



# Mahalla System - As an Institution in Uzbekistan



*Roundtable Session Report*



**Center for Global & Strategic Studies  
Islamabad**

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# ***Roundtable Session Report***

## ***“Mahalla System – As an Institution in Uzbekistan”***



**Organized by**  
**Center for Global & Strategic Studies, Islamabad**  
**In collaboration with**  
**Embassy of Republic of Uzbekistan**



**at**  
**Islamabad Club, Islamabad**  
**on**  
**19<sup>th</sup> September 2017**

## **Participants**

The Roundtable Session was attended by almost 80 participants including government representatives, retired senior armed forces officers, diplomats, law enforcement officials, students from across the country and individuals from public and private entities.

**Host**                      **Major General Syed Khalid Amir Jaffery, HI(M), (Retd) -  
President Center for Global & Strategic Studies (CGSS)**

**Guest Speakers**      **H.E. Furkat Sidikov - Ambassador of Republic of Uzbekistan**

**Mr. Tahir Alam, Former Inspector General of Police**

**Mr. Babur Suhail, LL.M Berkeley - Vice President CGSS**

**Moderator**              **Ambassador Amjad Majid Abbasi – Member Advisory Board  
CGSS**

## **Introduction of the Speakers**

### **H.E. Furkat Sidikov - Ambassador of Republic of Uzbekistan**

Mr. Furkat A. Sidikov is the Ambassador of the Republic of Uzbekistan in Pakistan since 2015. Previously, he was appointed as the First Secretary of the Embassy of the Republic of Uzbekistan in USA. He has also been the Leading specialist of the Institute for Strategic and Regional Studies under the President of the Republic of Uzbekistan from 2007 to 2011.



### **Mr. Tahir Alam, Former Inspector General of Police**

Mr. Tahir Alam is first police officer in the history of Pakistan who started his career from lower rank of the police and became the Inspector General of Islamabad Police. Served at many important posts in Punjab, Sindh and Islamabad police and vast experience of handling law and order and crime.



### **Mr. Babur Suhail, LL.M – Vice President CGSS**

Mr. Babur Suhail is a Berkeley graduate and specializes in Commercial and Constitutional litigation matters. He has been an advisor to numerous Multinational companies which includes the World Bank, Asian Development Bank as well as Government agencies.



## Roundtable Discussion Report

### Session - I

#### **Opening Remarks by Major General Syed Khalid Amir Jaffery HI(M), (Retd) – President CGSS**

Major General Syed Khalid Amir Jaffery HI(M), (Retd) commenced the session by welcoming the worthy participants and paying gratitude to the honorable guest speakers, who took time off their busy schedule to attend the event. He, then handed over the session to the worthy guest speakers to express their views and ideas and to deliver speeches on their respective topics.



#### **Speaker 1: H.E Furkat A. Sidikov – Ambassador of Republic of Uzbekistan**

First of all, Ambassador Furkat A. Sidikov, thanked Major General Syed Khalid Amir Jaffery HI(M), (Retd) and his team for organizing the roundtable session. He stated that it's a great honor and privilege for him to be a part of this event.

He further explained that, Mahalla has existed in Uzbekistan since ancient times. For centuries, people have been developing unique methods of learning opinions and unifying communities in order to preserve and enrich national identity, morale, and ethical values of the nation.



Since independence, Mahalla has been revived as a democratic self-governing body. It received official status as an important aspect of a democratic and political system. The state considers the community as a cell of society, the welfare of which affects the stability of the country. With the help of Mahalla, it is possible to solve many current issues such



as reviving spirituality and traditional moral norms, educating young people and ensuring public order.

With the adoption of the Constitution of the Republic of Uzbekistan (1992), Mahalla gained the status of a constitutional institution for the first time in the history of national statehood. Article 32 of the main law reflects the norm, according to which the citizens of the Republic of Uzbekistan have a right to participate in the governance of society and state both directly and through their representatives.

Nowadays there are nearly 10 thousand such bodies across Uzbekistan. They have over 30 functions, which earlier were related to the authorities of the state bodies. It has strengthened its role in addressing not just spiritual, but also economic and social issues.

In addition to that, Mahalla also has other functions such as protecting the interests of family and women, caring for the elderly, providing social support to Mahalla members, maintaining public safety, preventing wrongdoings among the youth, controlling the health and environmental condition of the territory etc.

Furthermore, Mahalla is headed by the Chairman (Aksakal) and his counselors elected directly by the residents of Mahalla. They are elected (also they may be re-elected) for 2.5 years in accordance with the Law of the Republic of Uzbekistan on Self-Governing Bodies of Citizens.

There are specialists in Mahalla Committees on Religious and Moral education, who are working with youth, problematic individuals and families. They are trying to provide individual psychological support to every member of such families; moreover, they are helping with the employment of women, the organization of different community outreach events on national traditions and customs promulgation.

Mahallas address the issues of provision of financial assistance and allocation of allowances to needy families with minor children, unemployed mothers and mothers employed by budgetary organizations and persons substituting them, with children under two years. They ensure the targeted and effective use of funds that are specially allocated as the state social support for families.

Last year, Advisors at Mahallas studied the spiritual and moral atmosphere in more than 7.8 million families, assisted them on how to keep a family strong and prevent conflict situations. Mahallas helped in obtaining financial support to more than 66 thousand families, health care services to approximately 82 thousand families, and employment to



more than 65 thousand citizens. In order to further strengthen the role and status of the institution of Mahalla in all areas of society it has been a matter of special concern under the supervision of the President Shavkat Mirziyoyev. These objectives are also defined in the Action Strategy 2017-2021.

As noted by the President of Uzbekistan, his Excellency Mr. Shavkat Mirziyoyev, the state attaches particular importance to effectively harnessing the opportunities provided by Mahallas, enhancing the legal culture in society and strengthening respect for the law

among citizens. The Mahalla is set to become an even more efficient body offering real assistance to the people, a “window of justice” and a place where people can express their views and outline their proposals and problems, which undoubtedly will further strengthen the people’s trust in the State.

**Speaker 2: Mr. Babur Suhail, LL.M Berkeley - Vice President CGSS**

Mr. Babur Suhail presented the topic “Alternative Dispute Resolution (ADR) Mechanism in Pakistan”. He commenced his presentation by explaining ADR. According to him, ADR refers to any means of resolving disputes outside a traditional courtroom process. It normally includes neutral evaluation by unbiased and professional experts on any complex and substantial issue, negotiation on the basis of principles not the positions, conciliation (also collaborative practice, method and law), mediation, arbitration, and Panchayat or Jirga System. This is basically voluntary adoption of mutually agreed mechanism which can be inexpensive and expeditious.



Furthermore, ADR Mechanism gives liberty to choose the forum of choice and control the process. This system is less tedious, economical, fast, and transparent, not over professionalized, thus does not damaged relationships, created on positional bargaining and based on principles. ADR opens the doors through “Discussions and Dialogues” instead of “Arguments”. While arguing one is confined to his side of the coin but through dialogue and discussions, one goes into the shoes of other side and vice versa, which is not possible in traditional court method. By adopting this route one meets with the “realm of affairs” instead of “self-assumed perceptions” which leads to “fair concessions” and settlements of the disputes on some middle or workable points. It eliminates fog of emotions and sets you free from revenge. This mechanism removes the hurdles created by unrealistic expectations and personal sensitivities. It opens up new horizons and brings more options for better settlements.

He further added that modern age is still short of provisioning a fair justice system to the society. In multiple ways, the burden of blame can be shifted on so many shoulders that is why the justice system in vogue is clogged and not catering the needs of our time. Primarily, two main factors are causing the delay in rendering effective justice. First is very high cost/price (of every kind) involved and second is protracted agony in the shape of uncertain time frame involved.

Alternative Dispute Resolution (ADR) is a very broad term and encompasses traditional, innovative and out of box mechanisms which are different than the core judicial tools and methodology. Life is such a precious opportunity that we should try to utilize each and every moment and effort instead of wasting it. Therefore, if there is any mechanism available other than the patchy path of litigation, please opt it to redress your claim, right and targeted goal. One such route to avoid the path of litigation is ADR.



There is another key dimension that court can render justice within a framework with a punitive set of mind. And the litigated issue may bring more challenges to the society. Let's revert to Quran to understand it more. For instance with respect to some dispute by and between husband and wife Surah Al-Nisa Ayah No. 35, gives us a light as follows:-

***“And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is ever knowing and Acquainted (with all things).”***

Let's not confine this wisdom to one dispute. It profitably can be used in any area of discourse. What happens after the court decision is that such decisions leave behind seeds of hatred and hostility in the hearts, which after a passage of time resurfaces in forms beyond repair and imagination.

He then elaborated different modes of ADR that are available in Pakistan. In Pakistan the ADR is done through different methods such as 'Arbitrations under the State Bank mechanism of ADR', by approaching Different Federal Ombudsmen and Provincial Ombudsmen, resolutions of Family Disputes under families' laws. In the areas of Excise and Taxation, Sales Tax, Insurance and Trade Disputes etc. the ADR Committees approach Chamber of Commerce, by availing ADR options under Local Government Bodies, and through Panchayat Nizam or Jirga System.

Moreover, the conventional and domestic modes of ADR are in practice since ages such as Panchayat, Saalsi Counsel and Jirga etc, but in the modern world this concept is in progress and going through an evolution process.

In South Asian Region, where civil law is in practice, ADR mechanism was codified at the beginning of 20<sup>th</sup> century. Through Muslim Family Law Ordinance of 1961, family related issues were brought under ADR mechanism for expeditious resolutions. In the recent past, upon the



recommendation of Law and Justice Commission of Pakistan in 2002, Government of Pakistan took measures for implementation of the Alternate Mode of Dispute Resolutions. Resulting in an amendment in the Civil Procedure Code, 1908 (CPC), whereby powers were given to the civil courts under Section 89 to adopt (subject to the consent of the parties), to settle a dispute by ADR and to make necessary changes in accordance with Order X of CPC, in order to empower the civil courts so that they can pass necessary orders for expediting the trial proceedings.

At Fiscal level, in Income Tax Ordinance, 1979 (Section 138 C & D) some ADR mechanism was imbedded. When it got repealed, the ADR mechanism was absent in the new enactment of the Income Tax, Ordinance, 2001. In 2004, upon the recommendation

of the Federal Tax Ombudsman, necessary amendments were introduced in the central excise, customs, sales and income tax laws with respect to ADR.

While presenting his analysis on the ADR, Mr. Babur Suhail highlighted that a lot needs to be done in the area of duties and taxes for it is not giving remedies against assessment and notices issues to those who are aggrieved of such one sided actions, which is a major deviation from the common and standard ADR mechanism. Without enhancing tax pool, a self-reliant government is not possible here. Therefore, we need to have more business-friendly tax system in place. For that matter, ADR in revenue generating areas can play a very significant role. Discretion usually is used to serve self-interest but the need of time is that ADR working in these areas be improved and made more effective. The committees of ADR are consisting of officials selected by the same departments against whom the distressed have some complaints with no powers to stop harsh measures taken by government departments, therefore it is better to have efficient, more economical, neutral and improved ADR.

Moreover, under the Access to Justice Program, the review of current Arbitration Mechanism is a good opportunity to review the same so that it could provide more efficient arbitration system. In this regard, the issues of capacity building, availability of trained and expert arbitrators and less time consumed arbitration awards should be addressed. In the field of Commerce, Trade and Family disputes, this area can play very positive and vital role.



Most of the litigation stems from land, unfair evaluations and calculations and/or assessments about the business entities or family disputes. After a proper learning based on data of the specific studies conducted, more economical and speedy solutions oriented ADR is needed and can provide a more reliable alternative mechanism of litigation.

Under the initiatives of Lahore High Court, facilities for ADR in Punjab are better than in any other parts of Pakistan. There is great potential in ADR mechanism to eradicate the differences and people should come forward and adopt this with open minds and improve this system by injecting their wisdom and active participation.



In our Constitution Articles 153-154 deal with Council of Common Interest, Article 156 deals with National Economic Council – Article 160 is there for National Finance Commission and Article 184 empowers our Supreme

Court of Pakistan to play its role in “any dispute between any two or more governments.” Therefore, on identical lines a broader and refined mechanism can be recommended and made part of the system.

In other words, Pakistan has fewer resources and much bigger challenges. Rendering effective justice is one of the prime obligations of the state. Cases before the courts are piling up day by day. More judges may not be recruited and additional judicial complexes may not be built easily therefore a time tested alternative route should be followed. The concept of ADR in one way or the other is in place in Pakistan but in my humble view, if this be given proper place in the constitution, then it may become a more effective tool to eliminate so many differences in the society thus making Pakistan more peaceful and tolerant.

### **Speaker 3: Mr. Tahir Alam, Former Inspector General of Police**

IG Tahir Alam (Retd) started his presentation by thanking CGSS for providing him with the opportunity to share his views on the topic: "Integration of Police and Local Bodies in Mahalla management and its evolution through times."

He highlighted that, there are some standard necessities of a Mahalla which should be provided to its residents including facilitating them in their business and agricultural activities, providing them with the services such as sanitation, cleanliness, water supply, religious and other social functions, provision of basic education and health services, promotion of business and agriculture functions, sports and welfare activities, prevention of immoral activities, security and prevention of crimes and control of encroachments. Basically most of these services are the responsibility of the local bodies.



He also highlighted the status of rural Mahalla which is a village, as well as the lower tier of local bodies, which is called union or village council or neighborhood council in the prospects of a 'Mahalla' in KP particularly.

He then explained the basic municipal functions of Mahalla in local bodies. According to him it is the primary responsibility of local bodies to provide to the public the basic municipal services such as public health, public works, social welfare and public education to the residents of a Mahalla. Although the local government of some countries perform more than these above mentioned functions but they are not implemented efficiently anywhere. Even in Pakistan, General. Musharraf's 'Local Bodies System' included many other functions and it has been witnessed that the very strong department of revenue and their 'Patwaries' and 'Tehsil-dars' performed their duties under the

Nazims. Police too was placed under District Nazim of the respective district to some extent.

While further discussing the traditional village administration system has also been highlighted. According to him; number-dar, village watchman, panchayat members/respectables, traditional/cultural dispute resolving system, functions of barbers, moulvis, quakes and hakeems, carpenters, blacksmiths, silver-smiths, sweepers, and theekri Pehra (the volunteer night watchmen) have been part of the systems in villages since centuries. Moreover, the Village Headman is appointed by Tehsildar, Sub-divisional Magistrate or by District Revenue officer as per sub section 3 of section 45 of CRPC 1898. The watchman who was appointed by Sub-Inspector of Police and the barbers, carpenters and blacksmiths etc. used to perform some social/professional duties and were responsible for keeping the village management intact.

Furthermore, the Urban Mahalla has been classified in four different clauses including slum areas, semi-developed/developed, flats/apartments and organized housing societies.

Mostly, the Mahalla committees exist in the slums area. With the lack of clean drinking water and no proper sanitation/cleanliness and the continuous mushroom growth of encroachments, slum areas have become safe haven for criminals and terrorists which serve as comfortable hideouts for criminals. However, we can see drug peddlers and sex workers in abundance here, who or their families reside in slum areas but perform their



sex work in developed areas. Crimes of theft and robbery are less in slums because residents do not possess costly belongings. Sometimes police faces hurdles to operate in some ethnic based communities; but the masjid committees perform more effective roles in such areas because the masses are mostly illiterate and follow the religious figures without questioning. There are fewer incidents of crime against property but crime against persons, gambling and drug paddling is major crimes in these areas.



The dynamics of developed and semi-developed areas are well known. Normally local bodies provide civic facilities in these areas up to some extent, however inconsistency may prevail. There is an easy accessibility of police in such areas. Residents or Mahalla committees arrange watchman for night-patrolling, but crime rate

normally remains high in such areas. Additionally, concept of community policing and reconciliation committees exist in these areas up to some extent.

As organization of apartments and established housing societies provide many civic facilities to their residents and have their own security system which is effective and efficient they are not dependent on the local bodies or police.

IG Tahir Alam (Retd) then elaborated the Mahalla management in Pre-Mughal era. According to him, during that era the villages were looked after by the Headmen with the help of community 'Panchayats'. They were in charge of the affairs of the respective community; maintain temples, wells, guest houses and security. In some areas head of clans and lords were also responsible for administration of their villages. Panchayats existed even around 1000 BC during Vedic times in the sub-continent and they not only helped to resolve disputes among the villagers but also maintained peace, security and

law and order in their areas. Police system was in vogue since Vedic era (400BC). In the era of Mauryas, a proper system of administration existed at the level of villages, districts, provinces and so on. During this era, village head-man, 'Garmni' used to be responsible for police activities and the police officer had to look-after 10-40 houses.

Furthermore, during the Mughal Era, the Mughals focused more towards the urban areas. Beside traditionally established Panchayats, 'Kotwals' were appointed in cities under the 'Sanad' (order) of the Mughal



Emperor who further appointed Headmen or Mir Mahalla in the smaller units of urban areas. Kotwals or Mir Mahalla was not only accountable for security and crime control in their respective areas, but also performed many other civic functions. Other than law and order, almost every aspect of city life came under the charge of Kotwal and Mir Mahalla such as controlling the prices, checking of weights and measures, levying the local taxes, toll and transit duties were included in the duties of Kotwal. They also maintained stables, city guards and appointed spies in the city.

He then highlighted that the first Municipal Council was established in Madras in seventeenth century. The Municipal Laws introduced, during East India Company Rule (1857), were for Presidency Towns which were in Madras, Bombay, Calcutta and Dehli at that time. Justice of Peace were also appointed in 1793 for the first time in the history of India, similarly Chowkidari or watchman act was also introduced during this era.

During the British Crown Era, after the Independence War of 1857, when Sub Continent came under direct control of British Government many reforms were being introduced for the improvement of the Indian government system and most of the reforms were in the shape of laws, resolutions and declarations. For instance, 1862 Resolution of Sir Robert for Punjab, Royal Army Sanitation Commission 1863, Resolution of Lord Lawrence 1864, Resolution of Lord Mayo, Bengal Village Chowkidari Act 1870, Resolution of Lord Ripon (1882), Punjab District Board Act and the Bengal Act are some of the reforms. Establishment and improvements of Municipalities and local bodies was also an important part of these reforms.

After the creation of Pakistan, the functions of Municipalities and Municipal Corporation were performed under the direct and close supervision of respective Assistant Commissioner (AC) and Deputy Commissioner (DC) of the area and no local body elections held until 1959. Local government was not based on adult franchise. Developed systems of local government were confined mainly to Punjab and municipalities, corporations etc. were completely under bureaucratic control.

During Ayub Khan Era, the Union Council consisted of 5-8 villages or 10-15 electoral wards of about 8,000- 15,000 population. Each ward was represented by one BD councillor elected by 1,000-1,500 voters on adult franchise basis. The BD system was under the control and supervision of AC, DC, Commissioner and representatives of



government departments were also included in Tehsil, Town and District Councils. These BD members also performed a role of Electoral College for the election of President of Pakistan and elected General Ayub Khan as the President of Pakistan. The members of the Union Council were given judicial, as well as public services and economic developmental functions. With the approval of the Divisional Commissioner, the Union Council could levy any tax and impose rates, tolls and fees.

After about 20 years of the first election, second local body's elections were held during the era of General Zia ul Haq in which union councils were empowered to use their municipal powers and levied, collected taxes and fees. The Local Government Order 1979 expanded the local governments and empowered the Union Councils of rural and urban areas. Local Councils had powers to launch schemes, review and implement programs and perform functions of other Govt. departments. Furthermore, qualified councilors were nominated as Justice of Peace for resolving the issues of public interests. Certain taxes collected by Local Govt. were shared with local councils beside local bodies also levied their own taxes.

Adding further, it is pertinent to mention that, more effective and powerful local bodies system was provided by General Pervez Musharraf in the shape of Union, Tehsil; Town and district level. Even the lower tier of local bodies, which is called Union council, was assigned many important responsibilities and powers. Monitoring and supervision of many local and provincial departments was included in their responsibilities. The lower tier of the local bodies was the Union Council (UC), headed by Nazim and Naib Nazim, comprised by twenty one members. Union Councils were empowered to collect fee and imposed taxes at various functions in their respective area. A reasonable amount under the head of development and non-development was also granted to them by provincial govt at the start of every fiscal year and a consolidated dispute resolving system was also devised under UC Nazims. Union Councils were absolutely independent in performing their functions from Tehsil, Town, District and Provincial governments.

The status of lower tier of local bodies, the union council of urban or rural area is badly affected and weakened in the prevailing Local Body System adopted by political governments under the pressure of Supreme Court of Pakistan. Although, the powers of approving the development projects and sanctioning of budget of the area is given to them, but practically no separate funds are being provided to them.

IG Tahir Alam (Retd) also shed light on the differences and disparities prevailing in the local bodies system of different provinces, for instance, Punjab provides local body representatives for a term of 5 years, Sindh and Balochistan for 4 years, and KP for 3 years. In addition to this, Punjab provides for direct elections for the posts of Chairmen and Vice-Chairmen of the UCs, whereas, Sindh foresees indirect election. The Local Government Acts of Punjab and Balochistan enunciate that the District Councils will function under the directives of the provincial governments.

He added further that AC, DC or Commissioners have no role in the business of Local Government, excluding KP where DC is Principal Accounting Officer in matters of development projects approved by District Council. The Head of the local bodies situated in Cantt areas is always an officer from armed forces. In Punjab, Sindh and Balochistan,



the police and Revenue departments are not under the local government whereas in KP, the village and neighbourhood councils have powers to supervise, monitor and enquire about

the conduct of police as well as many District and Provincial departments and then send recommendations to the government.

According to Pakistan's law, to control crime and maintain law and order is the responsibility of the citizens. According to Lord William Peel's:

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*The police are the public and public are the police; the police being only member of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interest of community welfare and existence*

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Therefore, the residents of a Mahalla or community are duty bound to perform their role in controlling the crime. According to PR 21.1 controlling crime and maintaining law and order is the basic responsibility of the citizens. Organizations of Police and Magistracy were established to help the public enforce and carry out this general responsibility. Section 424344 of Code of Criminal Procedure 1998 also duty bound the public to help the police and provide information regarding different type of crimes. Rapid socio-economic changes made the citizens abdicate their original duty of helping the police maintain law and order and disorder.

Moreover, the concept of community policing has risen in Pakistan since the 80s. Many officers worked on many aspects of community policing, but most of their initiatives could not continue after they were posted out.

Different community policing initiatives have been done over a period of time, for instance, Citizen's security committees, vigilance committees, Mahalla reconciliation committees, citizen police Liaison Committees, neighborhood watch schemes, development of software for citizen's complaint, gender sensitive (women) police stations, police help Centers/facilitation desks, trauma centers for victims of sexual harassment, community awareness programs, seminars & walks, Thekri Pehra and crime fighting units of youths in urban areas Policing plan – active consultation with community. Many of these initiatives still exist in some districts across Pakistan.

He then gave his analysis on the pertinent topic based on extensive research and interviews from many Chairmen of Union Councils from across Pakistan including all four provinces as well as the ICT. According to him, the current system of Local Bodies is not delivering its services at UC or Mahalla level, as per its true essence. Present system remains a failure, to transfer the power to lower levels. The provincial governments are not sincere in this regard. The Chairmen of districts and Tehsil Councils who have strong connections with the ruling figures succeeded in getting more funds for their projects. As provincial governments are not providing development budget to union councils, therefore the Chairman of Tehsil or Town Councils spend very small amount of funds on the projects of UCs and that too, of their own choice. Features of local body system in Punjab, Sindh, Balochistan and ICT are almost similar of Gen Zia's system of Local Govt. 1979, whereas powers and functions of local bodies in KP are near to General Musharraf's 2001 Local Government Ordinance. Another thing which came into light after studying the current acts of local bodies of all the provinces, is that Gen. Musharraf's Local Bodies Union Councils were more autonomous and powerful. Furthermore, the development funds for current financial year and previous years have not been allocated or released for the UCs in Punjab, Sindh, Balochistan and ICT.

UC's are on the mercy of MNA, MPA and are left begging for funds for development in their area, whereas, in KP only half of the funds have been provided for developmental schemes. The UCs in KP enjoy more autonomy and independence to execute their developmental projects but not releasing their funds in time and imposing cuts on funding creating hurdles in completion of the development projects in their concerned areas. Due to non-provision of developments funds, they also remain in a requesting/compromised position towards the Tehsil and District Council Chairmen for carrying out development work.

It is pertinent to mention here that, unlike the Chairman/Nazim of Union Council or Village council, job description of Local councillors is not clearly outlined. Most of the Chairmen and their Secretaries are not trained enough to conduct the functions of UC. Moreover, the bureaucratic attitude of local govt. officers of the provinces and lack of transparency

in audit also needs to be paid heed to. There is no organised system of community policing in Pakistan and a huge void is present between public and police.

At the end of his presentation, IG Tahir Alam Shah came up with following recommendations:

- a. All workable & effective reforms of local government system of General. Musharraf should be adopted.
- b. Union Councils should be authorized to approve the development work of up to Rs.1 million at-least in Punjab and Sindh, and this amount should be awarded directly to them by Provincial Finance Commission (PFC).
- c. Union Councils should be financially & administratively independent and powerful and funds should be timely directly allocated without having any cut.
- d. The 3 year tenure of local bodies in KP is limited and they will not be able to deliver properly, the tenure should be extended to 4 years because completion of developmental projects and showing the public delivery in three years is quite difficult.
- e. Counselling, training and guiding programs for elected members should be arranged.
- f. Community policing should be permanent and regular feature in our Mahallas and proper legislation is required in this regard.
- g. As regards to the Community Policing, Punjab, Sindh and Baluchistan must adopt similar legislation on this issue like KP.
- h. Many functions of local bodies have already been assigned to some companies or boards by the Punjab and Sindh governments.
- i. The role of monitoring educational institutes, Water and Sanitation Authority (WASA), Waste Management Companies (WMC), hospitals and dispensaries should be assigned to Union Councils.
- j. Minor disputes and financial issues up till the tune of Rs.1M should not be brought to court/police unless they have not been dealt by UC Panchayat within a stipulated period in order to lessen the burden of work on courts and police.

However, a time period should be fixed after that effected person may be allowed to approach the court or police which may be the right forum.

- k. It should be made mandatory for the representatives of police and other district and provincial government to attend the meetings of union, tehsils, town and district councils on the issues related to public works, health, education and social welfare at least once a month.
- l. It should also be made mandatory for representatives of Electric and Sui-gas companies to attend the meeting of their respective councils.
- m. At last we should also give proper attention towards the audit of development and non-development expenditures spent by local bodies. Audit of the funds should also be conducted as its being spent.

### **SESSION – II Question/ Answer Session**

The second session of the Roundtable was moderated by Ambassador Amjad Majid Abbasi in which the participants were welcomed to ask question from the worthy guest speakers.

**Mr. Tauqir Ahmed – Member Advisory Board CGSS** asked from the Ambassador of Uzbekistan Furkat A. Sidikov, to which he replied that Mahalla system in Uzbekistan is not the part of the government or under the government of Uzbekistan. It is basically the social partner of the government and assists the government in solving the



social issues of its public. It is basically a local administrative body that helps to highlight the social problems of the general masses to the government and the issues are solved by the local body of Mahalla representatives. They are present to protect and safeguard the rights & interest of the people. If they can't solve any problem they contact the Mahalla officials. They do not operate in competition with each other, but in union and mutual understanding, to eradicate problem of the community. Hence,

Mahalla is the social partner of the government in Uzbekistan. Every Mahalla representative is responsible to solve the issues of its people and if they are unable to do it in their own capacity they take the help of the government.

**Brigadier Zahid (National Defence University, Islamabad)**

commented that, any system, that has been man made, also gets exploited by man. The Municipal system and Panchayat system in Balochistan are such examples and he has observed both the good & bad aspects of it. How these systems cannot be exploited by the government or community itself in futures? Is there any mechanism so that it won't get exploited?



In response to this question, **IG Tahir Alam (Retd)**, replied that, the municipal system has its own loopholes, and problem. Over the time, the challenges have rapidly increased. It cannot be compared with the Mahalla system, but in Panchayat system there are similarities, and due to lack of knowledge of Panchayaties, problems are caused.

Mr. Babar Suhail responded to this question that every system has its own merits and demerits, for instance, if we take any system like a canal or a river, until & unless it has some banks, or adhered to certain rules & regulations only then its existence will be questioned.

He agreed that in any system, whether, Panchayat, Jirga of FCR, or arbitration, there exists systematic rules & regulations provisions available at domestic level for internal trial. So within that framework of rules and regulations a fair game should be played. But few concepts that are in transition, e.g. family disputes, now F.D will be in transition continuously, we cannot confine it as it has circumstantial and regional aspects. It has religious shades from area to area with different customs. So tailor made solutions may not be possible in each and every ADR. But broader solutions in commercial areas, in trade, commerce & taxation can be devised, I think there is a lot of room available for designing and implementation of policy.

After that **Mr. Abdullah Gul - Chairman Tehrik Jawanan/Kashmir** thanked IG Tahir Alam (Retd) and other speakers for the detailed presentations and asked a question that from 1849 to 1969, Swat & areas nearby were most peaceful areas in whole of Asia, it was a very successful model. Why we do not have a detailed study on the success story of 120 years?



Secondly things are different here, in Baluchistan and in Sindh, and Pakistan as a nation has yet to be developed because there is no such culture as a 'Pakistani Culture'. Punjab, has its own culture and history, same is the case with Kashmir, KPK etc. So how are we going to combine all that into a peaceful environment, where we are going to have discussions on social issues as well? Because social issues of Punjab are totally different from, what we encounter in KPK and Baluchistan. We all know that Pakistan is divided into different social sectors. How can we combine all the different social sectors to have a comprehensive security narrative? Because when the narrative changed after 9/11 things were different. And why the narrative of the government was completely mediated & then fell into a dispute which is still ongoing. What will you suggest, how the Mahalla system, boosts the security system, especially in cosmopolitan cities of Pakistan.

In response to this question IG replied that, I think for the law & order situation and for curbing terrorist & controlling crime, we need to divert attention of people towards certain acts and make them aware of their surroundings. If Mahalla system is intact, the criminals cannot reside there. Wherever, incident of big or small crime happens, or incident of terrorism occurred, it's not that they come from some tribal area & directly targeted the civilians, rather they live in a Mahalla, and rent a house, make a plan, and then blast the vehicle as planned.

And after the implementation of their strategy they return to the regions they came from. If the residents of the Mahalla are wise, they will inform Law Enforcing Agencies (LEA) and help in eliminating these types of incidents. In response to the question asked about

SWAT, he replied, “With regard to the Swat incident, I need to study it in detail therefore I can’t comment at the moment.”

***Lieutenant General Asad Durrani (Retd),***

asked a question from Uzbek Ambassador. He appreciated the Uzbek Mahalla System that it is commendable and has made a big difference in social setting. Where people at one end, have to be given responsibility to provide information to authorities. However, the local bodies are not performing their functions efficiently, but still correct intelligence information, plays a great



role in that. Talking about the effectiveness of the system, he said that the people in order to act as responsible citizens must be taken into confidence and assured that their identities will not be disclosed.

Furthermore, we know what the Mahalla system is performing at its best in Uzbekistan, because it has the people’s mandate. But what about the intelligence gathering if there are any above or aside from the Mahalla.

Ambassador of Uzbekistan replied that, the Mahalla system in Uzbekistan trusts the government. Basically the purpose of this Mahalla system is to give voice to the local people and public that compromise the Mahalla. Trust is an important factor. If the Mahalla doesn’t have confidence in the government, then the above system will crumble itself.

All Mahalla police are part of the system. And Mahalla does not invoke the government system police after the event, but it informs before to help eradicate terror events from happening. And we are trying to come up with a more efficient system, where people collect information and pass it on through proper channel. But the important point is that people should not only be educated to collect information but are also be in a position to teach the wrong doers what is wrong. The best way to fight against terrorism and extremism is to educate people and explain them what is wrong and what’s right.

Especially to educate them about Islam that 'what is Islam and its purpose', in this we have established new international research center in Bukhara. It is responsible to research and publish heritage and traditional scripts of great Islamic scholars, by Imam Tirmidhi and Imam Bukhari. In this case, Mahalla is not only responsible for fighting the crime but its main task is to work for safety of people and it can be done through education. The System is working because of peoples trust in the system. Our trust is in people and their trust in government. The important thing is that people should be aware of their rights, and protection of rights is an important factor in building a strong community system as well.



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