

## **PARADOX OF LOCAL DEMOCRACY IN PROVINCES: CASE STUDY OF KHYBER PAKHTUNKHWALocal GOVERNMENT ACT, 2013**

### **Abstract:**

*Good governance and local government institutions are intimately connected. Local government system is essential to empower citizens and enable them to participate in policy-making at grass-roots level. In the modern era, the concept of local democracy has gained currency. In Pakistan local democracy is a neglected sector. The 18<sup>th</sup> Constitutional Amendment has made the federating units as the custodians of the local government institutions. However, the provinces have failed to introduce viable local bodies. Khyber Pakhtunkhwa provincial government introduced Local Government Act (LGA), 2013. The microscopic analytical case study of the existing Khyber Pakhtunkhwa LGA, 2013 reveals some hidden structural flaws which have severe repercussions for local democracy and good governance.*

### **Theoretical Framework: Local Government and Good Governance**

Local government is a government at micro level having its own legislative or consultative assembly, political and bureaucratic leadership, and exercising political, financial, deliberative, regulative, and judicial powers.<sup>1</sup> The term governance is naturally linked with the local government like body and soul. Local government institutions paved the way for decentralization and devolution of offices and authority from the top to bottom to ensure the participation and for the welfare of the common citizens in a society. The participation of the masses in the decision-making promotes a political culture based on participatory democracy, accountability, transparency, rule of law, effectiveness and efficiency.<sup>2</sup>

Governance is the composite of both rules, regulations, institutions—established and run under these legal instruments—and processes. When there is continuity and smoothness in the running of the affairs of these institutions without vicissitudes then it may be called good governance. Such governance helps to ensure participatory democracy, accountability, transparency, rule of law, effectiveness and efficiency. The perverted form of good governance is bad governance. Bad governance promotes corruption, discrimination in all walks of life, exploitation, and an evil political culture in a society.<sup>3</sup>

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It may be therefore concluded that Local government and good governance are inter-linked. Local government institutions provide grounds for political, electoral and financial governance in a country. Here an attempt will be made to discuss the LGA, 2013 within the parameters given in Figure-1.

**Figure-1** Theoretical Parameters



It is a matter of grave concern that local government institutions have always met with an injudicious treatment by both political and bureaucratic elites. The military leadership has to its credit to introduce local government institutions—whatever may be the logic and philosophy behind the establishment of these institutions— in various military rules in the country. General Ayub Khan, General Zia-Ul-Haq and General Pervez Musharaf introduced Basic Democracies Order (BDO), 1959, Local Government Ordinance (LGO), 1979,<sup>4</sup> Local Government Ordinance, 2001 respectively.<sup>5</sup> Under these local government laws, local bodies' elections were held so as to cultivate the seeds of local democracy at the door steps of common man.<sup>6</sup> Local democracy is a constitutional process which enables the citizens to participate in decision-making process at the grass-roots level.<sup>7</sup>

Contrary to this, the democratic regimes are found reluctant to introduce local institutions, to implement the existing local government laws and to hold local bodies' elections under those laws. Mr. Zulfikar Ali Bhutto, the first popularly elected premier of Pakistan, introduced People's Local Government. However, this was remained restricted to document and unexecuted.<sup>8</sup>

Local bodies remained a federal subject in the country till the passage of 18<sup>th</sup> amendment in the 1973 constitution of Pakistan.<sup>9</sup> General Musharraf introduced local government institutions under his famous 'Devolution of Power Plan'.<sup>10</sup> Pathetic enough, the previous government of Awami National Party (ANP) in Khyber Pakhtunkhwa (KP) abandoned local government system. It

framed Local Government Act (LGA), 2012. However, it did bother to establish local government institutions by holding local bodies' elections in the province. The PTI led provincial government passed Khyber Pakhtunkhwa Local Government Act (LGA), 2013 on Oct 31, 2013. On November 5, 2013, it received Governor's approval.<sup>11</sup>This replaced the LGA, 2012.<sup>12</sup>

In Balochistan, local bodies' elections were held on December 7, 2013 under Local Government Act, 2010. In these elections, 18 thousand candidates contested for 4,600 seats. According to Official result, 2507 candidates were elected unopposed while 508 seats remained vacant as nobody filed nomination papers for these seats.<sup>13</sup> After local bodies' elections in the province, the elected local representatives have themselves found powerless. They demanded legal, financial, and administrative powers. The local government system is still not operational in its true spirit due to paucity of developmental funds to deliver public services. It clearly manifests the approach of provincial political leadership towards local government system.<sup>14</sup> The local government representatives are still vying for empowerment.<sup>15</sup>

According to Ayaz Ahmad, "the political leadership in Balochistan is reluctant to lose its administrative and financial powers. They are creating hurdles to transfer powers to local government representatives. In addition, bureaucracy is also creating hurdles in the way of local government institutions."<sup>16</sup>Mr. Sultan Bayzeed Khan, the Provincial Election Commissioner of Balochistan, stated that "Balochistan Local Government Act, 2010 was prepared without too much home work on it. It had some structural issues particularly pertaining to 'Quorumclause'."<sup>17</sup>

Similarly, local bodies' elections were also conducted in the Punjab and Sindh in three separate phases on Oct 31, November 19, and December 2015.<sup>18</sup>The provincial government in Punjab is also reluctant to devolve of the powers to local government institutions.<sup>19</sup>

The Pakistan Tehrek-e-Insaf (PTI) led KP government held local bodies' elections on May 30, 2015 in the province under LGA, 2013. These elections were held with a gap of ten years. More than 1, 41, 00,000 voters including 74, 94,591 male and 56, 38,619 women would have to exercise their right to vote. At the VC and NC, each voter would have to cast seven votes—five votes for the respective council and one each to elect a member to District Council and Town/Tehsil Council.<sup>20</sup>

Under LGA, 2013, total 84, 420 candidates would have to contest for total 41, 762 seats. In the province, 503 NC and 2836 VC were established. For District council 978 seats, 5480 candidates were in the field. Similarly, for Town/Tehsil council 978 seats, 5907 candidates were in the field. In addition, for NC and VC 23111 seats, 39,079 candidates would have to contest elections. On minority total 3339 reserved seats, 349 candidates would have to contest.<sup>21</sup>

### **Features of Local Government Act, 2013**

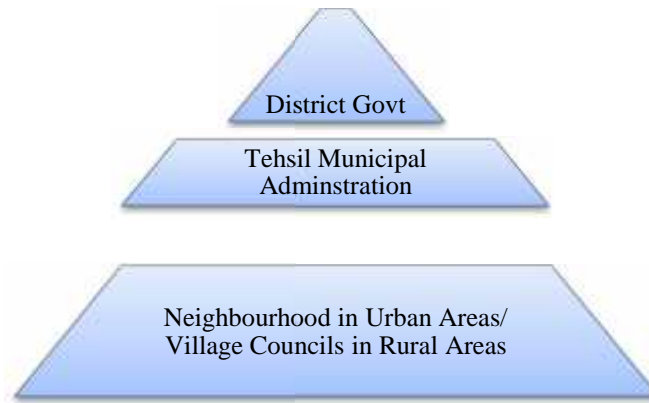
The distinctive characteristics of local government institutions to be established under the Local Government Act (LGA), 2013 are following: Khyber Pakhtunkhwa Local Government Act, 2013 erected the foundation of local government on a three tiered local government institutions. For provincial capital Peshawar, City District Government, Town Municipal Administration, and Village and Neighbourhood councils in rural and urban areas respectively are established (Figure-1).<sup>22</sup>

Figure-2 Various Tiers of Local Government in District Peshawar



Likewise, minor modifications are maintained in other district of the province. District Government, Tehsil Municipal Administration and Village and Neighbourhood councils in rural and urban areas respectively are established (Figure-2).<sup>23</sup>

Figure-3 Various Tiers of Local Government in Other Districts of KPK



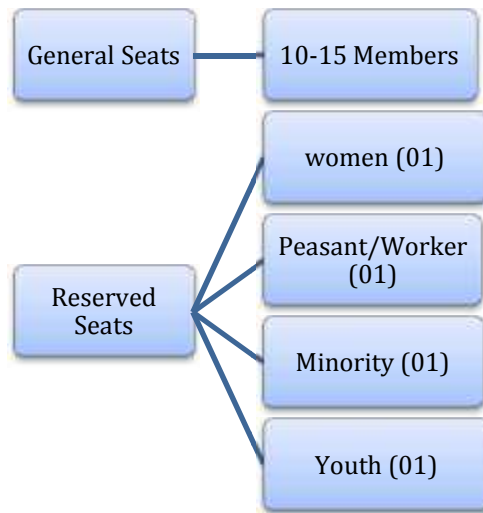
### **1. Structure of the Local Government at District Level:**

At district level, the local government has two aspects, political and administrative.

#### **a. District Political Set Up:**

District Political set up is composed of District Council or in simple words District assemblies. Like previous district assemblies, representation to different classes in the society is given. It will be consisted of two broader categories of seats, general seats and reserved seats. In reserved seats, representation is granted to women, peasants and workers, youth and non-Muslims (See Figure 3).

**Figure 4** Categories of Seats



**A. District Administrative Structure:**

The district councils have the legislative powers to make bye-laws for the departments placed under the district administration. Such councils are equipped with financial powers to prepare their budgets, to levy taxes, and to elect their respective Finance and Public Accounts Committees. For financial accountability, these councils are empowered with the power to elect their respective Public Accounts Committees. Such committees are responsible to ensure the adequate appropriation of budget and its utilisation in a district. These councils have also monitoring and supervising functions—like to keep an eye on the services delivery and evaluation of the efficiencies of the offices in a district. To run their affairs, these councils have also the powers to elect their respective Committees on Conduct of Business. In addition, these councils have also the jurisdiction to elect their Code of Conduct Committees for regulating the behaviour of their members.<sup>24</sup>

City District Council enjoys all powers of district councils with the addition of some more powers. It has the power to make proper arrangement of transportation like roads, express ways, fly-over, bridges, roads, and under passes in the cities. It is also made responsible to make ensure better environment.<sup>25</sup>

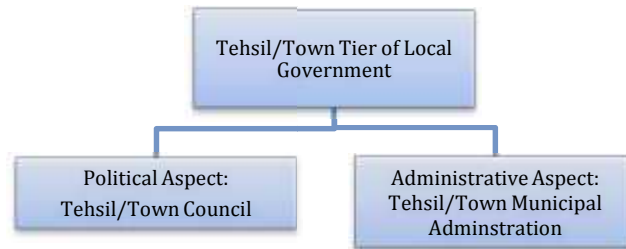
The novel feature of LGA, 2013 is that the local councils—village & neighbourhood—are empowered to exercise checks on the district and municipal offices through their joint committees. The district councils will establish such committees in their respective districts.

**b. Structure of Local Government at Tehsil/Town Level:**

Tehsil in rural and Town in urban areas are second tiers of the local government established under LGA, 2013. This tier is composed of Town/Tehsil Municipal Administration (TMA) and Tehsil/Town Council.

At Tehsil/Town level, the local government has two aspects, political and administrative. Tehsil Council functions as consultative and legislative body. It is composed of elected members of the people. The affairs of TMA will be run by Tehsil/Town Municipal Officer (TMO), Municipal officers (MOs) and other officers. In simple words, TMA except Tehsil Nazim is composed of permanent government servants.

**Figure 5** Structure of Tehsil/Town Tier



**a. Tehsil/Town Political Set Up:**

Likewise District Political set up, Tehsil council will consist of two broader categories of seats, general seats and reserved seats. In reserved seats, representation is granted to ladies, farmers and labourers, young people and Non-Muslims.<sup>26</sup>

**b. Tehsil/Town Administrative Structure:**

It is worth to mention that Tehsil/Town Nazim is placed with status of Chief Executive of TMA. He is made responsible to run the affairs of the TMA in conformity with provisions of the LGA, 2013.<sup>27</sup> Under LGA, 2013, TMA has enormous legislative, financial, supervisory/monitoring, administrative, recreational, regulatory, and municipal powers. It has the power to keep an eye on all offices and their officials, to do planning for utilisation of land, to ensure the implementation of developmental projects and municipal laws, to discourage encroachments, to regulate issues relevant to sign-boards and advertisements, organising cattle fairs, etc.

LGA, 2013 has granted an exalted position and functions to Chief Executive (CE) of Tehsil/Town Council. He is the supplier of vision. The power to run the business of the council is assigned to him. He is also responsible for strategic planning. Powers and responsibilities like execution of laws, keeping under watch the execution of long-term developmental projects, and financial powers such as preparation of budget, its approval from the council, assurance of utilisation of the funds earmarked for various projects, and allocation of both human and fiscal resources for the support of municipal services.

Tehsil/Town Council enjoys the same statutory functions which are assigned to TMA. However, some extra responsibilities are also assigned to Tehsil/Town Council. Being a legislative assembly, it will approve the budgetary proposals, taxes, bye-laws, and development projects. It has also the jurisdiction to elect a Standing Committee, a Finance Committee, a Committee on Conduct of Business, a Committee for Code of Conduct and a Accounts Committee. Each committee is assigned special functions.<sup>28</sup>

**c. Village and Neighborhood Council:**

The nomenclature of the union council—the previous lowest tier of local bodies—has been replaced with the Village Council (VC) and Neighbourhood Council (NC). Under the existing LGA, distinction has been made between urban and rural councils. The representation in these councils is based on population. The composition of such council is not fixed. Its composition ranges from ten to fifteen due to variation in population of local constituencies.

**a. Representation in VC & NC:**

Broadly speaking the representation falls into two categories—general and reserved seats. On general seats, any person enrolled in the electoral list of the ward can contest local bodies' elections. However, reserved seats are fixed for particular classes of the society so as to ensure their participation in the local government institutions. Two seats for women, one for peasants/workers, one for youth and one seat for Non-Muslims are reserved.<sup>29</sup>

**b. Statutory Status of The Nazim of VC & NC:**

Nazim (Mayor) is the chief executive at VC or NC level. He is not only the chief executive but also the part of VC or NC. In simple words, parliamentary democracy is installed at the grass-roots level where there is close relationship between executive and legislature. Nazim will be assisted by Naib (Deputy) Nazim in delivering his services provided the former is unavailable due to any reason.<sup>30</sup>

Being a chief executive of VC & NC, he is assigned financial responsibilities to prepare budget and to present in the respective council for



approval. Similarly, he is also assigned powers for conflict resolution, representation of his council in various bodies established under Section 23 of LGA, 2013, to settle issues related with encroachment on government property, violation of laws, sale of offensive materials, adulteration, and monitoring of various departments like education, health, public health engineering, police, agriculture and to submit quarterly report to TMA and district government.<sup>31</sup>

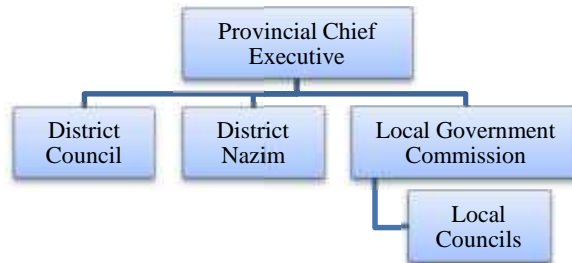
**c. Functions of VC & NC:**

The VC and NC are also assigned with same responsibilities and functions. However, like previous Union Councils, these councils have also empowered to do registration of birth, deaths, and marriages. These councils have also the responsibilities to mobilise the general masses for their participation in development activities along with all cleanliness measures.<sup>32</sup>

**d. Hierarchical Political Accountability Mechanism: Checks and Balances under LGA, 2013**

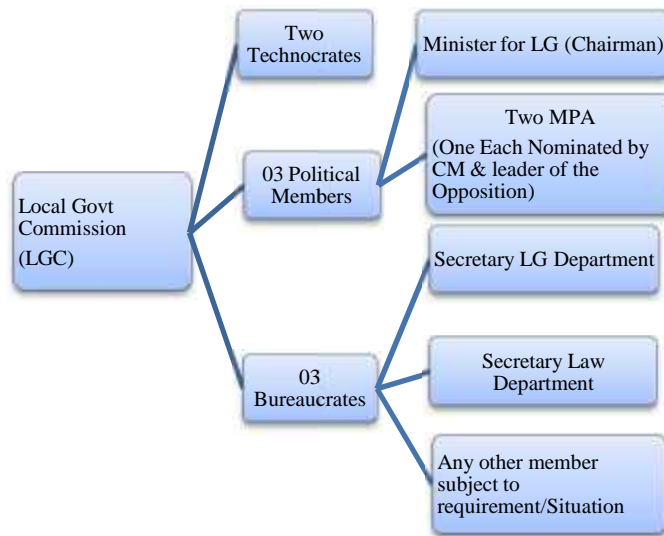
LGA, 2013 lays down a hierarchical political accountability system. Provincial government exercises control on local government institutions through Local Government Commission (LGC) and Chief Minister (Chief Executive) of the province (Figure-6).

**Figure-6** Political Accountability Mechanism



LGC is consisted of eight (08) members. Three members of LGC are from politicians. The local government (LG) minister will be the chairman of LGC and two Members of Provincial Assembly (MPA) will be its members—one from the treasury bench nominated by CM and one from opposition bench nominated by opposition leader (Figure-7).

**Figure-7** Composition of Local Government Commission



LGC has some special powers and functions. It has the power to submit reports to provincial government. It is also responsible for conflict resolution whenever a dispute erupts between various tiers of local government on any issue. It is also responsible to submit progress reports regarding TMA and district administration to provincial government. It has also the task to take the notice of implementation of local government laws.<sup>33</sup>

In addition to these, LGC has also the role to play in the suspension and removal of Nazim, NaibNazim, or any other member of a council. In this connection, it will submit a report to the Chief Executive of the province. However, such suspension will not be more than thirty days.<sup>34</sup>

**e. Condition of Good Character:**

It is a significant addition in the conditions required for local body's candidacy. Because characterless political leadership cannot be able to satisfy needs of its electors and to deliver services to them appropriately. The people of Pakistan are already faced with corrupt political leadership. There is no need to mention the names of those leaders.

**f. Internal Control Mechanism:**

LGA, 2013 provides for internal control mechanism. The Chief Executive of the province is exercising power to set aside any order of the District Nazim provided such order is tantamount to the gross violation of the existing laws and found against the interests of general public.<sup>35</sup>

The Chief Executive of the district administration is exercising power to set aside any order of the Tehsil/Town Nazim provided such order is

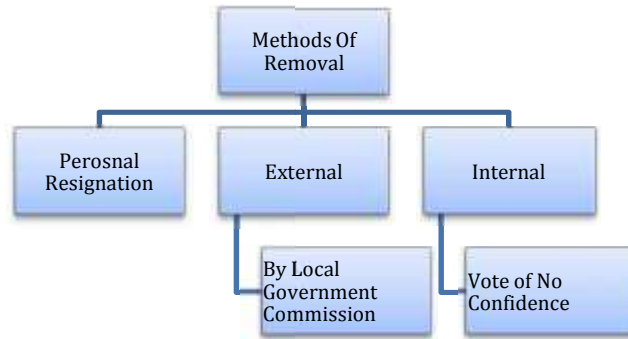
tantamount to the gross violation of the existing laws and found against the interests of general public. For this district Nazim shall initiate a motion. It is also required to be passed simple majority of the district council of its total membership.<sup>36</sup>

Similarly, The Chief Executive of the Tehsil/town administration is exercising power to set aside any order of the VC & NC Nazim provided such order is tantamount to the gross violation of the existing laws and found against the interests of general public. For this Tehsil/town Nazim shall initiate a motion. It is also required to be passed simple majority of the district council of its total membership.<sup>37</sup>

**g. Method of Removal of Nazim and Other Members of Councils:**

LGA, 2013 provides for various methods to cease membership in the local councils as given in Figure-8.

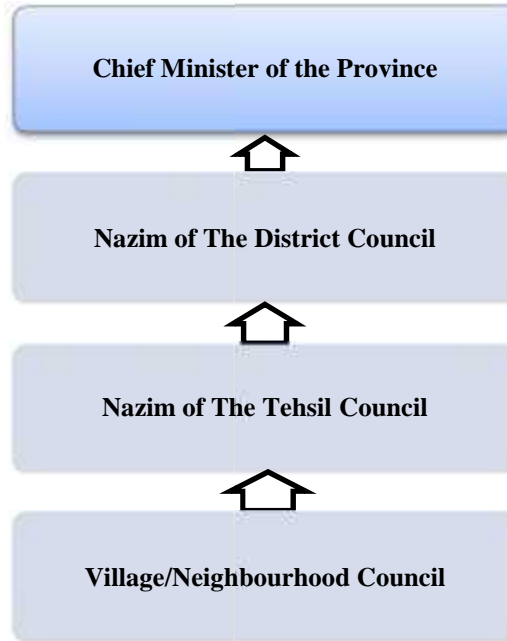
**Figure 8**



**a. Resignation from The Office:**

The Act provides two separate methods of resignation, one for ordinary member and other for Nazims of the local councils. It gives freedom to an ordinary member of the council to resign his office. He will submit his resignation to the Nazim of the council from which he belongs to. It is worth to note that there is also hierarchy in the resignation of Nazim of each council. Each presiding officer is made bound to submit his resignation to the Chief of a council one step above and finally to the Chief Minister of the province<sup>38</sup> (Figure 9).

**Figure-9** Hierarchy of Resignations



**b. External Method of Removal:**

There is provision to remove the Nazim or NaibNazim by the Local Government Commission. The LGC or any person authorised by it shall serve a show cause notice to him. If he fails to submit a satisfactory reply then enquiry will be held against him. For this purpose, an enquiry officer will be deputed. If charges are proved against the Nazim or Naibnazim then he will be removed from the office through an order. Here it is worth to mention that an opportunity of personal hearing will be given to Nazim or NaibNazim against whom enquiry is conducted.<sup>39</sup>

**c. Internal Method of Removal:**

There is also internal mechanism of removal of Nazim or NaibNazim through a vote of no confidence. Simple majority of the total membership in the respective council is required to unseat him.<sup>40</sup>

**h. Youth representation:**

It is worth to mention that for the first time, representation is given to youth. Youth is defined as the person who is below thirty years of age.

**i. Representation To Neglected Classes:**

At all levels of local bodies, representation has been given to women, workers, peasants, and minorities through reservation of seats so as to ensure the participation in the decision making at the grass roots level institutions. This is positive step to exterminate sense of exploitation on these classes of the society. This will also enable these classes to play their due role in the mainstream politics of the country. This will also help to get training to deliver services to general public and to classes from whom they belong to.<sup>41</sup>

**j. Concept of Electoral College:**

There is an indirect method of election for Nazim and NaibNazim of Tehsil/Town and District councils. Tehsil Council for Tehsil Nazim and NaibNazim,<sup>42</sup> and District Council for District Nazim and NaibNazim<sup>43</sup> will function as electoral colleges. Members of these councils will be elected on party basis.<sup>44</sup>

**Hidden Fault-Lines in LGA, 2013& Their Ramifications:**

The Pakistan Tehrek-e-Insaf (PTI) led KP government held local bodies' elections on May 30, 2015 in the province under LGA, 2013. These elections were held with a gap of ten years. More than 1, 41, 00,000 voters including 74, 94,591 male and 56, 38,619 women would have to exercise their right to vote. At the VC and NC, each voter would have to cast seven votes—five votes for the respective council and one each to elect a member to District Council and Town/Tehsil Council.<sup>45</sup>

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**1. Issue of Determination of the Nature of Character:**

LGA, 2013 lays down good character as a pre-requisite for the candidates to contest local bodies' elections and to hold portfolios in local government institutions. The character provision is questionable in the sense that who will determine the nature of character of a candidate?

**2. Delimitations without Census:**

It is very pathetic that neither the federal nor the provincial government have ever taken pain to holding census since 1998. Everything in

the country is running on estimation. How the Election Commission will accurately determine the population of a particular locality? Then how accurate representation will be ensured?

### **3. Absence of Academic Qualification for Candidates:**

Like Local Government Act, 2012, LGA, 2013 is also silent about academic qualification to contest local bodies' elections in the province.<sup>47</sup> It is stated that Tehsil/Town nazim will provide vision. This raises a serious question that how an uneducated or less educated CE of Tehsil/Town Council will be able to supply vision?

It raises several questions like: Without academic background, will the local councils be able to provide visionary leadership? Will the lack of strong academic background not turn these councils as bodies of ignorant? Will these local councils be turned as the real political cradles for producing charismatic political leadership to the nations? How such people will be able to play a viable role in the nation and state building?

Previous research shows that financial matters are very cumbersome in nature involving technicalities. It is also observed that the ladies councillors had no familiarity with financial management of the council. It needs a very strong education background and proper training. Otherwise, the success of local democracy will remain a dream in the country as the people have witnessed the fate of local government institutions in the past.<sup>48</sup>

Local government should be considered simple system. There are many twists in this system. Simply speaking, local institutions are complex system at the grass-roots level. It is the replica of the federal and provincial governments at low level. Like these two upper tiers of government, people are elected to local councils through electoral process. The officials of local councils are also empowered to exercise political administrative and financial authorities. The edifice of the local bodies will collapse if the local representatives devoid of strong academic foundation. It is therefore said that the foundation of local bodies rests on education. Lack of academic base will also hamper the execution of local government laws in their true spirits.<sup>49</sup>

### **4. Extra-Ordinary Power of Provincial Chief Executive:**

Section 58 of LGA, 2013 assigns some ultra-statutory disciplinary powers to provincial Chief Executive to influence the District Council and its Nazim by issuing directives. This will jeopardise the autonomy of the district council. This may also lead a power hungry chief executive to exercise dictatorial powers for blackmailing.

### **5. Extra-Ordinary Power of Provincial Government:**

Section 64 of LGA, 2013 assigns some ultra-statutory disciplinary powers to provincial Government to influence the local councils by suspending a resolution passed by these councils provided such resolution is found in contradiction with the existing laws.

#### **6. Dichotomised Local Democracy:**

Dichotomy is observed in the local democracy. LGA, 2013 provides for mixed electoral process/methods party-based and non-party based elections to local bodies. At grass-roots level, it provides for party-based elections to the village council or the neighbourhood council through adult franchise and joint electorate.<sup>50</sup> The condition of non-party basis of local bodies' election has been set a condition for the upper two tiers of local bodies—Tehsil/Town Council and District Council.

Rule of law and governance are intimately connected. The mixed electoral processes for local bodies are against the spirit of good governance which provides for uniform laws, one law for all, and all for one law. It discourages discrimination. It is also against the spirit of Constitution of Pakistan, 1973 which allows any person to form an association within the prescribed parameters.<sup>51</sup> Mazhar Abbas states that "The most important factor in these elections (1983 local bodies' elections) is not the participation of the political parties but the exploitation of sectarian and ethnic sentiments and the emphasis on baradari. Similar tactics in the 1983 elections led to the birth of ethnic groups such as the MQM and the Punjabi-PukhtunIttehad (PPI)."<sup>52</sup>

Closely connected with electoral process, there is self-contradiction between provisions. This is contradictory with the provision that elections to Tehsil/Town and District Councils can be contested on non-party basis and party basis to VC & NC. Why a candidate should be debarred from using the party symbols, flags, or platforms, if he is allowed to contest elections to VC & NC on party basis?

#### **7. From Democracy To Kleptocracy at the Grass-roots Level:**

This existing LGA, 2013 gives the impression of transition from democracy to Kleptocracy<sup>53</sup> at the grass-roots levels. It is very astonishing and alarming that the Section of LGA, 2013 provides that any criminal after lapse of five years of his sentence can become the member of any council. Similarly, any person sentenced by court for corruption and moral turpitudes can also become the member of any council after the lapse five years of his sentence.<sup>54</sup> It is illogical to give such concession to such declared corrupt and immoral persons in a society. It is worth to mention that whether such people will enjoy credibility and integrity.

#### **Remedial Measures for Overhauling LGA, 2013:**

First, the election commission should collaborate with police department and intelligence agencies. It should send the names and credentials of the candidates for verification to these institutions. It should be made obligatory for every candidate to submit a police clearance certificate in the office of Election Commissioner. Failing to produce such certificate, the candidate should be declared as disqualified.

Second, census in all provinces needs to be held so as to facilitate the Election Commission to ensure the true and actual representation of the people. It will also help in demarcation of local constituencies for local bodies' elections. Census is federal subject under the Constitution of Pakistan, 1973. The central government should issue directives to Bureau of Statistics, Government of Pakistan to conduct census. This will solve many problems along with delimitations of constituencies.<sup>55</sup>

The Khyber Pakhtunkhwa government has promulgated 'Khyber Pakhtunkhwa Delimitation Ordinance, 2014' on October 10, 2014. It authorises the Election Commission to make necessary arrangement with respect to demarcation of boundaries of various local constituencies for holding local bodies' elections.<sup>56</sup> However, it is a futile exercise without holding proper national census.

Third, at least graduation should be made mandatory a minimum academic qualification for local bodies' representatives. As unawareness about traffic rules and driving principles, a driver cannot give a guarantee of safe drive. Otherwise, the consequences will be disastrous. Same is the case of Nazim who is responsible to hold the steering wheel of a very large locality for running its day to day very intricate administrative and political business for the welfare of his people.<sup>57</sup>

The concept of democracy without education is like a man without brain. Participatory democracy cannot deliver to common man in the society without acquaintance with the basics of democracy. Such awareness is possible only through the possession of a sound academic background. For local leadership, the understanding of local government laws, statutes, financial procedures, administrative powers, electoral and judicial matters is very important.<sup>58</sup>

Under the LGO, 2001 matriculation or secondary school certificate or equivalent was made compulsory to assume the office of Nazim and NaibNazim. The vast majority of the union councilors were exempted from such condition.<sup>59</sup> Besides this, it is also important to note that the union council Nazimeen (Mayors) were the ex-officio members of the District Council<sup>60</sup> besides other members elected on reserved seats, while union council NaibNazimeen (Deputy Mayors) were the ex-officio members of the Tehsil/Town Council<sup>61</sup> besides other members elected on reserved seats.<sup>62</sup>

Fourth, self-contradiction electoral provisions need to be omitted from the current LGA, 2013. Conformity should be brought between these



provisions of the Act. Such contradictory provisions are lethal for growth and health of the local government institutions.

Fifth, the clause which permits criminals and corrupts to hold responsible position in the local bodies should be omitted so as to avoid flooding the local councils with habitual criminals and corrupt people. This will help to shut institutional doors on corrupt person and various mafias.

Sixth, uniform method of election should be introduced. Party-based elections should be introduced for all tiers of the local bodies so as to promote a participatory democratic political culture in the society. This will also help to ensure political accountability by fixing responsibility on political parties.<sup>63</sup>

**Conclusion:**

The microscopic analysis reflects some hidden fault-lines in the existing local government laws. However, rather to be pessimistic and to throw it to cold storage, there is need to overhaul the existing local government laws and to refine them keeping in view the welfare of the local people. These should be framed with a view to strengthen local government institutions instead of strengthening the individuals at the helms of affairs. The just participation in local government institutions should be ensured. Transparency in budgeting of authority and resources among various tiers of local government and exercising of authority and utilization of financial resources—collected from the people through levying taxes—should be observed. Under the existing local government law, the provincial government and provincial chief executive are endowed some ultra-powers which are the signs of jeopardisation of local government autonomy.

In the nut shell, the role local government system in promoting good governance is as essential as oxygen for life. Strong and well established local government institutions are the guarantee of a strong and ideal political system in a country.

## Notes & Reference

<sup>1</sup> Amir Ullah Khan, "Local Democracy, Education and Public Welfare Conundrum: The Case Study of Pakistan", *Journal of Law and Society*, Vol. 44, No. 63, Jan 2013, 39. Cited hereafter as Amir, "Local Democracy, Education and Public Welfare Conundrum..."

<sup>2</sup> See for details Mushahid Hussain and Akmal Hussain, *Pakistan Problems of Governance* (New Delhi: Vanguard, 1993); & See also Gerry Stroke, "Governance as Theory: Five Propositions". *International Social Science Journal*, 50, (150), 17-28

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<sup>3</sup> See for details Human Development Centre, *Human Development in South Asia: The Crisis of Governance* (Karachi: Oxford University Press, 1999).

<sup>4</sup> The military regime under General M. Zia-ul-Haq introduced local government institutions under 'Local Government Ordinance, 1979. *Daily Mashriq*, Oct 9, 1979; See also Amir Ullah Khan, "The Myth of Party-Less Local Bodies Elections under LGO, 2001", *Journal of Law & Society*, Vol. XXXIII, No. 52, 93, July, 2008. Cited hereafter as Amir, The Myth of Party-Less Local Bodies Elections...

<sup>5</sup> Amir Ullah Khan, "Local Government, Education and Public Welfare Conundrum: The Case of Pakistan", *Journal of Law & Society*, Vol. 40, No. 63, January 2013, 34. Cited hereafter as Amir, Local Government, Education and Public Welfare Conundrum...

<sup>6</sup> Under LGO, 1979 three times local bodies' elections were held. The local bodies' elections held in 1962 under BDO, 1959, in 1979, 1983, and 1987 under LGO, 1979. Under the LGO, 2001, twice local bodies' elections have been held in 2001 and 2005. The Local Bodies Elections held in 2005 clearly demonstrated the tug of war among various political parties to capture exalted position from the union council level to the district council. They have used all means fair or foul to achieve their objective. See for details Amir, The Myth of Party-Less Local Bodies Elections..., 93-94

<sup>7</sup> Amir Ullah Khan, "Liberating Local Democracy from Subservience to Bureaucracy in Pakistan: Ramifications & Recommendations", *IPRI Journal*, Vol. XIV, No. 2, (Summer 2014), 64. Cited hereafter as Amir, "Liberating Local Democracy from Subservience to Bureaucracy in Pakistan..."

<sup>8</sup> Amir, Local Government, Education and Public Welfare Conundrum..., 34

<sup>9</sup> See Khalid Aziz, "Appraisal of Local Governance at The Federal, Provincial, and District Level in Khyber Pakhtunkhwa Province, Pakistan", *Criterion Quarterly*, Vol. 11. No. 1, May 30, 2016. <http://criterionquarterly.com/>

<sup>10</sup> Amir, "Liberating Local Democracy from Subservience to Bureaucracy in Pakistan...", 69

<sup>11</sup> Ibid., 70: See also *Daily Express*, May 30, 2015.

<sup>12</sup> *Khyber Pakhtunkhwa Local Government Act (2013)*, Khyber Pakhtunkhwa Provincial Assembly. Accessible on

<http://www.pakp.gov.pk/2013/acts/the-khyber-pakhtunkhwa-local-government-act2013/>

<sup>13</sup> Shahid Saleem, "Balochistan votes peacefully in local bodies' polls", *Dawn*, December 08, 2013

<http://www.dawn.com/news/1061223>

<sup>14</sup> Shahid Saleem, "Balochistan's local bodies seek financial, administrative powers", *Dawn*, January 10, 2015.

<http://www.dawn.com/news/1187230>

<sup>15</sup>“Local bodies’ institutions would be empowered: CM”, *Daily Balochistan Express*, January 21, 2016.

<http://www.bexpress.com.pk/2016/01/local-bodies-institutions-would-be-empowered-cm/>

<sup>16</sup>Ayaz Ahmad, “Challenges To Local Bodies”, *The News*, November 13, 2015

<https://www.thenews.com.pk/print/72976-challenges-to-local-bodies>

<sup>17</sup>**Adnan Aamir**, “Balochistan Government Drafted Local Body Act In Haste: Sultan Bayazeed”, *The Balochistan Point*, March 7, 2015. <http://thebalochistanpoint.com/balochistan-government-drafted-local-body-act-in-haste-sultan-bayazeed/>

<sup>18</sup> See for details *Daily Express*, Oct 31, 2015; *Daily Express*, November 19, 2015; & *Daily Express*, December 5, 2015

<sup>19</sup>Imran Adnan, “Local Governments: Punjab lagging behind in devolution of municipal services”, *Daily Express*, October 19, 2015

<sup>20</sup>*Daily Express*, May 30, 2015

<sup>21</sup>*Daily Aaj*, May 30, 2015

<sup>22</sup> Section 5 of Khyber Pakhtunkhwa Local Government Act, 2013

<sup>23</sup> Section 5 of Khyber Pakhtunkhwa Local Government Act, 2013

<sup>24</sup>Section 18 of LGA, 2013

<sup>25</sup>Section 19 of LGA, 2013

<sup>26</sup> Section 24 of LGA, 2013

<sup>27</sup> Section 21(2) of LGA, 2013

<sup>28</sup>Section 25 of LGA, 2013

<sup>29</sup>Section 27 (1) of LGA, 2013

<sup>30</sup>Section 27 (4) of LGA, 2013

<sup>31</sup> Section 28 of LGA, 2013

<sup>32</sup> See for details Section 29 of LGA, 2013

<sup>33</sup> See for details Section 55 of LGA, 2013

<sup>34</sup> Ibid.

<sup>35</sup> See Section 60 of LGA, 2013

<sup>36</sup> See Section 62 of LGA, 2013

<sup>37</sup> Ibid.

<sup>38</sup>Section 82 of LGA, 2013

<sup>39</sup>Section 59 of LGA, 2013

<sup>40</sup>Section 84 of LGA, 2013

<sup>41</sup>See also Ayaz Muhammad & Mian Ghulam Yasin, “Local Governance and Empowerment of marginalized Groups: A case Study of BDS and LSG in Pakistan”. *Pakistan Journal of Social Sciences*, Vol. 31, No. 1, June 2011, 115-125

<sup>42</sup>Section 74 (6) of LGA, 2013

<sup>43</sup>Section 74 (5) of LGA, 2013

<sup>44</sup>Section 74 (7) of LGA, 2013

<sup>45</sup>*Daily Express*, May 30, 2015

<sup>46</sup>*Daily Aaj*, May 30, 2015

<sup>47</sup>*The Khyber-Pakhtunkhwa Local Government Act, 2012 (Khyber-Pakhtunkhwa Act No. VIII of 2012)*, Provincial Assembly Secretariat, Khyber-Pakhtunkhwa, May 15, 2012, p. 12. See also Amir, *Local Government, Education and Public Welfare Conundrum...*, 39

<sup>48</sup>Amir Ullah Khan, "The Enigma of Local Government Institutions in Pakistan", *Journal of Law & Society*, Vol. 40, No. 55 & 56, January-July, 2010, 166. See also Amir Ullah Khan, "Ladies Union Councillors and Decision Making: A Nightmare", *Journal of Law & Society*, Vol. 41, No. 57 & 58, January-July, 2011, 4

<sup>49</sup>*Ibid.*

<sup>50</sup>Section 27 (2) of LGA, 2013

<sup>51</sup>See Article 17 of 1973 Constitution of Pakistan

<sup>52</sup>*The Herald*, December 1987, 25; & Amir, *The Myth of Party-Less Local Bodies Elections...*, 98

<sup>53</sup>Kleptocracy is the combination of two Greek words, "klept s" means thief and cracy is derived from "kratos" means rule. So it means rule of the thieves or simply rule of corrupt people's representatives.

<sup>54</sup>Section 78 (1) (h) of LGA, 2013

<sup>55</sup>*The News International*, December 15, 2013

<sup>56</sup>See for details *The Khyber Pakhtunkhwa Delimitation Ordinance, 2014*.<sup>56</sup>

<http://lgkp.gov.pk/wp-content/uploads/2014/11/The-Khyber-Pakhtunkhwa-Delimitation-of-Local-Council-Ordinance-2014.pdf>

<sup>57</sup> Amir, *Local Government, Education and Public Welfare Conundrum...*, 41

<sup>58</sup>*Ibid.*, pp.40-41

<sup>59</sup> Article 152 (1e) of LGO, 2001, 114; See also Amir Ullah Khan, *Local Democracy...*, 37-38

<sup>60</sup> Article 37 (1) of LGO, 2001, 21; See also Amir Ullah Khan, *Local Democracy...*, 38

<sup>61</sup> Article 65 (1) of LGO, 2001, 42; See also Amir Ullah Khan, *Local Democracy...*, 38

<sup>62</sup>Amir Ullah Khan, *Local Democracy...*, 38

<sup>63</sup>Amir Ullah Khan, *The Myth of Party-Less Local Bodies Elections...*, 100