

Background

Local government systems play a key role in providing democratic and accountable governments for local communities and ensuring that the communities receive sustainable services. If properly visualized and implemented, a local government system can be instrumental in enhancing a sense of participation in governance among local communities and decision making at the grassroots level, paving the way for their social and economic development.



Initially, some local government institutions inherited from British rule were in place after independence. In 1959, General Ayub Khan introduced the basic democracy system, a multi-tiered local government system, which was well received by local communities and lasted until 1969 when he left office. There was no replacement system until General Zia-ul-Haq established a new local government system in 1979. One of the main features of this system was separate tiers of local government institutions for urban and rural populations. This system was replaced by yet another introduced by General Pervez Musharraf, in 2000. Musharraf's local government system devolved power and authority to the district level. Urban and rural areas were integrated and the elected District Nazim wielded substantial authority over the bureaucracy as well as administrative and financial matters.

The last local government elections in Pakistan were held under Musharraf's system in 2005 and the local governments continued working until 2010. New national and provincial governments came to power in 2008 and wanted to put their own local government systems in place in each of the provinces, so in 2010, each province dissolved the local government system prevailing at that time, and there have been no local government systems in place until late 2013.

The Legal Framework for Local Government Elections

Under the Constitution of Islamic Republic of Pakistan, it is the State's responsibility to encourage local government institutions composed of elected local representatives and to provide special representation for peasants, workers and women.¹ The 18th Amendment to the Constitution, adopted in 2010, requires provinces to pass legislation establishing local government systems and devolve political, administrative and financial responsibility and authority to the elected local representatives.²

However, most of the previous provincial governments did not make serious attempts to develop local government systems. While hearing a case of law and order in Balochistan in April 2012, the Supreme Court directed the provinces to establish local government systems as mandated by the Constitution in order to solve socio political problems of the people³. Under immense pressure from

¹ The Constitution of Islamic Republic of Pakistan-Article 32.

² Ibid. Article 140A.

³ Civil Miscellaneous Application No.6882/13 in Constitution Petition No.77 of 2010

the Supreme Court, Balochistan, Punjab, Sindh and Khyber Pakhtunkhwa provinces have adopted local government legal frameworks and are in various stages of preparing for elections.

The Balochistan Government dissolved its previous system in January 2010, and the Baluchistan Local Government Act 2010 (BLGA) was passed by the Provincial Assembly and signed into law by the Governor on 11 May 2010. Although the legislation was in place, the provincial government did not take any other concrete steps to implement the local government legislation until 2013 when all provinces came under pressure from the Supreme Court. In September 2013, the Balochistan Government framed rules for conducting elections. Balochistan was the first of the four provinces to successfully hold local government elections under the new framework on 7 December 2013.

Powers of Local Councils

The institution of local government is essentially established to carry out development activities at local levels and provide basic civic amenities to citizens. Local councils in Balochistan are also mandated with these functions.

To achieve desired results, it is essential that local government institutions have sufficient autonomy in political, administrative and financial matters. Although the local councils may not be ideally vested with these powers under the local government framework, there are no major restrictions on their functions as local bodies. Some of the powers enjoyed by local councils are:

- preparing the council's annual budget;⁴
- levying taxes, fees, rates, rents, tolls, charge and surcharges as specified in the law subject to provincial government's approval⁵
- making and implementing development schemes for the local area⁶
- establishing a local fund to which all the revenues taxes etc. received by the local government may be credited.⁷

Local councils are responsible for providing and maintaining infrastructure and civic amenities; implementing development plans in the social sector and for performing regulatory functions.

Under the existing legal framework, the Government of Balochistan has authority to exercise general supervision and control over the local councils⁸. The government can exercise this authority in a number of ways, including inspection of local councils, audit of accounts, issuing directions, dissolution and suspension of local councils, control over budget and removal of Chairmen, Vice-Chairmen, Mayors, Deputy Mayors and Members of the Councils.

Electoral Systems, Structures and Compositions

The local government system in Balochistan has a rural-urban divide; separate institutions have been designed for rural and urban populations of the province. Local elections in Balochistan are party based and independent candidates without party affiliation can also compete.

Reserved Seats for Special Interest Groups

The number of reserved seats for special interest groups in every local body is determined as follows:

⁴ Section 100 of the Balochistan Local Government Act, 2010

⁵ Section 114 of the Balochistan Local Government Act, 2010

⁶ Section 89 of the Balochistan Local Government Act, 2010

⁷ Section 96 of the Balochistan Local Government Act, 2010

⁸ Section 123 of the Balochistan Local Government Act, 2010

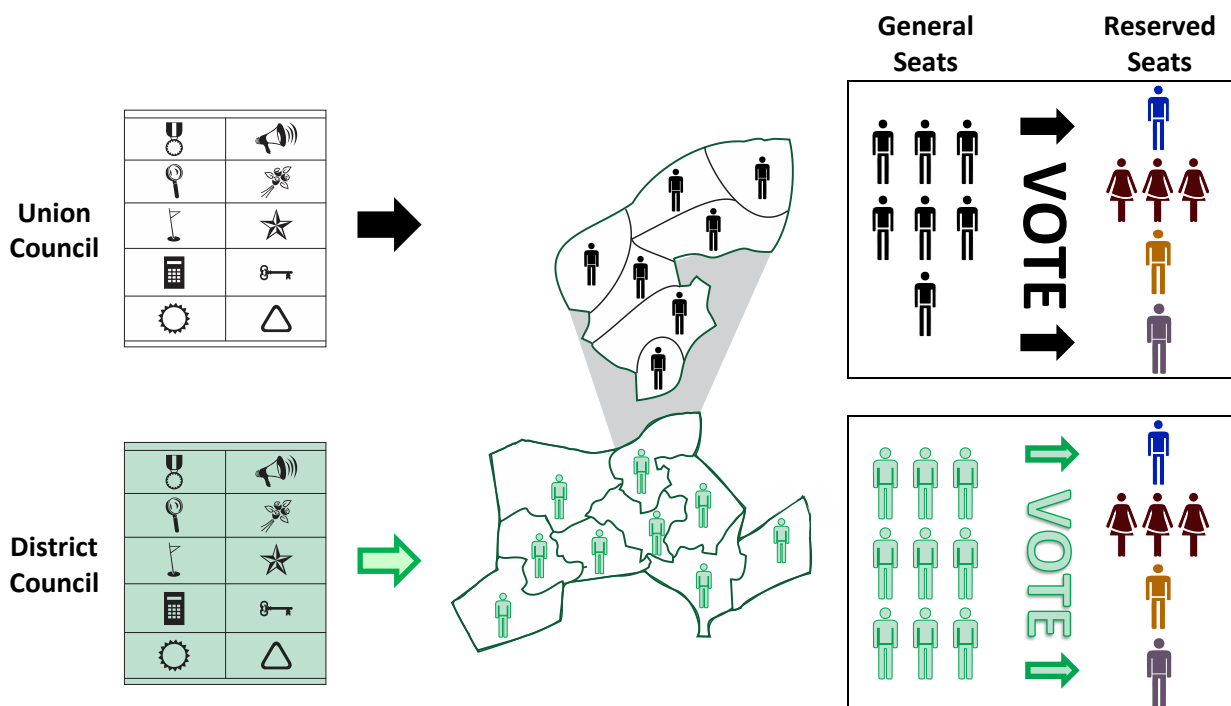
- The number of non-Muslims is fixed by the Provincial Government based on the population of non-Muslims in the local area. There is no minimum requirement, however in some cases it is possible that there will be no seats for non-Muslims.
- Seats for women are 33% of the number of general members, with a minimum of one⁹.
- Seats for workers are 5% of the number of general members, with a minimum of one¹⁰.
- Seats for peasants are 5% of the number of general members, with a minimum of one¹¹.

Local Bodies in Rural Balochistan

There are two tiers of local government in rural Balochistan. The Union Council is the lowest tier and the District Council is the highest. The area of a Union Council is divided into single member constituencies called wards. The District Council is made up of several Union Councils.

	Constituency composition	Number of general seats
Union Council	7,000-15,000 population	7-15 general members, one for approximately every 1,000-1,500 people
District Council	The area of a revenue district excluding urban and cantonment areas	Equal to the number of Union Councils in the district

On Election Day, a voter in rural Balochistan casts two ballots, one for the general member to represent his/her ward in the Union Council and one for the general member of his/her District Council. General members for each council are elected by simple majority in single-member constituencies. Directly elected general representatives in the Union Council and the District Council then nominate and elect special representatives to reserved seats for **non-Muslims**, **women**, **peasants** and **workers** for their respective councils.



⁹ Section 10 of the Balochistan Local Government Act, 2010

¹⁰ Section 12 of the Balochistan Local Government Act, 2010

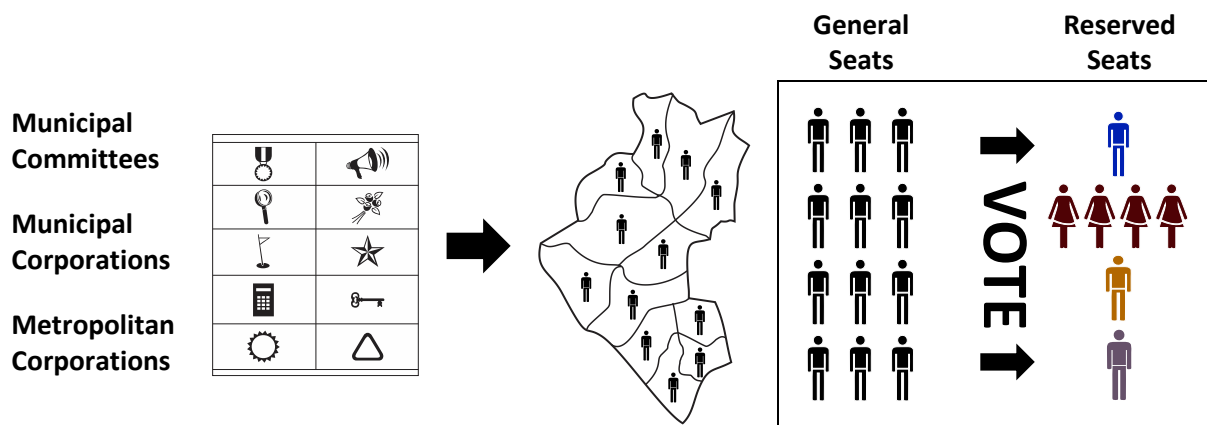
¹¹ Section 12 of the Balochistan Local Government Act, 2010

Local Bodies in Urban Balochistan

There is only one tier of local government in urban Balochistan with three different types of local bodies, depending on the population of the city. The area of each local body is divided into single member constituencies called wards.

	Population size	Number of general seats
Municipal Committee	15,000-100,000	8-36, with one seat for approximately every 2,000-2,500 people
Municipal Corporation	100,001-500,000	30-50, with one seat for approximately every 3,500-10,000 people
Metropolitan Corporation	500,000+	50-70, with one seat for approximately every 10,000-20,000 people

On Election Day, a voter in urban Balochistan casts a single ballot for the general member to represent his/her ward in the local government body. General representatives are elected by simple majority in a single-member ward. Directly elected general representatives in the local body then nominate and elect special representatives to reserved seats for **non-Muslims**, **women**, **peasants** and **workers**.



Qualifications for Candidates and Elected Members

The requirements for candidate and representative eligibility are listed in Section 24 of BGLA. Of these, the most prominent are he/she:

- is a citizen of Pakistan;
- is at least 21 years of age on the last day for filing nomination papers;
- is enrolled as a voter in the electoral roll of the ward for which he/she is competing;
- is of good character and is not commonly known to violate Islamic injunctions, or if he/she is non-Muslim, the candidate should have a good reputation; and
- has not wilfully defaulted on taxes or other financial dues owed to the federal government, a provincial government, a local council or any financial institution, including utility bills outstanding for six months or more.

Voter Eligibility

According to Section 23 of BLGA, a citizen is entitled to vote in local government elections in Balochistan if he/she:

- is a citizen of Pakistan;
- is at least eighteen years of age; and
- is registered on the electoral roll.

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