**Constitutionalising local government elections**

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March 13, 2021

With the Prime Minister having secured a vote of confidence from the National Assembly, it is time for the ruling party to return its focus to the radical reforms it once promised. And perhaps nothing merits reform more than the abysmal state of local governments in Pakistan. While Article 140-A of the Constitution requires provincial governments to establish local governments and devolve political, administrative, and financial powers to them, it remains silent on the frequency of local body elections.

Because establishing local governments is a political inconvenience, this constitutional silence has become a serious problem. There is no incentive for parliamentarians to devolve power to local governments because effective local governments would restrict them to legislative action and policy making, depriving them of engaging in the developmental work that wins them votes and influence. Community development, after all, is supposed to be a function of local bodies. Hence, without a constitutional time frame, local governments have remained dispensable: constituted and dissolved at the whim of provincial legislators. For example, in Punjab, Balochistan and Khyber Pakhtunkhwa, there have been no elected governments since late 2019.

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This is despite the fact that a legal time frame does exist. The Elections Act 2017 requires elections to be held within 120 days of the expiry of a local government term in a province. The question arises: if a legal time frame does exist, why is there a need to constitutionalize the same?

Here, it is important to note that the Elections Act 2017 is a federal law, whereas local governments are the responsibility of the provinces, as per Article 140-A. In fact, in Section 219, the Elections Act itself admits that local body elections will be held under the applicable provincial local government law. Yet, in the same chapter, it goes on to provide the 120-day time frame. As a result, the time frame for local government elections is governed by the federal Elections Act 2017, as well as each province’s own local government legislation.

The apparent legislative duality is just one half of the problem.

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If we look at each province’s local government law, one cannot help but think that the absence of a proper legal time frame is a product of deliberate negligence. The Punjab Local Government Act 2019 provides no time frame for the conduct of local government elections, even though it specifies that a single term will last for four years. Khyber Pakhtunkhwa’s local government legislation is no different. Sindh’s local government law, in vogue since 2013, provides a time frame for elections: Not less than 60 days and not more than 120 days from the time of the elections being announced. This is ingenious. As per the law, the provincial government, and not the Election Commission, reserves the right to announce a date for local government elections. Balochistan, through the Balochistan Local Government Act 2010, follows suit.

Essentially, none of the four provinces have an effective legal time frame for conducting local government elections.

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The people of Pakistan, especially those from areas which remain untouched by development, continue to suffer. In the absence of elected local representatives, government remains inaccessible, confined to provincial capitals and removed from the people and places that require development most urgently. What’s more, development undertaken by provincial governments or elected parliamentarians is naturally selective and exclusive. Decisions on development are based on political gain and projects likely to win more votes are the ones which find approval and expedition. While local governments may also face similar challenges, the smaller–– and more manageable—sizes of their localised administrative units will limit developmental exclusion and governmental inaccessibility.

And that is why constitutionalising the time frame for local government elections is so important. It could be argued that a constitutional time frame is not an exhaustive solution. After all, the 5-year constitutional time frame for the National Finance Commission (NFC) has seen little adherence. But while a constitutional time frame may not guarantee timely local body elections, it will fix a clearer responsibility on the Election Commission and the provincial governments, providing for more effective judicial and parliamentary oversight.