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I- Introduction

- * Local government is a management mode of democratic governance.
 - * The concept of Local governance has emerged due to the expansion of state functions and duties and in order to consolidate citizens rights to and participation in the management of their affairs.
 - * This means that citizens conduct their affairs by themselves within a particular local authority.
 - * A local government is a form of public administration which, in a majority of contexts, exists as the lowest tier of administration within a given state.
- The term is used to contrast with offices at state level, which are referred to as the central govt (national government, or federal govt) and Provincial / state government.
- * In federal states, LG generally comprises the third (or sometimes fourth) tier of govt.

* In Unitary states, LG usually occupies the second or third tier of govt, often with greater powers than higher-level administrative divisions.

II- Principles Governing LG

i- Principle of Subsidiarity

It is a principle of social organization that holds the social and political issues should be dealt with at the most important immediate (or local) level that is consistent with their resolution. Hence, the problem needs to be resolved where it originally originates from.

ii) Principle of Electoral Legitimacy

Local governance requires members of local councils to be elected by the population of that community who themselves are in the best place to know their needs in contrast to other forms of public administration, characterized by subordination to the central authority.

III - Administrative Decentralization

3.1 - Decentralization Deconcentration

- De-concentration, which is often considered to be the weakest form of decentralization and is used most frequently in unitary states — redistributes decision making authority and financial and management responsibilities among different levels of the central government. It can merely shift responsibilities from central government officials in the capital city to those working in, provinces and local districts. The central government only transfers some of its responsibilities to lower-level units within its jurisdiction.

3.2 - Delegation

- Delegation is more extensive form of decentralization
- Through delegation central — and subsequently provincial government — transfer responsibility for decision-making and administration of public function to semi-autonomous local govts not wholly controlled by the provincial gov in Federation (and central Govt in Unitary States) but ultimately accountable to it.

3.3 Divestment :

- Divestment entails disposing off some functions of the provincial govt (in federalism) and central govt (in unitary states) such as outsourcing solid waste management.

3.4 Diffusion:

- Diffusion: Power at the center/province is diffused more broadly b/w different govt agencies at all levels of govt.

3.5 Devolution:

- Devolution: When govt devolve functions, they transfer authority for decision-making, finance and management to quasi-autonomous units of local government.

- Devolution transfers responsibilities for services to municipalities that elect their own mayors and councils, raise their own revenues, and have independent authority to make investment decisions.

In a devolved system, local govt have clear and legally recognized geographical boundaries over which they exercise authority and within which they perform public functions. It is this type of administrative decentralization that underlies most political decentralization.

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IV Rationale And Advantages

- 1) **Strengthens Political Process:** Local authorities/ local Govt bodies are considered a fundamental pillar of political processes in the society at the local level.
- 2) **Bedrock of Democracy:** Local government is a system based on the involvement of the largest number of citizens in solving the problems faced by citizens, thus applying democracy at the local level.
- 3) **Makes government more Responsive to Citizens:** The local citizens are most understanding of their needs and priorities. This obligates the local councils to constantly feel their priorities, problems, needs and desires.
- 4) **Greater Accountability:** It is easier for citizens to approach and contact their local representatives that are present in their vicinities rather than politicians who are distant from their due to their work at Provincial/Federal legislatures.
- 5) **Breeding ground for Political leaders:** The local govt elections allow young and dynamic individuals to launch their political careers at the lowest level and then making their way to the top.

6) 21st Century Governance Challenges:

- Rapid Population Growth
- Pakistan's highest Urbanization rate in S.A.
- Infrastructure deficit
- Social Services.
- Municipal services.
- Competing Interest Groups.

V - Constitutional Framework

- 1) Article 32 - Promotion of local government Institutions (Principles of state policy).
- 2) Article 140A - Establishment of LGs by provinces (18th Amendment)
- 3) Section (4) 219 of Pakistan Election Act 2017 demand the holding of elections within 120 days after expiry of tenure of LGs in a province.
- 4) Article 10 of the Charter of Democracy (COD) signed by former PMs BB and NS in London 2006, calls for a strong local govt system under Article 140A.

Role of Government

Q# 2

Organs of State (Provides a separation of power)

→ Legislative : makes laws
Parliament

→ Executive :
i) Political (Prd and Cabind (Temp.))
ii) Non-political
↓
Civil Services (Permanent)
+
Military
(Carries out law)

→ Judicial [interpret/evaluates law]
(As a guardian of Law)

Separation of Powers : Theory

"There is as yet no liberty if the power of judging be not separated from legislative power and the executive power"

Charles-Louis

Montesquieu

→ The division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another.

→ It is to be believed the power does not concentrate to the one authority if it happens, totalitarian state will establish.

Authoritarian
Systems

Monarchy

Democratic
Systems

- Parliament
- Bureaucracy
- Judiciary

Concept of Checks And Balances

- (i) Each branch exercises certain powers that can be checked by the powers given to the other two branches.
- (ii) Coordinated powers so that each branch can check the other branch if the same tries to transgress from -
(power checks power) - Alexander Hamilton
- (iii) Keeps abuse of power in check
- (iv) All functional democracies - most predominant in the US.

Example:

→ The legislative branch makes laws, but the President in the executive branch can veto those laws with a Presidential Veto. (Executive Check)

→ The legislative branch makes laws, but the judicial branch can declare those laws unconstitutional (can declare null and void) (Judiciary Review)

Functions of Legislature

1) Law Making: taxation, legal, security
Parliament is based on popular sovereignty

2) Expression of Public Opinion
(will of the people)

3) Constitution-Amending Function

4) US: $\frac{2}{3}$ vote in both Houses and ratification by $\frac{3}{4}$ of states (Article V)

Pakistan: $\frac{2}{3}$ vote in both house in identical terms. (Article 239)

same nature

4- Financial Functions

(Legislators prepares Budget)

US: Congress → Budget
Developmental Budget

5- Executive Functions

- Minister - Foreign Affairs

- Approval of appointments

US →) Withdrawal of IRAN Nuclear deal
Senate didn't approve.

6- Judicial Functions

- Appointment

US: Federal Judges: senate

- Impeachment

- Accountability of Executive

Functions of Executive

- (i) Enforcement of laws : Implementation
- (ii) Appointment Making Function
- (iii) Control over Foreign Affairs
- (iv) Declature and Termination of War
- (v) System of Delegated Legislation
- (vi) Financial functions
- (vii) Judicial Functions.
- (viii) Grant of Titles/Honors.

Functions of Judiciary

- 1) Provision of law (Rule of law)
- 2) Application of laws
- 3) Role in law-making
- 4) Equity Legislation
- 5) Protection of Fundamental Rights
- 6) Guardian of Constitution
(Judicial Review) (Ultra Vire)
Marbury v. Madison

Two Models to Organise Legislators.

- i) Uni-Cameral — One House
- ii) Bi-Cameral — Two houses

<u>Basis for Comparison</u>	<u>Unicameral Legislature</u>	<u>Bicameral Legislature</u>
<u>Meaning</u>	one legislative house/assembly	Two tier assemblies
<u>Power</u>	Concentrated	Shared
<u>System of Government</u>	Unitary	Federal
<u>Decision on Policies</u>	Quick Decision Making	Consumes time
<u>Deadlocks</u>	Rare	Common
<u>Recommended for</u>	Small Countries	Large countries

Examples (Unicameralism)

<u>Country</u>	<u>House</u>
China	National People's Congress (NPC)
Turkey	Grand National Assembly (GNA)

Bangladesh

Jatiyo Sangshad

Denmark

Folketing

Yemen

Assembly of Representatives

Examples (Bicameralism) Federal

Country

Lower house

Upper house

US

House of Representative

Senate

Pakistan

NA

Senate

France

Assemblée Nationale

Senat

UK

House of Commons

House of Lords

Afghanistan

House of People

House of Elders