



2024 Sharoon, Mustafa & Shahrukh. This is an Open Access article distributed under the terms of the Creative Commons-Attribution-NonCommercial-Share Alike License 4.0 International (<http://creativecommons.org/licenses/by-nc-sa/4.0/>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly attributed, not used for commercial purposes, and, if transformed, the resulting work is redistributed under the same or similar license to this one.

Received:
January 26,
2024

Revised:
February 19,
2024

Published:
June 10, 2024

Journal of Politics and International Studies

Vol. 10, No. 1, January–June 2024, pp.31–46

Modernizing the Governance Model of Pakistan for Development and Innovation: Overcoming the Existing Antiquated and Complex Legal Framework

Osama Sharoon

M.Phil Scholar, Department of International Relations,
Government College University Faisalabad, Punjab, Pakistan.

Dr. Ghulam Mustafa

Associate Professor, Department of International Relations,
Government College University Faisalabad, Punjab, Pakistan

Corresponding: ghulammustafa@gcuf.edu.pk

Muhammad Shahrukh

M.Phil Scholar, Department of Political Science,
Minhaj University Lahore, Punjab, Pakistan

Abstract

This document of research sheds light on the contours of laws concerning the Governance Model of Pakistan. This study explores that most of the laws of the land are either antiquated or irrelevant to the trends and needs of modern governance. Historically, most of these laws of contemporary Pakistan were enacted by the British Parliament in the era of the Pre-Divided Subcontinent. Even the present-day laws of Pakistan are posing obstacles to the modernized governance of the country. Anchored to the tools of Ostrom's IAD Framework for data collection and data analysis, the researchers have plunged to a finding that Pakistan's Governance Model, mired by the lacunae of legal contours, has hitherto struggled to attain the desired level of efficiency. Ergo, it is high time there should be a major transformation of the legal system, concerning the Governance Model of Pakistan, enabling it to meet international standards.

Key Words: Governance, Laws, SDGs, Urban Management, Urban Safety & Security.

Introduction

The modern Governance Models of the First World Countries have administrative-friendly and innovation-driven legal paradigms. In most of the successful Governance Models, the Administration basks in the sunshine of extremely flexible and results-oriented legal mechanisms. However, in Pakistan, the laws of the land-bearing the imprints of the colonial past and lack of specialized legislation- have thrown the Governance System of the country into the throes of inefficiency and irresponsiveness. Primarily enacted during British rule in the 19th and early 20th centuries and framed by the generalists in the contemporary era, these laws are counterproductive to modern administrative goals of urban management,

development, and SDGs. This paper sets out to examine the persistent presence of outdated and complex laws in Pakistan and their incongruity with modern governance imperatives. By identifying the inherent lacunae in these laws, the researchers aim to shed light on the pressing need for legal reform to address the shortcomings and enhance the effectiveness of governance in Pakistan. The laws related to the Governance of Pakistan are too bulky, old, and irrelevant to meet modern standards, values, and global agendas.

1. Methodology

The researchers used Ostrom's Institutional Analysis and Development (IAD) framework for data collection and data analysis. Firstly, to find the answer to the research question regarding the lacunae of the Governance laws, the researchers collected the data from mixed methodology, extracting from both the Qualitative and the Quantitative methods (Creswell, 2014). Following the IAD framework, the primary data was extracted from the sources of surveys, interviews, observation, and case studies. Whereas, the secondary data was the product of a literature review, existing databases, official reports, policy documents, and online content. After the successful compilation of data, the researchers adhered to the next levels of systemization and analysis of the data with the prism of the IAD framework. Since Ostrom's Institutional Analysis and Development framework is a great method for studying the aspects of governance, the researcher relied on it for data analysis (McGinnis, 2011). The IAD framework allowed the researchers to focus on the Departments, regulations, rules, laws, and decision-making processes that steer the Governance of Pakistan. The researchers did a thorough examination of Pakistan's Executive Pillar, an institution of the state. The researchers first demarcated the scope of research, while procedurally using the IAD Framework i.e. the laws concerning the Governance Pillar. Through this IAD Framework, the researchers targeted the state actors, private Actors, Acts, and Governance working mechanisms of Pakistan.

2. Analysis of the antiquated and complex laws:

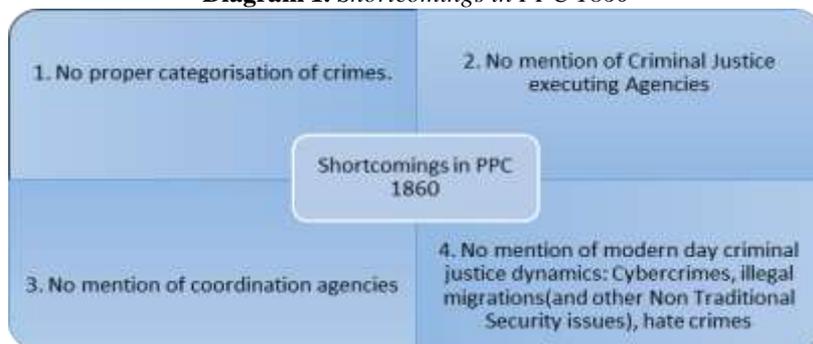
Careful study of the following laws of the land describes their irrelevant or counterproductive aspects, thereby strangling the efficiency of the Governance pillar of Pakistan:

2.1. Legal Barriers to Urban Safety and Security in PPC 1860:

Framed in 1860, the PPC has 511 Sections and XXIII Chapters. Although it is a comprehensive criminal code, defining manifold offenses and their punishments. This Act has various shortcomings. It has not categorized the crimes into minor, medium, and most serious categories. Relevant authorities for taking action on violations of these crimes have not been mentioned in connection with these crimes. It suffers from a lack of clarity of enforcement agencies, colonial inception, and lack of integration with the procedural criminal law. It also does not ascribe any supporting or supervisory role of District Administration, a very significant pillar of city governance, for the enforcement of Criminal law. This has made this Act cumbersome and difficult to implement. There is a dire need for time to make a new, crime-situation-oriented Criminal Code in Pakistan. Advanced crimes along with punishments need to be inserted in this act like Cybercrimes: (such as online fraud, hacking, identity theft, and cyberbullying); Illegal migrations; Crimes against

administration; Data Privacy; Non-Traditional Security Threats; Environmental Offences; and Hate Crimes (particularly of gender, religion, and ethnicity).

Diagram 1. Shortcomings in PPC 1860



2.2. Legal Lacunae in the CrPC 1898:

Framed by the British Parliament in 1898, this Act has 565 sections (some of them have been repealed) and XLVI Chapters. It governs the procedures for the administration of criminal justice. It outlines the processes for the investigation and trial of criminal cases in the country, presenting outlook for the law and order challenges of the 19th Century. Its amended form has further brought inefficiency in the law and order of Pakistan, snatching the powers of Justice and Peace, Summary trials, and Magistracy from the District Administration. This has not only burdened the Judges but also resulted in the loss of powers of the Executive Pillar in City Governance. It's a bulky set of laws. Its procedures and contents have brought poor coordination among the Administration, Police, FIA, and the Judiciary. It has muffled the duties and responsibilities of the law enforcing agencies for the implementation of the PPC 1860. It is marked with serious drawbacks in meeting the unprecedented challenges of 21st-century Pakistan. There are some examples of how the Code of Criminal Procedure (CrPC) of 1898 may not fully address modern criminal law procedures i.e.:

i. Lack of Digital Evidence:

The CrPC has no provisions that adequately address the collection, handling, and admissibility of digital evidence, in contrast with the crucial aspect of the digital evidence system of modern criminal investigations.

ii). Forensic Science:

Modern forensic techniques and technologies have made advancement significantly in the 21st Century. The CrPC does not provide procedures for digital forensics, DNA analysis, digital forensics, or any other modern forensic practices.

iii. Witness Protection:

In the modern era where witness intimidation and safety are significant concerns for the countries, the CrPC does not delineate comprehensive provisions for witness protection and anonymity.

iv) Cybercrime Investigations:

The CrPC seriously lacks procedures for investigating and prosecuting cybercrimes, prevalent in the digital age.

v) Fast-Track Courts:

CrPC does not provide provisions for speedy justice or a time limit for the conclusion of trials. The need for expeditious trials and specialized courts for certain offenses has not been properly addressed in the CrPC.

vi) Organized Crimes:

No procedures for Organized Crimes trials have been included in CrPC.

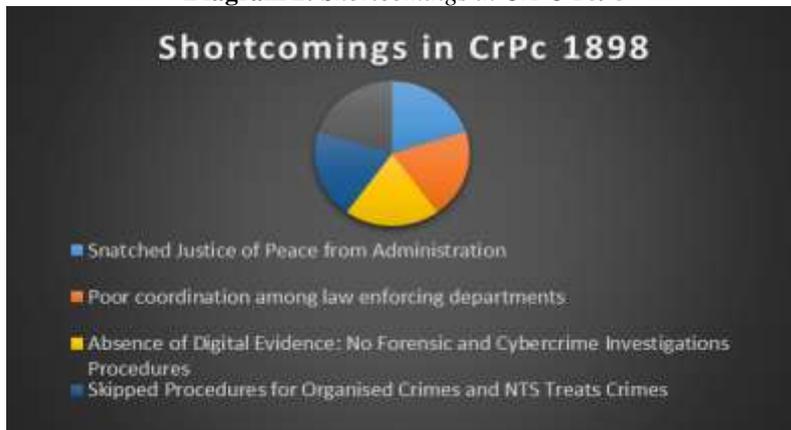
vii) Absence of NTS threats:

No procedures for NTS threats have been mentioned in CrPC.

viii) Alternative Dispute Resolution (ADR):

Modern criminal justice systems often provide ADR mechanisms for dispute resolution outside the traditional court process to save the time of the Judiciary. The CrPC does not guide integrating ADR into criminal proceedings.

Diagram 2: Shortcomings in CrPC 1898



2.3. Land Revenue Act 1967: Perplexed land registration documentation.

The Land Revenue Act 1967 is in total dissonance with the needs of the modern globalized world practices of the Land Management System. It has serious drawbacks. For Inheritance mutation, Patwari (a junior official at the circle level) gives Shajarah (the family tree) after collecting data from the Village Officer (Lambardar) that can most of the time be devoid of merit. The Patwari's office in Pakistani culture has attained an infamous image due to continuous episodes of corrupt practices. There is no concept of an E-Family Tree at this level. The NADRA Family Registration Certificates at times don't provide the dynamics of family i.e. at times, these certificates show children that don't have legal rights to such property. At times these don't show step sons and daughters of the deceased who have legal right to their claims. Succession Certificate from courts requires counsel to plead the case in civil courts which usually takes time exceeding months. In the

case of a non-computerized record of Mauza (Village), people have to knock at the door of Patwaris to get the services done. In the case of computerized Mauza (village), persons have to reach ADLR's office (Punjab Provincial Assembly, 2017). In all these situations, people suffer from inheritance mutations. Furthermore, mutation, the mechanism of transfer of property record, is entered and attested by SCO and ADLR respectively in ARC if the property falls in the scope of automated mauzajat (Villages); entered and attested by Patwari and Tehsildar respectively if the Mauza is non-computerized. If the property is situated on urban land, its registration will be done. This registered-document will then again be mutated in the ARC (The National Assembly, 1967). This is indeed a very complex situation of property record management. This Act also presents a very complex mechanism for dispossessing the illegal occupant of the land. Against illegal possession, Patwari does a report, which is forwarded by Girdawar (Senior to Patwari), and finally, the Tehsildar (the Revenue Officer) issues orders for dispossessing the illegal occupant of agricultural land. In the case of urban area property or land, the aggrieved parties have to approach the Civil Court, for which revenue administration is of no power. This is indeed very cumbersome for the parties to get relief. What's more, where most of the lands in cities have been urbanized in the wake of new societies and the construction of houses, the scope of agricultural land is on the wane. Further, the disputes regarding commercial properties also fall in the domain of civil courts. Due to this Act, the old practices for replicating the previous year's taxes are followed, based on previous Girdawiris (the estimation of the volume of crops) (The National Assembly, 1967). More surprisingly, there is no concept of digitalization of records based on modern ownership of property practices. 50% of the land has been automated, the other still not computerized in the Punjab (The National Assembly, 1967). Another odious aspect of the Land Revenue Act is the extremely hindered processes. Moreover, there is no concept of an online fard (property ownership document) system by entering the login of the user. There is no concept of organization of integrated data in the form of towns, areas, streets, and house numbers with maps being present online. This Land Revenue Act 1967 should be re-enacted to address these hurdles in the way of justice for the people.

Diagram 3: Complexities in the Land Revenue Act 1967



2.4. Outdated Transfer of Property Act 1882:

Enacted in 1882 by the British Parliament, this law primarily deals with the subjects of the transfer of property, including leases, mortgages, sales, and gifts (The British

Parliament, 1882). It governs property transactions in Pakistan. Being from the 19th Century, this act lacks modern-day aspects of the transfer of property:

i). Digital Property Transactions:

The Act does not provide digital property transactions, including the sale and transfer of property using online platforms and digital signatures.

ii) No Blockchain and Property Records:

Modern property management system involves blockchain technology for the security and transparency of property records. This Act does not provide the integration of blockchain in property transactions in Pakistan.

iii) Easements and Servitudes:

The provisions of this Act related to easements and servitudes do not encompass modern complexities, arising from changing urban landscapes and land use.

iv) Land Title Registration:

Modern property transactions rely mainly on a robust land title registration system. This Act does not include provisions for modern land registration practices of electronic land registers.

v) Property Valuation:

Modern property valuation methods, based on factors like location of property, nature of land, condition of property, and market trends, have not been fully incorporated into the Act.

vi) Environmental Regulations:

The Act does not provide property-related environmental regulations and concerns related to pollution, conservation, and land-use planning.

vii) Property Taxation:

Modern property taxation involves assessing property values based on factors mentioned earlier, which are missing in this act.

viii) Real Estate Investment Trusts (REITs): The Act does not encompass provisions for property transactions involving REITs, which are ubiquitous in modern real estate investment.

ix) Cross-Border Property Transactions: The Act does not provide provisions on legal procedures for cross-border property transactions and foreign property ownership, which are common practices in the globalized world (The British Parliament, 1882).

x) Land Use Zoning: Modern urban planning mostly relies on zoning regulations to control land use. The Act does not include provisions for contemporary zoning practices and regulations.

xi). Property Dispute Resolution:

Dispute resolution practices and methods like Online dispute resolution (ODR) or alternative dispute resolution (ADR) are necessary for smooth resolution. These are not covered in this Act.

2.5. Deplorable utilization of state lands under Colonization of Government Lands Act 1912:

The Colonization of Government Lands Act was framed by the British Parliament in 1912, in consonance with the needs of 20th-century Indo-Pak (The British Parliament, 1912). It has some serious shortcomings. Firstly, this Act does not provide any provision for the categorization of state land into urban, rural, and commercial categories (The British Parliament, 1912). Secondly, it does not provide policies for leasing the state land. The Colony Department of the Board of Revenue has provided foundations for leasing the state land, due to many policies like Ejected Tenant Scheme, Grow-More Scheme, Horse Breeding Scheme, Mangla Dam Evacuated Persons Scheme, Temporary Cultivation Scheme, etc. Thirdly, it does not give power to the Tehsil Collector to vacate the Central Government Land, leaving the precious properties at the mercy of the land grabbers.

2.6. Antiquated Contract Act 1872: The Contract Act was introduced in 1872 by the British Government. It governs the law of contracts, including their formation, performance, and enforcement (The British Parliament, 1872). It applies to contractual matters in the entire country. Breach of contracts places the matter in front of civil courts where parties get very slow resolution of disputes, thus causing a delay in justice. Moreover, the Modern dynamics of digital contracts in the globalized world, do not fall under this act.

2.7. Shortcomings in the Limitation Act 1908: The Limitation Act, enacted in 1908, sets time limits for appeal before the appellant forums (The British Parliament, 1908). This law applies to Punjab and the entire country. This law is also antiquated, keeping in view the trends of modern governance and the justice system.

2.8. Succession Act 1925: Road to delayed justice. The Succession Act of 1925 provides the making of succession laws to determine the shares of legal heirs to moveable and immovable properties of the deceased (The British Parliament, 1925). This act allows the civil court to make the succession certificate which usually takes months, depriving the parties of speedy justice.

2.9. Antiquated Specific Relief Act 1877: One Century Old Law. The Specific Relief Act of 1877 deals with the enforcement of civil rights and provides remedies such as specific performance of contracts and injunctions to the people of Punjab and the entire country (The British Parliament, 1877). This law is also 126 years old. It is an antiquated law now, unable to meet the high needs and standards of modern governance e.g. the cancellation of the registry is done by the civil courts under this act, it usually may take years to cancel it and resolve the dispute between the parties.

2.10. Inconsistencies in Civil Procedure Code (CPC 1908): The CPC was enacted in 1908. It has 158 Sections and Five Schedules (The British Parliament, 1908). CPC 1908 is an outdated 20th Century Law made by the British Parliament. This outdated CPC is a hurdle to fast justice for the general populace. Firstly, this Act has created duplicity of Administrative tasks and weakened the pillar of governance. The intervention of the Civil Courts in the administrative matters of disputes related to property has hampered the performance of the Administration. For instance, the Executive pillar does not have the power to cancel a property registration document (that is made by the Sub Registrar, an Executive Officer); it is canceled by the Civil Court under Specific Relief Act 1887(The British Parliament, 1887). Revenue

Authorities have exclusive jurisdiction over revenue matters. But in many revenue disputes civil courts intervene under the principles of evidence and enforce the status quo. Secondly, there is no clause to ensure a performance audit on the millions of civil litigations among the people. There is no concept of gauging the performance of dispute adjudication in civil cases related to land, contracts, etc. Thirdly, disputes related to ownership of property may take decades to solve as there is no time limit to solve the dispute within a stipulated period frame. In addition, the Administrative performance has been restrained by this Act (The British Parliament, 1908). Most of the times, Commissioner, Deputy Commissioner, Assistant Commissioner, and Revenue officers are restrained from taking any action. Even during their revenue court proceedings, stays come to impede the legal processes. The issues of urban lands related to transfer, illegal possession, dispossession, contract, and partition-all fall in the domain of the Civil Court, whereas revenue administration has relevant records and human resources to ensure justice in these disputes. For the resolution of these issues, people have to wait for decades. There is no concept of performance audit provided in this Act. Since Civil or Urban Lands have burgeoned, and rural lands shrunk, there is an urgent need for time to revisit this Act. In many civil cases related to land or property disputes, the status quo from decades remains in place, which adds to injustice for the aggrieved party. There is no mechanism for feedback on what happened after the status quo has been given. In many a case, the technique of status quo is being used by one party to disturb the other party to linger on the transaction and legal rights of individuals. Duplication of work and unnecessary interventions in the domain of revenue administration work have impeded the performance of the latter. If a mutation has been done vide a fake registry, the cancellation of such registry shall take place in Civil Court, which may take years for its outcome. This disturbs the performance of revenue administration. Had the registry been canceled by the relevant Assistant Commissioner, this dependence on the court would have been minimized in this matter. There is no mechanism provided in this act where the record has been lost. E.g. the registry record was burnt in Lahore in 1998 due to a fire incident in the DC office, which destroyed thousands of registries of the general populace. For its retrieval, no progress has been made, thus leaving the people at the mercy of land grabbers.

2.11. Registration Act 1908: The law of the 20th Century. This act was enacted in 1908, providing for the registration of various documents to ensure their legality and authenticity (The British Parliament, 1908). This law too has certain drawbacks, hindering the modern procedures of registration of property in the globalized world. Registrations of urban properties in Pakistan are done in the Offices of Sub-Registrar under this act. Moreover, lands and houses in housing schemes are registered and mutated separately in the Lahore Development Authority, Defence Housing Authority, Cantonments, and Cooperative societies. The record of properties of these authorities is beyond the access of erstwhile LRMIS (Land Record Management Information System)/ Punjab Land Record Authority (Punjab Provincial Assembly, 2017). There should be property integration of data of land record in one central system to avoid complexities.

2.12. Legal hitches and Administrative Laws:

Administrative laws of the land are counterproductive for the implementation of the New Public Management in Pakistan. The 'Instructions about Annual Confidential Reports 1968' introduces a faulty mechanism of Performance Evaluation Report of

the Officers. This report is initiated by the signing authority and seconded by a counter-signing authority. Reporting Officers, most of them, either favor or are biased towards the officers reported upon. There should be very impartial reporting, based on the achievement of specific targets of the Government. This achievement of targets should be reflected on the dashboard, which in itself should be the criterion for the performance evaluation. 'PMS Rules 2004' allows the merger of Promoted Officials into the PMS cadre, which not only disturbs the promotion structure of the direct inductee PMS Officers but also demotivates them. Civil Servant Act 1974 does not provide the opportunity for out-of-turn promotion for extraordinary officers in the PMS and the PAS cadres. This virtually demotivates the officers with exceptional qualities and leadership skills. The laws concerning governance have brought cleavage between the Federal and the Provincial Services, thereby restraining the development of the Provincial Civil Services. Over and above that, there is no concept of innovation, with dying Public Service Motivation (PSM) due to manifold factors. Thus, the existing governance laws, promoting the traditional approach of Civil Service, are in dissonance with the norms and efficiency of the New Public Management.

2.13. Legal Obstacles to Climate Resilience by EPA 1997:

The Environment Protection Act 1997 is the relevant law to steer climate governance. Environment protection in Pakistan is a very challenging task. According to the Environment Protection Act 1997 Director General Environment Protection Agency is the main officer responsible for the protection of the environment in the province. The Deputy Director at the District and Assistant Director at the Tehsil level are mainly responsible for the tasks of environmental protection. Assistant Commissioners and Deputy Commissioners, with huge human resources, have no jurisdiction to check the violation of international treaties on environmental safety at District and Tehsil Levels respectively. This is quite alarming as without a very active role of administration environment cannot be protected. This point is established by the anti-smog campaign by the Administration in the Punjab.

2.14. Legal Impediments to Urban Planning and Design:

According to the Civil Administration Act 2017, the District Administration is the chief executive of the Tehsils and Districts. However, there is no delegation of power or empowerment of the tehsil-level planning and policy implementation in the fields of land use, transportation, urban design, public health, smart cities, mixed-used- Development, and sustainable development. The West Pakistan Motor Vehicles Taxation Act 1958 and The Provincial Motor Vehicles Ordinance 1965 have no practical relevance to modern transport systems and infrastructural development. The Public Health Sector is steered by the Health Department; whose Officers are neither accountable nor are under the control of the Tehsil Governance. The tasks of making road infrastructure are confused by overlapping authorities of the Local Government and C&W Department (Government of the Punjab, 2022). Similarly, the development of urban infrastructures of sewerage systems and clean water provision is muddled due to overlapping roles of The LGC& CD and HUD&PHE Departments. The provision of clean water is most needed in underdevelopment Tehsils; but The Punjab Aab-e-Pak Authority Act 2019 allows

this authority to provide this facility to the Divisional Headquarters and some Districts (Punjab Provincial Assembly, 2019). In addition, The Lahore Central Business District Development Authority Act 2021 and the Lahore Development Act 1975 have confined major economic development to the provincial capital merely. Horticultural authorities too are strong in the Divisional Levels, mainly in the provincial capital under Parks and Horticulture Authority Act 2012. Punjab Development of Cities Act 1976, also restrains development to the Divisional levels, thereby impeding the devolution of the development sector to the Tehsil level.

2.15. Legal hurdles to Social Services and Community Development:

Under the Civil Administration Act 2017, Field Administration is steered by the Commissioner at the Divisional level, by the Deputy Commissioner at the District level, and by the Assistant Commissioner at the Tehsil/Subdivision level. The trio of them are administrative heads of all the Departments of the Government like Health Department, School Education, Local Government, etc. For effective implementation of public policy, all these departments have to ensure immediate compliance with the orders of these administrative heads. The Provincial Secretary is the competent authority empowered to transfer, post, and take legal action against the officers of these Departments. Therefore, the field officers like the Commissioner, DC, and AC can only surrender the field officers. They cannot do anything except write a reference against the officers of departments in the field. This is indeed alarming state of affairs. For instance, the Commissioner cannot transfer a Tehsildar (who is transferred by the Board of Revenue); the DC cannot transfer a Chief Officer (who is transferred by the Secretary Local Government Board); similarly, AC has no power to transfer DDO Health. Above all, AC cannot write the Performance Evaluation Report of these field officers. The police are independent, there is a lack of coordination most of the time between the Police and the Administration. With all this situation, the governance of the Punjab is facing stagnancy in the implementation of the SDGs, Urban Management, and development. In this way, the District Administration has an ineffective role in development of the health, education, technical education, women empowerment, labor safety, basic services, and other sectors.

2.16. Counterproductive laws for Affordable housing:

The Naya Pakistan Housing Scheme was an ambitious plan, with no compatibility with reality, keeping in view the availability of finances, lands, infrastructure, and capital (Naya Pakistan Housing and Development Authority, 2020). The RUDA ACT 2020 provides for the making of a new city on the bank of the Ravi River, which can be deluged if India spills over large amounts of water in the flood seasons (Ravi Urban Development Authority, 2020). Punjab Housing, and Town Planning Agency Ordinance 2002 is merely a piece of legislation, it has not given impetus to affordable housing schemes to the indigenous populace of smaller subdivisions (Government of the Punjab, 2002).

2.17. Flawed Price Hike laws:

Control and Prevention of Profiteering and Hoarding Act 1977 provides a very limited scope of control over commodities like sugar, petrol, oil, salt, vegetables, fruit, etc. (The National Assembly, 1977). Punjab Price Control of Essential Commodities Act 2023 is almost similar to this Act. It does not provide provisions

to control exorbitant prices of private entities like hotels, restaurants, factories, steel vendors, cement industries, food industries, brick kilns, private, private-hospitals-fees, medicines, private clinics, gypsum units, ceiling products, supply chain control of (flour, poultry), electronic needs, consumer protection, crockery, furniture, petrol price, catering, and other commercial units that impact different aspects of human life. Overall supervision is absent over uncontrolled profit-making in the name of business activities.

2.18. Absence of Urban Agriculture and Food Security Laws

There is no concept of Urban Agriculture and Food Security in the urban areas of the country. Under the existing laws, the Federal Government has the power to ensure seed safety measures; whereas the Provincial Government deals with the procurement and utilization of wheat, thereby presenting a dichotomy of assignments.

2.19. Cultural Heritage Management on the onslaught: Despite the Antiquities Act of 1975, The Sindh Cultural Heritage Preservation Act, and The Punjab Special Premises (Preservation) Act, major works, and projects for the preservation of the Mughal and Sikh Heritage have been carried by the Walled City Authority of Lahore. Most of the important historical sites like Nandana Fort, Rohtas Fort, and the Battlefield of Alexander's war with Raja Purus in Jallalpur (Pind Dadan Khan Tehsil) are vulnerable to being vanished due to lack of care.

3. The way forward: Legal transformation for modern governance.

The legal segment of Pakistan related to Governance should be transformed unprecedentedly (Shahrukh et al, 2023). The governance sector of the country should be detached from heavy laws made by the Parliament which are too general and may not address modern-day administrative challenges, especially in the wake of the concept of Global Governance and Diplomacy, Urban Management, and Sustainable Development Goals. Pakistan's laws concerning governance should be thoroughly transformed in accordance with these aforementioned trends and agendas. There is an urgent need of the time to craft laws that ensure complete independence of the Executive from the Judiciary (in terms of ending stays, contempt proceedings, hearings, interventions, too much accountability, and duplication of works.), free the Executive from the Legislature (In terms of postings, transfers, recommendations, privilege motions, victimization, bias, the team making, favoritism, development administration, city planning, public health, public safety, development policy, budget making, heading the departments, in charge of committees), and empower the provincial and Tehsil level tiers financially, planning, decision making, organization, and HRM. In addition, new laws should bring officers of all Departments serving in the Tehsil levels with a specialized nature like roads, and hospitals practically under the relevant ACs in terms of writing Performance Evaluation. Every Tehsil may do its policy-making for the achievement of the tasks assigned (Kharl et al, 2018). There should be full innovation and decentralized planning, organizing, staffing, directing, coordinating, reporting, and financial management. Only Global Governance trends should be the major norms. The executive should embrace the principles of incentives, performance audits, rewards, and punishments. Achievements of the targets

assigned by the Government should be the PER agenda and make the score for the officer. Every Department should have specialized and flexible regulations for the achievement of their targets i.e. internal security, development, finance, education, healthcare, minerals, local governance, tourism, Archeology, sports, planning, agriculture, food, etc. There should be education of such targets to ACs who would make their respective plans to achieve these targets at the Tehsil Levels.

The Governance Sector of Pakistan should learn the best strategies for transformational leadership, development in conflict scenarios, development policy, quality security, Urban Planning, Urban Development, Management and Information Systems, environmental safety, food security, tourism studies, sustainable Health Policy, advanced Town Planning, modernized Urban Planning, SMART- cities Planning, Urban Design, Sustainable Lands, Spatial Planning, Sustainable Development, Project Management, Development Finance and Development Economics Policy, Human Resource Development, Organizational Change, fighting Inequality, Global Education Policy, Migration-Governance, Digital Development and Migration, and Social Justice, Public Policy cycle, open system approach, Global Governance and Diplomacy, Disaster Management Studies, Advanced Local Governance, Strategic Leadership and Organizational growth (Hanna, 2016). This can be possible if existing laws are amended for the development of Data-Science-Governance, E-Governance-services, and AI-Governance-Accountability to set the pillar of governance on the path to glory (Ufua et al, 2021). Existing procedures, structures, and systems need to undergo major transformation. Induction methods of Civil Servants need to be revisited to promote technocrat governance. The existing laws concerning Urban Safety & Security, Land Management Systems, Governance, Climate Governance, Urban Design & Planning, Social Services & Community Development, affordable houses, price control, urban agriculture, and heritage conservation need total overhauling to meet the modern trends. Out-of-turn promotions for outstanding officers, conferring of civil awards, revamping of the civil service structures, resorting to an internal accountability mechanism, the establishment of administrative tribunals, empowerment of the provincial services, maximization of salary packages, and protection of the prestige of the Civil Servants should be ensured to strengthen the pillar of governance.

Conclusion

The laws concerning the Governance Sector in Pakistan are obsolete, bulky, and irrelevant. The retention of 19th and early 20th-century laws in Pakistan's Governance Framework and the adherence to counterproductive legislations of a generalist nature present formidable obstacles to innovation, efficiency, and development. The lacunae inherent in these laws have hitherto undermined the efficiency, effectiveness, innovation, and adaptability of the Governance system, in dissonance with the demands of modern administrative trends and tasks of urban planning, urban management, urban safety & security, and SDGs. These laws are extremely formalities-oriented, thereby strangling the cart of governance in the mud of unnecessary structural complexities and procedural hurdles. To surmount these supra-delineated challenges and bask in the sunshine of effective governance, concerted efforts are required to undertake comprehensive legal reform to introduce a culture of very terse and relevant laws, in form of a new paradigm shift toward specialized policy-making by the Executive, based on compatibility with the

principles of efficiency, innovation, sustainability, and modernization. By modernizing the legal landscape to reflect contemporary needs and values, Pakistan can unlock new opportunities for the achievement of devolution of powers to the lowest strata of governance and ensure efficiency-friendly procedures, systems, and structures. In this way, the Governance Sector of Pakistan can become free from the influence of unnecessary interference of the Legislative and Judicial pillars. Due to these reforms, Pakistan's Governance pillar can transform into an agent for meteoric urban development, moon-touched economic prosperity, effective achievement of SDGs, development of the SMART- model, and administrative responsiveness to the needs of the 21st century.

References

- [1] Creswell, J. W. (2014). *Research design: Qualitative, Quantitative, and Mixed Methods Approaches (4th Ed.)*. SAGE Publications.
- [2] Hanna, N. K. (2016). Mastering digital transformation. *Mastering Digital Transformation (Innovation, Technology, and Education for Growth)*. Bingley, UK: Emerald Publishing, pp. i–xxvi.
- [3] Government of the Punjab. (2002). *The Punjab Housing and Town Planning Agency Ordinance, 2002* (Ordinance No. LXXVIII of 2002). <http://punjablaws.gov.pk/laws/459.html>
- [4] Government of the Punjab. (2022). *The Punjab Local Government Act, 2022 (Act No. XI of 2022)*. <https://lgcd.punjab.gov.pk/>
- [5] Government, W.P (1968). *Letter No. S(R)-3542 S&GAD 4-8/65 -SO-XIII dated 12th February 1968*. Services and General Administration Department. Government of West Pakistan. Retrieved from the official website of S&GAD Government of the Punjab https://regulationswing.punjab.gov.pk/system/files/10_ACR_Instructions.pdf
- [6] Kharl, S. H., Abbass, K., & Oghai, N. (2018). Governance decentralization in Pakistan: An analysis of district council and its power. *International Journal of Latest Research in Humanities and Social Science (IJLRHSS)*, 1(5), 56-60.
- [7] McGinnis, M. D. (2011). *The institutional analysis and development framework*. Princeton University Press.
- [8] Naya Pakistan Housing and Development Authority. (2020). *Naya Pakistan Housing and Development Authority Act, 2020 (Act No. X of 2020)*. <https://naphda.gov.pk/>
- [9] Punjab Provincial Assembly. (2019). *The Punjab Aab-e-Pak Authority Act, 2019 (Act No. XII of 2019)*. <https://hudphed.punjab.gov.pk/system/files/THE%20PUNJAB%20AAB-E-PAK%20AUTHORITY%20ACT%2C%202019.pdf>
- [10] Punjab Provincial Assembly. (2017). *The Punjab Land Records Authority Act, 2017 (Act No. VI of 2017)*. <https://www.punjab-zameen.gov.pk/Laws>
- [11] Ravi Urban Development Authority [RUDA]. (2020). *The Ravi Urban Development Authority Act, 2020 [Act No. XXVII of 2020]*. <http://punjablaws.gov.pk/laws/2771.html>

- [12] Shahrukh, M., Mustafa, G., & Sharoon, O. (2023). Governance and Development: A Comparative Analysis of Administrative Models of Germany's Hamburg State and Pakistan's Punjab Province. *Journal of Development and Social Sciences*, 4(1), 377-394.
- [13] The British Parliament. (1860). *Pakistan Penal Code (Act XLV of 1860)*. [Available online at <https://www.punjabpolice.gov.pk/system/files/pakistan-penal-code-xlv-of-1860.pdf>]
- [14] The British Parliament. (1872). *Contract Act 1872*. Retrieved online from the webpage <https://www.ma-law.org.pk/pdflaw/Contract%20Act,%201872.pdf>
- [15] The British Parliament. (1882). *Transfer of Property Act 1882*. Available online at <https://faolex.fao.org/docs/pdf/bgd35572.pdf>
- [16] The British Parliament. (1887). *The Specific Relief Act 1887*. Retrieved from <http://punjablaws.gov.pk/laws/8a.html>.
- [17] The British Parliament. (1908). *Code of Civil Procedure 1908* [Pakistan]; available online at <https://www.ma-law.org.pk/pdflaw/CODE%20OF%20CIVIL%20PROCEDURE%201908.pdf>
- [18] The British Parliament. (1898). *Code of Criminal Procedure 1898* [Pakistan], Act V; available online at https://www.fmu.gov.pk/docs/laws/Code_of_criminal_procedure_1898.pdf
- [19] The British Parliament. (1908). *The Limitation Act 1908*. Retrieved from the page <https://www.ma-law.org.pk/pdflaw/Limitation%20Act%20-%201908.pdf>
- [20] The British Parliament. (1908). *The Registration Act 1908*. Retrieved from <http://punjablaws.gov.pk/laws/36a.html>.
- [21] The British Parliament. (1912). *The Colonization of Government Lands (Punjab) Act, 1912* (Act V of 1912) Available online at <http://punjablaws.gov.pk/laws/22.html>.
- [22] The National Assembly (1967). *The Punjab Land Revenue Act 1967*. Available online at <https://www.punjab-zameen.gov.pk/assets/documents/laws/LAND%20REVENUE%20ACT%201967.pdf>

- [23] The National Assembly. (2017). *The Punjab Civil Administration Act 2017*. Retrieved from <http://punjablaws.gov.pk/laws/2677.html>
- [24] Ufua, D. E., Emielu, E. T., Olujobi, O. J., Lakhani, F., Borishade, T. T., Ibidunni, A. S., & Osabuohien, E. S. (2021). Digital transformation: A conceptual framing for attaining Sustainable Development Goals 4 and 9 in Nigeria. *Journal of Management & Organization*, 27(5), 836-849.