

## Local Government Elections in Khyber Pakhtunkhwa, Pakistan: An Assessment of Challenges and Prospects (2012-2015)

Ashfaq U. Rehman<sup>1</sup> | Asghar Khan<sup>2</sup> | Shughla Ashfaq\*<sup>3</sup>

1. Department of Political Science, Women University Swabi, Swabi, Pakistan.

2. Department of Regional Studies, University of Peshawar, Peshawar, Pakistan.

3. MPhil, Department of Politics and IR, International Islamic University, Islamabad, Pakistan.

Received: September 12, 2020

Published: December 31, 2020

### Abstract

The 18<sup>th</sup> Amendment in the 1973 Constitution mandated provinces to institute a local government system. However, it has provided fewer details on what kind of administrative and financial powers would be conferred to the local governments (LG). The Local Government Act 2012 was passed by the Awami National Party (ANP) led coalition government in Khyber Pakhtunkhwa (KP). This act was replaced with the Local Government Act 2013 by the Pakistan Tehreek-i-Insaf (PTI) led coalition government. This paper investigates the reasons behind the failure of the PTI government to conduct an in-time LG election. The findings show that the deferral is accounted for by the revision and delimitation of local government constituencies, which could not be done due to the government-opposition contentions for securing political interests and edge over the voting majority areas of candidates of the rival parties. Another point to ponder is the PTI government's failure to keep the promise of conducting voting through a biometric system, which could minimise the problem of rigging and mismanagement. An attempt has also been made to analyse the complex relationship between the PTI-led government and the Election Commission of Pakistan (ECP), fraught with a mutual blame game, to cover up their inabilities.

**Keywords:** Local Government, Local Government Act, Decentralisation of Power, Local Govt Elections, Civilian Government, Elections, Electronic Voting Machines.

### 1. Introduction

The local government system is considered the backbone of a democracy. However, since the beginning, the constitution of Pakistan has been unclear on the structure of local government (LG). Further, it is also unclear how the local government system would be constituted. Moreover, the federal and provincial governments were not bound to hold an in-time election of the LG. During the first decade, civilian governments could not introduce any LG system. When General Ayub Khan took over the power in 1958, as a way forward to a representative system, a new local government system was promulgated on 27 October 1959, called the Basic Democracies Order 1959. *Basic Democracy, in any case, was not a substitute for the national and provincial assemblies.* However, this system was more than a local government system, exercising more powers and functions and thus decreasing the influence of the seasoned politicians. Basic Democracies act as an Electoral College for the elections of the President of

Pakistan and members of the National and Provincial Assemblies. Thus, it provided an indirect system of democracy, and more precisely, in Ayub Khan's words, the Controlled Democracy (Ahmad et al., 2015; Khan, 1967; Soomro & Chandio, 2013).

General Ziaul Haq took over the power on July 4, 1977, dismissed the elected government and dissolved the assemblies with a promise to hold free and fair elections. His hidden motives about the future were disclosed gradually. Instead, he opted to prolong his rule indefinitely to fulfil the promise of an immediate power transfer, which increased public resentment against martial law. Instead of holding general elections, the martial law regime preferred to conduct party-less local body elections in September 1979. It was planned to de-politicise the provinces and significantly decrease the influence of political parties to directly interact with the local-level politicians, who, in turn, could provide more support to the military regime. The local government elections became the government's priority and were held non-party in September 1979 (Arif et al., 2010; Kandhro & Akbar, 2015).

General Pervaiz Musharraf took power on October 12, 1999, by dismissing the elected government of Nawaz Sharif and dissolving the national and provincial assemblies. Like his predecessors, he devised a devolution of power plan instead of holding fresh general elections. He introduced a three-tier local government system through the Local Government Ordinance 2001, which transferred vast powers to the local representatives vis-à-vis the civil bureaucracy (Anjum & Ahmad, 2001; Ahmad et al., 2017; Majid & Ali, 2020). The key features included vast financial powers and a significant share of representation to the women at all three levels of LG (Ahmad & Bano, 2019; Khattak, 2010; Jabeen, 2019; Hussain & Hussain, 2009). The 18<sup>th</sup> Constitutional Amendment is a significant development of PPP-led coalition government to establish a strong federal parliamentary system. The 18th Amendment of the Pakistan Constitution instituted dramatic changes to decentralise power since the implementation of the 1973 constitution. The 18<sup>th</sup> Amendment of the Constitution has resulted in a few important stepladders decentralising power as they embarked on transferring power to provinces to strengthen provincial autonomy. The initiative demolished a synchronised legislative gradient, considered the backbone between provinces and federations. It reversed the presidential powers, centralised by an indirectly elected president, and conferred greater autonomy to parliament, including the prime minister of Pakistan. The amplified authority accorded to provincial governments has enhanced their capabilities to collect and control revenue. However, the more significant part of the collected taxes is supposed to be redeployed through the consent of the federal government of Pakistan (Malik & Rana, 2019).

Although the 18th Amendment mandated the power of establishing the local governments in all four provinces, it provided little clarity on the modalities of administrative and financial authority conferred to the local governments or how they should be instituted. According to the said article (Article 140-A), the Constitution of Pakistan, under the 18th Amendment, authorises all the provinces of Pakistan separately to establish their local government system, conferring duties and assigning different responsibilities to other financial, political, and different administrative persons to contribute as representative of local governments. Further, it is crystal clear in the article that the Election Commission of Pakistan will set out and conduct the election. Furthermore, article 32 of the amendment, which sets out the "principles of policy," prescribes that inclusive representation must be given to different sections of society, i.e., workers, peasants, minorities, and women. Another article of the amendment, "Article 37(i), suggests that administrative authority is decentralised through the consent of people

belonging to each province. Therefore, different articles of the amendment suggest and define the power of local government and define the boundaries for its electoral system as different financial, political, administrative and political representatives play their roles (Rafiq et al., 2020; Taj & Baker, 2018).

Implementing the local government system faced many hurdles in KP, so the Awami National Party (ANP) formed its government with a coalition of other parties and passed the Local Government Law in 2012. However, elections for adequately implementing the system were not held until their tenure ended and fresh general elections were announced. The following general elections resulted in the formation of the government of Pakistan Tehreek-i-Insaf (PTI) with the help of a coalition with other political parties, replaced the previous act with a new Khyber Pakhtunkhwa Local Government Act (KP-LGA) 2013. It was claimed to provide a system of local government that is feasible for people to represent them at the grassroots level. However, despite being a top priority in their election agenda, the PTI government could not hold elections during the first two years of its government. Besides focusing on the complete failure of the ANP government to implement the local government system, an assessment has also been done of the delay in holding local government elections by the PTI-led coalition government. It is significant to analyse the situation, due to which the PTI-led government was unable to conduct the long-awaited elections of the local government almost two years after coming into power in KP, despite claiming the LG to be one of the top priorities of the party manifesto.

## **2. Role of ANP Government in Implementing the Local Government System**

The local government elections were postponed by the then government from time to time since 2009. However, as far as the local government system is concerned, it was not completely non-existent in Pakistan. General Pervez Musharraf's regime conducted local government elections in 2001, under the Local Government Ordinance (LGO) 2001, with a claim to have transferred power to the grassroots level. During 2001-2005, some serious conflicts emerged between the provincial governments and some district nazims, which were difficult to resolve. However, after the 2008 general elections, the ANP-PPP coalition government was brought to KP, and amendments were introduced in LGO 2001. The amendments incorporated Section 179-B in the ordinance, thus allowing the provincial government to dissolve the councils and appoint new administrators (Islam, 2015). The elected district councils were dissolved, and administrators replaced the elected Nazims. This dissolution of the local government system created a sudden conflict among the political parties. Moreover, neither the federal nor provincial governments across the country showed interest in holding local government elections. In this context, in their individual capacities and civil society organisations across the country, several people moved towards superior courts to issue appropriate directions to the federal and provincial governments for holding local government elections.

The Courts repeatedly reminded the concerned governments about their constitutional obligation to hold local government elections without any further delay and to devolve administrative, financial, and political responsibilities to the people's elected representatives at the grassroots level. However, the observations of the apex courts did not affect the provincial governments, which were reluctant to make serious efforts through necessary arrangements for holding local government elections on one pretext or another. However, All the provinces had unanimous reservations on the respective Local Government Ordinances (LGO) 2001, which

were unacceptable for various reasons and needed to be replaced by altogether new legislation (DTCE 2015).

The ANP-PPP coalition government passed the Khyber Pakhtunkhwa Local Government Act (KP-LGA) 2012 on May 8, 2012. This act was tilted towards the local government models of 1962 and 1979. The law suggested district council and union councils for rural areas and the municipal corporation for Peshawar only. Moreover, municipal committees were to be formed in the urban areas in other districts, which would be further comprised of wards. Urban union councils were planned for Peshawar city (Islam, 2015). The ANP government also announced that it would hold local government elections within six months, either in October or early November 2012 (Bilour, 2015). The KP-LGA 2012 was not enforced in one go, but the provincial government was empowered enough to enforce it at an appropriate time and might enforce some of its clauses immediately. However, neither ruling party favoured the local government system and took no serious steps to hold local government elections. Therefore, these elections could not be held during ANP tenure. As a result, the LGO 2001 was in practice even during the initial two years of the PTI-led coalition government. Interestingly, the ruling ANP government blamed the Election Commission of Pakistan (ECP) for delayed LG elections. It was alleged that the election commission had not issued voter lists for the elections (Mashriq, May 6, 2015). Therefore, the ANP government could not settle constituencies and hold the elections in KP in October or November 2012. However, the ANP government claimed the party would actively participate in local bodies and the next general elections (Khattak, Daily Dawn July 1, 2012). Thus, with different defences and blame games, the time approached for the General Elections 2013, which delayed the elections of the local government system in KP.

### **3. Role of Pakistan Tehreek-e-Insaf in Implementing the Local Government System**

The general election of 2013 resulted in the formation of a coalition government by PTI in KP. The provincial assembly passed the Khyber Pakhtunkhwa Local Government Act (KP-LGA) 2013 on 31<sup>st</sup> October 2013. The provincial government of PTI claimed that the new law had been delayed due to filling the loopholes in legislation subject to holding transparent local government elections. Experts from various national and international civil society organisations were involved in drafting the Act. However, the KP-LGA 2013 is similar to prototype systems of the past, especially the Local Government Ordinance 2001, which was repealed by the KP-LGA 2012. However, compared to the local government acts of other provinces passed in 2013, the KP-LGA 2013 significantly empowered the elected representatives at all tiers. It aims to build and regulate local government institutions in the province. It also aims to consolidate the laws related to these institutions and to provide for the matters connected therewith and ancillary thereto (DTCE October 3, 2014).

#### **3.1. Khyber Pakhtunkhwa Local Government Act 2013**

The KP-LGA 2013 significantly encompasses all three tiers at the grassroots level. It has been developed with the bottom-up approach, starting at village and neighbourhood councils and going up to the district level for four years. At the same time, Peshawar City was termed a city district, and the local government system under it was named City District Government. The same is true for the tehsil/town municipal administration and tehsil/town councils. Nevertheless, the Village and Neighbourhood Councils were placed under the Union Council

for rural and urban areas. The other feature of the new Act which is distinguished from the previous LG Act is that nazims replaced the naib nazims at the district, tehsil and town councils to preside the sessions of the councils, that too in the absence of the nazims (KP Local Government Act 2013, Govt. of KP 2014).

The village council is the first local government unit, representing a population of 2000 to 10,000. Five to ten members are elected for the Village council and neighbourhood council, where the population is up to 10,000. The number of these members is decided according to the population of the concerned village council and neighbourhood council. Every village/neighbourhood council has two seats for women, one for labour/farmer, one for youth, and one for minorities, as reserved seats except for the general seats. Every citizen who has attained the age of 18 years is eligible to cast a vote. The minimum age limit for every candidate, including Nazim, is 21 years. Party basis elections have been set out for village and neighbourhood councils, while District and Tehsil council elections are held on party bases. In this process of LGO 2001, the quota of women seats was cut down to 30% in the district and Tehsil councils, where the women's reserved quota is 33%. It is worthwhile mentioning that the reserved cadre for youth is a new phenomenon introduced by the PTI government (KP Govt. Local Government Act 2013).

On the lines of LGO 2001, the provincial government offices, which were few, were devolved to the city and district governments by giving administrative and financial authority for their management. The Local Government Commission (LGC) will look after the LG's affairs as the local government has not been declared a third tier and will work under the provincial framework. The commission has been given the power to conduct a review and hold an inquiry against a Nazim, Naib Nazim or a member of the councils. LGC may be considered necessary, but it might prescribe suspension of a member of the local government for a period limited to thirty days to the Chief Minister of the KP. It may take a necessary action that is considered relevant. The Commission enjoys the powers of a Civil Court by summoning a person to appear or avoidance. At the same time, a Provincial Finance Commission (PFC) is also formed to be headed by the Provincial Finance Minister. It has been thrust upon the local government to raise funds and charge taxes on stated subjects. The KP-LGA 2013 has provisions similar to those of LGO 2001 for decentralising several offices in provincial administration, especially in health and education departments (DTCE, 2015).

An assessment report prepared by the civil society organisation on the provincial legislation for the local government system revealed several gaps and omissions in the draft local government laws of Khyber Pakhtunkhwa, Punjab and Sindh passed in 2013. The assessment suggested that the provincial legislative members may have copied the qualifications and disqualifications of candidates/members from the Local Government Ordinance (LGO) 2001. The act retained vague and subjective criteria like having 'good character', being a good Muslim with 'adequate knowledge of Islam,' 'Islamic ideology' and 'abstaining from (major) sins. Instead of removing or replacing these terms, the provincial government added, 'these qualifications shall not apply to a person who is a non-Muslim, but such a person shall have a good reputation.' The new Local Government Act 2013 set the condition that the candidate 'has not been involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society'.

The international observers also noted that there had been no significant regulation provided in KP-LGA 2013 on the insurance of transparency in the electoral process, only a mention for immediate display of results at the polling stations and immediate publication of the polling stations' results on the ECP website. Moreover, PTI believed that there should be an assurance that the rights of candidates and independent election observers should be protected and that they would receive an official result sheet from the polling station (DRI, 2014). The PTI government amended the based on these issues in 2013. The first amendment was introduced in March 2014, and the second in February 2015 (FAFEN, 2015).

#### **4. Factors Responsible for Delay in Local Government Elections**

After the above-detailed analysis of history and literature, the researchers identified elements and factors that caused the delay in the elections, and the study findings identified the reasons behind them.

##### **4.1. Reservations of the Opposition Parties**

The PTI-led coalition government failed to conduct local government elections in KP within the promised timeframe of 90 days, which was announced repeatedly during the election campaigns in 2013, which had put the PTI on a weak footing in provincial and national politics. At the same time, the opposition parties also mounted pressure on the government to hold local government elections. Since the beginning, the PTI government has struggled to honour its promise. However, only in January 2015 did the provincial government announce it would hold local government elections in May 2015.

The JUI-F leadership asserted in the provincial assembly that the PTI-led coalition government had ignored the suggestions for incorporation of amendments to the KP-LGA 2013 in the previous year; however, the Local Government Minister of the coalition government declared that the treasury and opposition benches had achieved 99 per cent consensus on the draft act, except for holding the village/neighbourhood council elections on non-party basis. Similarly, presenting a call attention notice, an ANP parliamentary member stated that a new law on the local bodies system had come into force. However, municipal committees and district councils created under the 2012 Act were still functioning. He further declared that these local bodies had no authority under the 2013 local bodies law to function anymore. Therefore, the provincial government was advised to invoke Article 123 of the KP-LGA 2013 to appoint new district administrators and establish district governments and tehsil municipal administrations (The News, October 28, 2014).

Two identical petitions were filed in Peshawar High Court. The first petition was filed by the ANP parliamentarian of the provincial assembly of KP, and the information secretary of KP province of JUI-F filed the second petition. The aforementioned petitioners have challenged several provisions of KP-LGA 2013, including those provisions which consisted of the electoral process, holding village and neighbourhood council elections on a non-party basis, the election procedure for Nazim of village and neighbourhood councils, the power in the provisions have been defined as the chief minister of the KP province has the authority to suspend the decisions and suspend District Nazims respectively. However, the Court dismissed the petitions on May 13, 2015, allowing the provincial government to proceed with the local government elections (Dawn May 13, 2015).

In a TV interview, the ANP leadership declared that the present provincial government of PTI has no role in arranging the upcoming local government elections. They claimed that the elections would be held due to the directives of the Supreme Court. They further held that the PTI government had violated its election manifesto, in which PTI claimed to hold local government elections within 90 days after coming into power. The ANP leadership further declared that the upcoming local government elections violated Article 17 of the Constitution. It is mentioned that the local government elections would be party-based, but the PTI government supported and arranged non-party elections at village/neighbourhood councils. The Pakistan Peoples Party Parliamentarian (PPPP) leadership also expressed that the local government elections were more important than provincial and national elections because they ensure people's basic needs and rights and provide an easy solution to the problems of the masses at their doorstep. However, the PTI government could not arrange the local elections in time, clearly showing their inability (Speeny Habary, May 5, 2015).

The Local Government Minister of the coalition government bailed out the PTI on its 90-day local government elections promise. He declared that it was the election slogan of PTI, and his party [Jamaat-i-Islami] did not agree to its local government program 'in toto.' The minister also said Jamaat-i-Islami (JI) had already told the PTI that necessary preparations were required to hold the local government elections. He further shared that the coalition government wanted local government elections in different phases to avoid harsh winter in some parts of the province, which could create hurdles for the voters. However, the minister also stated that if the elections could be managed, the provincial government was ready to hold the polls in one go (The News, October 28, 2014).

#### **4.2. Delimitation of Local Government Constituencies**

The demarcation of local constituencies is a significant element that defines the representative and the transparency of the elections. Pakistan has a separate law, "the Delimitation of Constituencies Act (DCA) 1974," governing the delimitation of constituencies for national and provincial assemblies. However, provincial legislation on the demarcation of constituencies for local is supposedly part of the LGA (DTCE October 3, 2014). Under Article 140-A of the Constitution, the power to hold elections of the local governments is vested in the ECP. The Supreme Court of Pakistan decided on 20th March 2014, directing the federal government to enact the needed enactment to strengthen the ECP and carry out the demarcation of the constituencies. It is worthwhile mentioning that the Court nullified the delimitation of constituencies carried out by the Punjab and Sindh governments. "Since the delimitation is part of the process of organising and holding elections honestly, justly and fairly, which is the constitutional mandate of the ECP, the power to carry out such delimitations should vest with it." No doubt, the decision was made with the purview of complications created in the delimitation process, and the manipulation can result in a demarcation favouring the ruling party (DTCE October 3, 2014).

Therefore, the federal government passed an ordinance (The Gazette of Pakistan 2014). Moreover, the KP assembly passed the Khyber Pakhtunkhwa Delimitation of Local Councils Bill 2015, which the Governor approved in January 2015 (Government of KP 2015). All the local government laws set the population as a significant criterion for delimiting local councils and electoral wards within a local council. While KP-LGA 2013 defines population as "by the last preceding census being officially published," it still does not give a correct result. This is

because Pakistan's last available census figures date back to 1998, and the electoral rolls ask for more accurate population figures. The provincial government managed the delimitation process by splitting the area into 3,493 village and neighbourhood councils. The 2,989 village councils were in rural areas, and 504 neighbourhood councils were in urban areas. The demarcation of constituencies was carried out by the Local Government and Rural Development department with the support of line departments at the district level, including the district administration and revenue department (DTCE October 3, 2014). On the other hand, the opposition parties were not satisfied with the provincial government's delimitation process. Therefore, the opposition filed several petitions in the Peshawar High Court, which, too, contributed to the delay in the process. Although the Supreme Court averted the process, and the ECP was directed to carry out new delimitation, the ECP requested the provincial government to carry out extensive measures and finally up-held the process conducted by the provincial authority (Islam, 2015).

### **4.3. The Issue of Biometric System**

Modern technology for polling in elections is a rapidly emerging trend worldwide. However, it is a sensitive issue regarding the non-familiarisation of voters in developing countries with modern technologies. Further, the system is also questioned regarding the associated transparency issue. The cost of this modern equipment is another factor faced by the less developed countries. Modern technology can positively affect electoral management, especially by making some processes quicker and more efficient. However, according to the new studies, using Information Communication Technology (ICT) also carries numerous risks. Therefore, modern technologies need efficient planning for operational use and procurement of ICTs for elections (Tweedie, 2012).

The PTI had criticised ECP for using outdated methods for holding elections, casting votes, and leading engineered elections in the 2013 general elections. ECP has been widely criticised by the political parties, particularly by PTI, which blamed ECP for electoral rigging and its defeat in many Punjab in the 2013 general elections. To avoid such incidents, the PTI Chief proclaimed that voting in the elections for local government in KP would be conducted through the biometric system in KP province. Thus, the provincial government had a long-standing demand that local government elections be held through electronic thumb verification machines to ensure transparency and end allegations of rigging afterwards.

Using the biometric system for the first time was challenging and complex. The impediments included time limitations and the considerable cost required for machines at each polling station. Besides the required time for the procurement of machines, training of the polling staff was needed. It was believed that 50,000 biometric machines would be required in the province if the biometric system were to be used. The other issue was the cost of a biometric system, for which 1.5 billion was required. Along with that, the KP-LGA 2013 did not mention conducting elections through electronic machines. It was also pleaded that the elections should not be delayed to establish a biometric system. However, this technology could help reduce bogus voting and enhance the credibility of the polls (DTCE October 3, 2014). However, the ECP had demanded PKR. 2.5 billion to purchase biometric machines and pave the way for local government elections by Nov 2015 (Dawn November 10, 2014).

The ECP had expressed its reservations on November 8th, 2014, stating that if fresh legislation

of KP was to be followed for local government elections, then elections could not be held till August/September of 2015. ECP officials told the National Assembly's Standing Committee on Parliamentary Affairs that the Supreme Court had also directed the ECP to hold local government elections. Therefore, the ECP could not delay conducting these elections further. Citing possible criticism from PTI Chairperson Imran Khan as a reason, the parliamentary panel asked representatives of the ECP to hold biometric local bodies' elections in all provinces to ensure broader acceptability of such an exercise. The parliamentary member of Pakistan Muslim League Nawaz (PML-N) said, "You should convince the Supreme Court for further postponement of local bodies' elections because we cannot afford Imran Khan's criticism in the future" (Awaz TV November 8, 2014).

The officials of the ECP surprised members of the parliamentary committee on electoral reforms in a meeting held on November 14, 2014, that Electronic Voting Machines (EVMs) were just as prone to fraud, if not more so, as traditional polling methods. ECP's Director General Information Technology (DG-IT) Khizar Aziz had candidly told the parliamentary body that the software used by EVMs could be manipulated to affect the results. He further shared that EVMs installed at polling stations were vulnerable to hacking via Bluetooth signals and other wireless connectivity. The ECP official also said it was a myth that EVMs could make the electoral exercise 100 per cent free, fair and transparent. He cited examples of six European countries that had switched to conventional voting methods after abandoning EVMs because of a lack of transparency and trust. He also said that the Supreme Court of Germany declared EVMs unconstitutional (Dawn, November 10, 2014).

The KP government also conducted a trial voting under the new biometric system by holding. A demo polling was conducted in village council Badhai, ward Wadpaga, and neighbourhood council Sir Buland Pura at District Peshawar to check the applicability of voters' verification through a biometric system. Some minor flaws were observed in the mock exercise, as the thumb impressions of the voters were not picked up by the machines, particularly of the labourers' figures, which were found flat or scared. Therefore, the biometric machines could not verify such fingers in the NADRA record. The machines could also not verify women's fingerprints with 'henna' on their hands (Dawn, November 10, 2014).

On November 23, 2014, the PTI-led provincial government agreed to hold local government elections without a biometric voting system. Both the coalition parties gave up their earlier stance to avoid delaying the local government elections. Senior Minister Inyatullah Khan of JI shared a complete consensus between the PTI and Jamaat-i-Islami over conducting the local government election without the biometric system. The government did not favour further delay in the elections, so it withdrew the demand for a biometric system. The Minister shared that PTI Chief Imran Khan did not favour further delay in the local government elections (Dawn, November 10, 2014). A letter was sent to the ECP stating that the KP government was ready to conduct local government elections in April 2015 without the biometric system (Dawn, November 23, 2014).

Chief Minister KP Pervaiz Khattak also declared on January 6, 2015, that the PTI government had demanded that local government elections be held on electronic and biometric systems. However, after the meeting with the ECP, the provincial government decided that preparations for the electronic voting system would cause further delay. While without an electronic system, elections can be held in May or June 2015. The Chief Minister further shared that although the

government has taken back its demand for an electronic system, the party's view is clear that without an electronic voting system, the elections are difficult to ensure are free and fair. However, the people criticised the PTI government, saying that if procuring and installing biometric machines was time-consuming and costly, why were the elections unnecessarily delayed?

#### **4.4. Lack of Cooperation between the Election Commission of Pakistan and the Provincial Government**

The lack of cooperation between the ECP and PTI-led provincial government was one of the primary reasons for the delay in holding the local government elections. The government, by and large, was stuck between its revolutionary ideas and ground reality. Therefore, the model presented by PTI leader Jehangir Khan Tareen before the general elections in 2013 was nothing but a fake promise to the nation. At the same time, the model was not further developed into a feasible system by the provincial government, and the local government system was kept abeyant without any legal justification (Islam, 2015, p. 78). On the other hand, the ECP had also been dragging its feet for various administrative reasons in conducting elections during the period fixed by the Supreme Court, which showed mollification. PTI Chief Imran Khan left no stone unturned in criticising the ECP, but Imran Khan ignored the fact that the KP government was not on the same page with the law passed by the KP Assembly. The government of KP could not make mandatory preparations despite frequent reminders to the KP's local government secretary to provide new rules. The KP government did not respond in time, while the existing LG rules at ECP did not reflect the spirit of the new local government law passed by the KP Assembly. The official added that around a dozen incongruities were to be rectified to bring the rules in frequency with the new law (Dawn, November 27, 2014).

At the same time, the PTI government also insisted on conducting elections through biometric machines, a time-consuming exercise that required elaborated arrangements by the ECP. According to PTI Chief Imran Khan, the KP government was ready to hold local government elections on November 15, 2014. He claimed that the KP government was even ready to hold local government polls in March 2014, but the ECP delayed the exercise of the elections. The Chairman declared that "there were no concerns over rigging in KP; therefore, the fresh demarcation of constituencies was not necessary, and the KP government must be allowed to hold local government polls to fulfil its commitment to the people of the province." Imran Khan questioned the intent of the ECP by asking why the ECP was unwilling to allow electronic voting in the province. He denounced the ECP's decision to allow electronic voting only in one tehsil as the KP government sought the same across the province. The ECP had suggested that instead of using e-voting machines throughout the province, they should be deployed in one tehsil as a test case, and the exercise should be replicated in future elections if the experience was good enough. Pouring further scorn on the ECP, Imran Khan declared that the Imran Khan fuelled the fire by blaming the election commission for a failure to perform the requisite functions.

The PTI chairman used a diatribe of the incompetence of the ECP and mollified by the ECP in the 2013 general elections; Shireen Mazari, the party spokesperson, shared that the reason PTI demands an electronic voting system is to avoid discrepancies in general elections. As the PTI was victorious in KP despite rigging, the PTI government can ensure fair and free local government polls even if the ECP is becoming overtly partial. PTI leader Arif Alvi was asked

about the KP government's delay in new local government rules. However, he dismissed the allegation, saying it was just a matter of "one sitting with the ECP." He said that, on one pretext or another, the ECP wants to put local government elections in KP on hold because the commission does not want to pressure Punjab and Sindh (Dawn, November 27, 2014).

Jamiat Ulema-e-Islam-Fazl (JUI-F) MPA Mufti Said Janan moved an adjournment motion in the provincial assembly on October 27, 2014, to discuss the long-delayed local bodies elections. Senior Minister Inayatullah Khan said the government was not delaying the local elections and blamed the ECP for dragging its feet on the polls. He declared on the floor of the provincial assembly that the government was prepared to hold the local government elections, but it wished to do so in phases (Dawn, November 28, 2014). He told the House it had been conveyed to the ECP in writing that the provincial government was ready for the local bodies' elections. The minister argued that holding the government responsible for not conducting the polls is unfair. It is not the job of the provincial government to give poll dates or hold local government elections. The ECP is responsible for issuing schedules and arranging local government elections. The provincial government can only express its intent, which it has shown explicitly. The senior minister further held that the ECP still had some reservations, but the provincial government hardly knew about them. Further, Inayatullah said that instead of issuing statements to the media, the ECP should inform the provincial government in writing about what it finds lacking or hobbling in the conduct of the election.

Thus, throughout this period, from the general elections of 2013 to the holding of local government elections, the provincial government and the Election Commission of Pakistan blamed each other for the delay in holding local bodies elections in KP. The result was that a working relationship between the two parties could be developed for holding early elections. Despite the constitutional obligation and directives of the Supreme Court, the elections were delayed for almost two years.

## **5. Conclusion**

Local government is universally regarded as a crucial part of the democratisation process. It allows the people in general to participate in the decision-making process. A political system without an efficient, effective and working local government system cannot be considered complete, let alone democratic. The Supreme Court instructed the provinces to hold the local government elections by November 15, 2014, but these were unmet. However, the precedent has now been set for the ECP to demarcate constituencies for local government elections, which will be a time crunch for the ECP in future. Whether the delay was due to the issue of delimitation, the biometric system, or the prevalent political scenario of KP, the citizens were eagerly waiting for their representation in the local government system so that their voices could be heard and issues could be resolved. The result of the delay in elections was that the LGO 2001 was enforced till the holding of the local government elections by the PTI government in May 2015. There were certain reservations of the provinces in devolving administrative, financial and political authority to the local governments in terms of Article 140-A of the Constitution. Further, there was a hidden jealousy amongst the national and provincial legislators against the devolution of aforesaid powers, particularly concerning development work. Above all, the bureaucracy, which had, due to the absence of civilian governments for an extended period, become very strong, did not like divesting their powers to the elected representatives. In the absence of a local government system, the bureaucrats are

usually appointed as administrators of the local governments; hence, they feel hurt in parting such authority with the elected representatives. A mechanism of cooperation between the election commission and provincial governments is necessary for the smooth implementation of the election process in the local government system.

## References

- Ahmad, Z., Khalid, I., & Muzaffar, M. (2015). An Analysis of the Relationship Between Local and Provincial Governments in Pakistan (2001-2009). *Journal of Political Studies*, 22, 55-63.
- Ahmad, N., & Bano, A. (2019). Women's Political Empowerment through Local Government in the Patriarchal Society of Pakistan. *Liberal Arts and Social Sciences International Journal (LASSIJ)*, 3(1), 1-8. <https://doi.org/10.47264/idea.lassij/3.1.1>
- Ahmad, N., Bano, A., & Rehman, A. (2017). Impact of the Informal Institutional Forces on the Local Government Elections in Khyber Pakhtunkhwa, Pakistan. *Liberal Arts and Social Sciences International Journal (LASSIJ)*, 1(1), 62-70. <https://doi.org/10.47264/idea.lassij/1.1.7>
- Anjum, Z. H., & Ahmad, N. (2001). New local government system: a step towards community empowerment? *The Pakistan Development Review*, 845-867.
- Arif, S., Cartier, W., Golda, A., & Nayyar-Stone, R. (2010). The local government system in Pakistan: Citizens perceptions and preferences. *The Urban Institute IDG Working Paper: Washington, DC*, 43-44.
- Awaz TV. (November 08, 2014). Retrieved from [www.awaztoday.com](http://www.awaztoday.com).
- Daily Dawn, May 13, 2015.
- Dawn, Peshawar July 1, 2012.
- DTCE. (2015). *An Analysis of Local Government Statutes published by DTCE*. Devolution Trust for Community Empowerment (DTCE). Retrieved from [www.dtce.org.pk](http://www.dtce.org.pk)
- FAFEEN. (2015). *Local Government Elections 2015: Observations and Recommendations (Punjab, Sindh, Khyber Pakhtunkhwa and ICT)*. Free and Fair Elections Network (FAFEN). Retrieved from [www.fafen.org](http://www.fafen.org).
- Government of Khyber Pakhtunkhwa. Local Government Act 2013.
- Hussain, A., & Hussain, S. (2009). Poverty, Power and Local Government in Pakistan. Wignaraja, P., Sirivardana, S., & Hussain, A.(Eds.), *Economic Democracy through Pro-Poor Growth*, 291-314.
- Islam, M. Z. (2015). *Local Government in Pakistan (1947-2015): Past, Present and Future*, Islamabad: Sangat Development Foundation, Islamabad.
- Jabeen, M. (2019). The local government system of Pakistan: Participation, representation and empowerment of women. *Pakistan Perspectives*, 24(1).
- Kandhro, S. H., & Akber, G. (2015). Local government system in Pakistan: causes of bad governance of local government system. *Journal of Social and Administrative Sciences*, 2(2), 62-67.
- Khan, A. (1967). *Friends not Masters: A Political Autobiography* (Karachi: Oxford University Press, 1967),
- Khattak, S. G. (2010). Women in local government: The Pakistan experience. *IDS Bulletin*, 41(5), 52-61.
- DTCE. (October 3, 2014). Local Government Watch (Edition 6). Islamabad. DTCE. Retrieved from [www.dtce.org.pk](http://www.dtce.org.pk)

- Majid, A., & Ali, S. (2020). Decentralisation and social development: A study of the local government system of Pakistan. *South Asian Studies*, 35(01), 21-36.
- Malik, N., & Rana, A. (2019). The history of local governance in Pakistan: What lessons to learn. *Journal of International Politics*, 1(3), 26–35.
- Rafique, Z., Rosilawati, Y., & Habib, S. (2020). Development of local governance and decentralisation to empower citizens in Pakistan: A historical analysis. *Revista UNISCI*, (53).
- Soomro, A. N., & Chandio, A. A. (2013). Challenges to Good Governance: A Case Study of Issues in Local Government System of Pakistan. *Journal of African & Asian Local Government Studies*, 2(4).
- Speeny Habary. (May 6, 2015). Pakistan Television (PTV) Program, Peshawar at 04:00 pm.
- Taj, A., & Baker, K. (2018). Multi-level governance and local government reform in Pakistan. *Progress in Development Studies*, 18(4), 267–281.
- The Daily Mashriq, Baldeyati Intehabat: Inkar Se Iqrar Tak by Younas Qiasi: Peshawar, May 6, 2015.
- The Dawn. Peshawar. November 10, 2014
- The Dawn. Peshawar. November 23, 2014.
- The Dawn. Peshawar. October 27, 2014.
- The Express Tribune. Peshawar. December 8, 2014.
- The Gazette of Pakistan. Islamabad. October 14, 2014.
- The News International, October 28, 2014.
- The News International. Peshawar. October 28, 2014.
- Tweedie, P. (Ed.). (2012). *Promoting Fair Elections in South Asia*. San Francisco: Asia Foundation.