

Role of Civilian Governments in the Implementation of Local Government System in Khyber Pakhtunkhwa

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ABSTRACT

The 18th amendment in 1973 Constitution of Pakistan, mandated provinces to hold the power of instituting local government system in the provinces. However, it has provided lesser details, as to what kind of administrative and financial powers would be conferred to the local governments. Further, it is also unclear that how the local government system would be constituted. The Local Government Act 2012, was passed by the Awami National Party (ANP) formed coalition government in Khyber Pakhtunkhwa (KP), replaced by the new Local Government Law 2013, passed by the Pakistan Tehreek-i-Insaf (PTI) with the help of coalition support from other parties. This paper focuses on the reasons behind the failure of the PTI, conferred governments in KP, to conduct an in-time election and implement the system in letter and spirit. It is significant to analyse the situation, due to which the PTI led government conducted the long-awaited elections of the local government system almost after two years of coming into power in KP, despite claiming it to be one of the top priority of the party manifesto. 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 biometric system, which could minimize the problem of rigging and mismanagement. The researcher has identified elements, which were not interested in the elections and have identified the reasons behind it. An attempt has also been made to analyse the complex relation between the PTI led government and the Election Commission of Pakistan (ECP), fraught with mutual blame game, to cover up their inabilities.

KEY WORDS: Local Government Act, Civilian Government, Decentralization, Elections and Electronic Voting Machines.

INTRODUCTION

The 18th Constitutional Amendment is a major development of government, to establish a strong federal parliamentary system. The 18th Amendment of the Constitution of Pakistan instituted dramatic changes to decentralize the power since the implementation of 1973 constitution of Pakistan. The 18th Amendment of the Constitution has resulted few important steps to decentralize the power as embarked to transfer power to provinces for strengthening provincial autonomy. The initiative demolished synchronised legislative gradient which was considered the backbone between provinces and federation. It reversed the presidential powers, centralized by an indirectly elected president, conferred a 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 the revenue. However, the larger part of the collected taxes suppose to be redeployed through the consent of federal government of Pakistan.

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) Constitution of Pakistan, under 18th amendment, authorize 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 Election Commission of Pakistan will set out and conduct the election. Furthermore, article 32 of the amendment set out for "principles of policy" prescribes that inclusive representation must be given to different sections of the society i.e, workers,

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peasants, minorities and women. Another article of the amendment “Article 37 (i) suggests that administrative authority is decentralized through the consent of people, belonging to each province. Therefore, different articles of the amendment clearly 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.

Implementation of the local government system had been facing many hurdles in KP, the Awami National Party (ANP) formed its government with the coalition of other parties, passed the Local Government Law 2012. However, elections for a true implementation of the system were not held until their tenure ended and fresh general elections were announced. The next general elections formed the government of Pakistan Tehreek-i-Insaf (PTI) with the help of 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, feasible for people to represent truly them at grass root 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 complete failure of ANP government to implement the local government system, an assessment has also been done for the delay in holding local government election by the PTI led coalition government.

Reason for Failure of ANP Government to Implement Local Government System

The local government elections were postponed by the then government time to time, since 2009. However, as far local government system is concerned, it was not completely non-existent in Pakistan. General Pervez Musharraf regime conducted local government elections in 2001, under the Local Government Ordinance (LGO) 2001 with a claim to have transferred power to grass root level. During 2001-2005, some serious conflicts emerged between the provincial governments and some district nazims which were difficult to be resolved. However, after 2008 general elections brought ANP-PPP coalition government in KP, it introduced amendments 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 the elected nazims were replaced with administrators. This dissolution of the local government system created a sudden conflict amongst the political parties. Moreover, neither the federal government nor the provincial governments across the country showed interest to hold local government elections. In this context, several people in their individual capacity and civil society organizations across the country moved towards superior courts for issuing appropriate directions, to the federal and provincial governments for holding local government elections. The Courts repeatedly reminded the concerned governments about their constitutional obligation for holding local government elections without any further delay and devolve administrative, financial and political responsibilities to the elected representatives of the people at the grass root level. The observations of the apex courts, however, did not affect the provincial governments, which were reluctant to make serious efforts through necessary arrangements for holding of local government elections on one pretext or the other. All the provinces, however, had unanimous reservations on the respective Local Government Ordinances (LGO) 2001 which were not acceptable for various reasons and it needed to be replaced by altogether new legislation (DTCE 2015).

The ANP-PPP coalition government passed Khyber Pakhtunkhwa Local Government Act (KP-LGA) 2012 on May 8, 2012. This act was tilted towards 1962 and 1979 local government models. 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 to hold local government elections within six months either in October or early in November 2012 (Bilour 2015). The KP-LGA 2012 was not enforced in one go, but the provincial government was empowered enough to enforce at an appropriate time and might enforce some of its clauses immediately. However, both ruling parties were not in favour of the local government system and they did not take any 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 PTI led coalition government. It is interesting to know, that the ruling ANP government put the responsibility on Election Commission of Pakistan (ECP) for the delay in the 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 was not able to settle constituencies, and hold the elections in KP in October or November 2012. However, the ANP government claimed that the party would actively participate in local body as well as in the next general elections (Khattak, Daily Dawn July 1, 2012). Thus with different defences and blame game, the time approached for the General Elections 2013, which by and large delayed the elections of local government system in KP.

Role of Pakistan Tehrik-e-Insaf in Revival of Local Government System

The general election of 2013 resulted in formation of a coalition government by PTI in KP. The provincial assembly passed the Khyber Pakhtunkhwa Local Government Act (KP-LGA) 2013, on 31st 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 organizations were involved in the drafting of the Act. However, the KP-LGA 2013 is similar in many ways to prototype systems of the past, especially the Local Government Ordinance 2001, which was repealed by the KP-LGA 2012. However, in comparison 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 which are related to these institutions and to provide for the matters connected therewith and ancillary thereto (DTCE October 3, 2014).

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 went up to the district level for the period of four years. At the same time, the Peshawar city has been termed as city district while local government system under it was named as City District Government. Same is followed in the tehsil/town municipal administration and tehsil/town councils. Nevertheless, the Village and Neighbourhood Councils were placed for rural and urban areas respectively in place of union council. The other feature of the new Act which has distinguished from the previous LG act, 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).

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

On the lines of LGO 2001, the provincial government offices, which were few in number devolved at the city and district governments by giving administrative and financial authority for the management of the offices. The affairs of the LG will be looked after by the Local Government Commission (LGC) as the local government has not been declared as a third tier and will work under the provincial framework.

The commission has been given powers to conduct review and hold inquiry against a Nazim, Naib Nazim or a member of the councils. LGC may consider necessary, it might prescribe to the Chief Minister of the KP for suspension of a member of the local government for a period limited to thirty days may take a necessary action, 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 LGO 2001 for decentralization of several offices in provincial administration specially in health and education departments (DTCE 2015).

A report prepared by the civil society organization on the provincial legislation for local government system, revealed several gaps and omissions in the draft local government laws of KP, Punjab and Sindh passed during 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', 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 set the condition that the candidate 'has not been and is not 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 has been no significant regulation provided in KP-LGA 2013, on ensurance 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 to protect the right of candidates and independent election observers, to receive an official result sheets from the polling station (DRI 2014). The PTI government amended the KP-LGA based on these minial issues LGA 2013 twice, first amendment was introduced in March 2014 and second amendment in February 2015 (FAFEN 2015).

Factors Responsible for Delay in Local Government Elections

Response of the Opposition Parties

The PTI led coalition government failed to conduct local government elections in KP within the promised timeframe of 90 days, announced time and again during the election campaigns in 2013. Which had put the PTI on a weak footing in provincial and national politics. At the sametime, the opposition parties were also mounting the pressure on the government to hold the local government elections. Since the beginning, the PTI government had been struggling hard to honour its promise. However, it was only in January 2015, that the provincial government announced to hold local government elections in May 2015.

The JUI-F leadership asserted in the provincial assembly, that PTI led coalition government has 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 percent 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 new law on the local bodies system had come into force. However, municipal committees and district councils, which were 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, for appointing new district administrators and establishing 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 ANP parliamentarian of provincial assembly of KP and the second petition was filed by information secretary of KP province of JUI-F. The aforementioned petitioners have challenged several provisions of KP-LGA 2013, including those provisions which were consisted of those electoral process, holding village and neighbourhood council elections on 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 thereby allowing the provincial government to go ahead for 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 are going to be held due to the directives of Supreme Court. They further held that the PTI government has 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 were also violating article 17 of the Constitution. It is clearly 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 it ensures the basic needs and rights of people and provides an easy solution of the problems of the masses at their door step. However, the PTI government could not arrange the local government elections in time which clearly shows their inability (PTV May 5, 2015, 04:00pm).

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 that Jamaat-i-Islami (JI) had already told to the PTI, that necessary preparations were required for holding the local government elections. He further shared that the coalition government wanted local government elections in different phases, which was mainly 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 a one go (The News, October 28, 2014).

Delimitation of Local Government Constituencies

Demarcation of local constituencies is a significant element that defines how representative and, the transparency of the elections. Pakistan has a separate law "the Delimitation of Constituencies Act (DCA) 1974" governing delimitation of constituencies for national and provincial assemblies. However, provincial legislation on 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 upon the ECP. The Supreme Court of

Pakistan, gave a decision on 20th March 2014, directing the federal government to make the needed enactment in order to strengthen the ECP to carry out the demarcation of the constituencies. It is worthwhile mentioning, that the Court nullified the delimitation of constituencies carried out by Punjab and Sindh government expressing, that “since the delimitation is part of the process of organizing 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 given in purview complication created in 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 in this regard (The Gazette of Pakistan 2014). Moreover, the KP assembly passed the Khyber Pakhtunkhwa Delimitation of Local Councils Bill 2015, which was approved by the Governor in January 2015 (Government of KP 2015). All the local government laws set the population as major criteria for delimitation of local councils and electoral wards within a local council. While KP-LGA 2013 defines the term population as “in accordance with the last preceding census being officially published,” it still does not give a correct result. This is because the last available census figures of Pakistan date back to the year 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 process of demarcation of constituencies was carried out by the Local Government and Rural Development department with the support of line departments at 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 delimitation process of provincial government. Therefore, the opposition filed several petitions in the Peshawar High Court, that too contributed to the delay in the process. Although the process was averted by the Supreme Court, and ECP was directed to carry out new delimitation, the ECP requested provincial government to carry out extensive measures in this regard and finally up-held the process conducted by the provincial authority (Islam 2015).

Insistence of Pakistan Tahreek e Insaaf (PTI) Government on Biometric System

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

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

Using biometric system for the first time was a difficult and complex task. The impediments included; time limitation and the huge 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 in case of using biometric system, 50,000 biometric machines were required in the whole province. The other pertaining issue was the cost of biometric system, for which 1.5 billion was required. Along with that, the KP-LGA 2013 had not mentioned of conducting elections through electronic machines. This was also pleaded, that the elections should not be delayed for establishment of biometric system. However, this technology could help to reduce bogus voting and would enhance the credibility of the polls (DTCE October 3, 2014). However, the ECP had demanded PKR. 2.5 billion to purchase biometric machines and subsequently paved the way for local government elections by Nov 2015 (Dawn November 10, 2014).

The ECP had also 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 the August/September of 2015. ECP officials told 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 further delay the process for conducting these elections. Citing possible criticism from PTI Chairperson Imran Khan as a reason, the parliamentary panel asked representative of the ECP to hold biometric local bodies' elections in all provinces to endure broader acceptability of such 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 station were vulnerable to hacking via Bluetooth signals and other forms of wireless connectivity. The ECP official also said that it was a myth that EVMs could make the electoral exercise 100 percent free, fair and transparent. He had cited examples of six European countries, which had switched back to conventional voting methods after abandoning EVMs because of a lack of transparency and trust. He also said that the Supreme Court of Germany had also declared EVMs unconstitutional (Dawn, November 10, 2014).

The KP government also conducted a trial voting under new biometric system by holding. A demo polling in village council Badhai, ward Wadpaga and neighbourhood council Sir Buland Pura at District Peshawar to check the applicability of voters' verification through biometric system. Some minor flaws were observed in the mock exercise, as the thumb impressions of the voters was not picked up by the machines, particularly of the labourers' fingers, which were found flat or scared, therefore, the biometric machines could not verify such fingers in NADRA record. The machines were also unable to verify the fingerprints of women 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 delay in holding of the local government elections. Senior Minister Inayatullah Khan of JI, shared that there was a complete consensus between the PTI and Jamaat-i-Islami over the conduction of the local government election, without the biometric system. As the government was not in favour of further delay in the elections therefore has decided to withdraw the demand of using biometric system. The Minister shared that PTI Chief Imran Khan was also not favour of 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 PTI government had been demanding that local government elections should be held on electronic and biometric system. However, after the meeting with ECP, the provincial government decided that preparations for electronic voting system will cause further delay. While without 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 electronic system, however, the view of the party is clear that without electronic voting system, the elections are difficult to be ensured as be free and fair. However, the PTI government was criticised by the people, that if the process to procure and install biometric machines was time consuming and costly then why the elections were unnecessarily delayed.

Lack of Cooperation between Election Commission with Provincial Government

Lack of cooperation between the ECP and PTI led provincial government was one of the major reason for delay in holding of 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 of 2013, was nothing but a fake promise to the nation. at the sametime, the model was not further developed into a feasible system by the provincial government and the local government system was kept in abeyance with any legal justification (Islam 2015, 78). On the other hand, the ECP had also been dragging its feet on various administrative reasons in conducting elections during the period fixed by the Supreme Court, which showed malifide on its part. PTI Chief Imran Khan left no stone unturned in criticizing the ECP but Imran Khan ignored the fact that the KP government was not on the same page with law and passed by the KP Assembly. The government of KP did not have the capacity to make mendatory preparation inspite of frequent reminders to KP local government secretary for the provision of new rules. The KP government did not respond in time, while the already existing rules of LG at ECP did not reflect the spirit of the new local government law passed by the KP Assembly. The official further added that there were around a dozen incongruities, which were to be rectified in order 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 which required elaborated arrangements by 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 that 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 ECP by asking that why the ECP was unwilling to allow electronic voting in the province. He denounced the ECP’s decision to only allow electronic voting in one tehsil as the KP government had sought the same across the whole 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 election commission as failure to perform the requisite functions. The PTI chairman used a diatribe of incompetence of ECP and malifide by ECP in 2013 general elections, Shireen Mazari, the party spokesperson shared that the reason of PTI demands electronic voting system, to avoid the discrepancies in general elections. As PTI was victorious in KP despite rigging, therefore, 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 delay in new local government rules by KP government. However, he dismissed the allegation saying that it was just a matter of “one sitting with the ECP.” He said that on one pretext or the other, the ECP wants to put local government elections in KP on hold, because the commission doesn’t want to put pressure on 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 that the government was not delaying the local government elections and shifted the blame to 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 that it has been conveyed to the ECP in writing that the provincial government is ready for the local bodies elections. The minister argued that holding the government responsible for not conducting the polls is unfair. It is not a job of provincial government to give polls date or hold local government elections. It is the responsibility of ECP to issue schedule and arrange local government elections. The provincial government can only express its intent, which it has shown explicitly. The senior minister further held that the ECP had still some reservations, but the provincial government hardly knows about them. Further, Inayatullah said that instead of issuing statements to the media, the ECP should inform the provincial government in writing that what it finds lacking or hobbling in the conduct of election.

Thus, throughout this period from general elections 2013 till holding of local government elections, the provincial government and Election Commission of Pakistan had been blaming 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 of early elections. Despite the constitutional obligation and directives of Supreme Court, the elections were delayed for almost two years.

Conclusion

Local government is universally regarded as a crucial part of the democratization 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 had issued instructions to the provinces to hold the local government elections by November 15, 2014 which could not be met. However, the precedent has now been set for ECP to demarcate constituencies for local government election which will be a time crunch for ECP in future. Whether the delay was due to the issue of delimitation, 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 be resolved. The result of the delay in elections was that the LGO 2001 was enforced till holding of the local government elections by PTI government in May 2015. It is evident that 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 who were against the devolution of aforesaid powers, particularly in matters relating to development work. Above all, the bureaucracy which had, due to the absence of civilian governments for a long period, become very strong, did not like the divesting of their powers to the elected representatives of the people. In 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 to the elected representatives. A mechanism of cooperation among the election commission and provincial governments is necessary for smooth implementation of the process for elections to the local government system.

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