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**Dysfunctional local government**

Local government is an integral part of the modern democratic system in many federal and unitary states. Being closer to the people, with better knowledge of local issues and by engaging with local communities and citizens, this system helps in finding sustainable solutions for social, economic and material needs.

Decentralization through local governance minimizes delays in public service delivery that otherwise happens when powers and resources are concentrated at the federal or provincial levels. It also ensures equitable distribution of resources, gives a sense of ownership to local people, mobilizes far more resources for development, ensures greater responsiveness and accountability, and helps in strengthening federalism and national integration through a satisfied citizenry.

All these features of the local government system help in the democratization of state and society, and are hence instrumental in nation-building.

Unlike the practice elsewhere in the world, the local government system in Pakistan has not got enough focus and promotion due to the unholy alliance of autocratic politicians, myopic local elites and powerful bureaucracy. Article 140A of the constitution of Pakistan binds the provinces to establish a viable and functional local government system, to devolve political, administrative and financial responsibility and authority to the elected representatives of the local government.

Similarly, Article 32 of the constitution envisions that the state shall encourage local government composed of elected representatives, while Article 37 provides that the state will promote social justice and eradicate social evils by introducing decentralized governance so as to conveniently meet the requirements of the public. Unfortunately, however, provincial governments continue to ignore these constitutional obligations with impunity. Tragically, an empowered and functional local government system has been anathema to the political and bureaucratic elites in Pakistan. Military dictators used it only to serve their own limited interests, including securing a sense of legitimacy for their otherwise unconstitutional rule.

It was hoped that the PTI would break this unholy alliance by establishing robust local government institutions at par with the provisions of the constitution. It was one of the key pillars of its reform agenda and election manifesto. Not surprisingly, and living up to its reputation of U-turns, the PTI government has defaulted on this promise also, much to the detriment of the rights and legitimate expectations of the people of Khyber Pakhtunkhwa, who twice voted it to power in the province. The current government of the PTI has come up with a butchered local government system that is not only against the spirit of devolution and empowerment but also backtracks on local empowerment.

Earlier in 2013, the PTI in alliance with the JI introduced a relatively bold law, and consequently established a local government system which was closer to the spirit of devolution and provisions of articles 32, 37 and 140-A of the constitution. The World Bank in its report ‘Pakistan @ 100’, and Ishrat Hussain in his book ‘Governing the Ungovernable’, termed the Local Government Act (LGA) 2013 a genuine effort and relatively bold attempt towards decentralization.

According to the LGA 2013, a three-tier system was introduced in all districts of the province. Initially with 24 devolved departments which were later on slightly reduced, the district government was responsible for the provision of social services. The tehsil tier was entrusted with the responsibility of municipal services. A unique feature was the replacement of the union council with village council/neighbourhood council (VC/NC), a relatively small unit in line with the principle of subsidiarity. This Act provided a degree of fiscal autonomy to all the three tiers by allocating a considerable amount of money.

The Act made it mandatory that 30 percent of the total development spending of the provincial government would be given to local governments through the Provincial Finance Commission, keeping in view the factors of population, poverty, revenue collection and lag in infrastructure. A phenomenal amount of over Rs70 billion was transferred to the local government institutions in four years, even though this amount was roughly half of the due share of the local bodies but which was not shared.

In order to control malpractices in the election of district and tehsil nazims, as was observed in 2001 system, only district councils and tehsil councils were declared as electoral colleges. This helped hold the election in a transparent manner. Imran Khan and his party took full credit for its introduction and hailed it as a revolution. It was declared as a flagship project and widely used for public mobilization in favour of the PTI, both before and during general election 2018.

But shockingly the PTI took a big policy shift and, by incorporating certain fundamental amendments, transformed the nature of local governance, jeopardizing whatever good progress was made due to LGA 2013. The amended Act not only suffers from contradictions but is also against the spirit of the 1973 constitution and the spirit of devolution. The district tier has been abolished but at same time district administration has been retained as a unit.

The district administration will be reporting to the provincial government and ultimately controlling the local governments. Only two tiers – tehsil and village/neighbourhood – have been retained. The tehsil-level tier is mandated to look after municipal and social services but surprisingly the devolved departments at the tehsil level would also be reporting to the district administration. This would either render the tehsil mayor/ chairperson helpless before the district administration or – at worst – there would be a tug of war between the two entities, resulting in poor service delivery.

Another anomaly is the removal of chairperson of VC/NC and mayor of tehsil through impeachment instead of no-confidence. For all practical purposes, the chairman of the VC/NC and the tehsil mayor cannot be removed as impeachment is a cumbersome process and next to impossible, in addition to being more humiliating. Moreover, in case a council fails to pass the budget, the head of the councils would prepare a budget and send it to the local government commission for final approval within 30 days. This provision empowers the provincial government and local government commission and renders local bodies excessively subservient to the provincial government, which is against the spirit of financial autonomy and devolution.

The idea of direct election of the tehsil mayor on a party basis is a bold step but again members of council consisting of the VC/NC chairs would be elected on a non-party basis. The architects of the system cannot explain this dichotomy of electing the mayor on a party basis with a council consisting of members elected on a non-party basis. This will promote horse-trading at the grassroots level.

According to another provision, the chief minister can ask the chair of the VC/NC or the tehsil chair or city mayor to carry out certain functions, and if the head of the concerned tier fails to comply, the CM can direct the district administration to carry out these functions. This provision would seriously hamper the function of the elected local government and also endanger the spirit of separation of roles and responsibilities.

Instead of reforming and improving the already established local government system, these consequential amendments to LGA-2013 vitiated the spirit of devolution and eroded the financial and administrative autonomy of the local governments. It is going to reverse the momentum of reforms and gains of LGA-2013. Three local governments have successfully completed their tenure and now the province is ready for another generation of reforms.

There is a need to restore the district tier with more powers, remove provincial indirect control over local bodies, and make local bodies free from the clutches of the bureaucracy. In view of elected governments’ tendency to weaken and deliberately delay local bodies election, there is a need for a constitutional provision making it mandatory to have three tiers of local governments and to hold elections within 90 days after its completion of tenure.

Last, but not the least, the inordinate delay in holding local government elections even under the new law is making matters worse for the common people. Once again, an elected government is dragging its feet on holding elections to the local bodies and denying the people the right to avail social and municipal services at their doorstep through politically and financially empowered local self-governing institutions. How long will the government keep the people denied of their constitutional right, people who voted this government into power, not once but twice. And, more importantly, why?

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