributed by others from without. For administration from without lacks the ability to be responsive to local opinions."⁷

There are other reasons why strong local government is important. First of all if a service is exclusively applied to the benefit of a particular locality it is only fair that the inhabitants

⁵James Byraces, Modern Democracies(New York: The Macmillan Co., 1924),pp.131-132.

⁶Ibid.,p.132.

⁷Harold J. Laski, A Grammar of Politics(New Haven: Yale University press),p.412.

of the territory should share its burden in monetary terms. To raise from them the funds for payment means the certainty that they will demand control of the service and the probability that they will manage it efficiently in order to keep their bill of cost as low as possible.

Second, while there is only one national government in each nation, there are many local governments. Clearly, we can not make an average man realise his citizenship in any creative way if his only relation to government is obtained by voting once every four or five years in a national election. "Its relevance to him must be brought more directly home, otherwise his interest in the political process will wane to vanishing process."⁸

Third, if citizens can directly and continuously participate in local government than in national government, the direct participation by a maximum number of citizens in their government makes a healthy democracy, and is a strong barrier against tyranny. Highly centralized administration can also become the hallmark of the dictatorship form of government. One of the earliest tendencies of any modern dictator is to reduce the power and responsibility of all locally elected bodies and to increase the degree of central control. Thomas Jefferson has aptly said:

When every man is a sharer in the direction of... and feels that he is a participator in, the government of affairs, not merely at an election

⁸ Ibid., p.413.

one day in a year, but every day; where there shall not be not a man in the state who will not be a member of some one of its councils, great or small, he will let the heart torn out of his body sooner than his power to wrested from him by a Caesar or a Bonaparte.⁹

Fourth, local government is an invaluable socio-political laboratory for trying and testing on a small scale various new proposals for government organization and social and economic policies. Local failures can be borne with far less social cost than can failures of the national government, and local successes can and often do serve as models, the national government may follow with a minimum of risk.

Last, but not least the dead hand of uniformity imposed on all local areas by a national government is bound to stamp out the variety and local colour that contributes so richly to the life of any nation. Strong local self-government is the most effective barrier against any such possibility.

While judging the merits of a strong system of local government we must not lose sight of its possible disadvantages. If local bodies become too independent in managing their affairs and sever contact with the centre, there is every possibility of their developing a tendency of secession, and placing local interests over and above national interests. Furthermore, strong units of local administration can make the central government weak

⁹ Thomas Jefferson Memorial Association, The Writings of Thomas Jefferson (Washington, D.C., 1903), p.422. vol.xiv,

and if there is a strong government in the centre too, then a clash may be inevitable.

Significance of Basic Democracies. The Basic Democracies Scheme which replaced the old system of local government in Pakistan and which is the subject of our discussion in the following chapters apparently aims at creating conditions where the people and local officials can work side by side, in cooperation with one another so as to achieve maximum betterment of the people. This should be an important step since the administrative structure of the past, which Pakistan inherited from the British, did not take into consideration the wishes of the people. It was a purely bureaucratic set up with bureaucratic notions based on a benevolent paternalism, which treated the people merely as objects or at the most subjects and never as responsible citizens. The people were absolved of all responsibilities which a normal citizen of a modern state has towards the state. Thus the object of the Basic Democracies to bring officials closer to the masses so that they remain in continual contact with each other is an experiment that has never been tried before in the history of the Indo-Pakistan sub-continent.

It is premature to claim that Basic Democracies is the panacea for all the ills facing the country. Basic Democracies should be judged on the basis of results and not on the basis of preconceived notions of its ultimate usefulness and accomplishments.

CHAPTER II

PRE-INDEPENDENCE LOCAL GOVERNMENT IN INDO-PAKISTAN SUB-CONTINENT

From time immemorial undivided India has been predominantly an agricultural and rural country. An over-whelming majority of the people of the sub-continent lived and still live in villages—the base of the society and its economy.

Ancient India presented the rare and remarkable phenomenon of the state and society co-existing apart from, and in some degree independent of one another, namely, "as distinct and separate units or entities, as independent centres of national popular and collective life and activity."¹ Both of them were independent organisms with distinct and well defined structures and functions of their own and laws of growth and evolution. "The limits of State interference were accordingly so defined and fixed as not to encroach upon the sphere of the activity of the social organisations."² A policy of non-interference was recognized as the ideal policy of the state, the functions of which were ordinarily restricted to the irreducible minimum viz "the protection of life and property and realization of the revenue for the proper exercise of duty."³

Village Organization. The typical village organization in ancient India, was one where the cultivated area of the village was divided into plots, assigned to each household, whose produce these

¹Dr. Altekar quoted by H. D. Malaviya, Village Panchayats in India (New Delhi: Candra Roy Press, 1956), p.53.

²Ibid., p.52.

³Ibid., p.53.

units enjoyed. No one could sell or mortgage his share of the village land to other than a member of that community. The village administrative staff comprised "the headman, the accountant, veterinary doctors, village couriers, the sanitary clerk, a horse trainer and a host of guards."⁴

It is not known whether the officials of the village were elected or appointed. Different writers have diverse opinions to offer and no two authors agree on the system of selection. But as far as the headman is concerned he was a state employee, but his appointment depended on the choice of the villagers; and by and large he had to work in cooperation with the village community.

The headman was no doubt the most influential person in the entire village. This does not mean that he was an autocrat. On the contrary the village had a vague idea of what today is called the Western type of democracy. For every village had its own assembly which debated all matters relating to the village. Rules helpful to the entire community were framed and offenders were punished through regular trials and judgements which were held under the chairmanship of the headman.

Some of the functions of the village administration included sanitation. We have already referred to the office of sanitary clerk charged with the responsibility for health and sanitation. Any person, for instance, found disposing of household garbage in village lanes was subject to a fine. Another important function of

⁴Ibid., p.72.

village administration was to defend the separate geographical entity of the village. Apparently the villages had some sort of a boundary wall. It was the common practice that "doors for entry in the village should be to the east and the north. A watchman stood at night at the entrance of each village path and made a round after each one and a half hour so as to frighten away the thieves."⁵ The most urgent job of the administration was collection of state tax. This was left to the village headman, who did not experience much difficulty in collecting the state revenue for the villagers readily cooperated.

One peculiar characteristic of the Indian village administration was that its officials were not paid in cash but in kind. Village superiors were given a portion of the produce and the more important officials received portions of land and other items such as sheep and cows.

Time brought no radical changes in the basic structure of the village administration except that at later stages the same system was administered in a more elaborate manner. This was true despite various rulers and dynasties, until the British got hold of the sub-continent in the 18th century.

When the Britishers raised their colonial flag on the soil of the sub-continent they found an efficient and uniform system of local government operating in the country. This system was popularly known as the Panchayat system; and was an improvement over the ancient

⁵ Ibid., p.80.

administration of local affairs.

The Panchayat System. The pivot of the village government was located in the panchayat. The word panchayat has a reference to the assembly of five. The fact that the panchayat was always an assembly of five is disputed. Some writers are of the opinion that the word panchayat was used not for its numerical strength but for its sacred association, as number five has frequently been used in the Indian sacred literature. Some authors have even tried to establish that women were also members of the panchayats. But there is no historical evidence to this effect.

By the time the panchayat system had dug its roots deep so had the caste⁶ system. Unlike the local bodies in ancient India, the panchayats were rarely representative. The members were usually Brahmins or superiors cultivators. The menials and the land-less persons had no say in the affairs of the panchayat. The taking of votes or will of the majority were unknown to these panchayats. The members assembled, discussed, argued and finally a unanimous agreement was reached. The minority would usually co-operate with the majority. But this statement has been challenged by a few authors who maintain that "decisions in the panchayat were taken by vote of the majority of the members."⁷

⁶The entire population of the village was divided into four castes: Brahmin, the highest caste had a monopoly over Vedic revelation, religious knowledge, rituals and all ecclesiastical panorama; Kshatyras, were the men of the world, soldiers and warriors; Vashe, the businessman and farmer; and Shudurs- the untouchables- were to serve the other three classes.

⁷M. N. Srinivas, India's Villages(Bombay:Asia Publishing House, 1960), p.17.

Functions of the Panchayats. The chief function of the panchayat of the old times was sanitation and water-supply. It was also responsible for the maintenance of the village ponds, wells and sraais. Preservation of the Holy Places like the temples and ghats were also their concern. They were responsible for organizing relief in times of emergency.

Well to do members of the society would contribute and denote large sums of money for the construction and maintenance of the village school and the village garden, if there was any. The system of tax collection for domestic purposes was not very common. The panchayat had therefore to depend on charities and gifts of feudal lords. Fines and confiscation of property for serious crimes was also a source of income.

The Moghuls who ruled the sub-continent in the 15th century apparently preferred city life to village dwelling. They did not interfere with the ancient customs of the villages. They made the village a unit for revenue. The state dealt with the village only through the headman who was an appointed official. He was responsible for the collection of revenue and the maintenance of law and order. Judicial powers of the panchayats were considerably reduced.

City Administration of Moghuls. It was in the cities that the Moghuls had their most distinctive achievement in the sphere of local government. The office of Kotwal was the key stone in municipal administration. "Appointed under the sanad of the Emperor the Kotwal was a person of high status. Law and order was his first responsibility

and he maintained a body of horses, city guards and an army of spies!"⁸

Almost every aspect of city life came under his charge. He appointed a headman or mir muhalla for every ward; he kept a register of houses and roads and directed the location of cemeteries, slaughter-houses and sweeper colonies. "He controlled the markets, checked weights and measures; supervised local prices, levied local taxes, market dues, tolls and transit duties."⁹

The disintegration of the Moghul Empire meant the removal of a strong central government. Its repercussions were felt in the form of severe shocks and set-backs for the panchayat system. Chaos and anarchy at the centre hardly left any time for those struggling for power to be concerned with the well being of the villages.

Evaluation of Village Administration. We can now sum up the panchayat system / ^{as it existed} before the Britishers took over control of the Indo-Pakistan sub-continent. It is true that the villages had a considerable degree of autonomy and all the needs and requirements of the village were met locally, yet the system of local administration could not run efficiently without an adequate source of income. There is no evidence that there ever was a panchayat budget at any period. The village had no system of taxation and it depended solely on the mercy of denoters. Says Nehru "the local freedom and independence that the village had was a good thing...but we must not lose sight of the defects of the system. To live a self-sufficient life

⁸ Sir Jadunath Sarkar quoted by Hugh Tinker, The Foundations of Local Self Government in India, Pakistan and Burma (London: The Athone Press, 1954), p.74.

⁹ Ibid., p.18.

cut off from the rest of the world was not conducive to progress in anything.... The village communities, with all their good points could not be centres of progress."¹⁰ Again he remarks that "absence of the means of communication made the village communities live their separate lives and when persons and groups keep to themselves they become self-centred, selfish, narrow-minded and superstitious."¹¹

The East India Company. With confusion and corruption rampant in India, the East India Company was busy consolidating its position, but gradually law and order was restored. A new power emerged that was later to become the Imperial rule of the British Empire for more than two hundred years.

The Britishers completely ignored the panchayat system and for a while the system faced extinction. The main reason was perhaps their policy of administering the country through officials in the centre. During the two centuries of British colonial rule the panchayats began disintegrating. The imperial power took away the judicial powers from the panchayats and gave the same to British law courts. The villagers reacted by showing little respect to the panchayats. The government further refused to deal directly with the village community and kept in touch with villagers through the centrally appointed village headman who more or less had become a local tyrant. Thus the co-operative spirit of the village was on the

¹⁰ Jawarlal Nehru quoted by H.D.Malaviya, Village Panchayats in India (New Delhi: Chandra Roy Press, 1956), p.143.

¹¹ Ibid., p.142.

wane.

Another cause for the disintegration of the panchayats was the development of the means of communication. With the opening of the Suez Canal, Karachi was nearer to Europe than Bombay. The starting of the North-Western Railway and the transformation of the province of the Panjab into the grainery of India contributed greatly to the development of this great port. A new jute industry grew up in Bengal. The self-sufficiency and security of the village was shattered, and the village cottage industry could not stand the competition of the city industries. This resulted in the mass migration of villagers to cities.

The British Contribution. The Britishers had done practically nothing for the village community. Rural life was the same as a century or two ago. The main initiative was not in the direction of villages, rather towards the cities.

The East India Company set up the first municipality at Madras in South India in the year 1688. In 1726 municipalities at Bombay and Calcutta were also constituted. In all the municipalities the members were called aldermen. Each municipality had nine aldermen, seven of which were to be of British origin. "The aldermen were to submit the names of two of their colleagues for appointment as Mayor to the governor. The final selection was always in the hands of the governor."¹²

¹² Hugh Tinker, The Foundations of Local Self Government in India, Pakistan and Burma (London: The Athlone Press, 1954), p.223.

The municipal administration was primarily responsible for collecting local taxes and looking after the roads of which there were very few. The system of election, which was totally absent in the first charter forming the municipalities, was included in later charters. A system of limited election was started in Calcutta municipality in the year 1757.

The changes introduced hardly served any useful purpose. The white dominated municipal organization, appointed to administer the affairs of the Indian majority, was a great set-back to local political development. The municipalities ignored their functions and had in fact been turned into judicial organs of the colonial rulers. Thus the very purpose for which they had been constituted was defeated.

CHAPTER III

LOCAL GOVERNMENT IN THE FIRST DECADE OF INDEPENDENCE

Introduction. Pakistan was created as an independent state on ^{the} 14th August, 1947. The first outcome of the partition of the sub-continent was about ten million home-less people from India who had to find shelter in Pakistan. Rehabilitating ten million refugees in a short period of time would be a tremendous task for even the most advanced nations, not to speak of a country which was and still is in its early stages of development.

Besides the inflow of millions of refugees there were several other problems threatening the very survival of the new nation. The government had neither the time nor the resources available to encourage local administration. In fact during the first few years following independence Pakistan could hardly claim a local self government functioning in any part of the country. Even if local autonomy was encouraged, serious problems remained to be solved. The people of Pakistan came from different parts of the vast sub-continent, represented different ideals, cultures and beliefs, and had different solutions for the same problem. Moreover a common language was absent. They all had one thing in common and that was their miserable plight.

Revival of the Panchayats. The British colonial rulers had completely neglected the local communities. After independence it was gradually realized that there must evolve in the village a body to devise means for insuring the welfare of the village

community. The Village Panchayat Act of 1939 was therefore adopted. This Act empowered the government to declare any area a panchayat provided the area was rural. "The panchayat consisted of not less than three and not more than seven members."¹ The members of the panchayat were called panchis and were elected from amongst the inhabitants of the panchayat area. They held office for three years. The Chairman of the panchayat was elected for one year by the members of his panchayat. He was the chief executive officer of the panchayat. The majority of the panchis formed the quorum. In case of a tie the chairman had the casting vote. Under the same Act the panchayat had to meet once every month. The chairman was empowered to convene a special session on three day's notice. He was also empowered to employ personnel for assisting him in carrying out his official duties.²

Powers of the Revived Panchayats. a) Administrative. Under the Act of 1939 the administrative powers related to the village lanes, ponds, wells, drainage and epidemic protection. The panchayat was to look after the school building, if it had one within its jurisdiction. It was responsible for the night watch of the village. It was to arrange for street lighting and organize village festivals. It was required to maintain a grain fund and lend seeds for sowing to the cultivator. Organization of relief for the poor, construction of ponds for animals, laying out public gardens, playing grounds,

¹Lecture notes by Amanullah Khan, Lecturer, Department of History and Political Science, Government College, Lahore, West Pakistan, October, 1959 to March, 1960.

²Ibid.,

planting trees, prohibiting the building of tannaries and brick kilns within two hundred and fifty yards of a village

b) Judicial. The panchayat could try both criminal and civil cases. It was empowered to try criminal cases and impose fines up to \$ 10.00. By a special permission of the government the panchayat was empowered to levy a fine up to \$ 40.00³. All sentences passed by the panchayat were subject to appeal to the Deputy Commissioner. It is interesting to note that the parties to a case could not engage the services of a lawyer.

In the case of towns and cities a different pattern of local government was adopted. The revival of district boards in towns, and municipalities in cities was the same pattern which existed in some towns and cities of undivided India. The government adopted the old acts relating to old local government institutions and enforced them throughout the country.

District Boards. Prior to the existence of district boards there were district committees in towns and small cities. Though the district committees consisted of non-officials, yet all the executive power was concentrated in the centrally appointed district officer. The district committees were in reality a mockery of local self government. They were run entirely by officials of the government. The officers looked to the government for orders and did not bother to carry out the wishes of the people. In 1950, the government adopted the Panjab District Board Amendment Act for

³Ibid.

reviving the local government in towns.

According to this Act the number of members of a district board was determined by the provincial government. Members were elected on the basis of adult franchise. The elected members formed three-fifth of the total membership but the system of election did not achieve satisfactory results. Those elected were not always the most suitable, and the voters were also indifferent to cast in their votes. The first elections were well contested because the people had a false notion about the prestige of membership of a district board.

The elected members of the district board chose a chairman from amongst themselves. The chairman held office for three years. His election was subject to the approval of the provincial government.⁴ The district board was empowered to employ officers for the administration of the district affairs.

A member of the district board could resign by submitting his resignation to the divisional commissioner. The government could remove any member— elected or appointed, on the following counts:⁵

- i) if he refused or was unable to perform his duties,
- ii) if he was declared insolvent or was convicted in a criminal court.
- iii) if his continuance in office in the opinion of the provincial government was a danger to public peace.

It is significant to note that the agenda of a meeting was

⁴Ibid.

⁵Ibid.

required to be presented to the government for approval. The deputy commissioner could reject it on the ground that the matter was not suitable for discussion at a meeting of the board. Furthermore if the chairman of the district board rejected any proposal in the agenda, the member concerned could appeal to the deputy commissioner whose verdict was final and binding.

Sub-Committees of the Board.⁶ The major portion of the work in the district board was done through sub-committees. There were six principal sub-committees namely:

i) The Finance Sub-Committee. The Chairman and the Secretary of the district board were ex-officio the chairman and secretary of the committee. Other members were elected at a general meeting of the board. The committee was responsible for preparation of the annual budget of the district. All matters relating to the imposition, assessment and collection of taxes and local rates were referred to it; it also looked after the sale or lease of property.

ii) District Works Sub-Committee. The district engineer was the ex-officio secretary of the committee. The committee dealt with matters relating to district works and services.

iii) Education Sub-Committee. The district inspector of schools was the ex-officio secretary of this committee. Matters relating to schools, reading rooms, libraries and establishments concerning education were dealt^{with} by this committee.

iv) Medical and Public Health Sub-Committee. The district

⁶ Ibid.

health officer was its ex-officio chairman. The committee looked into matters relating to hospitals and dispensaries. It was also responsible for the control of epidemics. It dealt with sanitation and maintenance of markets, slaughter houses, fairs and matters relating to public health.

v) The Vehicle Sub-Committee. A clerk appointed by the secretary of the district board served as the secretary of this committee. The committee was entrusted with matters regarding licencing and taxation of vehicles and animals.

vi) The Agricultural Sub-Committee. Matters relating to agriculture, veterinary stock breeding and fairs were the concern of this sub-committee.

Budget of the District Board. Sources of income. Sources of income of the district board were few and did not meet the requirements of the Board. The Board could levy taxes, but not without the permission of the government. The district board could not even abolish an existing tax without the permission of the government.

Budget. The estimates of income and expenditure for the next financial year were scrutinized by the finance sub-committee. After the budget was approved by the district board, it was sent to the deputy commissioner who was empowered to withhold his approval.

Municipal Committees and Corporations. For administration of the affairs of a city the government made provisions for setting up of municipal committees in small cities and corporations in larger ones. For each municipality a committee was established having authority over the municipal area. The members were elected the same way

as in a district board. The government reserved the right to increase or decrease the membership of a municipality.⁷ The elected members could not take office without permission of the government. The government reserved the right of removing a member for the same reason as applied in case of a member of a district board. The municipal committee could either elect one of the municipal commissioners as secretary or appoint one. But in both the cases approval of the government was a pre-requisite to his assuming office.

The municipal committee appointed a number of paid officials for the discharge of the municipal functions. More important were the medical officer and the municipal engineer. Minor officials were sanitary inspectors, nurses and clerks.

Functions assigned to the municipal committee were identical to those of a district board, and included sanitation, pavement of municipal roads and arrangement of road lights etc.

Major sources of income of a municipality were derived from octroi tax, water rate, property tax and income from markets and slaughter houses. No tax could be levied without permission of the government. Government grants also formed a part of their income.

Two largest cities in the country—Karachi and Lahore — had municipal corporations. These were premier municipal committees with more power and prestige. Functions of the corporation were identical to those of municipal committees, but on a larger scale. The system of execution of its plans and programmes was different; and was carried out by three units namely the corporation, a standing

⁷Ibid.

committee, and a chief executive officer.

The corporation was the general decision making body. It had an elected mayor. The standing committee consisted of twelve members and was responsible for executing the proposals passed by the corporation, under the direction of the chief executive officer who was a government appointee. The chief executive officer was the principal administrator of the corporation. He could be dismissed by the government for neglecting his duties. He could address any meeting of the corporation or the standing committee without, however, having the right to vote.

Limitations on Local Government. It is difficult to deny that local government which existed at different levels in the country in the first decade of independence was a mockery of the real purpose of local government. We have seen that the government could dismiss any elected member on the slightest pretext. No elected member could assume office without the permission of the government. The appointment of all superior staff was made with government's approval. Further if a municipal committee failed to appoint an executive officer within three months, the government issued an appointment order which was binding on the municipal committee. Even the chairman and vice-chairman of a council could be dismissed by the government.

The budget and finance of the local bodies was directly and strictly controlled by the government. No taxes could be raised without express permission of the government. Raising of loans or investment of funds could not be done without government's sanction.

Even if an elected body managed to accumulate some money for the execution of a programme, the government reserved the power to suspend the implementation of that proposal. In emergencies the government could take any action on behalf of a local body. The deputy commissioner and other officials of the government had the right to inspect any property, occupied or maintained by a local body. He could order the instant cessation of any work being undertaken by a local body. The annual budget of a local body within his jurisdiction had to be passed by his office before it could be implemented.

Besides this paternalism of government there was the apathy of the Pakistani voter. The majority of ^{the} people of Pakistan are illiterate and do not know the value and significance of their vote. Frequently undeserving candidates came to the forefront who made the local bodies a victim of party politics. Favouritism and nepotism played an important part in the appointment of persons.

CHAPTER IV

A BRIEF SURVEY OF BASIC DEMOCRACIES

Aristotle in his Politics maintains that those who do not share in the offices and honours of the state are just like "resident aliens." And defining a citizen he lays down the following prerequisites as a criterion of a citizen; "a man who shares in the administration of justice and in the holding of office."¹ Pericles in his Funeral Oration elucidates this still further by proclaiming:

Our citizens attend both to public and private duties and do not allow absorption in their own various affairs to interfere with their knowledge of the city's. We differ from other states in regarding the man who holds aloof from public life not as quiet but as useless; we decide the debate carefully in person in all matters of policy, holding not that words and deeds go ill together, but that acts are foredoomed to failure when undertaken undiscussed.²

Thus it was an inherent characteristic of Greek democracy that all people should take part in deciding the day to day problems and take active part in enforcing their solution. The Greeks therefore would not have challenged Abraham Lincoln's definition of democracy "as a government of the people, by the people, for the people." But we can well question as to who are the people? As a matter of fact democracy is one of those elusive concepts which defy definition. It is one of those concepts which since its very inception has been exploited much and understood little. So much

¹ Aristotle quoted by Samin Khan, An Introduction to Basic Democracies (Karachi: Senitnal Publications, 1960), p.45.

² Ibid., p.46.

has been written on it that it is difficult to get at the truth, beneath the layers of interpretations and misinterpretations. Many tend to agree with Professor C.J.Hamson when he said that democracy as a form of government has failed. This statement of Professor Hamson came as a bomb-shell to his "Americal audience, which for the last hundred and fifty years has been reared, bred and conditioned to worship the 'god' of democracy."³ Nevertheless, there is a great degree of truth in the statement. Political democracy, that is democracy as a form of government, which had some type of parliamentary structure as an inevitable prop, has been dethroned and exiled in many countries, both developed and developing. The reasons for this are not far to find. Western type of democracy pre-supposes certain basic requirements for its smooth operation. For instance it pre-conceives a high degree of social and political awareness and mass literacy, so that people know the value of their vote in terms of broad national policies. It pre-supposes the presence of an advanced system of mass communication for speedy and accurate dissemination of information on a wide variety of themes of individual and general interest. Secondly, the successful democracies operating in Britain and the United States have an evolutionary history of their own. Their system of government is deeply rooted in their soils, traditions and cultures. Samin Khan has aptly remarked that "no system of government or political philosophy grows abruptly as an isolated phenomenon. If such a thing

³Ibid., p.2.

would happen it would be a negation of evolution itself."⁴

Failure of Democracy in Pakistan. The people of Pakistan had been made to understand democracy "as the observance of certain anachronistic formalities, anti-diluvian and idiosyncracies."⁵ Under the colonial rule which lasted for more than two centuries, the people had never been given the chance to rule themselves. The system of government was a mere farce. Without denying the fact that there existed a number of councils for local administration, but those were ineffective institutions. A large number of functions, administrative and judicial had been entrusted to them but authority and responsibility were not commensurate. As administrative institutions they merely carried out the orders of the district officer, who invariably was a foreigner and had little or no interest in the welfare of the locality.

The so-called institutions of "local self-government" were left powerless in the absence of a clear and continuous source of income. The councils were, no doubt, given certain powers of taxation, yet the limitations attached were so many and so great that they were of no avail. The hindrances were sometimes so far reaching that they nullified the taxation powers completely.⁶

Without the chance to manage their affairs at communal or national level, the people of the sub-continent had become apathetic

⁴Ibid., p.5

⁵Ibid., p.46

⁶Lecture notes, Amanullah Khan, Lecturer, Department of History and Political Science, Government College, Lahore, West Pakistan, October, 1959 to March, 1960.

towards the affairs of government.

Importance of Basic Democracies. The Scheme of Basic Democracies which the revolutionary regime made public in October, 1959 was prepared in a way that takes into account the traditions, needs and aspirations of the people of Pakistan. "The system is more than a mere instrument of satisfying the local needs of the people."⁷ It is apparently designed to link the people with the administration at all successive levels, so that even at the highest levels an average man has the legitimate right to contribute his bit in the running of government.

The paramount reason for the introduction of Basic Democracies is perhaps the desire of the government to attain the direct participation of the people in all matters affecting their immediate environments and having direct bearing on their day to day affairs and in their every day life.

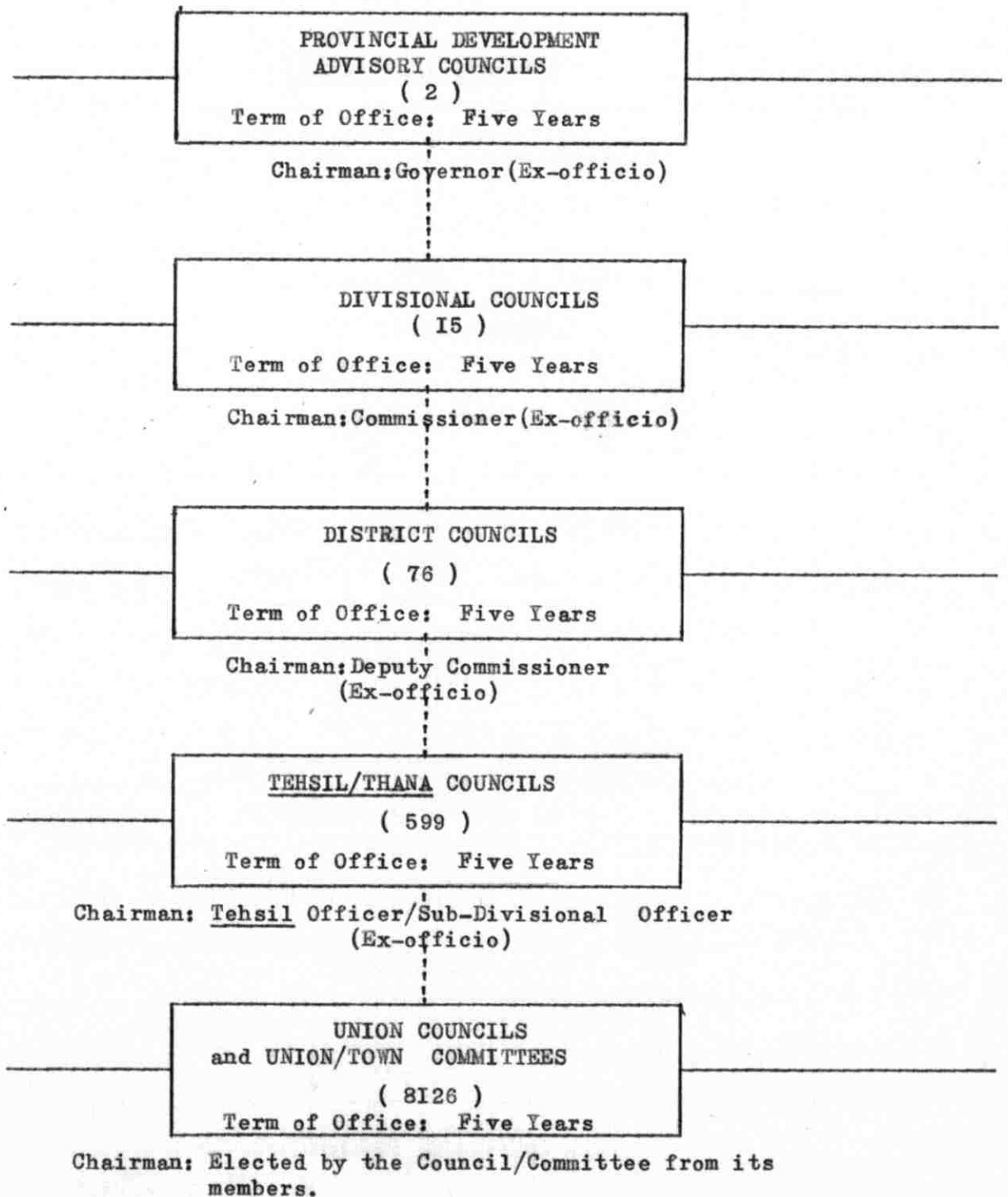
Before we proceed to discuss the Scheme itself, it is significant to explore why is the Scheme so named? To quote one author "the aim of the present leadership is to introduce 'democracy at people's door-steps' so that it grows and evolves from the very first rung of the political and economic ladder and finds its roots deep among the people. The aim justifies the name given to the Scheme."⁸

The Five Tiers. The system of Basic Democracies, as shown in chart I, comprises five tiers of different size and scope and

⁷Government of Pakistan, Dawn of a New Era: Basic Democracies in Pakistan (Karachi, 1960), p.14.

⁸Bureau of National Reconstruction, A guide to Basic Democracies (Karachi, 1960), p.7.

A STRUCTURAL CHART OF BASIC DEMOCRACIES



secures participation of the people with the administration at each level. The Union is the foundation on which lies the pyramid of Basic Democracies. It is the level on which the present leadership and citizenry has all the hopes for "the evolution of an institution which will chiefly appear as an instrument for political and popular education."⁹

The base as we have referred above is provided by 8126 institutions known as Union Councils in rural areas, town committees in smaller towns and union committees in cities.¹⁰ Each represents on an average a population of 10,000 of whom about 1,000 elect one representative, on the basis of adult franchise. In addition to elected representatives, the Basic Democracies Order provides for appointed members whose number may not be more than one half of the former. The purpose of this provision is to ensure the participation of important special interests such as agricultural labour, women and minorities.¹¹

The structure of "people-administration co-operation is provided by the next three tiers of Basic Democracies"¹² thana/tehsil, district, and divisional councils — with a provincial development advisory council at the apex. The tehsil council in West Pakistan and thana council in East Pakistan are composed of chairmen of union councils and town committees within the thana/tehsil plus an

⁹ K.J.Newman, "The Background of Basic Democracies," Pakistan Quarterly vol.10.1 (Karachi:1960), p.8.

¹⁰ Bureau of National Reconstruction, op.cit.

¹¹ In actual practice this provision has not been applied in urban areas where various sections of community have been able to find representation on committees through election; Bureau of National Reconstruction, op.cit.

¹² Ibid., p.7.

equal number of appointed official and non-official members. The official members are drawn from the various government departments such as education, health, agriculture, co-operatives and public works.

The Thana/Tehsil council usually comprises 8 to 15 union councils. Its boundary coincides with that of the police station in East Pakistan and the Tehsil in West Pakistan. There are 599 such councils throughout the country, 411 in East Pakistan and 188 in West Pakistan including one in Karachi.¹³

The next tier in the Scheme of Basic Democracies is the district council. It has the "widest diversity of functions and also the greatest variety of members."¹⁴ There are no direct elections to the district council. It consists of both official and appointed members. Among the appointed members whose number is as many as those of the official members, one half are the chairmen of the union councils in the district.

The chairman of the district council is the deputy commissioner.¹⁵ He is the controlling authority of all union councils in his district. The multifarious activities which have been assigned to the district council cover all the revenue, judicial and administrative aspects of the district. It is at the district level that

¹³Ibid., p.16.

¹⁴Harry J. Friedman, "Pakistan's Experiment in Basic Democracies"Pacific Affairs vol 32.2(Canada:1962), p.18.

¹⁵Each of the sixty-four districts of Pakistan is administered by a deputy commissioner. He is selected for the civil service of Pakistan by the Federal Public Service Commission. After two years of training at Pakistan Civil Service Academy, he is posted as an Assistant Commissioner in a district. In six to eight years he rises to the position of the deputy commissioner.

activities of all the councils — union and thana/tehsil — are coordinated. The functions of the deputy commissioner and his council can be stated as follows:

i) **Planning.** This is the process of envisioning the future structure and operations of ^{the} union, ^{the} thana/tehsil and the district councils. The determination and clarification of the objectives, functions and policies to be pursued in the district are done in his office.

ii) **Organizing.** This provides the chairman of the district council the opportunity to determine the administrative structure of various organs functioning in the district. These can be re-organized if circumstances so dictate.

iii) **Staffing.** The deputy commissioner appoints all the personnel of the district council and gives permission for the appointment of secretaries in union councils. Staffing is done on the basis of performance and competence.

iv) **Directing.** Although this is a function of the tiers at divisional and provincial level, yet in his own jurisdiction the deputy commissioner is responsible for making decisions and for supervising the administrative process of various programmes. Here his role is one of creative leadership.

v) **Coordination.** The "central government" for all the unions and thana/tehsil councils is situated in the district. It is the job of the deputy commissioner to coordinate activities of various sub-units operating for the welfare of ^{the} people in his district.

vi) **Budgeting.** This is perhaps the most significant of his

duties. The deputy commissioner has to approve the budget of all the union councils in his district. At district level he is responsible for making the statement of annual income and expenditure of his council. All expenses are controlled by proper budgeting under his supervision.

The next tier in the Scheme of Basic Democracies is the divisional council. Like the district council, it is composed of an equal number of official and non-official members; the former category includes chairmen of all the district councils in the division and representatives of various departments at the divisional level. The commissioner^{I6} of the division is the chairman. Of the non-official element one half are chosen from amongst the chairmen/ ^{of the} union councils. The chief function of the divisional council is to coordinate the activities of local councils in the division.

At the apex, originally there was a development advisory council for each province. "Chaired by the provincial governor it included twenty-four officials and an equal number of non-official members."^{I7} Chairmen of the divisional councils in the province and representatives of various government departments constituted the official element. Of the non-officials, one third or more were chosen from amongst chairmen of the lowest rung of the ladder— the union council.

^{I6} Roughly four districts make one division. There are four divisions in East Pakistan, and West Pakistan is divided into twelve. A deputy commissioner with about seven years of experience is appointed as the commissioner.

^{I7} Bureau of National Reconstruction, Dawn of a New Era: Basic Democracies in Pakistan (Karachi: 1960), p.12.

The provincial development advisory council formulated and coordinated the activities of local councils in the province. It also drew periodic development plans for them. This council was, however, abolished after the promulgation of the Constitution of the Second Republic of Pakistan. Its place has been taken by the provincial legislatures which came into being after the general elections in April—May, 1962.

For larger cities, where conditions are vastly different from the rural areas and because of a tradition of local self-government under the British rule, the Scheme of Basic Democracies provides for a slightly different structure. "Municipal committees which have been constituted under the Municipal Administration Ordinance form the second tier instead of thana/tehsil councils; and are composed of balanced associations of elected chairmen of union committees and official and non-official appointed members."¹⁸

Functions assigned to the urban councils keep in view the different needs of city dwellers. But the purpose of their assignment is the same, namely to look after and satisfy the social, political, cultural and material needs of the people.

¹⁸Ibid., p.12.

CHAPTER V

THE UNION COUNCILS

Ayub Khan has described unions as the "main-stay of this great democratic process."¹ They are the lowest rung of the ladder, but invariably the most important. The union represents a group of villages with a total population approximating 10,000 but varying between 4,000 and 15,000. Each representative to the Council is elected by a constituency of roughly 1,000 persons. Because it is impossible to demarcate the population of every village into even thousands, the Election Commission has allowed some leeway by permitting constituencies to range between 800 and 1,400 persons.²

The system of Basic Democracies has provision for the inclusion of appointed members in the union council. Ayub Khan has justified their appointment by saying:

It is likely that there are persons whom the people of their locality would wish to choose, but who would themselves stay away from elections out of modesty or belief that the game of elections might still be tainted with the remnants of the past. Among such persons may also be women who might not find it possible to contest elections on an equal basis with those more fortunately placed. We, have therefore made provision for nominating such people in the unions. But let it be clearly understood, that it is not the intention of the government to have nominated persons sit in the union councils as government stooges. Our object is to ensure that opportunity should be given to participate in the deliberations of the union councils to individuals

¹Field Marshal Mohammed Ayub Khan, Dawn, Karachi, March 26, 1960.

²Bureau of National Reconstruction, A Guide to Basic Democracies (Karachi: 1960), p. 14.

with specialized knowledge and experience who can make a real contribution to the development of areas covered by such councils.³

This provision can have harmful effects, if the right type of persons are not selected. Since selection of appointed members shall be done by bureaucrats at district level, it is possible that only those persons are appointed who act as 'yes' men of the officials. But the President has rightly justified the appointment of women. In a country where women are given equal rights on paper alone, it is imperative that situations be created where they may be encouraged to take active part in public affairs. To check the abuse of the provision for appointed members the government has directed the "controlling authority"⁴ that unsuccessful candidates at elections should not be appointed to any council.⁵ This appears to be an honest effort to keep away from the councils, those to whom the electors have refused to give their confidence.

In towns and cities, all the members of a council are elected. Since there are more educated people who are candidates representing different functional groups, it is appropriate that there be no provision for appointed members. Most councils in towns and cities have a membership of ten each representing a I,000 persons, since it is easier to determine the constituencies on even thousand numbers.

³Field Marshal Mohammed Ayub Khan, The Pakistan Times, Lahore, October 27, 1959.

⁴The Deputy Commissioner, refer to page 32 of the thesis.

⁵Ministry of National Reconstruction and Information, Progress of the Month (Karachi; March 1960), p.6.

A councillor assumes office for five years. Once elected he cannot be removed except "when a resolution to that effect is passed by a majority of the representative members of the next higher tier⁶—tehsil/thana council. But an appointed member can be removed after due inquiry by the controlling authority. Other grounds on which the membership can be terminated are:

- i) absence without reasonable excuse from three consecutive meetings of the council,
- ii) abuse of power,
- iii) responsibility for loss or mis-appropriation of any money or property of the union.

An elected or appointed member may resign. The chairman of the council forwards the resignation to the controlling authority who accepts the resignation within thirty days.

To see to it that members are not harassed and that they perform their duties with courage the Scheme provides for their "protection against legal proceedings for actions taken by a member in good faith in his official capacity."⁷ This seems to be a reasonable provision, and should enable members to be more critical. It is a move which should have far reaching effects on the public mind, for in the past, not many demonstrated their ability to challenge openly the intentions of government officials at village or district level.

Elections. A citizen of Pakistan above twenty-five years of

⁶Bureau of National Reconstruction, A Guide to Basic Democracies(Karachi:1960), p.II.

⁷Ibid., p.I2.

age and living in the union area for a period of not less than six months is eligible to register his nomination for his candidature. Votes are cast on the basis of universal adult suffrage. Harry J. Friedman has described the first elections to Basic Democracies as follows:

.... Support of the system was demonstrated in the elections to union councils, union committees and town committees held in December, 1959. Intensive preparation for demarcation of constituencies and conformation of electoral rolls preceded the polling. Except for isolated cases of personal bitterness, these campaigns for office were relatively mild affairs, especially when compared to elections held previously in Pakistan. Candidates' expenditure were limited to Rs 200⁸ and there was none of the former massive parading, huge rallying and heavy spending of the past. Candidates spoke to small groups in the villages where their homes were and largely confined their arguments to claims of superior 'goodness' over their opponents.... Local needs and desires drew the heaviest emphasis.... The actual polling procedures were relatively simple and well organized. The rules were laid down by Provincial Election Commissioner A number of policemen surrounded each election station to maintain order but were never used. In most places voters stood patiently in line, often for several hours, but with little display of boisterous behaviour which sometimes marked voting stations in the past.. .. In all almost 80,000 persons were elected to about to about 8,000 councils. The turnover was large in most cases running as high as 70-75% of the eligible voters. This was a successful display of enthusiasm in a country where the population is almost 80% illiterate.⁹

The first act of a union council upon assuming its office

⁸ Approximately \$ 40.00; the rate of exchange is Rs 4.75 = \$ 1.00

⁹ Harry J. Friedman, "Pakistan's Experiment in Basic Democracies," Pacific Affairs vol. 32.2(Canada:1962), pp.II8-II9.

is to elect its chairman who takes the charge of the office immediately after his election.

The Chairman^{The} Chairman of a union is the chief executive of his council. Once elected as chairman his term of office coincides with his term of membership. He is entitled to an honorarium of \$ 125¹⁰ per annum and to free rail travel when travelling in an official capacity. A recent survey¹¹ of the working of Basic Democracies showed that the average age of a chairman is 44.4 years. Most of them are literate and 67.1 per cent have secondary education.

It is the duty of the chairman to ensure that functions assigned to him and his council by the Basic Democracies Order as well as by his council are duly performed. He assists the government in the general administration of the area, and in the collection of revenue and other taxes. He is responsible for keeping records of marriages, births and deaths in his union. He is also the head of the village police; and in that capacity is responsible to keep track of notorious characters involved in gambling dens, prostitution houses in the union area. But the recent survey, mentioned above, revealed that many chairmen are not satisfied with the functioning of the village police.¹² The main cause of dissatisfaction is the low salary paid to the village policeman, and consequently his refusal to cooperate

¹⁰ According to rules, chairmen of every town committee get an honorarium of about \$ 70.00 in two half yearly installments—Bureau of National Reconstruction, Progress of the Month (Karachi; December, 1961), p.15.

¹¹ Bureau of National Reconstruction and Pakistan Academy of Village Development, An Analysis of the Working of Basic Democracies Institutions in East Pakistan (Dacca; December, 1961), p.39.

¹² Ibid., pp.62-64.

whole-heartedly.

The chairman is empowered to enter into contract with outside agencies for the execution of ^{the} council's resolutions, operate its funds, collect revenue and recover local taxes, fees and duties. On behalf of the council he exercises the authority for granting licences and issuing permits and sanctions. The chairman has also been authorised to delegate his executive powers to a member, to the secretary or any other official of the council. The person to whom such power is delegated becomes responsible to the chairman. He further acts as the judge when the council exercises its judicial authority. He is solely responsible to prepare the annual budget of the union, get it approved by his council, and submit the same to the controlling authority for his approval.

There is no provision for a vote of censure in the Scheme against the chairman. Non-existence of the vote has presumably been kept to discourage the past practice of ganging up of individual members to oust those in power. But this does not mean that dictatorial powers have been bestowed upon him. "Ample safeguards have been provided to ensure that he functions according to the requirements laid down by the new system. For example should he incur any of the disqualifications which make a member liable to removal, he too can be removed by the controlling authority from the membership and hence from the chair.¹³ The chairman may resign his office by tendering his resignation to the controlling authority.

The Secretary. Upon approval of the controlling authority the

¹³ Ibid., p.18.

chairman of the union appoints employees to the union of whom the secretary is the most important. He is responsible for:

- i) the management of the office of the union council,
- ii) the conduct of correspondence on behalf of the union council,
- iii) the maintenance of all records of the council,
- iv) the collection of all moneys on behalf of the council, and the maintenance of accounts, and
- v) the performance of such other functions as may be laid down by the council or the controlling authority.^{I4}

In East Pakistan there are three grades of whole-time secretaries. A union council, whose annual income is \$ 10,000 or more can have grade I secretary whose remuneration has been fixed as \$ 25-2-51 per month. A union council whose average income is \$ 5,000 or more can employ a grade II secretary who gets a salary in the scale of \$ 15-1-30. Grade III secretary can be hired by a union council whose resources are less than five thousand dollars.^{I5} In Western Pakistan a whole time secretary is appointed to a council whose annual income is \$ 3,000 or more. His salary is fixed at \$ 12-.75-20.^{I6}

Matriculation or its equivalent is the minimum educational qualification for a whole-time secretary. Part-time secretaries may be recruited from among the officials of government departments. They work in addition to their normal duties and "are paid such allowances as are determined by the controlling authority."^{I7}

^{I4} Ibid., p.19.

^{I5} Ibid., p.17

^{I6} Ibid., p.18

^{I7} Ibid.

Meetings of the Council. Under the regulations incorporated in the Basic Democracies Order of 1959, a union council can hold an ordinary, special or an emergency meeting. The quorum for an ordinary meeting is one third of the total number of members and one half for the special meeting. No meeting, however, can be adjourned for want of a quorum.

The chairman can call a meeting upon the written request of at least one fourth of the members. Each member is informed of the date, time and place of the meeting at least three days before, in case of ordinary and special meeting, and twenty-four hours in case of an emergency session. The agenda is sent to each member with the notice.

The scope of a special meeting is to consider the budget, appointment, removal, promotion and punishment of staff, preparation and adoption of bye-laws and regulations, sale, lease, transfer or disposal of immovable property or any other matter required to be considered by the controlling authority.¹⁸

All proceedings of councils are conducted in Urdu¹⁹ in West Pakistan and Bengali²⁰ in East Pakistan. No member can deliver a written speech. Members can ask questions provided these are sent in writing to the chairman at least twenty-four hours in advance. The chairman has full powers to decide the admissibility of such questions and his decision is final.

¹⁸ Ibid., p.20.

¹⁹ One of the two official languages of Pakistan.

²⁰ Ibid.

Functions of the Unions. The Basic Democracies Order lists thirty-six specific, administrative, municipal, developmental and national reconstruction functions that are to be performed by the first tier councils. There are no compulsory functions but the Order has empowered East and West Pakistan governments to classify and declare functions which need to be given priority over others. The following are laid down by the East Pakistan government:²¹

- i) increased food production,
- ii) promotion and development of cooperative movements,
- iii) adult education,
- iv) maintenance of wells and water pumps for the supply of water,
- v) tree plantation.

Similarly functions which have been given priority by West Pakistan government are:²²

- i) Maintenance of public ways i.e. the village roads, link roads, streets, prevention and removal of encroachments and plantation of trees.
- ii) Regulation of the collection and removal of manure and street sweeping, disposal of sullage and rain-water, regulation or prohibition of the steeping of hemp, disposal of the carcasses of animals, and the adoption of necessary measures towards the cleanliness drive.
- iii) Provision and maintenance of wells, water pumps, tanks and other works for the supply of drinking water.

²¹Ibid., pp.38-40.

²²Ibid., p.42

iv) Regulation or prohibition of the watering of cattle, bathing or washing at or near wells, ponds or other resources of water reserved for drinking purposes,

v) Management and maintenance of burning and burial grounds, common meeting places and common property.

vi) promotion and development of cooperative movements, cottage industries and live-stock etc, and the promotion of better agricultural farming,

vii) promotion of games and sports and holding of fairs.

Other functions listed in the Order are:²³

i) Lightening of public ways, public streets and public places.

ii) Provision and maintenance of accomodation for travellers.

iii) Sanitation, conservancy and the adoption of other measures for the cleanliness of the union.

iv) Regulation of the offensive and dangerous trades.

v) Regulation of the disposal of carcasses of dead animals.

vi) Regulation of the slaughter of animals.

vii) Regulation of the erection and re-erection of buildings in the union.

viii) Regulation or prohibition of the excavation of earth, stones or other material within residential areas.

ix) Regulation or prohibition of the dyeing or tanning of skins within residential areas.

x) Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within residential areas.

²³Ibid., p. 41.

- xi) Registration of births and deaths.
- xii) Celebration of public festivals.
- xiii) Provision of relief measures in the event^{of} any fire, flood, hailstorm, earthquake or other natural calamity.
- xiv) Relief for widows and orphans, and the poor, and persons in distress.
- xv) Provision for first aid centres.
- xvi) Provision of libraries and reading rooms, and
- xvii) Cooperation with other organizations engaged in activities similar to those of the union council.

Although the long list of functions looks impressive on paper, yet it is rather doubtful that with the meager resources at their disposal the union councils can afford to implement more than a few of them. What the country needs is self-sufficiency in food. The priority given to agricultural production by the East Pakistan Government seems to make sense. The West Pakistan Government appears to give less importance to agricultural production. Perhaps this is due to a lack of resources. In any case these functions serve as a useful guide for the union councils.

Apart from the above-mentioned functions, union councils have been assigned judicial responsibilities by the Basic Democracies Order. "Under the new arrangement it would be the responsibility of the union councils to end through mutual cooperation and good offices the bickering of feuds among the people."²⁴ To give practical shape to this assignment conciliation courts have been set up in

²⁴ Ministry of Law, The Basic Democracies 1959 (Karachi: Government of Pakistan Press, 1959), pp. 36-37.

each union. The courts consist of the chairman of the council and four others, one of whom is a member of the union council. The intention of this scheme appears to be to make justice available to the people close to their homes without loss of time and money. This is particularly important in a society where litigations on petty matters are numerous and transportation is difficult and costly. For instance disagreements arise over distribution of land, property among different members of a family or families. Since the people are very poor, more often than not, they go into debt to save face, honour and prestige.

Conciliation courts have, in respect of some civil and criminal matters, exclusive jurisdiction, and in respect of some others, optional jurisdiction. "Majority decision of the courts in the field of compulsory jurisdiction and unanimous decision in the optional fields"²⁵ are final and binding on the parties. But if a decision lacks unanimity in the optional fields, or a party in such a case refuses to submit to the jurisdiction of the conciliation court, due to lack of confidence in the impartiality of the judges, the parties are free to take the dispute to a regular court. Civil disputes of jurisdictional value of \$ 100 in the case of ^{the} union council and \$ 200 in the case of union committees are compulsorily referable to the conciliation courts and jurisdiction of other civil courts to entertain such suits has been barred. In the optional field, the jurisdiction value of the dispute should be in excess of \$ 2000.²⁶ These courts

²⁵ Ministry of National Reconstruction and Information, Progress of the Month (Karchi; June, 1961), p.6.

²⁶ Ibid.

have no power to award sentences of imprisonment.

The Scheme also lists a number of functions for the village police, which falls under the control of the union council. Some of the more important functions are:

- i) Keeping watch and ward in the union.
- ii) Observing and reporting from time to time the movement of notorious characters in the union, and reporting the arrival of suspicious characters in the neighbourhood.
- iii) Reporting to the officer in charge of the police station any information obtained respecting the commission of, or intention to commit, any of the following offenses in the union:

- a) rioting,
 - b) concealment of birth by secret disposal of dead body,
 - c) exposure of a child,
 - d) mischief by fire,
 - e) mischief to animals by poisoning,
 - f) attempt to commit culpable homicide or suicide, and
 - g) attempt to commit or abet the commission of any
- of the above offences.

Last, but not the least is the recent addition of the most significant and perhaps the most important function assigned to the members of the councils of the first tier. The constitution of the Second Republic of Pakistan has made the Basic Democrats the electors for electing the National and the provincial assemblies and the

President of the Republic.²⁷ In the first general election held under the new constitution in April-May, 1962 80,000 members of the union councils duly elected the members of the National Assembly of Pakistan and the two Provincial Assemblies. The same electoral college affirmed the election of President Ayub Khan in February, 1960.

Sources of Revenue. The question of finance of the different tiers of Basic Democracies is a difficult and complex one. Their limited funds were one of the principal reasons why local bodies in the past had such an uninspiring record of achievements. Resources of local taxation were inadequate and even those available were not fully tapped. Government subsidies were also in many cases far too limited, and badly administered. In order to ensure that Basic Democracies get off to a good start, the government in 1960-61, in the National budget allocated \$ 3,000,000²⁸ to local councils. The West Pakistan Government gave almost an equal amount; and the Government of East Pakistan allocated more than five million dollars to the different tiers of Basic Democracies.

Besides these substantial grants, the Basic Democracies Order lists various taxes which the union councils can levy. More important of these taxes are on: annual value of buildings and land in the union's jurisdiction, hearths, the import of goods of consumption, use or sale in/^{the}local area, export of goods from the union area, birth of male-baby, marriage and feasts, cinemas, dramatic and theatrical shows, vehicles other than motor vehicles, all kinds of boats

²⁷ Bureau of National Reconstruction, The Constitution: A Study (Karachi: 1962), p. 26.

²⁸ Bureau of National Reconstruction, Annual Report on Basic Democracies 1959-60 (Karachi: 1961), pp. 44-46.

carts and bicycles, bridges and ferries. Rate for the remuneration of the village police, fees on application for erection and re-erection of buildings and a special community tax on adult males for the construction of any public works of general utility for the inhabitants of the union council concerned.

The present necessity and urgency of government grants-in-aid might not be felt in the future when taxation of these bodies becomes more efficient and effective.

The Tehsil/ Thana Council. The next tier, though of comparatively less importance, but certainly not so insignificant as to be ignored altogether, due to the role it plays in the coordination of first tier councils, is the Thana council for East Pakistan and Tehsil council for West Pakistan. The thana/tehsil council generally comprises 8 to 15 union councils.²⁹ Its boundary coincides with that of a police station in East and with that of a tehsil³⁰ in West Pakistan.

The membership of the thana/tehsil council consists of all the chairmen of the union councils and town committees in the area, and an equal number of officials of the government departments appointed by the deputy commissioner with the previous permission of the commissioner. They are normally drawn from the government departments of agriculture, fishery, revenue and cooperatives.

²⁹Bureau of National Reconstruction and Pakistan Academy for Village Development, An Analysis of the Working of Basic Democracies Institutions in East Pakistan (Dacca:1961), p.21.

³⁰A territorial unit for administrative purposes.

"The tehsil/thana council does not have any office establishment. One of the official members acts as the secretary and writes down the minutes and circulates the agenda."³¹ The tehsil officer in West Pakistan and the sub-divisional officer in East Pakistan is the ex-officio chairman of the council. The council has a life of five years. There are 599 such councils in the country.³²

A thana/tehsil council coordinates the activities of all union councils and town committees in the area. If required by the district council, it undertakes all such functions in its area as the district council undertakes in the district.³³ In discharge of its functions the thana or tehsil council is responsible to the district council and is supposed to act in accordance with the directives of the district council. "The main purpose of its creation is to enable the departmental officers to have closer contacts with the chairmen of union councils; to provide opportunities for inter-departmental coordination and discussion of departmental programmes."³⁴

In December, 1961 the East Pakistan Government announced the setting up of a "miniature secretariat in each thana of the province."³⁵ The secretariat consists of branches of various departments to deal with local problems. It helps solve local administrative problems expeditiously and the people are spared the unnecessary expenditure they have otherwise to incur in carrying their problems to district and provincial headquarters. The government has also provided modern

³¹ Ibid., p. 22.

³² Bureau of National Reconstruction, Annual Report on Basic Democracies 1959-60 (Karachi: 1961), p. 16

³³ Ibid., p. 21

³⁴ Ibid., p. 15

³⁵ Ibid., p. 12.

communication facilities including wireless telephone to connect thanas with district headquarters, and Dacca, the provincial capital.

Initially it was not envisaged to provide any funds to the thana/tehsil council, and as such no taxation powers were given to this tier in the Scheme. It was intended that schemes concerning more than one union council, which have been vetted by the thana/tehsil council, will raise taxes within their local jurisdiction for the execution of the schemes. But later it was realised that this leaves this tier on the mercy of the union councils. The government has therefore started giving ad-hoc grants to these councils to meet their routine expenditure.

The idea of thana/tehsil/^{council} is entirely new, for no where in the old system of local government do we find a counterpart of this tier. In fact the absence of a coordinating body above panchayats was a great defect in the previous institutions. Not to say of any coordination by a body above them, there even was no coordinating authority in the same level or in the same area. The resultant effect was duplication of functions and consequently wastage of money — a luxury, a poor country like Pakistan can little afford. It is a pity that thana/tehsil council has no independent source of income, which puts it entirely at the mercy of the government. This council should be given more autonomy in general and the first step here should be more financial powers.

If it works adequately the thana/tehsil council can serve some useful purposes: its meetings can be utilized for getting the

cooperation of the chairmen of the union councils for effective implementation of departmental programmes as most departments do not have staff at the union level. The meetings can provide an opportunity for direct contact between ^{the} chairmen and the officers; it can also serve the purpose of a monthly forum where the chairmen can explain the difficulties their union councils may be facing or ask for facilities which may be required. The tehsil/thana ^{council} can also be an agency for the planning and the implementation of schemes which can not be handled by a union council, but which can be put through if a few union councils combine together.

CHAPTER VI

THE DISTRICT AND THE DIVISIONAL COUNCILS

The District Council. Of the five tiers which constitute the Scheme of Basic Democracies, the district council is the most potent. It performs the maximum number of functions, and has the power to raise necessary funds to implement its schemes. It is probably the richest of all the councils and possesses maximum financial autonomy.

Purpose Behind Constitution. The district council has been designed to play a significant role for the over-all development of the district. Its expressed aims are:^I

- i) to provide for maximum collaboration between the people and government functionaries;
- ii) to coordinate administrative effort at all key points;
- iii) to coordinate planning and implementation of various departmental schemes;
- iv) to assign priorities among the schemes of various departments from a local and regional point of view;
- v) to undertake developmental schemes of their own, and
- vi) to perform local government functions.

These intentions are reflected in the composition of membership of the district council which varies between 30 and 50. There are no elections to this council. Half of the members are officials representing government departments and the other half are "appointed

^I Bureau of National Reconstruction and Pakistan Academy for Village Development, An Analysis of the Working of Basic Democracies Institutions in East Pakistan (Dacca:1961), p.99.

by the commissioner after consultations with the deputy commissioner from amongst non-officials."² At least one-half of the non-officials are appointed from amongst the chairmen of union councils, town committees and union committees. Among the official members are the assistant commissioners in their capacity as chairmen of thana/tehsil councils, the executive engineer, the district agricultural officer, the assistant director of animal husbandry, the fishery officer, the forest officer, the civil surgeon³, the project director of Water and Power Development Authority, adjutant of Ansars and the assistant registrar of co-operatives etc. "The deputy commissioner is the chairman of the council and the additional deputy commissioner⁴ acts as ex-officio member-secretary of the council."⁵

A recent survey conducted by the Pakistan Academy for Village Development into the working of district councils revealed that calibre of the non-official members is satisfactory and they are drawn from different professions. "Some were former members of the legislative assemblies, others were members of former district boards and a few were retired civil servants."⁶ About the official members it came to the lime-light that some deputy commissioners were not very pleased at the appointment of sub-divisional officers because in their opinion it is quite embarrassing for the officers

²Ibid.,p.22.

³The district health officer.

⁴In most of the districts the government has provided additional deputy commissioners to shoulder and share part of the multifarious responsibilities, which the deputy commissioner is burdened with.

⁵Bureau of National Reconstruction, loc. cit.

⁶Ibid.,p.101.

"to express their opinions publicly in a manner contrary to the accepted concepts of discipline."⁷ They prefer to have all the information and explanation of departmental plans, and then have the sole responsibility of representing official views in the council.

In an interview of official members of the district council, as a part of the survey, mentioned above, it was revealed that most non-official members take active part in the discussions, and the solutions of administrative and developmental problems. But not many officials take an enthusiastic interest in the actual implementation of district council schemes. Some official members felt that "non-official members do not take part in the deliberations of the council because of their inability to take intelligent interest."⁸ Another reason suggested was the "psychological restriction in expressing their views because both the chairman and the secretary were top-officials of the district, whom they had to approach quite often for favours and privileges."⁹ Further the interview of a number of non-official members revealed that they felt less important in the council in general; and despite their criticism of developmental schemes, views of official members dominated in the district council deliberations.

Functions of the District Council. Keeping in view the aims for which this tier has been established, a variety of functions, covering all aspects of rural and urban life have been entrusted

⁷ Ibid., p.102.

⁸ Ibid., p.103.

⁹ Ibid.

to the district council. It would be interesting to note that the functions have been divided into compulsory and optional. The only justification to this could be that with the limited resources at its disposal it is not possible to expect a district council to undertake the implementation of all functions simultaneously. Even if the resources were available, the machinery at the district level is not so extensive to undertake the performance of all the tasks entrusted to it. Therefore the logical outcome would be to grade the functions according to their importance, and ask the councils to give priority to the compulsory functions.

Compulsory Functions.¹⁰ i) Provision and maintenance of primary schools. ii) Provision and maintenance of libraries and reading rooms. iii) Maintenance of hospitals and dispensaries including veterinary hospitals and dispensaries.

iv) Provision, maintenance and improvement of public roads, culverts and bridges.

v) Plantation and preservation of trees on roadsides and public places.

vi) Provision and maintenance of public gardens, public play grounds and public places.

vii) Maintenance and regulation of public ferries, other than those maintained by government departments.

viii) Maintenance and regulation of cattle ponds.

¹⁰Government of Pakistan, The Basic Democracies Order (Karachi: Ministry of Law, 1959), pp. 39-40.

ix) Provision and maintenance of serais, dak bungalows, ailghars, rest-houses and other buildings for the convenience of travellers.

x) Prevention, regulation and removal of encroachments.

xi) Prevention and abatement of nuisances.

xii) Holding of fairs and shows.

xiii) Promotion of public games and sports.

xiv) Celebration of public festivals.

xv) Promotion of sanitation and public health.

xvi) Prevention, regulation and control of infectious diseases.

xvii) Enforcement of vaccination.

xviii) Protection of food-stuff and prevention of adulteration.

xix) Registration of marriages.

xx) Registration of sale of cattle.

xxi) Provision of water-supply, construction, repair and maintenance of water works and other sources of water supply.

xxii) Agricultural, industrial and community development; promotion of national reconstruction; promotion and development of cooperative movement and village industries.

xxiii) Adoption of measures for increased agricultural production.

xxiv) Regulation of traffic, licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.

xxv) Improvement of the breeding of cattle, horses and other animals, and the prevention of cruelty to animals.

xxvi) Relief measures in the event of any fire, flood, hail-storm, earthquake, famine, or other natural calamity.

xxvii) Cooperation with other organizations engaged in activities similar to those of the district council.

The functions listed above cover most of the important aspects of agricultural and educational development. It is to be noted that Pakistan has two great problems to be tackled; the education of the illiterate masses, and to provide food for its 94 million people. Both are gigantic tasks, and it would take decades to solve these completely. Keeping these big problems and the meager resources of the country in view, we can justify the functions included in the list. We see that more emphasis has been laid on providing adequate facilities for literary centres and libraries. Unless people are made aware of the usefulness of modern scientific techniques to improve agricultural production, the man on the farm would continue using the out-dated equipment for agriculture production.

Optional Functions^{II} Functions which have been declared as optional, have been divided into the following sub-headings:

Education. i) Provision and maintenance of schools other than primary schools.

ii) Construction and maintenance of building to be used as hostels for students.

iii) Provision for scholarships.

^{II} Ibid., pp. 41-44.

- iv) Training of teachers.
 - v) Payment of grants and subsidies to educational institutions.
 - vi) Promotion and assistance of educational societies.
 - vii) Undertaking of educational surveys, framing of educational plans and implementation thereof.
 - viii) Promotion of adult education.
 - ix) Provision of water supply and meals for school children.
 - x) Publication of school books and the maintenance of printing presses.
 - xi) Provision of school books to orphans and indigent students free of cost or at reduced rates, and
 - xii) Maintenance of depots for the sale of school books and articles of stationery.
- Culture.i) Establishment and maintenance of information centres.
- ii) Organization of general cultural activity.
 - iii) Maintenance of radio sets at public institutions and public places.
 - iv) Organization of museums, exhibitions and art galleries.
 - v) Provision and maintenance of public halls, public meeting places and community centres.
 - vi) Furtherance of civic education and the dissemination of information on such matters as local government, community development, agriculture, industries, cattle breeding and other matters of public interest.
 - vii) Celebration of the Holy Prophet's Birth Day, Pakistan Day, Quaid-i-Azam's Death anniversary and other national occasions.

- viii) Reception of distinguished visitors.
 - ix) Encouragement of national and regional languages.
 - x) Promotion of physical culture, the encouragement of public games and sports, and the organization of rallies, matches and tournaments, and
 - xi) Preservation of historical and indigenous characteristics of the local areas.
- Social Welfare.
- i) Establishment, management and maintenance of welfare homes, asylums, orphanages, widow-homes and other institutions for the relief of the distressed.
 - ii) Burial and cremation of paupers found dead within the local area.
 - iii) Prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils.
 - iv) Promotion of social, civic, patriotic virtues among the people and discouraging of parochial, racial, tribal, sectarian and provincial prejudices.
 - v) Organization of legal aid for the poor.
 - vi) Organization of social service volunteers.
 - vii) Adoption of measures for the promotion of the welfare of women, backward classes, and children and families of the persons serving in the armed forces, and
 - viii) Adoption of measures for the settlement of disputes by conciliation and arbitration.

Economic Welfare.i) Establishment and maintenance of model agricultural farms.

ii) Popularization of improved methods of agriculture, maintenance of improved agricultural implements and the lending of such implements to cultivators, and adoption of measures for bringing waste lands under cultivation.

iii) Maintenance of crop statistics, protection of crops, the lending of seeds for sowing purposes, distribution of fertilizers and the popularization of their use and the maintenance of fodder reserves.

iv) Construction and repair of embankments; supply, storage and control of water for agricultural purposes.

v) Prevention and reclamation of soil and the drainage and reclamation of swamps.

vi) Management, protection and maintenance of village forests.

vii) Provision, regulation and maintenance of village industries, and facilities for their marketing.

viii) Establishment, maintenance and the management of village stones.ix) Popularization of the co-operatives and the promotion of education in cooperation, and

x) Promotion of agricultural credit, agricultural education and adoption of other measures likely to promote agricultural development.

Public Health.i) Promotion of education in public health.

ii) Framing and implementation of anti-malaria schemes, and schemes for the prevention and control of infectious diseases.

- iii) Organization and maintenance of mobile medical aid units.
- iv) Promotion of medical education and the payment of grants to institutions for medical relief.
- v) Establishment, management and maintenance of the visiting of health centres, maternity centres and centres for the welfare of infants and children; the training of dais and the adoption of other measures likely to promote the health and welfare of women, infants and children.
- vi) Measures to alleviate diseases of animals and birds, and prevention and control of contagious diseases among birds and animals.
- vii) Preservation of cattle wealth.
- viii) Provision, maintenance and improvement of pastures and grazing grounds.
- ix) Regulation of milk supply; establishment of milk colonies, and provision and regulation of sanitary stables, and
- x) Establishment and maintenance of poultry farms.

The list of optional functions is too extensive to be implemented by councils at district level. The only purpose it can serve under the present hard pressed economic conditions is to be a guide for the councils. To carry out these functions in the fields of education, culture, health, economic and social welfare, the present income of district councils would have to be increased considerably. With the present means, it would be futile to expect miracles.

Budget and Finance. Preparation of annual budgets for the district is the responsibility of the deputy commissioner. Normally,

the budget indicates the costs to be incurred in different developmental projects, together with the salaries, and grants to first and second tiers of the Basic Democracies Scheme. It also includes the sources of income and the actual income expected.

The budget preparation starts in different departments of the government in the district. These send their estimates to the office of the deputy commissioner. The budget in the final stages covers the expenses of all government departments at the district. It is coordinated in the deputy commissioner's office and finally presented for discussion in a special meeting of the district council. Objections raised are duly recorded by the secretary, and if the majority of members present wills, necessary changes are made.

We have already stated that the district council is one of those tiers which has been given a large degree of financial autonomy. Besides getting grants-in-aid from the central and provincial governments, it can levy taxes on many and varied subjects.

The average income in 1959-60 was about \$ 151,000 and the average expenditure \$ 149,000. These figures, which indicate a surplus in no way should lead us to think that the district council has sufficient resources to meet the proper execution of its plans and programmes. In fact, the position is that for carrying out its functions properly, its financial resources are certainly inadequate. This is reflected in the average income and expenditure of the years

following 1959-60, where the councils have been experiencing continuous deficits. For instance in 1960-61, the average income was almost double to that of 1959-60, yet even after doubling the income, there was a deficit on an average of about \$ 11,400.¹² The financial condition in 1961-62 did not improve either. The average income of \$ 314,000 and the average expenditure of \$ 329,000 left a deficit on an average of \$ 15,200.¹³ The result of the shortage of money is that the councils ask the government for grants and loans. Once the government's grants-in-aid start pouring in, the autonomy is expected to be infringed, for the government usually attaches various conditions while giving grants. Otherwise too, it would not be wrong to say that the increase in the receipts of the district council are mainly on account of developmental grants. There are some increases on account of increased local rates, but those are not very significant.

The district council can levy the following taxes¹⁴ on the annual value of buildings and lands; on lands not subject to local rate (a local rate of 6.25 per cent on the land revenue collected from the district goes to the coffers of district councils); on hearths; on the transfer of immovable property; on the import of goods for consumption, use or sale in the local area; on the export of goods

¹²Bureau of National Reconstruction and Pakistan Academy for Village Development, An Analysis of the Working of Basic Democracy Institutions in East Pakistan (Dacca: December, 1961), p.107.

¹³Ibid., p.108.

¹⁴Government of Pakistan, The Basic Democracies Order 1959 (Karachi: Ministry of Law, 1959), pp.44-45.

from the district; on advertisement; on cinemas, dramatic and theatrical shows and other entertainments and amusements; rate on drainage; rate on light; rate for the provision of water works or the supply of water; fees at fairs, tournaments and other public gatherings; fees on markets; fees for licences, sanctions and permits granted by a local council, and fees for slaughtering of animals.

The survey on the operations of Basic Democracies, already mentioned above, revealed that government grants are given mainly for developmental work. This constitutes a large and substantial increase in the income of the council. The average income from such grants was \$ 66,800 in 1959-60, 80,000 dollars in 1960-61, and \$ 130,000 in 1961-62.¹⁵

Most of the district council are levying taxes and rates on the items mentioned below. Figures on an average for 1961-62 are:¹⁶

Local rate	\$ 71,420
Taxes on the transfer of property	\$ 24,338
Land tax	\$ 15,000
Tolls on roads	\$ 12,000
Advertisement tax	\$ 1,000
Rents on district property	\$ 400
Fees and sale proceeds	\$ 7,000
Miscellaneous rate	\$ 1,500

One source of income is voluntary contributions which surprisingly averaged to \$ 1,000 during 1961-62.

¹⁵ Bureau of National Reconstruction and Pakistan Academy for Village Development, loc.cit.

¹⁶ Ibid.

A comparison of the functions entrusted to district councils with their average income leads us to believe that the councils are far too poor to carry out many functions. Under these circumstances it would be appropriate for the district councils to undertake a few important functions, and concentrate their scarce means and materials for their satisfactory implementation. In times to come when their income increases they could undertake projects of secondary importance, or plans which could not be implemented due to shortage of finance.

A cursory glance at the average expenditure of the district council shows that bulk of the money goes to the implementation of agricultural and industrial plans, in the construction of roads and in financing local councils. Following are the average figures for 1961-62.^{I7}

Engineering establishments	\$ 13,000
Public health establishments	\$ 5,000
Medical establishments	\$ 12,000
Agricultural schemes	\$ 14,000
Purchase of agricultural equipment	\$ 2,500
Agricultural research	\$ 400
Other agricultural schemes	\$ 20,000
Developmental schemes	\$ 25,000
Industrial schemes	\$ 20,000
Building and communication	\$ 118,000
Water supply	\$ 5,000

^{I7} Ibid., pp.113-117.

Engineering equipment	\$ 6,500
Educational establishments	\$ 22,000

Other items shown in the budgets are expenditure on health and sanitation, ferries, irrigation, stipends and scholarships, relief measures and law and justice.

Being an agricultural country, Pakistan needs to concentrate its resources towards modernizing the machines and tools used in agricultural production. But from their present distribution of money it seems that district councils are not giving top priority to agricultural sphere. This could be attributed to the weak planning machinery at the district level, which, instead is giving priority to buildings and construction which is an unproductive investment. Planning should be done so that the social needs of the people are fulfilled. Presently what people need is improvement in their general health standards and an increase in the rate of literacy. So the district councils should allocate their resources in a way that priority is given to the development and improvement of the fields of agriculture, health and education.

The Divisional Council¹⁸. Under the setup operating in the country at the moment, the divisional council has taken the place of provincial development councils, which were abolished after the formation of provincial assemblies, as a result of the general elections in the country in April-May, 1962. It has, therefore, become the highest tier in the Basic Democracies Scheme.

¹⁸ An average of four districts form one division.

The divisional council consists of official and non-official members. "Out of the members, half are officials and the other half are appointed by the government after consultations with the commissioner"¹⁹ the divisional chief executive. At least one half of the non-officials have to be appointed from amongst the chairmen of the union councils, town/union committees in the division. The official members consist of the deputy commissioners in their capacity as chairmen of the district councils, and divisional officers such as the superintendent of forests, inspector of schools, deputy director of agriculture, superintending engineers of Water and Power Development Authority, administrator of health and such representatives of government departments, municipal bodies and cantonment boards, as may be appointed by the government.²⁰

Functions of the Divisional Council. In the opinion of the government, the functions performed by this council are of such a nature that it does not require a separate office. The divisional council, therefore, does not have an independent establishment. The collection of reports, recording of minutes of the meetings, circulation of agenda etc is done by the commissioner's office under supervision of the additional commissioner.

The primary function of the divisional council is to co-ordinate the activities of various government departments, local councils, municipal bodies and cantonment boards within the division.

¹⁹ Bureau of National Reconstruction and Pakistan Academy for Village Development, op.cit., p.25.

²⁰ Ibid., p.26.

Besides the co-ordination activity, it is competent to:

i) formulate and recommend to the provincial government, the developmental schemes of importance to the division,

ii) review generally the progress in various branches of administration in the division, and

iii) consider problems of importance to the division, in all branches of administration and make suggestions for development, improvement and general advancement.²¹

From the nature of its membership we can see that the divisional council is an important council which co-ordinates the activities of the district councils and formulates policies that act as guide lines for the district councils. Like the tehsil/thana council, the incorporation of divisional council in the Basic Democracies Scheme is entirely a new idea. In the old system of local government there was no body to coordinate the activities of district boards. As such the divisional council is an important council. The functions given to it are of a general nature, which signify that it is to act as a supervisory council over the district, tehsil/thana and union councils.

The Basic Democracies Scheme requires that district councils forward the district plans to the divisional council, where the same will be coordinated with the plans of other district councils in the division. It will, then, forward the plans to the provincial government after scrutinizing the same. "The divisional council can also make such modification in the plan of the district as it deems

²¹ Ibid., p.27.

necessary."²² This is an undue check which serves no purpose. Instead, the government should give complete authority to the district council, to which so much responsibility has been entrusted. It is absurd to modify the plans and schemes of a body without having any knowledge of the local needs, which are assessed by the district council while it makes the plans.

Powers of Taxation. The functions of the divisional council, in the opinion of the government "do not require finances, and as such, no provision for taxation is made in the Basic Democracies Order."²³ However meager be the role of a body, an important criterion of its independence is an independent source of revenue. Although the government can justify its statement by saying that coordinating activities need no money, yet we would say that there must be a continuous source of income for the smooth operations of the district council. The government no doubt provides funds for ad hoc purposes, but that makes the divisional council entirely dependent on the government. It, therefore, must have its own taxation powers which would bring it money for its routine operations.

The Local Council Service. The Basic Democracies Scheme provided for the creation of a local councils service for each of the two provinces of the country. The categories of employees such as secretaries of the union councils, union and town committees, clerks, policemen of the local police force are members of this service. Their service rules are of a general pattern, and have a

²² Ibid., p. 26.

²³ Government of Pakistan, The Basic Democracies Order 1959 (Karachi: 1959), p. 25.

uniform scale of pay.

This indeed is a commendable step. In the past, personnel of local bodies had no security of job. They were at the mercy of local body insofar that their salaries depended on the regular in-flow of money in the local body's coffers. Many times they would not get paid up for the obvious reason that there was no money. But in the system, proper service rules have been framed for local government employees. If they are assured of a permanent career in local councils, better qualified persons would want to volunteer for service which would increase the efficiency in the general operations of a local body. The local council service also provides provision for provident fund, pension and other facilities to which members of the service are entitled. Provision has also been kept for social insurance scheme.

The Local Fund. For every local council there is a local fund, to the credit of which the following funds are placed:²⁴

- i) The proceeds of all taxes, rates, tolls, fees and other charges levied by the local council.
- ii) The rents and profits payable and accruing to the local council from the property vested in or managed by the council.
- iii) All sums received by the local council in performance of its duties under Basic Democracies Order.
- iv) All sums contributed by individuals and other local councils.
- v) All receipts accruing from the trusts placed under the

²⁴Ibid., p.21.

management of the local council.

- vi) All grants made by the government and other authorities, and
- vii) All loans raised and profits accruing from investment.

The money credited to a local fund is kept in a government treasury or in a bank transacting the business of a government treasury. The provision to keep the local fund account in a government treasury would serve no other purpose except to increase the red tape. This would have a harmful effect, that is, most of the union officials would have to travel for miles to the nearest town where the branch of the government treasury exists, because it is not expected that there are branches of government treasury or of any bank in every village in the country. This would increase the cost of communication. A better solution would be to operate the fund while the account is in the Post-office Saving Bank. The Post and Telegraph Department has its branches even in the remote corners. Hence that would facilitate the operation of the union councils.

In October, 1960 the government decided that "union councils with best all round performance in different areas will be awarded cash prizes which would form a part of their fund."²⁵ This step, it seems has been taken to give incentive to the local bodies to take increased interest in the welfare of the community, and thereby serve the purpose for which they have been created.

In August, 1961 union councils throughout West Pakistan were directed to "set up volunteer corps to execute development plans in their areas."²⁶ The councils were also advised not to spend funds

²⁵ Ministry of National Reconstruction and Information, Progress of the Month (Karachi: August 1961), p.16.

²⁶ Ibid., p.10.

on schemes which could be carried out through voluntary efforts of the community. This should be a useful way of utilizing the surplus labour in the village.

In March, 1961 the government announced its plans to set up "consumer cooperatives throughout the country,"²⁷ with the help of various tiers of Basic Democracies. This step was taken for reducing the number of middlemen in trade and bringing down prices for the benefit of the common man. This would have two effects: the councils would be able to add a little to their coffers, and the ordinary consumer shall be assured of competitive retail prices.

²⁷Ministry of National Reconstruction and Information, Progress of the Month (Karachi: March, 1961), p.16.

CHAPTER VII

EVALUATION AND CONCLUSION

During the ten years following independence the people of Pakistan were influenced in their ideas and practice by the recognition of wide-spread social, political and economic distress. For years people suffered from a lack of helpful and constructive relief. They also became aware of the waste of energy and funds through lack of cooperation and information. The Scheme of Basic Democracies was presumably designed to usher in a new era and infuse a new spirit into the apparently calm and quiet life of the thousands of villages of Pakistan. This is revealed by the Basic Democracies Scheme which brings to light two factors hitherto practically unknown to the political and administrative structure of the country. The first is the election of one representative from amongst 1,000 persons; and the other, the effort to blend official and non-official elements in running the affairs of the tehsil, the district and the division.

Whether the basic purposes for which the Basic Democracies Scheme was launched have been realized will be brought home to us in times to come; but in the short span of time, since the Scheme was enforced in 1959, it has become evident that the efforts of the government to fuse official and non-official elements through the various stages of the administration have been fraught with difficulties. This is partly due to the scant importance which members of different tiers of the Basic Democracies are receiving in general; and partly due to the dominating role which the civil

servants play in the local administration. To bring the non-officials at par with the bureaucrats, it is imperative that an atmosphere be created, where the non-official members feel as important as their official counterparts.

Under the present system the non-official members for a particular council are appointed by the chairman of the next higher council who, invariably, is a civil servant. Thus the member so appointed can be influenced by the appointing authority. This is particularly true of the district council which is the most important of all the councils. Its chairman, the deputy commissioner, is an important civil servant who, besides having numerous administrative and judicial powers, has also the authority to grant licences and permits which the members often need. It is, therefore, difficult for the appointed members of his council to openly criticize his plans and schemes. Further, the secretary of the district council is the additional deputy commissioner, who is also a senior government official. Thus occupation of the two most important positions by two most senior district officials, considerably reduces the status of the non-official members. This situation must be changed in order to allow the non-official members to take an active part in the deliberations of the district council. This could best be done by introducing a system of elections at the district stage, as has been done at the union council level. If members to the district council are elected they are certainly bound to feel more secure in the council. But the introduction of the element of election will

not be a real solution to the problems at the district level. It is imperative that the secretaryship of the council be given to an elected member; or a post of vice-chairman be created, which should be occupied by an elected member, so that an adequate balance of power is maintained in the district council.

In the first general elections held in April-May, 1962 the members of the union councils, union and town committees formed the electoral college for electing provincial legislators and members of the national assembly. Furthermore, the Constitution of the Second Republic of Pakistan contains the provision that Presidents of the Republic shall be elected by the elected members of the Basic Democracies.^I This practice is bound to have a retarding effect on the Basic Democracies Scheme and its aims as a whole. The elected members of the local councils are supposed to devote their efforts for the welfare of the people of the area to which they belong; and when called upon to elect members to different national assemblies, they are bound to be involved in party politics. Once these 80,000 elected Basic Democrats are involved in national politics, chances of their being corrupted by self-seeking politicians would increase. This in turn would mar the purpose for which they were elected. It is wrong to entrust the work of both local and national level to the same people. It would be appropriate that the present laws governing the national and provincial elections be amended, so that the Basic Democrats are no more called upon to form the electoral college for

^IThe Bureau of National Reconstruction, The Constitution: A Study (Karachi: Din Mohammed Press), p.24.

such elections.

The absence in the Basic Democracies Scheme of a provision for a vote of no-confidence against the chairman of the union council can become harmful for public interest. If he were elected for a period of one year, this provision could be justified; but five years is a long time to allow an official to function with no checks on him. There appear to be two solutions to this: either he should be elected every two-and-a-half years so that there always is a chance for a change, should a chairman not be functioning in the public interest; or there should be a provision in the Basic Democracies Scheme that if two-thirds of the members express their wish to have a new chairman, then, subject to the approval of the controlling authority, the chairman should be removed.

Governmental Controls. One reason, amongst others, for the ineffective functioning of old local bodies was their limited and rigid control of funds. Local taxation has always been inadequate in the Indo-Pakistan sub-continent. The main reason for this is the extreme poverty which has been and is plaguing the population. Basic Democracies Scheme is bound to fail unless different councils have enough and continuous source of revenue for implementation of their developmental schemes. Until now, as we have seen, more than one-half of the budget of local bodies is borne by government grants.² This gives the government the right to interfere in the work of local bodies, and, consequently, stand as a hindrance in their smooth and

²Refer to "Sources of Revenue" on page 49 and "Budget and Finance" on page 63 of this thesis.

independent operations. Grants-in-aid by the government should at best be considered a temporary relief. If a council depends too long on outside funds, its projects are bound to come to a standstill, should that source stop. A more satisfactory situation would be if the local bodies could pay two-thirds of their own way and the government subsidizes the rest. Since taxes were not fully realized in the past, an efficient machinery to extract money from those, for whose welfare the councils have been created, could bring a substantial amount in the coffers of local councils. To increase their revenues, local bodies could undertake profit-yielding projects, such as consumer's cooperatives and entertainment houses etc.

Another factor which contributed towards the weakness of the old councils was the hindrance which the government placed at every step. We have already enumerated checks which the provincial and central governments placed at the free functioning of the panchayats and the district boards.³ Unfortunately Basic Democracies institutions, too are not free of the government's clutches; which means they do not have the real independence and autonomy which is essential for maintaining continuity in their proper functions. The deputy commissioner, who acts as the controlling authority of the union councils in his area is charged, according to the provisions of the Basic Democracies Scheme with approving the union budget.⁴ This is the greatest single barrier which is not easy to overcome. Further, if

³Refer to "Limitations on Local Government" on page 24 of this thesis.

⁴Government of Pakistan, The Basic Democracies Order, 1959 (Karachi: Ministry of Law, 1959), p. 22.

a local council does not prepare its budget in time, the controlling authority can prepare on its own, a budget for that council,⁵ and ask the council to adopt that as its budget. This is a negation of the concept of local self government, which implies giving the people of a locality, the right to administer their affairs, and in the process of that administration, the right to allocate sums to different schemes according to the popular wishes. The controlling authority has also been empowered "to quash the proceedings, suspend the execution of any resolution passed or order made by the local council; prohibit the doing of anything proposed to be done, and require the local council to take such actions as may be specified."⁶ The insertion of this clause in the Scheme gives dictatorial powers to the deputy commissioner. The local bodies under these circumstances can be left entirely on the mercy of the controlling authority. Such clauses must be removed from the Basic Democracies Order if it is to be a "democracy" in essence and practice. The elected persons must be given the right to decide their own affairs which also includes the preparation of their own budget. The controlling authority may be allowed to give expert advice, but the members of the councils should have the power to accept or reject that advice. The controlling authority certainly should not have the powers to "quash the proceedings" of a popularly elected council. At best it should act as a guide and not as a master.

⁵ Ibid., p.23.

⁶ Harry J. Friedman, "Pakistan's Experiment in Basic Democracies," Pacific Affairs vol.32.2(Canada:1960), pp.109-110.

General Evaluation. No man-made system can be perfect; and Basic Democracies Scheme was prepared and promulgated by a government composed of men. It has many defects the remedy of which is necessary and imperative, yet it would be a gross under-estimation of the entire Scheme to say that there is nothing new in it; that it is akin to the old panchayat system and something synonymous with the old institutions of local government at tehsil and district level; that the only difference is the change in name. Without denying the fact that there are elements of the old institutions in the Scheme, still this does not make it a step in retrospect. The old panchayat system as practiced in the Indian sub-continent during the British rule was a strange anachronism. Obsessed as the British were, with the legalism of rule of law, they regarded it as a purely judicial institution. They failed to realize that in its origin and the reasons for its survival, and the fact why it lent "stability to the village community in spite of the two centuries of turmoil, carnage and mal-administration lay not in the judicial powers it exercised but in the administrative functions it performed."⁷

The village panchayats and the union boards were ineffective institutions. Created under fifteen different acts, they represented and reflected the various philosophies—legal and moral—fashionable at the time. There was no sign of cooperation or coordinated efforts between the civil service and the local bodies. In fact there was a continuous rivalry between the two, and insofar as they represented different interests diametrically opposed to each

⁷ Samin Khan, An Introduction to Basic Democracies (Karachi: Sentinel Publications, 1960), p.57.

other, there could be no hope of any cooperation between the two. Samin Khan has aptly said that under the old system the two were "estates antagonistic and opposed to each other, with no meeting ground, actual or functional."⁸ The civil servants issued orders without comprehending the problems of local population; and the village panchayats and district boards were opposed to them merely because they were given by the district officials. Since the civil service was opposed to the very idea of their creation, for they thought that these bodies were hindrances in the exercise of their powers, they were not interested in their being a success or in their proper evolution. Also in the past the legal orders gave protection to the landlords and the instrument for this was the district bureaucracy. Therefore, as a prelude to the introduction of Basic Democracies, the government abolished landlordism.⁹ The Scheme also has tried for the first time in the history of the country to bring service administrators, and the people, through their elected representatives, together to discuss and formulate public policies. The Scheme aims to see to it that policies and programmes are no longer thrust on an unwilling people, by people who did not understand their problems, but are drafted and implemented by the cooperation of the people and the public servants.

It is also significant to note that unlike the past, there is a hierarchy of institutions in the Scheme of Basic Democracies, in which each tier has certain defined functions, and is controlled by

⁸ Ibid., p.85.

⁹ Ibid., p.60.

the tier above. Previously the village panchayats and the district boards were independent from other similar institutions of a higher level. Their functions were not coordinated by any body above them, nor were they in contact with similar institutions in the neighbourhood at the same level.

Hopes for the Future. The Basic Democracies Scheme was introduced to get the active participation of the people in local administration and to harness their energy towards the achievement of national development. Many think that it is an effort to make basic and fundamental changes in the entire political, social and economic structure of the society. But that would be an exaggeration. Basic Democracies must be considered an administrative reform, and not a political solution to the various problems facing the country. It is true that every administrative act has its corresponding political implications; and the fact that the system of direct elections has been abolished with the introduction of the Basic Democracies, could not make it basically an instrument for political reforms. To elaborate on this, we have first to be brought home to the hard fact that Pakistan essentially is a collection of villages with a sprinkling of towns here and there. Because of accidents of history, over four-fifths of its people can not read or write. In the existing state of their intellectual development and limited scope of the media of mass communication in the country, it would be a highly misplaced optimism to expect them to judge the persons who could correctly estimate, honestly interpret and effectively safeguard their interests at the national and international levels. Such an awareness would require a

higher education and a wider experience than are at present available to them. But they do have plenty of common sense to understand their immediate problems and choose men from among their close neighbours who could work honestly for the common good. It was against this background and in the belief that democracy is not a "finished product which can be imported but a process that must grow from the soil"¹⁰ if it is to work effectively, that the Scheme of Basic Democracies has been launched to work as a first step towards effective restoration of democracy in Pakistan. We, therefore, can not call it a political end in itself. At best it could be a means to achieving that end.

It would be wrong to regard the Scheme as a panacea for all the troubles facing the country. It is the people who have to work to better their lot. Schemes and systems may act only as guide lines. Further, with the pressing need for increased production everywhere apparent in the country, development functions may be the key to success or failure of Basic Democracies. The entire System may be viewed as an attempt to bring the planning and implementation of developmental schemes to the immediate consciousness of the countryside. When operating at their best, we can hope, that the councils, particularly at the union level, will provide the connecting link for expression of the people's wants, on the one hand, and for involvement of the people in implementation of programmes, on the other.

¹⁰ The Bureau of National Reconstruction, Dawn of a New Era: Basic Democracies in Pakistan (Karachi: Saif-e Printers), p.9.

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