**Violation of SC Orders and Constitution**

[Malik Muhammad Ashraf](https://dailytimes.com.pk/writer/malik-muhammad-ashraf/%22%20%5Co%20%22More%20Articles%20by%20Malik%20Muhammad%20Ashraf)

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A two-member bench of the Supreme Court has ordered the Punjab government to restore the local government system by October 20. It also summoned the incumbent and former chief secretaries on the next date to answer why they failed to implement the court decision regarding their restoration.

The apex court had ordered the restoration of the local government system in Punjab on March 25 and declared Section 3 of the Punjab Local Bodies Act 2019 as ultra vires to the Constitution. The Punjab Local Bodies Act 2019 was passed by the provincial legislature in May 2019. The term of office of the previously elected local bodies was to expire on December 26, 2021. However, they stood removed under Section 3 of the Punjab Local Bodies Act 2019. Asad Ali Khan and others elected as mayors under the Punjab Local Government Act 2013 for five years had challenged the Punjab Local Bodies Act 2019.

But the provincial government remained adamant in regards to the implementation of the court decision and when the local government representatives went to resume their functions they were asked to leave and the offices were locked. The non-implementation of the decision by the Punjab government was challenged in the SC. Expressing annoyance at the non-implementation of its orders, the court told the government secretary attending the court proceedings, “We will send you straight to jail. You don’t know about your responsibility.”

The non-implementation of the SC decision clearly indicates how much respect the government has for the apex court and the constitution.

The real solution lies in establishing Local Bodies, a missing link in the system of governance.

Federal Information Minister Fawad Chaudhry had admitted a few days ago that it was a mistake on part of the government not to hold local government elections during the first year of its coming into power. He also revealed that the chief ministers had been resisting the establishment the holding of these elections.

The constitution of Pakistan envisages a three-layered system of governance that comprises federal, provincial and local governments. But to the chagrin of the masses, while the federal and provincial governments have been functioning uninterrupted, both under civilian and military rules, it was only the latter who installed systems of local governments. However, it was not as envisaged in the constitution but with the sole purpose of building support for their regimes at the grass-root level and undermining the political parties. The elected governments that interspersed the military regimes remained criminally oblivious to this constitutional requirement. The consequences of this willful breach of the constitution by the elected governments are that the state of Pakistan, has to a great extent, failed to provide the required services to its citizens and build a responsible relationship with them. That decidedly is also the major factor in promoting fissiparous tendencies in the country and undermining national integration.

The model of local government, originally crafted by the National Bureau of Reconstruction during the Musharraf era, was probably a bold initiative that conformed to the system envisioned in the constitution. It enhanced the powers of the elected officials of the local government and abolished the office of District Magistrate and Divisional commissioners. This step also finally fulfilled the constitutional requirement under Article 175(3) for the separation of the judiciary from an executive at the district level. But the PML (Q) government (installed by Musharraf) defanged the system by changing some of its features and initiating a process of recentralization of some of the development departments. Musharraf acquiesced to these changes dictated by political expediencies. However, the moment democracy was restored in the country as a result of the 2008 elections, all the provincial governments abandoned the system and revived the archaic and colonial system of district administration. None of the parties ruling the provinces, despite crying hoarse from every convenient rooftop to rub in their democratic credentials, ever bothered to hold local government elections. What a shame!

It is pertinent to mention that a similar situation cropped up in 2013 when despite the SC orders, the provincial and federal government failed to hold the local body election by September 2013. The SC took exception to the delay in holding them and issued notices to the Attorney General and Advocate Generals of Sindh, Punjab and Khyber Pukhtunkhwa. The Supreme Court, in its order on March 19, 2014, again asked the federal and provincial governments to enact new laws regarding the delimitation of the constituencies by the Election Commission and the ECP was given 45 days to accomplish the task after the required legal changes by the federal and provincial governments. However, it took almost two years to implement the court orders and they were finally held in 2015. In Punjab, they started functioning in 2016. But they were rendered dysfunctional by the PTI government prematurely. The reality is that the provincial governments have always resisted the formation of local governments and the MNAs and MPAs have also supported them. The governments instead devised a mechanism to give development funds to the legislators to spend in their constituencies.

We often hear demands for the creation of new provinces and administrative units to resolve the problems of the people and finding the solutions to the political tensions. I think this is not the real solution. The real solution lies in establishing Local Bodies, a missing link in the system of governance, in conformity with Article 140A (1&2) of the constitution which stipulates” Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments. Elections to the local governments shall be held by the Election commission of Pakistan.” As is evident from this article the local government system envisaged by the constitution demands devolution of full powers to the local governments including development projects and the local administration, free from the strangulating control of the provincial governments. Those crying hoarse from every convenient roof-top for change must realise that real change cannot come without showing respect to the court orders and the constitution.

*The writer is a retired diplomat, and a visiting professor at Riphah International University, Islamabad.*