

The Enigma Of Local Government System In Pakistan: A Critical Analysis Of Punjab Local Government Ordinance 2021(PLGO-2021)

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ABSTRACT

Local government got recognition as the most significant government tier of service deliverance, fiscal development, and democratic control. Local governments bring government to the doorsteps of the citizens and facilitate local preferences into policy. Local governments are the backbone of a federation where the basic necessities of the local commune meet by the local authorities. It also minimizes the responsibilities of the federal government and its federating units. Pakistan has experienced a troubled local government system since its foundation. After the 18th Amendment in 2010 in the 1973 constitution under the article 140-A, now the provinces are responsible for political, administrative and fiscal affairs of the local governments. Punjab has experienced the PLGA-2013 with different flaws. Pakistan Tehreek i Insaf government took an initiative and implemented a new local system in Punjab under PLGO 2021 after the final approval of Governor Muhammad Sarwar on December 13, 2021. The new local government system is considering an improved local system that would empower citizens in the actual sense and comprehension of premier Imran Khan's pledge to delegate power to the local level. The new ordinance has suggested manifold changes. It's time now also to free up resources from the provinces; to announce election schedules; and to phase out the bureaucracy's fossilized Brahmins from the municipal level. The study has made a critical analysis of the newly implemented PTI government ordinance introduced in Punjab and investigated how it will carry out the local commune basic necessities after effusive implementation. It is found out that the new system has not yet announced the timetable for the Punjab local government elections. Local governments require turning into endogenous to brace the democracy. The public elimination by the authoritarians and the current government's prompt deferral of the local governments in four provinces, protecting in the name of amendments exacerbate and make worse to the already tormented democracy.

Keywords: Federation, Local government, Citizenship, Punjab, PLGO-2021, PLGA-2013

Prologue:

“In city hall and in local government, you have to get things done without drama.”

----**Jim Gray**

Pakistan is facing frequent constitutional reengineering of different policies originated for the centralization and the

decentralization of power exercised by the representative and non-representative groups started with Ayub Khan's basic democracies (BD system) camouflaged in salvage constancy and enduring till today in different tardy strategies. The true democracy lies in the decentralization and delegation of power and efficient execution of the local governments. The article 140-A, in the 1973 constitution Act as the scaffold and base for the local governments to be practical, but the implementation and the impediments in elections are challenging.¹ There is a sheer requirement to forfeit concentration to Article 140-A which says "Each Province shall, by legislation, create a local government system and transfer political, administrative, and financial responsibility and power to the elected representatives of the local governments."² Pakistan has introduced quite a lot of local government Acts with later amendments.³ Instead of embryonic and perking up the reputable Acts after having a discussion with the stakeholders, the preface of entire innovative bills and amendments demean the guts and the sovereignty of local governments.

For illustration the past local bodies arrangements, Punjab Local Government Act (PLGA-2013), was eradicated after the governor marked the Punjab Local Government Bill -2019 on May4, 2019 ,the PLGA-2019 was also ambiguous with

new theories to function Local governments.⁴

This level of democracy is constantly a challenge, wiping out the true concentrate of democracy. Even after decades LGs are still facing the similar fate. In March 2021, Supreme Court ordered to reinstate the local governments but the authorities have delayed the re-establishment procedure till October 2021, when the Court had ordered an inquiry into the holdup and commented that whoever is liable for the impediment would be apprehend liable and ordered to restore the LGs without delay.⁵

The Lahore High Court dismissed the request that the term should be of five years as pledged earlier than general elections. Furthermore, the Supreme Court also ordered to confer control to LGs in March 2021 except that was postponed till October 2021 and yet at present union councils have not been capable to get fiscal powers. The Supreme Court is on trial for a new appeal about the setback in execution of the order beneath the disdain appeal, except it has not extensively affected their phase in office. In the existing circumstances, the officially permitted difficulty to finish the local governments on 31st December 2021 was detached by the LHC. In all obscurity, local bodies' existing term ended on December 31, 2021 though; the government has still not proclaimed the timetable for the local government elections in Punjab.

¹ Khan, Abdul Qayum. "Local Government and Judiciary in Pakistan after 2010." *Pakistan Perspective* 22, no. 1 (2017)

² https://na.gov.pk/uploads/documents/1333523681_951.pdf

³ Kakar, Asmat. "Local government and Pakistan's reluctant political elite." *South Asia@ LSE* (2017).

⁴ Ali, Muhammad. "Decentralized Governance Initiatives in Pakistan: Post 18th Amendment Perspective." *Pakistan Perspective* 20, no. 2 (2015).

⁵ Ali, Muhammad. "Decentralized Governance Initiatives in Pakistan: Post 18th Amendment Perspective." *Pakistan Perspective* 20, no. 2 (2015).

The Punjab government's reluctance to implement PLGA 2021 devoid of talk of stakeholders was repressive. The given presentation to the Punjab cabinet was not comprehensive and the Punjab Governor Chaudhry Sarwar signed the Punjab Local Government Act 2021.⁶The LG elections would be held through the conflicted Electronic Voting Machines (EVMS). The practice of the new ordinance in the presence of a democratic representative Assembly is not democratic. The judiciary insisted on the local bodies' proper restoration, whereas the serving government opposed transferring the powers fully and was waiting for the time period to end by 31 December 2021.⁷

Research Objectives:

1. Emphasis on the significance of the Local government presence in a democratic federal state.
2. Examine the features of new local government ordinance (PLGO-2021).
3. Scrutinize the potential projected outcomes of the new local government ordinance (PLGO-2021).
4. To assess the expected challenges after the execution of the new local government ordinance (PLGO-2021).

Research Questions:

1. Why the presence of the Local government in a democratic federal state is mandatory?

2. What new features announced in new local government ordinance (PLGO-2021) in Punjab?
3. What potential outcomes anticipated from the new local government ordinance (PLGO-2021) for better services delivery to the citizens in Punjab?
4. What are the implementation challenges expected after the execution of the new local government ordinance 2021 in Punjab?

Methodology:

This research study is based on review of the literature on local government using different case study methods. To explore and scrutinize the new-fangled local government ordinance (PLGO-2021) the published reports related to the topic were conferred. The information collected from officials of linked departments. The literature review focused on the exploratory method for historical context of Local government performance in Pakistan, preliminary with the pre-colonial era. The qualitative approach used to find the answer of the research questions and the literature survey selected from well reputed journal articles, books, and newspapers.

Local Government System in Pakistan: A Case of Punjab

Local government got the recognition of a significant tier of government for services delivery, financial development, and self-governing power. Local governments offer services at their doorstep and support them

⁶ Gulbaz Ali Khan ; On the Punjab local government ordinance, February ,6,2022;The NEWS; <https://www.thenews.com.pk/tns/detail/930796-on-the-punjab-local-government-ordinance>

⁷ Gulbaz Ali Khan ; On the Punjab local government ordinance, February ,6,2022;The NEWS; <https://www.thenews.com.pk/tns/detail/930796-on-the-punjab-local-government-ordinance>

in policy making process.⁸ The Local government was introduced in Subcontinent for many centuries in the structure of “Panchayats” which means “Council of Five”. The “Punch” is a Sanskrit word that also borrowed from Greek word “Pente”.⁹ These institutions represented the feudal lord aristocracy, which governed by authority with no mass involvement. The Mughal emperors were basically urban people and remained concerned with urban management. Mughals set up the “Kotwal” selected under the “Sanad” of the ruler.¹⁰ These “Kotwalwas” were of high rank. They were responsible for security and peace. For these duties they were given horses for “Gusht” (mobility). He was liable of all urban life came under his charge. Kotwals also appoint “Mir Muhallah” for all wards; they were also responsible for keeping records of roads, houses slaughter-houses, and cleanliness.¹¹

The British government established local governments in colonial India not by structuring on the conventional structures of local governance like village Panchayat in Punjab in 1849.¹² The key purpose of the scheme was to choosing the locals ‘elite by making delegated local governments. The local authorities were not empowered

despite all arrangements. To offer municipal services to urban locals many types of councils were established in those areas. The rural councils were established with limited representation.¹³

After 1947 independence, there was little focus paid on local governments. The limited local governments introduced by the central authorities by not holding local government elections.¹⁴ A weak local government system imposed in the country. General Ayub introduced a decentralized system and made an experiment with local governments. General Ayub introduced British colonialists’ rejuvenated local governments. Under the new system Basic Democracies Ordinance, (1959) and the Municipal Administration Ordinance 1960 were implemented. The Union councils General Ayub took the charge of the Chief Martial Law Administrator and president of Pakistan on October 27, 1958 and discharged Iskander Mirza from his presidential office.¹⁵ He introduced a four-stage local bodies arrangement consisted of 80,000 elected basic democrats that further established an Electoral College and elected the president and Central and Provincial Legislatures members. On January 1960 the first elections were held in the country and 40,000 basic democrats

⁸ Sarwat, Tasneem, and Muhammad Sohaib. "History Of Local Government From Subcontinent To Musharraf Era." *Elementary Education Online* 19, no. 3 (2020): 4000-4011.

⁹ Cf. P. Saran, Provincial Government of the Mughals (Allahabad, 1941), pp. 231-233, as quoted by Hugh Tinker, *The Foundations of Local Government in India, Pakistan and Burma*, p.17

¹⁰ Munir, B. "The Mughal Administration of Justice: An Appraisal." *Global Security and Strategic* (2020).

¹¹ Hakeem, Farrukh B., M. R. Haberfeld, and Arvind Verma. "Police and the Administration of Justice in Medieval India." In *Policing Muslim Communities*, pp. 59-74. Springer, New York, NY, 2012.

¹² Ullah, Zafar, Wu Wen, Xiao Hua Wang, Rashid Pervez, Aziz Ahmed Barech, and

Amdad Ullah Baloch. "Improving coastal and marine resources management through a co-management approach: A case study of Pakistan." *Environmental Research Communications* (2022).

¹³ Ahmed, Mughees. "Local-bodies or local biradari system: An analysis of the role of biradaris in the local bodies system of the Punjab." *Pakistan Journal of History and Culture* 30, no. 1 (2009): 81-92.

¹⁴ Ibid

¹⁵ Ullah, Altaf, and Syed Umar Hayat. "CONSTITUTIONAL DEVELOPMENT UNDER THE AYUB KHAN REGIME: A CRITIQUE OF THE CONSTITUTION COMMISSION." *Pakistan Historical Society. Journal of the Pakistan Historical Society* 66, no. 3/4 (2018): 189-207.

were elected in each province (East & West part). The basic democratic system in Punjab consisted of city district, district,

Tehsil and town administration. The town administration further consisted of village and neighborhood councils.¹⁶

Fig 1: PUNJAB LOCAL GOVERNMENT ACT 1959



Source: <https://www.google.com/imgres?>

The General Zia-ul-Haq had introduced a new local government system “The Local Bodies System 1979”. Divergent to Ayub’s “Basic Democracies system”, the LBS-1979 was classified into two tiers;

- Rural Set-up
- Urban Set-up

The two level at rural areas and three to four levels in urban areas about the size of the town/city.¹⁷

Rural System

The union council was the lowest level in rural areas. These union councilors through an indirect system shaped Zila Council. The chairman was the head of the council where as Mayor was head in rural and urban areas in that order. Divergent to **the “Basic Democracies System 1959”**, the Tehsil Council and Divisional Council were missing in Zia’s local government model of governance.¹⁸

Urban System

The LB System for urban areas comprised of four layers, i.e.:

- Town Committee (for small towns)
- Municipal Committee (for large towns)
- Municipal Corporation (for small towns),
- Metropolitan Corporation (for large towns)

¹⁶ Sarwat, Tasneem, and Muhammad Sohaib. "HISTORY OF LOCAL GOVERNMENT FROM SUBCONTINENT TO MUSHARRAF ERA." *PalArch's Journal of Archaeology of Egypt/Egyptology* 18, no. 10 (2021): 2404-2414.

¹⁷ Taj, Aamer, and Keith Baker. "Multi-level governance and local government reform in Pakistan." *Progress in Development Studies* 18, no. 4 (2018): 267-281.

¹⁸ Wilcox, Wayne. "Pakistan: a decade of Ayub." *Asian Survey* 9, no. 2 (1969): 87-93.

This Local bodies system had augmented procedures for local empowerment. Distinct from the BD System of Ayub Khan, where no selected or unsanctioned members in councils. Public officials headed the councils and exercised significant autonomy. They were powerful in making and approving decisions regarding their budgets and taxation.¹⁹ The LB Government Systems-1979 had provided little representation for women, peasant, minorities and workers. The LB system had some drawbacks as although it had provided an amplified gauge of empowerment; but the councils were not self-governing adequately.²⁰ The provincial government had a pressure on the councilors by its power of distribution of funds for councils. Elected local councils were not allocated constitutional safeguard as they were on presidential ordinance. This absence of constitutional fortification put local governments at risk of the bureaucracy and provincial government that might dismiss local government heads. The system offered non-Party-based local bodies elections. The bar on political parties had increased the position of the rural leaders who subjugated the rural politics. The system privilege urban councils and they had enjoyed major share in revenue than the rural councils. The rural and semi-urban councils depend on regional governments for fiscal support.

General Musharraf had introduced "Devolution of Power" Plan in January 2000 and employed a string of LG elections that completed in August 2001.²¹

The devolved administration and expenses tasks allocated to local governments, the devolution concerned, to contradictory degrees, change in the organizational level of assessment, the liability of the decision making power and the fiscal resources amount. It also decentralized procedure that was not standardized across all practices, with major diversity in its administration and services delivery.

Under the reforms, at the district level Nazim (Mayor) were elected same as at district level the District Coordination Officer (DCO) was authorized to directly report to elected head of the local government. It has Reduced Bureaucratic Power and curbed bureaucratic power through eradicating the office of the DC.²² It has introduced change in local electoral processes as former urban local council members and district councils elected by a direct method and afterward they elected the councils heads. Another significant change in electoral system was a raise in reservation for women and peasants' with one-third seats reserved for them. It had introduced a troubled amalgamation between Provincial, Federal and District level designated governments.

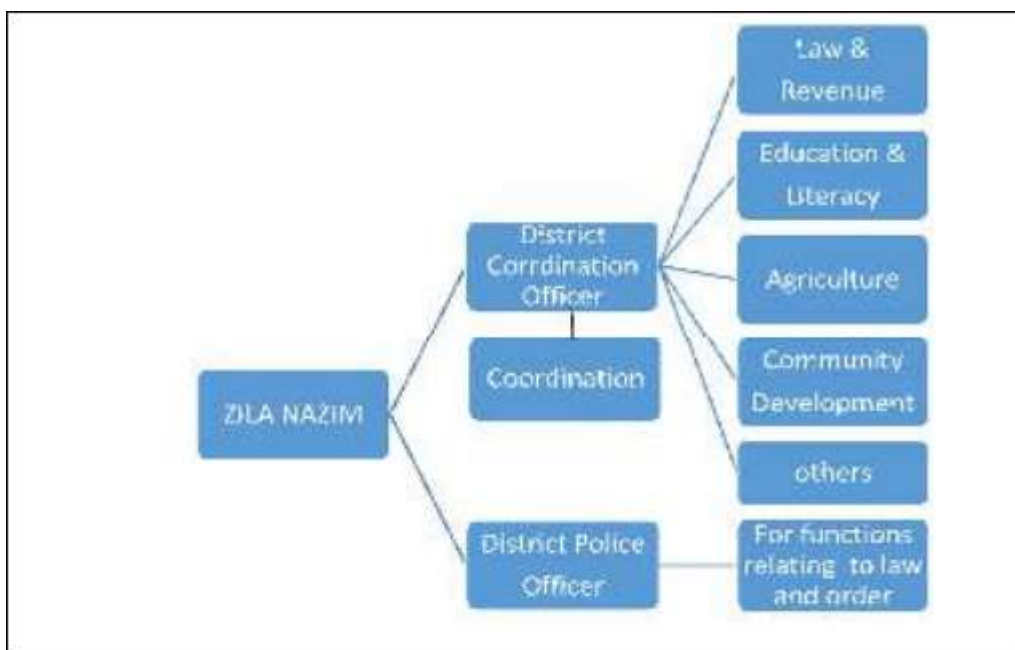
¹⁹ Ibid

²⁰ Soomro, Ali Nawaz, and Amir Ali Chandio. "Challenges to Good Governance: A Case Study of Issues in Local Government System of Pakistan." *Journal of African & Asian Local Government Studies* 2, no. 4 (2013).

²¹ Zaidi, Syed Shahid Zaheer. "PROBLEM & ISSUES OF LOCAL GOVERNMENT

SYSTEM (A QUALITATIVE STUDY AND PERSPECTIVE OF PAKISTAN LOCAL GOVERNMENT SETUP UNDER DIFFERENT REGIMES)." *International Journal of Management (IJM)* 10, no. 2 (2019).

²² Ibid



Source: The SBNP District Government (Model) Rules of Business, 2001.

The lowest level transfer of power improved service deliverance and liable governance. After the 18th amendment in 2010, the local government transferred to the provinces.²³ For the fulfillment of this constitutional responsibility, the Punjab provincial assembly passed the Punjab Local Government Act (PLGA) in 2013 that was much identical to the Local Government Ordinance 1979. Similar to the 1979 ordinance, the PLGA-2013 also stands on the urban-rural split, with a two level rural arrangement as union and district council whereas urban municipal organization, like “urban union councils, municipal committees, municipal corporations, and metropolitan corporations”.

In 2016, Punjab local government elections were held across the province and local governments were established. The

provincial government had assured to empower the local bodies through power delegation and financial assistance.²⁴ The promise was fulfilled by the Punjab government after passing PLGA- 2019 on May 4th, 2019 by the Punjab assembly. It has introduced “village Panchayat and neighborhood councils”, to offer empowerment to locals. It re-established Tehsil Councils after the removal of the District Council. The recently elected local bodies’ representatives were assessed to the PLGA-2013.²⁵

The PLG-2019 remained non functional and accomplished its term on December 30, 2021.²⁶ The government was somehow seems unwilling to conduct new elections. The government established new local governments under the LGA-2013 and suspended them in May 2019 however the representatives approached the Supreme

²³ Syed, Farzana Zaheer, Sultan Mubariz, and Syed Nadeem Juman Shah. "Provincial Demands for Self-rule and Shared-rule under the 18th Amendment in Pakistan: An Assessment." *Journal of Politics and International Studies* 6, no. 1.

²⁴ Bryan, Gharad, Ali Cheema, Ameera Jamal, Adnan Khan, Asad Liaqat, and Gerard Padro i

Miquel. "State capacity in Punjab's local governments." (2019).

²⁵ Nazeer, Amjad. "PUNJAB LOCAL GOVERNMENT ACT 2013."

²⁶

Court repeal against this illegal act and illegal .The Ministry of local government re-constituted the LGs system before the 30 months tenure left to complete its tenure. The government introduced PLGA-2019 and new local government administrators were employed.²⁷Following an inclusive verdict of the court in July 2021, the Punjab government revived the local bodies underneath Act-2013 in October 2021.

The Punjab government also notified the expired status of the local government on December 31, 2021 and new administrators appointed till the new LG elections in Punjab. Government has issued new ordinance PLGO-2021, and restructured the system for new elections of upcoming elections at Union, Tehsil and District level for enhanced service deliverance.

The Punjab government had introduced PLG-2013 in August 2013. However, it is the PLGA 2013. The PLGA-2013 was accepted without any consent of the opposition parties, somewhat rejecting almost all the suggestions of the opposition.²⁸ We can say that the democratic values were totally rejected by the government during the entire process of Bill drafting and approval. The Punjab government approved the bill and no consensus was built in the whole process. So it can be imagined that the practice of such a system would have some challenges while implement. Few provisions like conducting elections on non-party basis, health and education under district authorities went under provincial control

and granting unnecessary powers to the Punjab government to put back local mayors and chairmen were intended to seize the knob of power.²⁹

Local Governments tenure was fixed four years and respective provincial government were allowed to occasionally inspect LG revenue and operating expense .The Metropolitan Corporation and Municipal Corporation would thrive the rights, liability and assets of a City District Government, Town and Tehsils were set up under the LG Ordinance-2001 and Union Councils would succeed the liabilities of Union Administration. The District and Tehsil Nazims and Naib Nazims titles would stand outdated and be reinstated as the Mayor and Deputy Mayor whereas the Union Naizims and Naib Nazims as Chairmen and Vice-chairmen.³⁰

1. LG Structure under PLGA-2013

The preamble of PLGA-2013 described that the rationale of constituting local government was to set up an elected local government structure to delegate political, managerial and fiscal liabilities and authorities to the elected members of the local governments. For these arrangements the philosophy behind this Act 2013 was to uphold good governance, valuable deliverance of services and sound decision making by encouraging institutionalized contribution of the citizens at local level and to deal with auxiliary matter.³¹The new PLGA-2013 was partially decentralized as compare to PLGA-2001 which was fully

²⁷ Jabeen, Musarrat. "The local government system of Pakistan: Participation, representation and empowerment of women." *Pakistan Perspectives* 24, no. 1 (2019).

²⁸ Akbar, Noor. "Commonwealth Local Government Forum's support of Local Councils Associations in Pakistan." *Commonwealth Journal of Local Governance* (2018): ID-6727.

²⁹ Nazeer, Amjad. "PUNJAB LOCAL GOVERNMENT ACT 2013."

³⁰ Akbar, Noor. "Commonwealth Local Government Forum's support of Local Councils Associations in Pakistan." *Commonwealth Journal of Local Governance* (2018): ID-6727.

³¹ Akbar, Noor. "Commonwealth Local Government Forum's support of Local Councils Associations in Pakistan." *Commonwealth Journal of Local Governance* (2018): ID-6727.

decentralized.³²The LG bodies were comprised of three tiers;

- District Councils(Chairman ,vice chairman & chief officer)
- Municipal Councils (administrators)
- Union Councils (union council secretary)

A Critical Assessment of PLGA-2013

The PLGA-2013 had many reservations and policy gaps that were highly criticized by the experts.

No Political will

It has been discussed above; that the Bill of PLGA-2013 passed without any consensus of all opposition parties. The government wanted to conduct elections on non party basis while the opposition demanded it on party basis. The opposition political parties boycotted the session and recorded a protest but the PLGA 2013 Bill passed .The treasury benches also sent thirteen proposals against some reservations but all were neglected by the ruling party.

Highly centralized:

The PLGA-2013 was publicized upon the pattern of 1979 Local Bodies Ordinance that was an extremely centralized structure of local government that was unable to turn into a decentralized system.³³ The local representatives were not empowered financially and administratively because the powers were in the hands of provincial authorities. Few major parties knocked the court and claimed that the new PLGA has violated Articles 62 and 63.³⁴The chief minister of Punjab could remove any local bodies' representative any time by using his powers.³⁵ The health and education

system was also governed and looked after by the provincial ministers.³⁶

Punjab Local Government Act 2019(PLGA-2019)

Pakistan Tehreek-e-Insaf (PTI) government has much focused on Local governance during their political campaigns and so, after winning 2018 General election; PTI much focused on introducing new-fangled reforms plan in Punjab local government skeleton .The party election program point out that local growth in villages and towns was inclined by the members of provincial government and National Assembly or by civil bureaucracy. So the bill for new reforms was presented in the Punjab assembly and it passed on 30th April with an aim to empower citizens at local level by transferring additional responsibilities to the local government. The new PLGA-2019 was different from former Acts introduced in Punjab;

Direct Elections Method

A direct election method was proposed to be adopted in Punjab at local level. The direct elections of mayors were highly appreciated by the stakeholders. It was visualized that the decentralization of power to the local tier would perk up service delivery performance of the local governments.

Accountability Mechanisms in PLGA 2019

The government had established an inspectorate, which was similar to the Directorate introduced in the PLGA-2013. In PLGA 2019 three devices for accountability at local government were

³² Nazeer, Amjad. "PUNJAB LOCAL GOVERNMENT ACT 2013."

³³ Ibid

³⁴ Hussain, Muhammad Sajjad, Muhammad Asif, and Sarfraz Hussain Ansari. "The Punjab Local Government

Act 2013: A Critical Analysis." *Dialogue (Pakistan)* 15, no. 3 (2020).

³⁵ Nazeer, Amjad. "PUNJAB LOCAL GOVERNMENT ACT 2013."

³⁶ Ibid

introduced for inspection, scrutinizing and assessment.³⁷ It would be the responsibility of the Mayor to monitor and review all the records and prepare reports of the inspections and sent to the provincial assembly. The innovative provision offered the right to any citizen to confront any decision, documentation, contract, and decision of local governments on the forum of the provincial assembly. The procedure would complete under the officer having judicial powers under the “Code of Civil Procedures 1908”.

City Administration Model

It planned to introduce a “city government model”, where the directly elected Mayor will be responsible to deliver on all interrelated urban city matters”. This is what the PTI has done with the passage of the Punjab Local Government Act 2019 and the Punjab Village Panchayat and Neighborhood Councils Act 2019. Undoubtedly, the local government system being introduced by the PTI was better than the one employed by the Pakistan Muslim League-Nawaz via the Punjab Local Government Act 2013. The PML-N version permitted direct party-based elections for councilors but those who came to grasp higher-level posts in local governments were elected not directly. The government amended the law for the appointment of technocrats who might then become mayors that destabilized the local government structure. The PLGA-2013 also did not offer an economic decentralization from the provincial to local level. Local governments had little funds at their

disposal and stayed reliant on regional government and civil administration.

Rural-urban Dissection

The new system introduced rural-urban segregation, to some extent like the local government structure set up by General Musharraf in 2001. The “Punjab Village Panchayat and Neighborhood Councils Act 2019”, for example envisaged panchayat for rural vicinity and councils for urban areas. The panchayat and councils would carry out such public role for handling cleanliness, water supply, populace welfare, public wellbeing, sewage dumping and waste managing.

Tehsil Councils

The PLGA -2019 also offered a Tehsil council for the entire inhabitants of every Tehsil in the province but it visualized “Metropolitan corporations, municipal corporations, municipal committees and town committees” particularly for urban areas. The PTI argued that districts are larger equally in size and populace to be governed efficiently during district governments.³⁸

Gaps Evaluation in PLGA-2019

The PLGA-2019 has the flaw that it allowed the provincial government to keep extensive regulatory power. For example, it allows local governments to work under instructions of the provincial power. These authorities entailed in domains like education, waste organization, wellbeing, building rules, community transport, offense and the protection of public order. Bureaucratic politics is a significant sign of the achievement or breakdown of the

³⁷ Janjua, Moazzam Ali, and Rainer Rohdewohld. "Critique of the functional assignment architecture of Punjab's local governance legislation of 2013 & 2019." *Commonwealth Journal of Local Governance* (2019): ID-7408.

³⁸ Janjua, Moazzam Ali, and Rainer Rohdewohld. "Critique of the functional assignment architecture of Punjab's local governance legislation of 2013 & 2019." *Commonwealth Journal of Local Governance* (2019): ID-7408.

new-fangled system. Many gaps were found in PLGA-2019 that deputy commissioner (DC) would be a district-level controller between various local governments but he remained outside the scenario of all the local governments in the district. According to the PLGA-2019 a chief officer, bureaucrat, would be in every local government. They would have extensive power to govern and scrutinize the local governments and their functions. The local government heads would exercise power to assess and evaluate the performance of these officers to the local government department secretary.³⁹

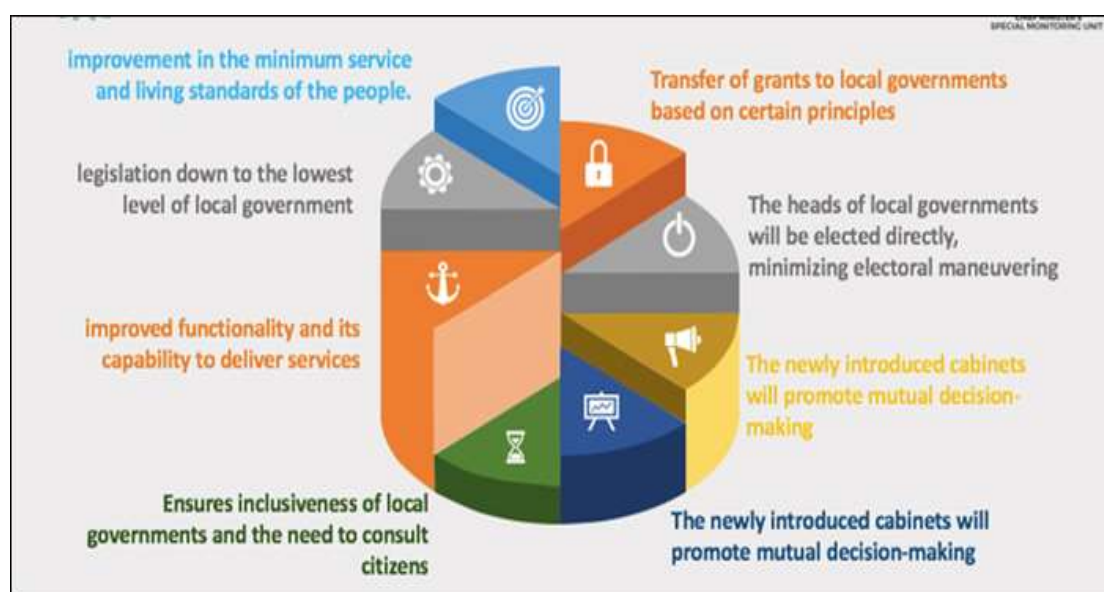
Open List Method

The list of the seats in a constituency would be issued if the person with the

highest votes would secure first seat and would be the chairperson. The candidate with the second highest votes would occupy the second seat and so on. The Act intended to delegate countless public agencies and local powers like "Water and Sanitation Agency, Lahore Development Authority, Traffic Engineering, Transport Planning Agency and Parks and Horticulture Authority" to the Mayor. The government officials would function in these entities. Under the PLGA-2019 would transfer power may burden that economic resources transfer to the local governments are rather large. The Act delegated not less than 26 % of the province's general income receipts for the two years and not less than 28 % of the same in the next years.

Fig: 1 SALIENT FEATURES OF PUNJAB LOCAL GOVERNMENT ACT-2019

(PLGA-2019)



Source: https://twitter.com/head_smu/status/1301391252559192070

Women Quota

The PLGA 2019 granted women a chance to contest elections from reserved as well as general seats. However the cutback in reserved seats was worrying. It was

examined that about 2000 women councilors were appointed under PLGA-2013, the strength capped at 90 under the new PLGA-2019. No reserved seats for youth and technocrats were placed in

³⁹ Rafique, Zain, Shahid Habib, and Yeni Rosilawati. "Legal, Political and Administrative Barriers to Citizen Participation in

Local Governance: An Inquiry of Local Government Institutions." *International Journal of Public Administration* (2021): 1-13.

PLGA-2019. It was a step back for unbiased representation.

Age Limit

The age limit of qualified candidates set down in 2019 Act in contrast to PLGA 2013. The minimum age was raised from 21 to 25 years. That would lead to an exclusion of the 18 and 25 years of age men and women from contesting LG elections. Youth's participation in local governance was not elevated.⁴⁰

Panchayat

New village councils entitled as 'panchayat' which was highly critiqued by the High Courts and the Supreme Court that panchayat is unconstitutional and unauthentic parallel to judiciary. The National Commission filed a petition in 2012 on the women Status and others in the Supreme Court and declared panchayat banned, unlawful, and atrocious of the basic rights mentioned in the Constitution 1973. The Supreme Court made a decision in 2018. The village councils as panchayat brought to primitive culture and mindset that was patriarchal, narrow and feudal against the weak and deprived people.⁴¹

Punjab Local government Ordinance 2021(PLGO-2021)

Chaudhry Mohammad Sarwar, Governor Punjab on Saturday marked Punjab Local Government Ordinance (PLGO-2021) also formally endorsed by the Punjab Cabinet. Principal Secretary Dr Rashid Mansoor,

Special Secretary to Governor Omar Saeed attended the occasion. It was visualized that the new system will be powerful to the public .Prime Minister Imran Khan has fulfilled his promise to delegate power to grass root level. It will make citizens strong and affluent. ⁴²The Prime Minister Imran Khan had promised a strong local government body in Punjab .The PTI government will guarantee citizen empowerment and take all measures for their prosperity as Pakistanis. The ruling party pledged transparency and merit in the institutions especially at local tier .The PLGO visualized strengthening the people and institutions.⁴³ The PTI government devolved powers to local levels through PLGO 2021 in Punjab.⁴⁴

LG Structure under PLGO-2021

The PTI government decentralized system introduced under PLGO-2021 with some new features;

- Decentralization and transfer of power at grass root level
- Power devolution
- Financial and administrative powers delegated to the local bodies
- Under Article 140-A power and authority transferred to the LG for good governance ,transparency ,and citizen participation

The new-fangled system by the PTI government restructured the system of the

⁴⁰ Rafique, Zain, Shahid Habib, and Yeni Rosilawati. "Legal, Political and Administrative Barriers to Citizen Participation in Local Governance: An Inquiry of Local Government Institutions." *International Journal of Public Administration* (2021): 1-13.

⁴¹ Nikku, Bala Raju, and Zain Rafique. "Empowering people: Role for political social work in South Asia." *International Social Work* 62, no. 2 (2019): 877-891.

⁴² Mumtaz Alvi, First Phase of LB polls in 17 Punjab districts on May 29,ECP;February 17,2022;The NEWS

⁴³ <https://www.cpd-pakistan.org/wp-content/uploads/2022/01/Analysis-of-the-Punjab-LG-Ordinance-2021.pdf>

⁴⁴ Saadia Salahudin;33pc women's seats in LG demanded; January 23,2022;The NEWS;<https://www.thenews.com.pk/print/927440-33pc-women-s-seats-in-lg-demanded>

LGs and empowered them political, fiscal and administrative domains.

- 11 Metropolitan Corporations (Big Cities)
- 15 Municipal Corporations
- 35 District Councils in Rural areas
- 3364 Village Councils (Rural & Urban) (Population 20,000)
- 1883 Neighborhood Councils (Rural & Urban Population 20,000) hill council (15000 population)

Critical Analysis of the PLGO-2021

The Punjab Local government Ordinance 2021 has introduced a new set up in the provinces but without consultation and consensus of the opposition parties, so it has some flaws and implementation challenges .PLGO 2021 system has some notable limitations. There are some gaps in policy implementation.⁴⁵The analysis of LPGO-2021 done by the researchers after a deep review of the ordinance original document issued by the Punjab government CPDI

Section 8& 9

It indicates that the Deputy Commissioner shall issue notifications of delineation of local areas of Metropolitan Corporations and District Councils in Sialkot, Gujrat, Bahawalpur, Dera Ghazi Khan, Faisalabad, Gujranwala, Multan, Rawalpindi, Sahiwal and Sargodha districts but it is quite necessary that criteria must be clearly defined that how the division of urban or rural areas will be made.⁴⁶

⁴⁵ Mumtaz Alvi, First Phase of LB polls in 17 Punjab districts on May 29,ECP;February 17,2022;The NEWS

⁴⁶ <https://www.cpdi-pakistan.org/wp-content/uploads/2022/01/Analysis-of-the-Punjab-LG-Ordinance-2021.pdf>

⁴⁷ Ibid

⁴⁸ Zulqernain Tahir ,Govt, opposition head towards deadlock over EVMs in Punjab polls, January23,2022;DAWN ;

Section 13(1) (b) & (c)

It illustrates the local bodies' structure whereas Lahore is the largest district but according to the new Act no district council will be there .It is highly criticized that deputy mayors' strength must be increased. The total elected members of Neighborhood councils and Village Councils will be 12 where 2 seats will allocate to women.⁴⁷ The religious marginal groups don't exist; these seats will be for female workers and peasants. Here the demand for an increase of women reserved seats comes from the civil society.

Section 19(2) about Manner of power exercise by a local government

Here the chairman and the deputy chairman will function under the headship of the Local government head but the functions list is missing in the PLGO-2021 document.⁴⁸

Section 21(3) Functions and Authority of Metropolitan Corporation & District Council

The restricted role of the Metropolitan Corporations and the District Councils for local public service delivery departments has some reservations. Because the Metropolitan Corporations and Districts Councils need cooperation of the law enforcement agencies and revenue departments in many situations, they must be more empowered in this regard.⁴⁹

⁴⁹ Zulqernain Tahir ,Govt, opposition head towards deadlock over EVMs in Punjab polls, January23,2022;DAWN ;

Section 23 Powers and Authority in links with the Agencies and Companies in the Metropolitan Corporations

An immediate decentralization is not achievable; the law must provide that devolution completed in a year soon after the local governments constitutes.

Section 24: Practices of functions and use of powers to the devolved district rank offices of the Punjab Government Departments

No immediate devolve mechanism mentioned for district level offices of the Punjab.

Section 24: Practices of functions and use of powers to the devolved district rank offices of the Punjab Government Departments

No immediate devolve mechanism mentioned for district level offices of the PUNJAB Government Departments and no guarantee that it will certainly be transferred at a later stage in a particular period of time.⁵⁰

Sections 25 &26: District Authorities

If the district authorities transfer, it will work under the supervision of Boards under the chairmanship of Mayors or chairpersons. In this way the presence of civil authorities will be higher in the district councils and will influence the decision making process and governance. The authorities in a district, if delegated, then the Finance Department will release funds for these authorities but no local government has such authority itself. It is suggested that the budget or funds must be the responsibility of the concerned

Metropolitan Corporation and the District Council.

Section 27(3): Performance by the District Authorities

The district authorities shall be restricted and directed in policies and instructions issued by the Punjab Government. It means the District authorities have no freedom to work; they will remain under the instructions of the provincial management.

Section 36(1) (k) Powers & Obligations of Chief Officer

Under the Act, the Chief Officer is bound to perform duties assigned by the head of local government. It indicates that the chief office is not free in his tasks and functions .He must abide by the head of the local government.

Section 40(7): Meetings of the House

The government may allow any person to attend the meeting but that person cannot vote or take part in any policy during and after the meeting .It is suggested that the council should also be authorized to allow any person for meetings through a majority vote for local context and requirements.

Section 47(1): Election Method

The electronic voting machines will use for the first time for LG elections in Punjab but election commission of Pakistan have less capacity to deploy EVMs as the new elections are expected in few months if this condition remains, it can delay elections in Punjab

Section 53: Notification of Elections call up

⁵⁰ Ali cheema ;Local democracy or elected despotism?,January 31,2022;DAWN;

<https://www.dawn.com/news/1672434/local-democracy-or-elected-despotism>

It proposed that the Local Government elections will be conducted in two stages: in first phase the Village and Neighborhood Councils and at second phase Metropolitan Corporations and District Councils elections will be held. This may affect the results and raise expenditures .It is suggested that it must be held in one go.

Section 61(1): Eligibility and Ineligibility

It prescribed that the head of Local Government candidate must have an Intermediate degree and equivalent. This provision must readdress and flexibility in qualification must be redefined.⁵¹

Section.68: Resignations

The head of the LG, Mayor, Chairman, vice chairman, speakers, and councilors can resign and submit it to the chief office in black and white but it is being recommended that it must be submitted in the presence of any elected member.

Section.71: Appointment Powers of the Chief Minister

It empowers the Chief Minister Punjab to employ administrators. It is a badly problematical. The PTI government must adopt other arrangements for the interim phase, after the completion of LG tenure.

Section 75(7): Funds

It indicates that the expenditures and payments will not be allowed/ increased over a prescribed limit. It also allows new hiring and adjustments.

Section 77 &77(3): Budgeting

It allows the citizen of that specific constituency that he /she may criticize the budget draft before final approval. The citizen may approach the websites or attend councils meetings and record their

reservations. The Section 77 part 3 set a time period of budget approval and indicates that a simple majority required for its approval.

Section 81(3): Audits

The audit report by the Auditor-General will be measured by the Public Accounts Committee of the Punjab Assembly .Under this section Public Accounts Committee responsible but no separate arrangements being made.

Section 99 (2): Levy taxes

Levy taxes powers vested by the Punjab government and it must be restricted .It must also be undoubtedly define.

Section 139: Right to Information

This provision offers a time period but the point is that Transparency Act 2013 already exists in the Punjab and in the presence how it will work and implement.

Sections 185-188: Chief Officers /Staff/Servants of LG

All LGs have officers and staff, so their appointment and placement will decide time to time and the Secretary local government will exercise these powers and the LG heads will have minimum powers in this regard.⁵²

Section 193(3) (b): Appeals /Tribunals

This section illustrates that in the total seats fixed for technocrats, half would be reserved for female representatives.

Section 215: Adjustment in the Schedule

The Punjab government is authorized to introduce amendments in the schedule by issuing notifications, this provision offers maximum power to the government and it must be limited before implementation.

⁵¹ <https://www.cpd-pakistan.org/wp-content/uploads/2022/01/Analysis-of-the-Punjab-LG-Ordinance-2021.pdf>

⁵² <https://www.cpd-pakistan.org/wp-content/uploads/2022/01/Analysis-of-the-Punjab-LG-Ordinance-2021.pdf>

Conclusion:

Decentralization is an imperative support of citizen-centered governance. Patronage-rooted politics where government controls fiscal affairs and provide service delivery remained the major concern of the politicians in Pakistan .The devolution of power remained ineffective due to such unnecessary involvements. The politicians crave to grab the local politics, baking nepotism in roots .If power and services provide the citizens at grass-root level in the right direction, the scenario will quite change and lead to real democracy. In Pakistan local governments remained challenging where democratic and un-democratic experienced multiple local bodies' arrangements. But unfortunately not a single system effectively worked or allowed to work .After the overhauling of the constitution after the 18th amendment the LG subject shifted to provinces for the improvement of service delivery through autonomous bodies but the provinces were not geared up for such a big political, legislative and administrative change. Pakistan Tehreek-i-Insaf promised during their elections campaigns of a strong local

government's skeleton for better and enhanced services availability for its citizens' .The former systems ineffective responses also grab the attention of the new PTI government to reorganize the local government system. The PTI government visualized empowered elected local governments under new laws. The lack of consensus in the preparation to implementation process of the PLGO 2021 will create challenges in the future as the Punjab government recently amended the Act to cut the village and neighborhood councils members regarding the intact implementation of conducting elections less cumbersome. It is another debate that the ruling party despite numerous promises of strong local government system to fortify democracy at the lowest step, has constantly postponed elections since it strike down the earlier PML-N-dominated local bodies and blamed the ECP for the impediment. It is quite necessary that no concept of good governance and development will work in Pakistan unless the local governments not established with the true spirit to serve the people.