

**The Extent of Devolution: A Comparative Analysis of Punjab  
and Khyber-Pakhtunkhwa Local Government Acts 2013**



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**CERTIFICATE**

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## **Scholars Declarations:**

I hereby state that the dissertation submitted by me titled "**The Extent of Devolution: A Comparative Analysis of Punjab and Khyber-Pakhtunkhwa Local Government Acts 2013**" is the outcome of my original research work to fulfill the requirement for the award of M. Phil degree in the discipline of Public Policy under PIDE School of Public Policy at Pakistan Institute of Development Economics (PIDE). It is not published anywhere, hence I took full moral responsibility in this regard.

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## **Abstract**

In the light of 18<sup>th</sup> Constitutional Amendment and in response to Constitution of Pakistan (Article 140-A), Local Government (LG) Acts have been devised and approved in 2013 by the provincial assemblies. In this study, LG Acts 2013 of Punjab and Khyber Pakhtunkhwa (KPK) have been analyzed on the political, administrative and fiscal aspects along with explaining the composition and functions of this tier of governance. The LG Acts of Punjab and KPK (2013) provide the foundations to fill the governance gap at the local level by providing space to the elected representatives, right from the District to the Union Council level. In this analysis, we also found certain shortcomings in the LG Acts. The traces of military-installed and military operated local governments still feature in Local Governments structures and functions as proposed by the Acts of 2013. Provincial governments still hold substantial powers to intervene and control the affairs of local governments in both the provinces. The Local Government Acts of Punjab and KPK allow the Chief Ministers to dismiss any of the elected representatives at any level in the hierarchy. The matter of holding an inquiry about ‘corruption, misconduct, bribery, and misuse of public funds of the respective local council’ is unclear in the said acts. In Punjab, for instance, health and education are managed by the provincial government. Rest of the basic services in both the provinces are devolved to the local government. But in terms of financial resources, local governments depend on provincial governments for financial allocations. Revenue collection in both the provinces has also been shifted back to the provincial governments. For resource allocation, Provincial Finance Commission (PFC) Fund and Provincial Finance Commission (PFC) Award are established to finance the local governments. The Provincial governments of Punjab and KPK need to institutionalize their powers of regulation, standardization, monitoring, legislation and periodical audits of the local governments. A comprehensive chapter needs to be promulgated in the fundamental principles of local governance that should allow greater autonomy and certainty to the Local Governments.

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## **List of Abbreviations**

AD	Additional Secretary
AusAID	Australian Agency for International Development
CBA	Cost-Benefit Analysis
CCI	Council of Common Interest
CDG	City District Government
CIDA	Canadian International Development Agency
CoD	Charter of Democracy
CoP	Constitution of Pakistan
CSO	Civil Society Organization
DC	Deputy Commissioner
DCO	District Coordination Officer
LG & CDD	Local Government and Community Development Department
LG & RD	Local Government & Rural Development
LG	Local Government
LGO	Local Government Ordinance
MAO	Municipal Administration Ordinance
MNA	Member of National Assembly
MPA	Member of Punjab Assembly
NFC	National Finance Commission
PFC	Province Finance Commission



# Chapter 1

## Introduction

### 1.1. Background

The Governments of Punjab and Khyber Pakhtunkhwa, under the light of 18<sup>th</sup> constitutional amendment, came up with separate Acts in 2013 known as - **The Local Government Act 2013** for each province. The said Acts have been passed by provincial assemblies with aim of establishing Local Government system through elections. It also aimed to devolve financial, political and administrative authority to the local governments, governed by the elected representatives (PIPS, 2014). The scope of the LGAs 2013 is ought to ensure effective services delivery, good governance, transparency, and accountability. LGAs, 2013 were ideally meant for empowering the public to make decisions at the local level in an institutional way to deal with ancillary matters.

The LGAs (2013) passed by Provincial Assemblies under the 18<sup>th</sup> amendment differs on many counts in all four provinces i.e. Baluchistan, Khyber Pakhtunkhwa, Punjab, and Sindh. It also differs from experiences of Pakistan with local government. Earlier Acts imposed by dictators and by the central governments. The recent acts are, however, for the first time adopted by the provinces after long consultation in provincial assemblies. Hence, the sense of ownership expected to prevail in all these Acts. The recent legislation has led to different local government systems, in each province of Pakistan.

Local government system offers basics to identify gaps and improve governance at lower levels by bringing in the elected local representatives. Local government acts 2013 define and explain local government systems and their predictions. These Acts have massive importance and high implications for local level governance. Local government acts 2013 are multi-dimensional policy documents, explaining political, fiscal and administrative procedures with local and provincial collaboration. To establish effective and efficient local governance system, the Local Government Acts 2013 have implications to reinforce capacity building and institutional strengthening at lowest government tier. Likewise, these provide guiding principle to get benefits from provincial finance commission for development works. Significantly, the

Local Government Acts 2013 provide a route for its implementation to devise an effective local government system in each of the Province.

Technically, Local Government Act of Punjab Province bounds local governments to Provincial Government for funds and finances. It allows district bureaucracy to involve in the local government affairs. Despite, impressive contents of the Local Government Acts 2013 of Khyber Pakhtunkhwa (KPK) and Punjab, these acts lack any formal analysis and scrutiny. Local Government Acts 2013 challenged in higher courts a number of times. For example, Local Government Act 2013 of Punjab Province has been confronted in Supreme Court and High Court due to undemocratic clauses in the document. Over time, acts appealed and amended five times through court order<sup>1</sup>. The most important amendment was to conduct local government election on party basis. Initially, the election proposed on the non-party basis in Punjab. Similarly, Local government act in Khyber Pakhtunkhwa is framed in such a way that party-based elections should be conducted up to tehsil level and non-party basis elections are held at the village levels.

Some studies have been conducted by UNDP (2013), PIPS (2014), where findings are presented and suggestions are anticipated over local governments legislated by the provinces. However, there is still a gap in the literature, and there is a need for analysis and evaluation of Local Governments Acts 2013 under the light of 18<sup>th</sup> constitutional amendment. This study thus evaluates and compares the LGAs of Punjab and Khyber Pakhtunkhwa and draw implications for the given different versions of Local Governance Models.

## **1.2. Problem Statement**

Local government is one of the key components of democratic governance in a parliamentary system of government. Pakistan has witnessed legislation on the local governments by provincial assemblies. It happened the first time in the constitutional history of Pakistan. In the backdrop of the 18<sup>th</sup> amendment, Provincial Assemblies of Punjab and Khyber Pakhtunkhwa have come up with local government Acts for their respective province. The thesis is based on the prominent definition of public policy "what governments want to do and what governments do not want to do". The political parties in both provinces have made high claims for the effective local government system. This research assesses the content of the said

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<sup>1</sup>Please see: [www.pap.gov.pk/uploads/bills/bill36\\_2015.docx](http://www.pap.gov.pk/uploads/bills/bill36_2015.docx)

Acts. The analyses would help to draw conclusion how far the local governments are empowered to ensure the basic public services at grassroots level.

### **1.3. Research Objectives**

Following are specific objectives of this comparative analysis;

- ❖ To analyze the Political, Fiscal and Administrative empowerment of local governments in Punjab & Khyber Pakhtunkhwa.
- ❖ To identify the gaps in legislation on local government and suggest policy reforms to improve services at grassroots level.
- ❖ To assess the nature of reforms introduced after the initial bill passed in provincial assemblies of both the provinces.

### **1.4. The Scope of the Research**

The discussion above states that LG Acts 2013 of Punjab and Khyber Pakhtunkhwa will be analyzed on different dimensions to seek the commitments made regarding strengthening Local Government system in the Provinces and identify the challenges, gaps, and concerns. As the background information about the LG (UNDP, 2013; IPP, 2014) suggests that without allocating sufficient authority and resources to the elected representatives of the LG, the autonomy of LG system cannot be achieved. This analysis is conducted on same lines to observe how genuine is the intent of the Local Government Acts 2013 of the provinces and what should be done to strengthen LG system in Punjab and KPK for an effective and participatory system to work at grassroots level.

### **1.5. The Significance of the Research Study**

The local governments Acts 2013 in both provinces are retrospective as well as a proactive response to the formulation and establishment of local government system in the backdrop of the 18<sup>th</sup> constitutional amendment in Pakistan. This comparative analysis has vast implications and it is one of the significant analysis based-upon the following grounds.

The attempt to conduct a comparative analysis of PLGA and KPKLGA 2013 is a vital task. Policy analysis of public policies or analysis of the documents concerning public interests is quite important (Majone, 1977). This sort of analysis becomes more significant when certain Policies, Acts of the parliaments are scantily analyzed or even under question. The same idea is quite applicable to the comparative analysis of PLGA and KPKLGA 2013. The literature review witnessed that no authentic study conducted any basic comparative analysis about the content of the PLGA and KPKLGA. It means both of these Local Government Acts are still not thoroughly analyzed. To look from the perspective of public policy analysis, these are an important document, especially in legislative and academic circles. This notion is a reflection of the policy as “what people say” about the implications and originality of these Acts by two different assemblies and from two different political parties. For example, during an expert interview as part of the comparative analysis study, the interviewee made an argument that both of these Acts are strategic products in the field of public policy in Pakistan, must be examined critically.

During another expert interview, secretary at the Local Government in Punjab appreciated this study of analyzing the PLGA and KPKLGA 2013. Another expert from development sector (UNDP) was of the view that this analysis will tell the whole story of commitment to democratic culture in Pakistan including how much devolution of power has occurred in Pakistan in the backdrop of the 18<sup>th</sup> amendment. In his view, this comparative analysis would help to strengthen the nexuses between the content and implementation of PLGA and KPKLGA 2013<sup>2</sup>. The experiences and comments of these intellectuals are the key part of this study.

No doubt, these unanalyzed local government acts may have flaws inherently on different fronts. There may be issues in the proposed administrative, political and fiscal system of local governments in both the provinces. This comparative analysis is well- poised to unpack the gaps in PLGA and KPKLGA and extent of devolution for administrative, political, fiscal management and empowerment of respective local government institutions. If this comparative analysis finds any gaps and shortcomings in the local government acts, unrealistic measures or enviable proposals, it would be useful for policymakers in KPK and Punjab. The findings would provide them multiple directions to revisit the LGAs.

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<sup>2</sup>The Punjab LG elections are planned to be held in Oct 2015 October under PLGA 2013.

The research scholar is much confident that the comparative analysis of these Local Government Acts would be a gateway for new avenues to conduct research on these Acts. It is expected that the outcomes of this analysis will be a starting point for academic and researcher to further critically evaluate these Acts. This comparative analysis is a kind of unique participation in the field of public policy; the comparative analysis of these two Acts is virtually a link in the domain of public policy analysis. The analysis of PLGA and KPCLGA Acts 2013 would be detailed and comprehensive as compared to its predecessors in the coming days.

The role of the public is key in the implementation of public policies in the true sense. It means the general public of Punjab and KPK Province have an important role in the implementation of these Acts. As an outcome of this analysis, recommendations made for KPK and Punjab to manage the affairs of the Local Government in a better way. In response to prevailing democracy in Pakistan, it is highly desirable to educate the public about the importance of local governance. This comparative analysis provides smart recommendations to strengthen local governance system in the country. In the light of these well-informed guidelines and recommendations, the public-sector organizations, the non-governmental organizations and sensitive media may play their role in informing the public better about local government.

## **1.6. Research Methodology**

In social sciences, expected the outcome of the specific research query forms the basis for research methodology adopted. The comparative analysis of Local Government Acts of the two provinces is a kind of qualitative study where roles, responsibilities, mandate, functions and fiscal provisions in the said acts compared and studied. Hence, to conduct the analysis, the researcher opted critical discourse analysis (CDA). Hajer Framework (Hajer, 2006) is the methodology to further do the CDA. It is a systematic approach to conduct public policy analysis with respect a specific research problem. It provides an opportunity to conduct in logical and well- structured manner.

The logic for opting this methodology is its systematism, based on specific steps to do so. It helped the researcher to conduct the analysis of the Local Government Acts of Punjab and KPK 2013 with sequence and logically justified approach. All the literature related to

discourse analysis DA suggested high references of (Hajer, 2006) as a methodology. It is although a new methodology to conduct the policy analysis or analysis of related disciplines. However, with the passage of time, it will merge as a key methodology or approach to do public policy analysis as it appeals to researcher due to its systematism. (Hajer, 2006) is based on ten steps, which are also known as “methodological guidelines”. These steps are given as;

- ✓ Desk Research
- ✓ Expert Interviews
- ✓ Document Analysis
- ✓ Key Informant Interviews
- ✓ Site of Argumentation
- ✓ Analysis for Position effect
- ✓ Documentation of key incidents.
- ✓ Analysis of practices in particular cases of argumentation
- ✓ Interpretation
- ✓ Second visit to key players in the area of study.

Details of the research methodology opted in the study is discussed in chapter 3.

## **1.7. Structure of the Thesis**

The overall study is structured as follows. Each chapter is sequenced to end up with a conclusion and provide the basis for next chapter. Chapter one is about the introductory information of the thesis. It gives brief about the intended objectives, problem statement, and importance of the study and scope of this particular topic under investigation. The chapter is much elaborated providing background information about the local government system in the region and in the world. It also covers the local government system in Pakistan from a historical perspective to existing legislation. Chapter three is about the methodology adopted to conduct the comparative analysis of PLGA and KPKLGA 2013. It covers the logical reasoning for adopting this methodology and its importance in public policy research. A detailed information about the Hajer Framework to review the Public Policy is also discussed.

Chapter four is one of the crucial parts of this thesis. It covers the comparative analysis of PLGA and KPKLGA 2013 based on the steps adopted by Hajer Framework. Each step is

logically interpreted and connected to next step to accomplish this analysis. The chapter concludes this analysis. The overall findings, gaps and policy recommendations based on this analysis are given in this chapter. The bibliography and annexures are placed at the end.

## Chapter 2

### Literature Review

#### 2.1. Defining Local Government

Local government is not a new concept. It is an important component of governance in a Parliamentary form of Government (Rhodes, 1997). The local government is being discussed and debated in the recent times in discourses of practice, literature and in academia (Stoker, 1999). Reappraisal of the citizens and state responsibility is demanded in this Information era (Bailey, 1999). This information age also demands to revise various hierarchies of government relationships particularly the objects beyond government. It is the reason that major focus is on the devolved governance. Many writers expressed their opinion about the presence of networks (involved in ensuring services deliveries and to improve quality of life at grassroots local level) must be treated as a single entity (Dollery and Joe, 2001). In the views of governance experts, these entities are known as local governments (Goss, 2001).

The style of state governance and local governments has evolved with the successive dynastic changes, foreign invasions, and political experimentation. The British introduced a bureaucratic structure to local governance in its modern form to rule its subjects. This bureaucratic local governance is still reflected in post-colonial Pakistan. However, efforts have been made to put the local governance in the hands of elected local representatives by military regimes, but these half-hearted attempts have not yielded much in terms of deliverance through decentralization. In fact, they have left an air of disdain among the general public (Sherdil and Rana, (2008).

Local government is not a new subject but it is evolving conceptually with more democratic values and accountability mechanism for effective governance. Local government is a political mechanism at the grassroots level. It is the key part of the effective governance system. The concept of local government is central to citizen participation. The politics that encourage citizens' participation in goal setting and decision-making are, central to this concept and its conceptualization in contemporary times is much more encompassing. Local



government is an integrant of democracy across various dimensions, such as social, economic, geographic, legal and administrative ones (Rice & Sumberg, 1997).

**Devolution** is ‘the transfer of decision-making capacity from higher levels in an organization to lower levels, that is it is about who is best placed in an organization to make decisions. **Decentralization** is ‘the redistribution of functions or tasks from central units in organizations to more widely dispersed units, that is it is about where in an organization particular functions are best carried out.

When executed from one central point, far away from the people, government tends to become impersonal. Localities are not simply areas or zones, but groups of people, living together as neighbors (Kettl & Fesler, 2008). The objective of local government is that it will check the danger of absolutism (Treisman, 2000). Another important factor to note is that, with the amount and variety of work to be done nation-wide by the government, it would be impossible for a single entity to undertake directly their performance (Rice & Sumberg, 1997). The government too lacks the requisite knowledge of all the diverse problems that are local in character<sup>3</sup>.

Local government system encourages citizens’ participation in decision-making, enhances accountability and transparency at the local level (Waseem, 1994). With the participation of citizens in decision making, local governance strengthens. In other words, less participation of citizens in decision-making weakens governance at the local level (Jackson, 1960). Public sector resilience and responsiveness increases with the participation of citizens at local level. It ensures to make the process of financial transactions and funds allocation accountable and transparent (WB, 2006). In developed countries, the sole purpose of local government is to deliver varieties of social and administrative services to a geographically marked/outlined small boundaries or areas (Litvack, Ahmad, and Bird, 1998).

According to modern trends in Local Government (LG), its structure consisted of elected councils from a particular local area with the aim of administering and providing services without the interference of federal and provincial governments (Ola, 2009). United Nation office of the Public Administration (UNPA) defines local government as “a decentralized political unit in a federal governance system (Wrath, 1964). Local government is

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<sup>3</sup> “Conceptualizing Local Government from a multi-dimensional perspective” – CSCanada.

a well-recognized entity having a legislative cover with significant control over affairs of citizens at the local level and their day to day life. It is elected representatives who run the affairs of the local governments (Tonwe, 2011).

## **2.2. Devolution, Decentralization and Devotion**

The 18<sup>th</sup> amendment is the major in the Constitution of Pakistan for devolution of power. It has decentralized the political powers. It has dealt with almost all issues relevant to the devolution of power to local bodies. It provides a great enabling environment for complete devolution. The third tier of government has not been given the full attention that it deserves, and the will of political governments is evolving regarding local governments.

In 2000, a new system of local government known as devolution plan was introduced. It consisted of district, tehsil and union council government. All these services were the need of the hour and were provided at the local level. The ease of accessibility to Nazims made the system conducive to the masses. The process was furthered with the 18<sup>th</sup> constitutional Amendment to support the transition, transformation, and devolution of authority to provinces. This amendment to the Constitution of Pakistan further enunciates in the form of Article 140-A, *“Each provincial government will establish a local government system in its province. This local government will be established through local bodies elections conducted by the competent authority i.e. election Commission of Pakistan. Administrative, Political and financial authority and responsibility will then be devolved to local government representatives by the provinces.”* Setting up local governments is a constitutional need, and Article 140A gives them constitutional protection.

Under the 2001 local government system, local bodies were autonomous even in terms of revenue collection, generation and expenditure. Local governments were well-equipped at first, for service delivery, and what they were unable to deliver, became the purview of the provincial government. Subsequently, the provincial government’s inability to handle a task was then forwarded to the federal government. One example of such functioning power can be the importance of local government in maintaining law and order in semi-developed urban areas.

### **2.3. 18<sup>th</sup> Amendment and Local Government**

The 18th Amendment has brought enormous modifications and redefined Federalism, a government system in which state is constitutionally composed of federal, provincial and local governments with powers equitably distributed among them. This concept reinforces the idea that the power to govern is to be shared by federal, provincial and local governments. This very idea to decentralize power is not only a tool to promote federalism but also a step towards ending the state of isolation that citizens face from the state structure and policymaking. The power has been devolved from the Centre to provinces by abolishing the concurrent list and this does not end here. Now the constitution also aims at devolving authority to local governments. The purpose is to ensure maximum participation of elected representatives in the decision-making process at local level. The right to self-determination is ensured through commitments and provisions for local government in the light of guidelines already established by the United Nation Development Program and other donor agencies for basic public services.

Article 140-A of The Constitution of the Islamic Republic of Pakistan has specifically obligated the federal units to devolve, political, financial and administrative authority to local governments. Through the said constitutional provision, each province has been directed by the Constitution to establish local government system by conducting elections under the authority of the Election Commission of Pakistan. The rationale behind the above-cited Article is decentralization of power and to embrace the principle of a subsidiary that municipal functions should be performed by the lowest tier of three governments, i.e. local government, as it is in a better position to deliver in terms of governance. When the government is closer to the people, it is more likely to be held accountable by and for its achievements and failures in providing basic services; maintenance of law and order and resolution of local issues and disputes<sup>4</sup>.

Implementing the 18th amendment required substantial modifications in the existing legal framework on devolved and shared subjects. Approximately 50 federal laws were chosen for making amendments to mirror the intent of the 18th amendment. A number of critical issues have been resolved, including rules of business at the federal and provincial levels. However, some issues still persist due to a lack of political will and policy disconnects,

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<sup>4</sup> “Bridging democratic deficits through democratic decentralization” - Practical Action, Rural Development Policy Institute, 2013.

hampering the process of transition management. The increasing devolution from the federal government to the provinces and redistribution of departments within federal government came with several controversies and skepticism. The devolution process faced criticism from the centralist tendencies in politics and civil society, while the federalist tendencies showed a lack of preparation for the actualization of the entire process with technical prowess to intersect the federalist devolution with a governance framework.

The devolutionary model introduced by the 18th amendment has been made to swing between a sense of redundancy and haste. Some were of the opinion that the federation was weakened by the amendment, while others believed the opposite. Nevertheless, the neglected aspect of it was the implications that it promised on the delivery of critical services to the citizens, and how to make the process of transition management more informed, inclusive and result oriented in improving the quality and outreach of development outcome.

### **2.3.1. Local Government – Punjab**

The Government of Punjab introduced the Punjab Local Government Act (PLGA) 2013 to establish local government system in Punjab. Despite having been operational since 2013, it still requires detailed analysis and appraisal to assess its effectiveness and the rationality of the actions proposed in the act. According to our analysis, the Punjab Local Government Act 2013 is an important shift in devolving the authority to strengthen the democratic system after the implementation of the 18th constitutional amendment. Regardless criticism from political parties, civil society and international donor agencies on many counts, the local government elections were still held.

The act has been passed without consulting all key stakeholders. As a result, the Act has been amended several times after orders from honorable courts. The PLGA 2013 is an amalgam of previous LG systems with overlapping of functions and authorities. The PLGA 2013 in its current form does not provide autonomy to local government, in terms of political, administrative and fiscal management. It was observed that the act did not empower elected local government representatives as the authority is still under Punjab Government.

Establishing a provincial finance commission also squeezes the fiscal autonomy of the local government<sup>5</sup>.

The above-stated points urge revision of the PLGA 2013 in light of the 18th Amendment to ensure an effective and reliable local government system. It is high time for the provincial government to fine-tune its approach towards the local government, and come up with better legislation to clarify the power and functions of the local government.

### **2.3.2. Local Government – KPK**

On May 30, 2015, local elections were held in Khyber Pakhtunkhwa (KP), under the Khyber Pakhtunkhwa Local Government Act 2013. This step was taken towards the formation of district governments across KP and the transfer of substantial powers from the provincial to local tiers of government. KP's current local government system is known for being comprehensive in its distribution of powers, and facilitating people at the grassroots level. With broad functional jurisdictions of the councils and accountability mechanisms, it is relatively easy for representatives to monitor outcomes. There is also a significant flow of financial transfers into the districts. Local governments alone have a development budget of PKR 33.9 billion, which is 30% of the provincial Annual Development Programme. The government seems to be showing commitment to strengthening the councils, and as a result, the devolved mechanism is also said to be enjoying political ownership at the provincial level<sup>6</sup>.

Introduced in April 2010, the 18th Amendment to the constitution of Pakistan retained Article 140-A and accorded constitutional protection to local governments. Furthermore, it added a new clause to Article 140, making it a responsibility of the Election Commission of Pakistan to hold elections for local governments<sup>7</sup>. These clauses read as follows:

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<sup>5</sup> "Assessment of local government system in Punjab" 2013 - Institute of Public Policy, Beacon house National University, Lahore.

<sup>6</sup> "Local governments in KP and Punjab" - Awaaz Programme by civil society alliance in Pakistan led by DAI international

<sup>7</sup> "The Gazette of Pakistan," Extra, April 20, 2010.

1. Each province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.
2. Election to the local governments shall be held by the Election Commission of Pakistan.

The local governments in the province were formed at three different tiers, in the following structure<sup>8</sup>:

- City District Government for District Peshawar
- District Government for a district other than Peshawar
- Tehsil Municipal Administration for a tehsil
- Town Municipal Administration for a town in the city district
- Village Council for a village in the rural areas
- Neighbourhood Council for a neighborhood in areas with urban characteristics.

## **2.4. Challenges to Local Government**

The problem of the success of decentralization efforts needs to be analyzed in terms of the tension between conflicting development tendencies. Preserving the current system of domination presupposes an effective bureaucracy. However, economic problems result in difficult maintenance of a large bureaucracy. Bureaucratization also means risking a drop in the legitimacy of the system, due to the difficulty in its material maintenance and the belief in its legitimacy. Some of the central factors that help to understand a failure to decentralize are the nature of political domination, capitalism, and globalization, the need to preserve the fundamentals of legitimacy and the self-interest of bureaucracy<sup>9</sup>.

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<sup>8</sup> “Khyber Pakhtunkhwa Local Government Act, 2013,” available at: [lgkp.gov.pk/wp-content/uploads/2013/12/LocalGovernment-Act-2013.pdf](http://lgkp.gov.pk/wp-content/uploads/2013/12/LocalGovernment-Act-2013.pdf)

<sup>9</sup> “Politics of decentralized local governance in Bangladesh and Nepal” 2002- Bangladesh Department of Government and Politics.

Governance reforms without decentralization have no mean in this era of democratization and empowerment of the elected representatives. Decentralization accompanied by of fiscal empowerment to strengthened local level democracy. The patterns and forms of the local governance varied significantly in each country. The overall outcomes of the local government also vary based on the diversity, norms and political culture of a country. It is quite relevant to discuss here that with the presence of so many weaknesses in the existing arrangements for local governance, it is difficult to imagine a wholesale return to a centralized system of governance as appropriate or politically acceptable.

## **2.5. Conclusion**

The system of local governments plays a central role in the development agenda at international level. It is no doubt that it articulated to meet their own needs. At the same time, their agenda helps the developing countries to meet the international development goals like Sustainable development Goals (SDGs) to curb the poverty, malnutrition, and hunger. The sustained efforts to strengthen local governments directly integrated to fulfill the requirement to achieve the targets of the SDGs in fighting against poverty and climate change. The international development agenda continues to guide the actions of the local government in all members' countries. Quite plainly, transformation and change are subject to the involvement of local governments' with full empowerment and determination around the world.

## Chapter 3

### Research Methodology

#### 3.1. A Precise Note on Research Methodologies

A policy can be analyzed, using different research methodologies. Some vital methodologies and models to analyze policy are cost benefits analysis (CBA), policy process analysis (PPA), framework analysis (FA) and critical discourse analysis (CDA).

For a research with a specific question, Framework analysis is adopted due to characteristics like limited period of time, a predesigned sample, and a prior issue. Framework analysis usually generates theories. However, prime concern remains description and interpretation of what is happening in a typical arrangement or environment (Ritchie & Spencer, 1994). In the initial stage of the study, the specific research question is not devised. In this situation, framework analysis is a less suitable method for this research study.

Cost-benefit Analysis is a technique used to assess the total costs of a project or program for a given period. This method focuses on economic implications and aspects of a project or program. In this case, it is not included in the agenda of this study or we can say that this technique is not appropriate for this study.

Policy Process Analysis is a technique that focuses on processes of a policy analysis that whether or not a policy follows appropriate steps from start to end. In this research study, however, we are not investigating these aspects of the policy. Policy Process Analysis also does not fit the requirements of this study.

In Policy studies, research methodology depends on the possible outcome of a policy problem. This study is designed to conduct a comparative analysis of Punjab Local Government Act (PLGA) and Khyber Pakhtunkhwa Act (KPKLGA) 2013. It means a sort of qualitative study to assess how the devolution of power is conducted to empower local government in each province. Hence, this study adopts the critical discourse analysis (CDA). To gain insights, research methodology involves analysis of documented materials (Hewitt, 2009). (Divine, 2009) states;



*"... analyzing texts involves much more than attending to whatever is in those texts... the point... is not to get the text to lay bare its meanings (or its prejudices), but to trace some of the threads that connect that text to others"*

### **3.2. Discourse Analysis**

In the 1950s, Discourse Analysis was added as a naïve term in the dictionary of the subject nevertheless, the notion of the DA has a long history in this discourse (Pinar, 1995). That era was the time of evolution of modern theories. For instance, Michel Foucault that indeed opened avenues for later research in 1970's (Elden, 2002) published 'Archaeology of Knowledge' in 1969. With this work, a new era of research in the DA began (Hook, 2001).

The DA inspired Norman Fairclough and enthused him to explore that area further. He was known as the founder of critical discourse analysis who analyzed the power of reproduction of language and its impact on society (MacCulloch, 2011). Similarly, Spanish researcher Van Dijk's contributions highlighted the role of the DA in research in social science (Pardo, 2001). The method includes analysis of communication in verbal and written form for discovering a deep understanding of new thoughts (Hewitt, 2009). The analysis of written material goes beyond the original material of that text which does not only depend upon its literal meaning but also to find how one work is related to other and how they are connected (Divine, 2009).

The term "Discourse" is used in terms of dialogue and discussion. The interpretation of DA varies in different disciplines and dissimilar paradigms (Hewitt, 2009). In many subjects, various methods of DA, either independent or interdisciplinary, have been developed for analysis ( Millar and Mansilla, 2004). As far as social sciences are concerned, discourse depends upon a social structure that ultimately leads to the development of basic rules (Garrity, 2010). This dissertation follows discourse analysis as a primary methodology that is based on qualitative data which is a more appropriate method for this study.

### **3.3. Discourse Analysis in Public Policy**

Public policy is a dynamic process and is continuously affected by different factors (Jenkins,1993). Researchers admit that the policy decisions have mix results because the nature

of policy process is complex ( Hill and Hupe, 2006). Conversely, the policy analysts analyze policy process on each step from its drafting, designing, formulation, implementation, and evaluation. The government takes policy actions that sometimes involve various institutions and implementing partners. Policy framework depends upon an organizational structure that defines policies which leads to decision making.

The scope of public policy is far beyond the realm of state institutions and their impact. The policy may be conducted for social causes for uplifting the lives of masses and public who are marginalized and living in poor conditions or low-income groups that can impact entrepreneurs, workers and other segments of society. One policy can have both types of impact either positive or negative for instance agriculture support price can increase prices and affect lives of people. Similarly, industrial expansion may lead to environmental pollution that consequently have an impact on the health of the adjacent population. Moreover, public policy cannot be made or implemented in isolation from the society. Culture and tradition, their norm and mores are the prime response to the policy action can either hinder or support that can impact policy process (Hewitt, 2009).

Local incidents, developments at a national and international level significantly impact on policymakers and also mold the course of the policy framework. Policy research is not limited to institutions, and their organogram and operation, and focal persons but it includes inter-connections of different elements and actors that are part of governance with naïve thoughts that can open new vistas for policy research. The notion of Foucault's work raises questions regarding ordinary practice in public policy practices related to its formation, designing and redesigning. The connection between political rhetoric and development of discourse can be studied through discourse analysis. He included the idea of socio-political relations have the power to impact policy process that is far beyond scope of politics (Hewitt, 2009).

Social structure is complex that is the composition of various powers and actors, interacting, and working together to form discourse of social body (Foucault, 1980). There are primarily four strengths on the basis of which components of public policy can be segregated. Firstly, it focuses on the role government to govern through institutions at national and international level. Primarily, his idea promotes the notion of the interaction among these different actors rather than finding the reasons or causes behind these actions (Dean, 1999). His

question is about the legitimacy of the individuals in the institution to take different actions by analyzing the factors impacting policy process in different ways and at various levels and steps (Foucault, 1982).

Rose and Miller made an analysis on the basis of Foucault's notion of power that emphasizes on inter-dependencies among different forces especially between political consistencies and government bodies. The complex networks of the labyrinth can be understood through studying individuals, and groups of individuals called public, organizations and authorities. These groups exert power over each other that also affect policy process (Rose and Miller, 1992).

### **3.4. The Methodology Adopted for the Comparative Analysis of PLGA and KPKLGA 2013**

The comparative analysis of Local Government Acts of the two provinces is a kind of qualitative study where roles, responsibilities, mandate, functions and fiscal provisions in the said acts compared and studied. Hence, to conduct the analysis, the researcher opted critical discourse analysis (CDA). Hajer Framework (Hajer, 2006) is the methodology to further do the CDA. It is a systematic approach to conduct public policy analysis with respect a specific research problem. It provides an opportunity to conduct in logical and well- structured manner.

The logic for opting this methodology is its systematism, based on specific steps to do so. It helped the researcher to conduct the analysis of the Local Government Acts of Punjab and KPK 2013 with sequence and logically justified approach. All the literature related to discourse analysis DA suggested high references of (Hajer, 2006) as a methodology. It is although a new methodology to conduct the policy analysis or analysis of related disciplines. However, with the passage of time, it will merge as a key methodology or approach to do public policy analysis as it appeals to researcher due to its systematism. (Hajer, 2006) is based on ten steps, which are also known as “methodological guidelines”. These steps are given as;

Hajer Framework is designed to systematically analyze a particular research problem. Hajer framework provides an opportunity to the researcher to review and study policy documents in a logical way. Since the development of a Hajer framework, CDA is being considered as one of the valuable tools to review the policies. Basically, it enables a researcher

to analyze a document or a text in a sequence or step by step. The Hajer framework for this study is adopted due to its step-by-step and structured approach. It is quite relevant to carry out a comparative analysis of PLGA and KPKLGA 2013 in a systematic manner. Hajer framework consists of ten methodological guidelines also called steps, which are as follows.

1. **Desk Review/Research:** In this first step, relevant documents will be studied in order to have a broad knowledge of the area e.g. Theories of Decentralization, LGO 1958, LG 2000, 18<sup>th</sup> Amendment, Punjab & KPK LGAs 2013, Amendments in LGAs 2013, Reports on Devolution.
2. **Expert Interviews:** To secure the perspective of different stakeholders; the ones who have an overview of the field. These informants are mostly selected from a renowned journalist, government advisors and public policy analyst to know their perspectives on Punjab & KPK LGAs 2013.
3. **Document Analysis:** In this step, storylines, metaphors and the sites of discursive struggle are identified. It means to conclude the analysis in a sequence based on evidence. In this step, the KPK and Punjab LGAs 2013 are reviewed thoroughly along with some literature to support the researcher background. These step focused view point of above-mentioned public policy analysts as a starting point.
4. **Key Informant Interviews (KIIs):** KIIs are conducted with the experts from the Punjab and Khyber Pakhtunkhwa in three identified areas of local government i.e. Administrative, Political, and Fiscal devolution. List of all these experts is given in chapter four in-details. These experts were selected based on the discussions with the academicians and policy experts in the governance sectors. KIIs with the provincial level officials are conducted subject to availability of these officials.
5. **Sites of Argumentation:** The sites of argumentation enables the policy analysts to argue based on receiving perspectives from different sites. These sites include minutes of inquiries, parliamentary debates, panel discussions at conferences, interpretation of the evidence presented to a particular policy commission in which discussion took place about the policy. It covers questions related to the formulation of policy, its origin, framework and also general questions of when, how and whether it came out at the right time or not.
6. **Analysis for Positioning Effects:** In this step, the researcher investigated the work conducted by governmental and non-governmental institutions, policy experts and think

tanks in the area of devolved governance. This analysis particularly focuses the research papers and policy briefs related existing legislation on local government in Pakistan. All these studies are discussed in analysis part of the thesis.

7. **Identify Key Incidents:** The background of the emergence of PLGA & KPCLGA 2013 is discussed in this step. The emergence refers to 18<sup>th</sup> constitutional amendment debates, discussions and content for an effective Local Government system in each province. We discussed all possible dynamics of the local government acts 2013 that resulted in legislation under the 140-A in each province. The timing of the policy formulation is quite important and stakeholder's contribution in its formulation is significant in this respect. All possible key incidents are highlighted in this analysis.
8. **Analysis of Practices in Particular Cases of Argumentation:** The research goes back to original debate or data to explain and identify what is said and what is practiced in actual form. We studied the implementation mechanism of KPK and Punjab LGAs 2013. We justified our arguments by throwing certain questions to experts in the interviews about the said acts. In addition related documents, which we studied for abstracting the said purpose.
9. **Interpretation:** In this step, researcher interpreted the outcomes of the study based on interviews conducted, logical argumentations and perspectives of key experts for the KPK and Punjab LGAs 2013.
10. **Second Visit to Key Informants:** in the process of completing the analysis, a final visit to experts offers opportunities to the researcher to make a fair judgment. It helps the researcher to clarify the supplementary questions and make analysis more precise and logical.

### 3.5. Sampling Framework

It is a qualitative study, based on the non-probability sampling. The objectives of the study demand for purposive sampling to collect the views of the experts of the public policy and local governance in both of the cases i.e. Expert Interviews and Key Informant Interviews (KIIs). For this study, 4 expert interviews of the experts will be conducted to make the analysis clearer and in specific areas as committed by the 18<sup>th</sup> amendment. Similarly, 10 KIIs in each province will be conducted to measure how much devolution has been made and what are the outcomes of these Acts on the ground.

### **3.6. Study Constraints & Assumptions**

A number of constraints were there in compiling this research study. The most important constraint was that of time. It was not enough space in time-frame and resources to visit all the key stakeholders for a holistic and deeper perspective. However, the researcher has visited experts of the local democracy to the maximum extent to make the findings of this research more authentic. Although, researcher relied on the secondary data and the information received from the in-depth interviews. No doubt, constraints were quite significant in accomplishing this task but the researcher is hopeful that it is one of the key contribution in the field of public policy analysis with important policy options for a better local government system in Pakistan in general and particularly in both of the provinces.

## **Chapter 4**

### **Analysis of KPK and Punjab Local Government Acts 2013**

#### **4.1. Description of the Local Government Acts 2013 of Punjab and KPK**

The comparative analysis KPK and Punjab Local Government Acts 2013 is based on the 10 steps of the Hajer Framework, starting from desk research. At this stage, desk research consisted of reading and reviewing the particular topics relevant to the study. This step provided us with the background knowledge about the subject. Hence, it holds significance position in our analysis. The research has explored and reviewed various important documents on local government particularly research articles, reports and policy briefs related to recent decentralization and its impacts on local government legislation in Pakistan. All the documents, related to legislation on Local Government Acts 2013 in KPK and Punjab, were studied intensively. The study of local government history and legislative progressiveness in Pakistan was also studied extensively.

The basic democracies 1959, Local Government Ordinance (LGO) 1979 and Local Government Ordinance (LGO) 2001 were the key policy document reviewed in detail at this stage to understand the local government history in Pakistan. One of the most important lists of documents studied include the discussion papers and commentary on the 18<sup>th</sup> constitutional amendment in Pakistan and its implementation status from its inception in 2010 to date of conducting this analysis.

Coming to the study of documents related to analysis and views about the Local Government Acts 2013 in KPK and Punjab Provinces, we have come across the studies conducted by Pakistan Institute of Legislative Development (PILDAT), Pakistan Institute of Parliamentary Services (PIPS) and United Nation Development Program (UNDP).

PILDAT<sup>10</sup> has conducted an analysis of the local government acts titled “Comparative Analysis of LGAs in Pakistan” (PIDAT 2014). The analysis of local government acts by PILDAT was quite an important part of this desk research exercise. In this analysis, PILDAT

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<sup>10</sup>A Research Institute based in Islamabad.

has identified several shortcomings and issues for further analysis and scrutiny to make Local Government Acts more compatible in the light of the 18<sup>th</sup> amendment to serve the purpose of devolution. This analysis criticized the Punjab Local Government Act (PLGA) 2013 for compromising autonomy in LG system. It was so to hold the legacy of past rather than new commitments made in 18<sup>th</sup> amendments. The analysis also pointed out that the LGA Acts have gone through several amendments through the order of the court before the operationalization. Only, the PLGA has gone through four amendments till since this analysis is conducted. The analysis conducted by PILDAT concluded that Provincial Government was not ready to accept the premises of 18<sup>th</sup> amendment to make LGAs more decentralize to strengthen democracy.

Pakistan Institute of Parliamentary Services (PIPS) has also conducted the analysis of the LG Acts in the backdrop of the 18<sup>th</sup> amendment. PIPS analysis narrates as “*Except Balochistan, other Provinces are legislating LG laws as directed by The Supreme Court of Pakistan to fulfill constitutional requirements regarding LG and its elections. The case of political will and democratic approach seems quite weak in this scenario. If the effective democratic system has to work in Pakistan, provincial governments have to come up with better legislation instead of waiting for the orders of the Supreme Court*”.

United Nation Development Program-Pakistan (UNDP-P 2013) also reviewed LGAs of all four provinces. This analysis remained the main focus of research review in this comparative analysis. UNDP Team analyzed the LGAs from three angles i.e. Fiscal, Political and Administrative. This analysis has identified several gray areas in the LGAs from the said three perspectives. Most importantly, this analysis highlighted the significance of fiscal empowerment for the effective local government system. UNDP-Pakistan suggested the provincial governments revise their LGAs to clarify the power and functions between the local and the provincial governments. For improved governance and better service delivery, the autonomy of local government systems is necessary. The current legislation over LGAs depicts the remains of colonial 'mindset' to serve the purposes of political pragmatism. An effective democratic system cannot prevail in the absence of efficient and effective local government system.

In addition to these key analyses, several other documents like policy briefs, research papers, and journal articles are also examined in this step. These documents have made it clear that Local Government holds key positions in governance system in Federal System. The review and analysis of these documents made it possible for this study to acquire a broad knowledge of local government system in national and international context. This first step of



the comparative analysis of LGAs helped in the developing the structural understanding and building interest over the subject of Local Government Systems. The details have already been a discussion in detail in the Literature Review section.

The three-key dimension of effective local government system framed the basics to study these Acts. The reports of the devolution committee under the Council of Common Interest (CCI) were also consulted. During the course of document analysis, we came across the review of devolution plan 2000, LGAs analysis by UNDP 2013, the 18<sup>th</sup> constitutional amendment in Pakistan 2010, comparative analysis of LG Laws (KPK and Punjab) by USAID, PIPS-critical review of LGAs and the analysis conducted by PILDAT. The details are discussed in the “Site of Argumentation” section of this study.

Perspective from three different entities including Ministry of Local Government and Community Development- Punjab and KPK, UNDP and from a report (PILDAT, 2013) is taken into account for this step. It is for the first time in the history of Pakistan that provincial governments have legislated over the establishment of local governments. The important aspect of local government system in Pakistan is the presence of diversity in the political system with multiple political parties in each provincial assembly. The financial arrangements are mostly termed as the major hurdle but government can handle it through international funding to strengthen the democracy.

United Nation Development Program-Pakistan (UNDP-P 2013) acknowledged legislation on local government in Pakistan with few concerns over the empowerment of LG. Most importantly, this analysis highlighted the significance of fiscal empowerment for the effective local government system. UNDP-Pakistan suggested the provincial governments revise their LGAs to clarify the power and functions between the local and the provincial governments. For improved governance and better service delivery, the autonomy of local government systems is necessary.

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#### **4.2. Analysis of Political empowerment of Local Government under Each LG Act**

**Design of the Local Government System:** Ironically, the substance and structure the LG Act (2013) of Punjab is, by and large, derived from the Local Bodies System created under the Local Government Ordinance (1979); promulgated by an excessively criticized military regime in the history of Pakistan. Devised under an undemocratic authoritarian regime, the system was highly centralized and controlled by the federal government. The government of KPK on the other hand, however, borrowed certain clauses from the LGO 2001 and incorporated in the Local Government Act 2013 (UNDP, 2014). In views of the representatives of the opposition parties in all provinces, the LG Act 2013 is, in fact not meant to empower and transfer authority to the elected local representatives. With the development of the Local Government Commission, the political and administrative powers have been located with the provincial center, instead of the local governments. Similarly, the functions of the chairman district council have been limited to the very few tasks such as the construction of streets, removal of encroachments, waste disposal and controlling sanitary workers.

**Political Structure and Composition of Local Government:** The PLGAs 2013 declare that the “the limitation and delimitation of Union Councils (UCs) will be done whenever and wherever it would seem necessary. A UC will consist of 13 members. Chairpersons and Vice-Chairpersons of the UCs will be elected directly through votes. There will be 6 general members elected by votes and will be called as General Councillors. Likewise, there will be 2 reserve seats for women councilors, one for peasant if the UC is declared as rural UC, otherwise, it will be reserved for a worker or laborer. Similarly, there is

one seat of a counselor for ‘youth member’ and one seat for the member of a religious minority<sup>11</sup>. In case of a reserved-seat for a non-Muslim, it is necessary that there should be at least 200 non-Muslim registered voters in a particular UC. In KPK the entire body of the Local Government for a Village Council will comprise on 10 to 15 members depending upon the population of that particular council. A sort of rural-urban divide has been introduced in both the acts. In KPK, it is named is Village Council for rural area and Neighbourhood Council for urban areas While Punjab goes one step ahead of where in addition to Urban UCs and Rural UCs, Municipal Committees are introduced in cities. At the same time, it is also feared that with the phenomenal expansion of towns and urbanities, though haphazardly, even greater confusion and discomfort will emerge in near future as various settlements will be no more identified as rural.

**Autonomy of Local Government:** In the provinces, if analyzed genuinely then, the literacy, planning, information technology, community development, law, and taxation authorities are transferred back to the provincial governments. It is the violation Article 140-A of the Constitution of Pakistan. Article 140- A states that the administrative, political and financial power should be transferred to the local government.<sup>12</sup> If such things are not amended, then it will be centralized democracy in the participatory or devolved democracy. Additional Secretary Local Government Punjab holds the opinion that Punjab is also following the model adopted by Khyber Pakhtunkhwa Province. Means both of the provinces have taken positive aspects of the Local Government Ordinance 1979 and 2001. In certain instances, the PLGA 2013 is even worse than local government systems of the dictatorial era. In simplest words, it is ‘controlled’ plan for local governance with power rest in the provincial government. The PLGA 2013 has retained certain schedules of the Local Government Ordinance (LGO) 2001. It also includes select details of implementation.

**Accountability of Local Government:** Under Article 33 (The clause mandatory), that “every member of the local government should have to declare his/her assets within thirty days of the local government election before the first meeting of the Local Council held”. It seems quite fine but there it lacks clear mechanism of accountability. Similarly, there are no

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<sup>11</sup>Please see: PLGA 2013, Chapter IV “Composition of Local Government” under heading “Union council”: for details visit: [punjablaws.gov.pk/laws/2542.html](http://punjablaws.gov.pk/laws/2542.html)

<sup>12</sup> Yasin, Aamir (September 15, 2013): The main stream Political Parties find flaws in PLGA 2013. For detail please See: <http://dawn.com/news/1042938/political-parties-find-flaws-in-punjab-local-govt-act>

guidelines for the election commission to make it binding. Similarly, the act fails to address, how the local people, a citizen or a voter will be able to file a petition to put pressure on the elected representative to declare his/her assets. Importantly, in Punjab, there is lack of basic procedure of accountability for elected representative if they are involved in any kind of overspending or misconduct. However, the role of Chief Minister is quite visible in both the provinces. To supervise the local government affairs, a commission known as “Local Government Commission KPK” is to be established. This commission has representation from the district and tehsil nazis as well. But the majority of the members will be from provincial government setup. It means there is need of revision to make the system more transparent and held the local government accountable.

**Citizen’s Participation:** It is also difficult for citizens to access information of public interest as their right and right to hold their representative in local governments accountable as it is practiced at provincial and federal level. The issues of holding an inquiry about the ‘corruption, misconduct, bribery, and misuse of public funds of the respective local council is almost unclear. These issues cannot be resolved by setting forth an institutional mechanism, specifically for the affectees or common citizens. Inquiry cases are becoming a risk. It is becoming a political controversy instead of that of unfair or misappropriating of funds. It demands very transparent system at the local level to put in place. However, the Act provides a space for the redressed of citizens’ complaints regarding public services under the right to information. In Punjab local government is bound to answer within 15 days.

**Issues in the Representation of the Minorities, Women, Youth and Peasant/Workers:** Even there are still inadequacies that are to be revised further. For example, the clause 14 (1) states that the “The elected representative of the Local government to further elect the local representatives of workers technocrats, women, peasants, youth in the prescribed manner,” It does not sit comfortably with the democratic process. The requirement of directly elected Councillors electing special representatives might promote favoritism or discrimination. In a society where minorities have been facing serious problems of life, such legislation will raise concerns about their effective representation. The situation demands further consciousness and care in all areas of concern and at each step. In KPK, the reserved seats are fixed to 2 out of 10 to 15 members of a village or neighborhood council in KPK.

### 4.3. Administrative Empowerment of Local Government

**Administration of District Affairs through Urban-Rural Division:** A rural-urban divide has been introduced in both acts. In KPK it is named as village council for rural and neighborhood council for an urban area. In Punjab, one step further in addition to city and rural union council, municipal committees are introduced in city areas. It is feared that with expanding towns and urban areas will create confusion and discomfort in near future as various settlements increasingly will no more be rural. Discrimination in terms of development schemes and implementation is feared to become the structural outcome. Not addressing the changing demographic ‘Zila or District’ is yet defined as “a revenue district as notified under the Punjab Land Revenue Act (XVII of 1967) excluding urban areas”. Similarly, in the case of KPK, a revenue district is defined under the West Pakistan Revenue Act (XVII of 1967). There is a provision that the Government may, by notification, divide any district into the rural and urban area and delimit the jurisdiction of the local council. In KPK for Peshawar, it will be city district government and for rest of the districts, it will be district council.

**Role of Deputy Commissioner:** The role of Deputy Commissioner is still quite influential according to the law. It will carry sufficient authority in case of arbitration, disputes, and appointment of Secretary. It is hinted in the following words, that wherever there is an issue of the council or more than one councils, the decision of the Deputy Commissioner will be final. It also states, “a Secretary will be appointed for each Council. He will perform the functions and exercise powers as prescribed in law”. For the provision of funds to Local Council, there are chances that it will be a source of demographic misrepresentation. As an outcome, it will be a source of ceasing and installing of another Council for the sake of bureaucratic discretion, political expediency or financial gains. In addition to this, it will influence members of respective Councils and the related electoral units.

**Establishment of Local Government Boards:** Local government boards that were constituted under PLGO 1979, are still functional. The appointed officials of the local government boards reflect to control the offices centrally. Restoration of symbols of colonial-era ‘Commissioner’ and ‘Deputy Commissioner’ offices reporting directly to Chief Secretary or Secretary Punjab, is another example of controlling the elected representatives through the bureaucracy. In KPK local government, fund or public fund is introduced at the district level.

**Suspension of Local Government:** Against the true spirit of local autonomy and devolved democracy, the Provincial Governments have retained with itself the dissolutions or suspension of a Councillor. In the PLGA it goes like this “Government may, by notification, suspend a local council, chairman, mayor or deputy mayor, if there are reasons to believe the local councillor is unable to administer its’ affairs, exceeds or abuses power, fails to discharge his duties” etc. “All the functions of that particular office will cease until the government appoints any nominee for that particular seat”. Although there is no procedure for the inquiry of the case it is stated that Government will conduct elections on that particular seat within three months since the date of dissolution. In Punjab, the government can suspend local government officials for 90 days and in Khyber Pakhtunkhwa and Baluchistan for 30 days. During and after this period the dismissed officials can file review petitions to the provincial governments.

**Administration of Public Health and Education:** Basic health and primary education are devolved at provincial level after the 18<sup>th</sup> amendment in Pakistan. In developing countries, these authorities are further devolved to the Local Governments or Councils in some the cases. But against the spirit of democracy, health and education are still retained by the provincial governments. For example, in Punjab, there are still several overlaps and pending clarities in the PLGA 2013. The PLGA 2013 provides the power to the Provincial Government to constitute district health and district education authority in each district. Keeping a tight control, the provincial government is going to exercise the power by politically electing the heads of these authorities. It even reflects that government is not going to trust local governments or hindering local bodies to have an oversight or to have responsibility. Provincial Government is going to deal the primary education in the provinces but certain areas are still unclear. The Government of Punjab will appoint the head of the authority: “The government shall, through open competition, appoint the chief executive officer of an authority on such terms and conditions as may be prescribed”. For local authorization and effective services delivery, it is necessary to exclude provincial and federal line agencies and relevant departments from involving in the affairs of local governance. Same is the case for education and health. The authority of local councils has truncated (Pasha & Bengali, 2002) is an example.

#### 4.4. Fiscal Autonomy of Local Government

For the autonomy of local government, financial empowerment is like a litmus test for devolution. Fiscal empowerment means the authority to collect taxes, independently managing and planning development affairs of services on the ground and the local needs (UNDP, 2012). The Local Government Acts 2013 seem to hold almost all these authorities with Provincial Governments. Likewise, in Punjab, the clause 119 (Chapter XVI), it states, The Government of Punjab will nominate a Commission to be known as “Provincial Local Government Commission (PLGC)”. It will consist of persons of good character, professional integrity and excellent track record of civil service”.

In case of KPK, funds are allocated under the Provincial Finance Commission Award. It is easy for one to assess how far the Local Government is supposed to be an independent body for managing its fiscal matters. In almost all the provinces, the commission will consist of a chairman (The Finance Minister) and at least three or above five members to be nominated by the Provincial Government. It also says, “The Secretary for LG & CD department will also be the Commission Secretary and will play the role of, “Planning Commission” to advise and evolve organization for local councils and techniques for the efficient local councils etc.

Under the Jurisdiction of Provincial Government in each province, there will be constituted a Local Board Fund (LBF). It will surely manage and control all the local development, planning, government servants, and management too. Local Councils will have to pursue the approval of their all projects and development plans from District Planning and Development Department (DPDD). Keeping in view our past experiences, one can see how far, they might be fiscally autonomous.

Punjab Government is going to control the Local Government Fund (LGF) entirely. Practically, Local Councils will contribute financially to work through the local affairs of the Board. They might not be going to own authority over its administration or governance. All the revenue, rents, receipts, and service are there in place but it is also witnessed that the Provincial Government will control, dispense, prioritize and audit all the funds. However, in KPK, there will be district government fund to formulate the budget. With the passage of time, it will transfer autonomy to the local Councils. And when to empower these is never known?

Financial and fiscal authority, what is evident, is completely in the hands of Provincial Governments in both of the provinces.

**Table 1: A Comparative Table of both the Acts**

<b>Power</b>	<b>Category</b>	<b>KPK Local Government Act 2013</b>	<b>Punjab Local Government Act 2013</b>
<b>Political Empowerment</b>	Elections	<ul style="list-style-type: none"> <li>✓ Non-party based on Village and Neighborhood Councils (VNC)</li> <li>✓ Party based elections for Tehsil and District Councils</li> <li>✓ Direct election at VNC levels</li> <li>✓ Indirect election at District and Tehsil tiers</li> </ul>	<ul style="list-style-type: none"> <li>✓ Party based elections at all tiers</li> <li>✓ Direct election at Union level</li> </ul>
	Tenure	✓ 4 years term of office	✓ 5 years term of office
	Political independence	✓ LG Councils empowered to appoint inspecting officers	✓ Administration of Local Councils business as prescribed by the provincial government
	Provincial influence	✓ KP Chief Minister may suspend elected LG heads for a maximum of 30 days	✓ Punjab Chief Minister can suspend elected LG heads for 90 days
<b>Administrative Empowerment</b>	LG Tiers	<ul style="list-style-type: none"> <li>✓ City Districts Councils</li> <li>✓ Districts Councils</li> <li>✓ Tehsils/Towns Councils</li> <li>✓ Village Councils for rural areas</li> <li>✓ Neighborhood Councils for urban areas</li> <li>✓ The tier of Unions has</li> </ul>	<ul style="list-style-type: none"> <li>✓ Metropolitan Corporations in the provincial capital</li> <li>✓ District Councils in rural areas</li> <li>✓ Municipal Corporations &amp; Municipal Committees</li> <li>✓ Union Councils (UC) for both urban and rural areas</li> </ul>



		<p>been omitted in the Act</p> <p>✓ All councils led by Nazim and Naib Nazim</p>	<p>(except for Lahore)</p> <p>✓ All councils led by Chairperson and Vice Chairperson</p>
Reserve Sets	<p>✓ Women: 2 at VNC level and 33% at the District level</p> <p>✓ Peasant/laborer: 1 seat at VNC and 5% rep at District</p> <p>✓ Minorities: 1 seat at VNC and 5% at District</p> <p>✓ Youth: 1 seat at VNC 5% at District</p>	<p>✓ Women: 2 at UC and maximum of 15 District levels</p> <p>✓ Peasant/laborer: 1 seat at UC and maximum 3 at District levels</p> <p>✓ Minorities: 1 seat at UC, 10 at Metropolitan Corporation, maximum 5 each at District Council and Municipal Corporation, maximum 3 at Municipal Committee</p> <p>✓ Youth: 1 seat at UC, 1 at District Council, 2 at Metropolitan Corporation, 1 at Municipal Corporation and 1 at Municipal Committee</p>	
Key functions	<p>✓ LGs Council municipal mandate include functions of health, education, social welfare, revenue &amp; estate, rural development, etc</p>	<p>✓ Municipal functions of health and education under indirectly elected members &amp; technocrats</p>	
Public Safety	<p>✓ A local government may requisition a police contingent in accordance with Police Order 2002</p>	<p>✓ Allows for urban local councils to maintain such police force as directed by the government or create a municipal police</p>	

		<ul style="list-style-type: none"> <li>✓ Village Council may supervise the performance of police and undertake accountability by making inquiries and sending quarterly performance reports to the concerned authorities</li> </ul>	<ul style="list-style-type: none"> <li>✓ Rural councils may report to the police the commission of offenses and assist local police in the investigation, prevention and arresting of criminals</li> <li>✓ Public Safety measures related only to fire, flood, hailstorm, earthquake, famine and other natural calamities and disasters</li> <li>✓ No mention of Police Order 2002 in Act</li> </ul>
<b>Fiscal Empowerment</b>	Revenue & Finance	<ul style="list-style-type: none"> <li>✓ LG councils dependent on Provincial Finance Commission Award (PFCA)</li> <li>✓ Revenue Departments will work under control of provincial governments</li> </ul>	<ul style="list-style-type: none"> <li>✓ LG councils dependent on Provincial Finance Commission Award (PFCA)</li> <li>✓ Revenue Departments will work under control of provincial governments</li> </ul>

Source: Authors compilations

#### 4.5. Critical Aspect of the Comparative Analysis of the LG Acts 2013:

Inevitable for development at the local level and necessary for citizens' routine life, this tier of local level governance has suffered since its inception in Pakistan due to centralized control. Political contradiction over the governance systems and control over financial arrangements at higher level resulted in its inefficiency. Most of the time, military governments have used this tier to extend their regimes. Basic Democracies in the 1960s, Local Bodies or Municipalities in 1980s and Devolution Plan in 2000s, are the prime realities faced by this tier of government to serve the ulterior motives of authoritative regimes of the military.

The 18<sup>th</sup> Amendment has significant implications for democratization, better governance, and development at grassroots level. The foremost intended outcome of the 18<sup>th</sup> Constitutional Amendment is to develop an enabling ground for participatory development in the country. With the approval of the much-demanded executive, financial, legislative, and administrative authority to the provinces, it has created an environment of devolved, competitive and cooperative governance to further strengthen the true sense of Federalism in Pakistan.

Multiple donor agencies are striving to strengthen devolved democracy and autonomous local government in Punjab after the 18<sup>th</sup> amendment. Most of the donor initiatives are meant to build the capacity of the relevant provincial government departments in legislation, lawmaking, enhancing their ability to implement the law through advocacy. These initiatives are also meant to enhance the awareness among the citizens in response to devolve authority and accountability of public service deliveries and public service providers at all levels.

In official language, both the Acts are operational in each of the provinces. One of the commonalities about these Acts is the local government elections under the electoral rules of Election Commission of Pakistan in 2015. Local Government Elections in Punjab were conducted on the directives of the Supreme Court. However, the election process took more than 9 months to complete all the levels from Union to District Council and from Ward to Municipal Committee and from Town to Metropolitan Corporation.

As for as functioning is concerned, LG situation in Punjab is not satisfactory. The findings of the KIIs revealed that Local Government System in Punjab is not functioning as committed in the 18<sup>th</sup> amendment. The Provincial Finance Commission is centralized by the Provincial Government and funds are not allocated to ensure service delivery at local level. Punjab Government is weakening the local government rather than to strengthening it. It has established several public-sector companies like Punjab Saaf Company, has formulated different authorities like Punjab Cattle authority, Health Authorities and has operationalized several provincial level Programmes like Punjab Saaf Dehat Program. All these authorities, companies and programs are controlled by the provincial government. Hence, development and services at the local level are being compromised.

However, in case of KPK local government is functioning from district to village council. In contrast to political government of Punjab, KPK government has allocated annual 32, 33 and 31 billion rupees to local governments in the year 2015-16, 2016-17 and 2017-18<sup>13</sup>. Punjab government statistics about the funds of local government are not well defined rather seems political claims. All the government bodies in KPK are functioning with little political influence. It is one of the positive aspects of the implementation of LG Act to fulfill the requirement of the 18<sup>th</sup> amendment in KPK. This argument is also supported by the former UNDP- Pakistan Country Head, Mr. Mark Andre in his last address before leaving Pakistan in 2016. He said *“There are few districts in Pakistan having worse human development index than African Countries. Except for KPK, all other provinces have not empowered their respective local governments to improve human development indicators at the grassroots level”*.

In this reference, political immaturity and expediency between the leading political parties i.e. Muslim League, Peoples Party and Pakistan Therik-e-Insaf, the demarcation and re-demarcation is controversial and will continue to remain controversial even blurred. Instead of technical justifications, powers are provided by the LGA 2013, one has reason to afraid that decision will be made on the basis of political preferences and interests.

Effective local government means an institution with sufficient political, administrative and fiscal empowerment. In case of Punjab Province, LGA Act is not implemented as per its spirit. Several authorities and Program at the provincial level are witnessing political centralization rather than decentralization. It is against the spirit of the 18<sup>th</sup> amendment.

**Party Basis or Non-party Basis Elections:** One has every reason to be afraid that decisions might be made on the basis of political and party preferences and interests, now or in future. In other words, the acts have been drafted to serve only the political interests and expediencies of the Punjab and KPK Government. For example, Punjab was in favor of non-party elections, but later the decision was revised through court. Similarly, the government of each province in Pakistan is bending upon dismantling and manufacturing constituencies suiting to their voting probabilities and weighing out the chances of success to the ruling party there. As a result, feudal lords are keen on delimitations in their rural areas and voting

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<sup>13</sup>Information Shared by the Additional Secretary local Government KPK.

constituencies<sup>14</sup> and would like to possess their constituencies - unchanged - almost forever. In KPK, Village and Neighbourhood Council elections are prescribed to be held on non-party basis, reasons merely political.<sup>15</sup> All these elected representatives have to elect district Nazims that will be nominated by political parties.

**Demarcation of Local Councils:** The Government (provincial) may, in the absence of broad-based political consensus, change the boundaries of a Local Council as Union Council; is a serious problem. Similar is the case for Municipal Corporation, for Metropolis Corporation or for Municipal Committee. There are chances of political maneuvering and influences to serve one's own interests. Demographics are not the source of demarcation for local councils, as should be the case, particularly when all political parties are not at one page.

**Revenue Collection:** For the revenue cases, it may become a serious issue to declare or dismiss any particular area to be the part of Local Council or not. For example, in the Punjab Local Government Act 2013, the prescription has been qualified in 2<sup>nd</sup> Chapter i.e. in Clause 3, 4 and 6 titled as The Constitution of Local Councils. By a notification, "the Government may, as prescribed by law and by inviting public suggestions and objections; it also may alter the limits of a local area and declare any area shall cease to be Union Council".

**Sarpanches or Sardars as the members of the Local Councils:** The undemocratic practices of arbitration or judgments done by Sarpanches or Sardars as the members of the Local Councils are still persistent, particularly in Punjab<sup>16</sup>.

**The Ration of Elected Members:** The ratio of elected members is getting thinner at all tiers of Local Councils.

**Conflict of Interest:** The section 27 (2-d) of the Punjab Local Government Act 2013, raises a conflict by disqualifying any of the government officials who are the member of Local Council (Hanif, 2012).

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<sup>14</sup> (Aamir Yamin, 2013): *Political parties find flaws in Punjab's local govt act: published in Dawn News dated September 15, 2013.*

<sup>15</sup> Please see: KPK local Government Act 2013, Chapter VII: Village or neighborhood council

<sup>16</sup> Please See: PLGA 2013, chapter XII: *PANCHAYAT AND MUSALIHAT ANJUMAN*

**Administrative Powers of Elected Representatives:** It is quite clear that the administrative powers of the elected representatives and of the ‘metropolises’ and ‘municipalities’ remain squeezed in the hands of the provincial governments.

**Authoritative Involvement Of Provincial Government:** Even further disappointing, the Rural Councils are bound to submit all their reports of public development schemes, their progress and implementation plan and processes to the district Planning & Development Department (PDD). Independent planning and development done by the local government seem non-existing. Public Accounts Committee and Auditor General, who are answerable to Chief Minister, have been authorized to make periodical audits of respective LG. It means highly authoritative involvement of provincial government within the Local Governments.

**Using Civil Servants to Exercise Unfair Powers:** Under the above circumstances, there are likely chances to plot cases on the basis of political victimization by the Government against any elected individuals or even against a political party. At the same time decisions of the government are described as final and unchallengeable. It means that provincial government is going to exercise power through civil servants. It is democratically unfair. Civil servants on the ground do not interact with the people of the local area or even its prioritized development concerns. Most important point is the exercise of frequent and rapid transfers of the civil servants. Their presence in a particular office does not exceed more than a year or two at max. In most case it is even shorter.

## **Conclusion**

It is clear from the above analysis that LGAs 2013 after 18<sup>th</sup> amendment is a mega shift in the short history of Pakistan to strengthen democratic system. Ideally, the local government system must be given significant administrative, political, and financial responsibility and authority. Political participation, larger consultation, and equitable development are necessary to address development deficits, social concerns and disparities that can translate peoples' ambitions into a realism that can sustain<sup>17</sup>.

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<sup>17</sup> UNDP: An analysis of Local Government system in Pakistan January 2014.

## Chapter 5

### Conclusion and Recommendations

Analysis of local government Acts of Punjab and KPK (2013) depicts the effects and remains of the colonial legacy in governance systems, structures and process of this new local government setup. The modern democratic and devolved system witnessed in Article 140- A of the constitution calls for radical and drastic reforms. It is required from the provincial governments to recalibrate its approach towards the LG. Provincial Governments have to come up with better legislation to clarify the power and functions of the local governments.

For autonomous, representative, and effective system of governance, there is a need to establish a truly devolved system of local government in each province. In all provinces, there should be constituted a ‘local cabinet’ at the district level. It should be elected by direct elections of Mayors and/or Chairpersons, and must be created through the votes of ‘district assembly’. Each and every member of the district level cabinet should be provided with the duty and responsibility of at least one of the local level department. Administratively, this department will be headed by a secretary who should be taken in from Civil Services.

There is a need for serious policy reforms at the provincial level for devolved governance in Punjab and KPK. The analysis of local government acts 2013 reflects as if the local governments are created as an extension of the provincial governments. In other words, it is not created as a self-sufficient tier of a devolved system of governance. The provincial governments of Punjab and KPK must have to limit their own powers for regulation, standardization, monitoring, legislation and periodical audits of the local governments. There must be promulgated a comprehensive chapter in the Constitutions of Pakistan to describe the fundamental principles for local governance. List of all the subjects falling in the sphere of local government should be included with the clearly defined roles and responsibilities. An important aspect of effective local government system is the periodical elections, but the current legislation in all the provinces is almost silent over the implementation of its plans and periodical elections due to controversial provisions. There is a need for specific regulations and compliance over the conduction of local government elections after each term. Following are the key recommendations, specific to the local government acts of the Punjab and KPK 2013 for a responsible and effective system of local government in Punjab.

These recommendations are for both the provinces. However, where Local Government Act has different provision for a particular case, it is addressed separately by pointing out the name of that particular provision along with relevant act and clause:

### **5.1.Political Autonomy of LG**

Here below are the select recommendations to ensure the political autonomy of the local governments:

- ❖ There is a need for legislation to give legal cover to local government for its continuation. Like the duration of a parliament, KPK province must ensure the duration of local government for 5 years instead of 4 years. The delimitation of Union Councils, Wards, municipal committees, towns and Metropolitan Corporation should be based on the demographic characteristics, geographic areas, ethnic division, operation, and maintenance structure of the public service delivery.
- ❖ The composition of local government body at Union Council in Punjab and neighborhood council or village council in KPK needs compatibility with respect to population density.
- ❖ It is required to revisit the impeachment mechanism of the elected representatives of the local government in both of the provinces. It should be the councilors who should have the right to impeach district chairpersons or district Nazims instead of the provincial governments.
- ❖ At least, for the appointment of the elected representatives at district, municipality and town level there should be a mandatory compulsion of being graduate.
- ❖ Representation of women, laborers, youth, and farmers should be proportional to the total population. Women participation in local government system must be increased. It stands at the 14% for reserved seats. It must be increased by encouraging mechanism for their participation in local government through direct elections.
- ❖ There is a need to enhance the scope and responsibility of local governments, particularly in Punjab. The main sectors like health, education, agriculture, water management and infrastructure development at the local level should be the sole mandate of local governments.



- ❖ The scope and authority of elected representatives should be enhanced to resolve the conflicts at the local level. It will help to create harmony at the local level. The old system Panchants in Punjab be discouraged.

## **5.2. Administrative Autonomy of LG**

Here below are the select recommendations to ensure the administrative autonomy of the local governments:

- ❖ There is need to revise the LGA acts in both the provinces to make sure social service delivery mechanism are the sole responsibility of the local government. In Punjab province, there is need to clarify what is said and what is implemented with respect to functions of the Metropolitan Corporation, Municipal Corporation, municipal committee and union councils. Similarly, in KPK all municipal and daily consuming services delivery need to be subordinated to district, tehsil and village council including Public Health and Engineering Department (PHED).
- ❖ All the administrative functions at district level should be under the supervisory role of the elected representatives of the Local government. Formulation of district authorities controlled by the provincial governments is against the true spirit of devolved governance.
- ❖ In both the provinces, there is need to formulate a Local Government Service Commission under the District Council to recruit staff on merit. It will also serve as an administrator with respect to affairs of coordination and transfer within the district as per needs.
- ❖ Strengthen the Ombudsmen system at the district level will further help to improve services under the local government's system.
- ❖ It is also recommended to discourage the culture of political favoritism and dominated role of MPAs and MNAs in the affairs of local government to so that the responsibilities are devolved to the Local governments in letter and spirit. There is need to develop coordination mechanisms in different hierarchies of government to ensure localization of power.
- ❖ The district government should be authorized to undertake innovations in the local schools in coherence with the National Education Policy in order to improve the quality

of education. The teachers should not be transferred before a minimum of the threshold of 3 years to ensure consistency and continuity.

- ❖ There is need to grant constitutional protection to union council elected representatives to maintain a system of check and balance on the local Thana's police in both the provinces.

### **5.3. Fiscal autonomy of the Local Government**

Here below are the select recommendations to ensure the fiscal autonomy of the local governments:

- ❖ There must be a transparent mechanism for the transfer of funds to local governments. Establishment of Provincial Finance Commission in Punjab is good but its overall composition seems centralized.
- ❖ There must be representation from the Local government representatives in the Commission and funds must be allocated on some criteria between the province and the local governments like poverty, infrastructure, revenue collection, population, and conflict and disaster vulnerability.
- ❖ Natural resources may also be included in factors relating to the distribution of Provincial Consolidated Fund between the provinces and the local governments.
- ❖ In case of KPK, there is the need to establish Provincial Finance Commission (PFC) on the basis of representational parity giving equal representation to the district government as well. In the same continuation, there should be a District Finance Commission (DFC), headed by District Chairperson/ District Nazim.
- ❖ There is need to enhance and strengthen the tax base of the local government. It can be done by allowing the collection of taxes to different hierarchies of the local government. It will be smoother in KPK due to District Council system throughout the province, however, in Punjab, this authority can be vested to all entities of local government based on their scale and scope.
- ❖ It is also suggested to allocate tax collection authority to local governments with at least 35-40% of the generated revenue for the concerned Union Council. Fix all the charges on properties and services at the local level on equitable bases.

- ❖ There is need to provide standardized services like health, education, sanitation and water supply with maintenance charges to be charged to consumers.

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## Annexures

### Annex 1: Expert Interviews Questionnaire

#### Mandatory Consent Form

<b>Identification</b>	I am Touqeer Shahzad Malik, M.Phil. Scholar School of Public Policy at Pakistan Institute of Development Economics (PIDE) <b>Islamabad</b> . As part of my M. Phil Degree requirements, I am conducting a research study titled “ <b>The Extent of Devolution: A Comparative Analysis of Punjab and Khyber-Pakhtunkhwa Local Government Acts 2013</b> ”.
<b>Purpose</b>	To conduct research with respect to extent of devolution in Punjab and KPK under the Local Government Acts of the both provinces.
<b>Procedure</b>	This interview will take about 30 minutes. I will interview you. With your permission, I will take your contact details in case I have to come back to you again.
<b>Confidentiality</b>	All information you provide is confidential. All the information will be recorded in a secure database.
<b>Cost / Payment</b>	There is no cost or payment involved for participants in this survey.
<b>Legal Rights</b>	You are not waiving any legal rights that you currently have by agreeing to participate in the survey. It is your choice whether or not you take part in this survey. There will be no penalty and you will not lose any benefits, if you decide not to take part in this. You are also free to withdraw from the survey at any time.
<b>Questions</b>	If you have any questions, you can ask me. If I cannot answer, you may also ask my Supervisor.
<b>Verbal agreement</b>	We will only start the interview once you agree to take part in this study.

For Office Use Only:	
<b>Name and contact number</b>	
<b>Designation of interviewee:</b>	
<b>Time and place</b>	
<b>Date</b>	



## Questionnaire for Expert interviews

**Question 1.** What is your stance regarding the importance of analysis and evaluation of The Punjab Local Government Act and KPK Local Government Act 2013 in academic circles?

**Question 2.** Do you think The Punjab Local Government and KPK Local Government Act 2013, developed at the right time?

**Question 3.** Do you think the proposed measures (Political, Fiscal and Administrative empowerment of local government) in the act are suffice and appropriate?

**Question 4.** In your opinion are these measures realistically established and have solid background to be the part of the PLGA and KPKLGA 2013?

**Question 5.** Considering Pakistan's Democratic culture, do you think the proposed measures will able to manage an effective Local Government?

**Question 6.** 18<sup>th</sup> Constitutional Amendment promises the political, administrative and fiscal empowerment of local government? Do you think the PLGA and KPKLGA 2013 has given equal importance to these policy measures?

**Question 7.** What possible structure of Local Government is in your mind for Punjab and KPK?

**Question 8.** Being an expert of governance system and having vast experience in the area where you see the hurdles in the act regarding political, fiscal and administrative devolution of power to local government and why you think so?

**Question 9.** It is a fact that institutions have to play an instrumental role for proper implementation of any policies. Do you think Punjab has enough and capable institutes to implement the PLGA and KPKLGA 2013 with due consideration to this aspect?

**Question 10.** Does the policy stance of the PLGA and KPKLGA 2013 on implementation mechanism is clear and attainable?

**Question 11.** Are you satisfied with the process of consultation with different stakeholders while formulating the act? You/ your organization has a specialty of working in area of Local Government, were you consulted during the process of LGA 2013 formulation? What were your primary concerns about the act and were they addressed?

**Question 12.** Pakistan has formulated number of laws regarding the Local Government in past but failed to implement them successfully, where you see this local government reform with respect to its implementation?

## Annex 2: KIIs Questionnaire

### Mandatory Consent Form

<b>Identification</b>	I am Touqeer Shahzad Malik, M.Phil. Scholar School of Public Policy at Pakistan Institute of Development Economics (PIDE) <b>Islamabad</b> . As part of my M. Phil Degree requirements, I am conducting a research study titled “ <b>The Extent of Devolution: A Comparative Analysis of Punjab and Khyber-Pakhtunkhwa Local Government Acts 2013</b> ”.
<b>Purpose</b>	To conduct research with respect to extent of devolution in Punjab and KPK under the Local Government Acts of the both provinces.
<b>Procedure</b>	This interview will take about 30 minutes. I will interview you. With your permission, I will take your contact details in case I have to come back to you again.
<b>Confidentiality</b>	All information you provide is confidential. All the information will be recorded in a secure database.
<b>Cost / Payment</b>	There is no cost or payment involved for participants in this survey.
<b>Legal Rights</b>	You are not waiving any legal rights that you currently have by agreeing to participate in the survey. It is your choice whether or not you take part in this survey. There will be no penalty and you will not lose any benefits, if you decide not to take part in this. You are also free to withdraw from the survey at any time.
<b>Questions</b>	If you have any questions, you can ask me. If I cannot answer, you may also ask my Supervisor.
<b>Verbal agreement</b>	We will only start the interview once you agree to take part in this study.

For Office Use Only:	
<b>Name and contact number</b>	
<b>Designation of interviewee:</b>	
<b>Time and place</b>	
<b>Date</b>	

## **Questionnaire for Key Informant Interview**

### **About Post 18<sup>th</sup> amendment, LG System and its Processes:**

- Please let us know about your understanding of local government system in the province?
- Would you please comment on the details of LG structure and its administration at committed in the Act?
- Please let us know about the budget and institutional capacity of local government after this constitutional reform in your province?
- Are you satisfied with this current political empowerment after the 18<sup>th</sup> amendment?
- Is there any change in your and yours' department's role due to this reform?
- Please comment on overall management, management structure and managerial problems of the LG system keeping in mind the current legislation on LG?
- What will be your role in this LG system?
- Do you think the influence of political players at provincial and federal level has increased or decreased on your professional work at local level under this amendment?
- What policy interventions are planned and what is its current status at local level?

### **About Management and Implementation issues of LG system in the Province:**

- Do you think that this system will increase efficiency of service delivery at local level?
- In your opinion how far the goal of Transparency and Equitability is being realized in this system (please comment in the light of LG act 2013)?
- Which component of the LG, in your opinion, you think is better and which one is not? Why and how?
- Please reflect upon the three key challenges, being faced in the implementation of the LG system?
- What actions did the LG took to resolve these issues?
- What financial and political constrains you think LG is facing, internally and externally?
- What long term solutions you are working upon and what is the current status and what challenges you are facing?
- What actions have been taken to resolve these challenges?
- Do you think these long-term solutions will be sustainable?

### **About Transparency, Accountability and Equitability:**

- In your opinions what measures are being taken and how to sustain transparency, equitability and accountability of the LG in the light of 18<sup>th</sup> constitutional amendment?

**About Intended Benefits of the LG to citizens:**

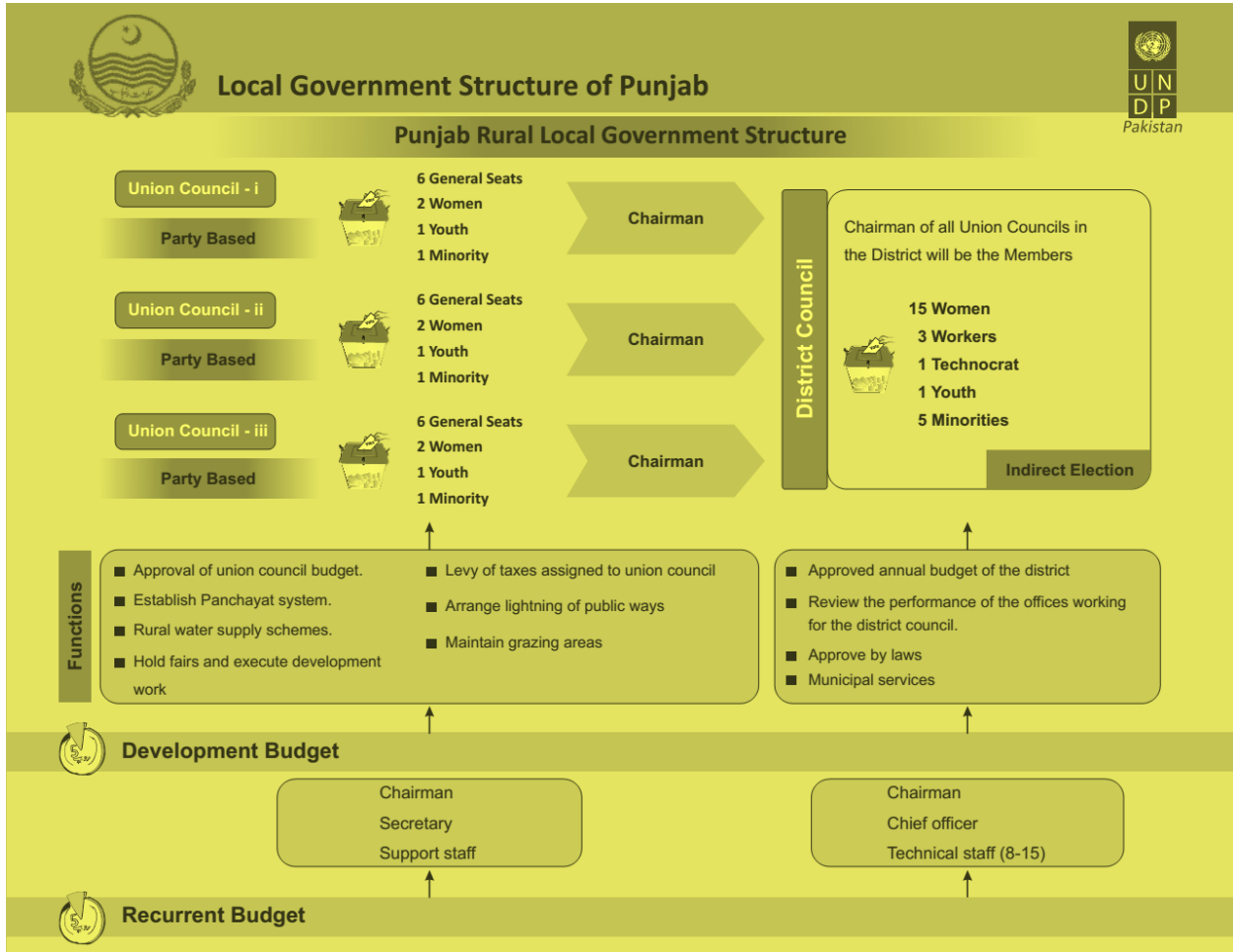
- At what level this Act would benefit the citizens at grass-root level in the province (public service delivery)?
- How the LG will help the marginalized masses of the society i.e. Minorities', women, old people and children?
- Do you think that LG will reach to all the citizens of the province and if there is any gap of unserved citizens, how LG, Govt plan to serve them?

**About Sustenance of the LG:**

- What efforts are being made for the sustainability of the LG?
- In future if you are asked to design a LG system what key changes you will propose and what interventions will remain the same?
- Please suggest three key recommendations to address these changes?
- Do you think that this LG system will have some impact over the common citizens and how it is to be sustained? Please comment.
- In your opinion will LG is given enough resources to improve the services at local level?

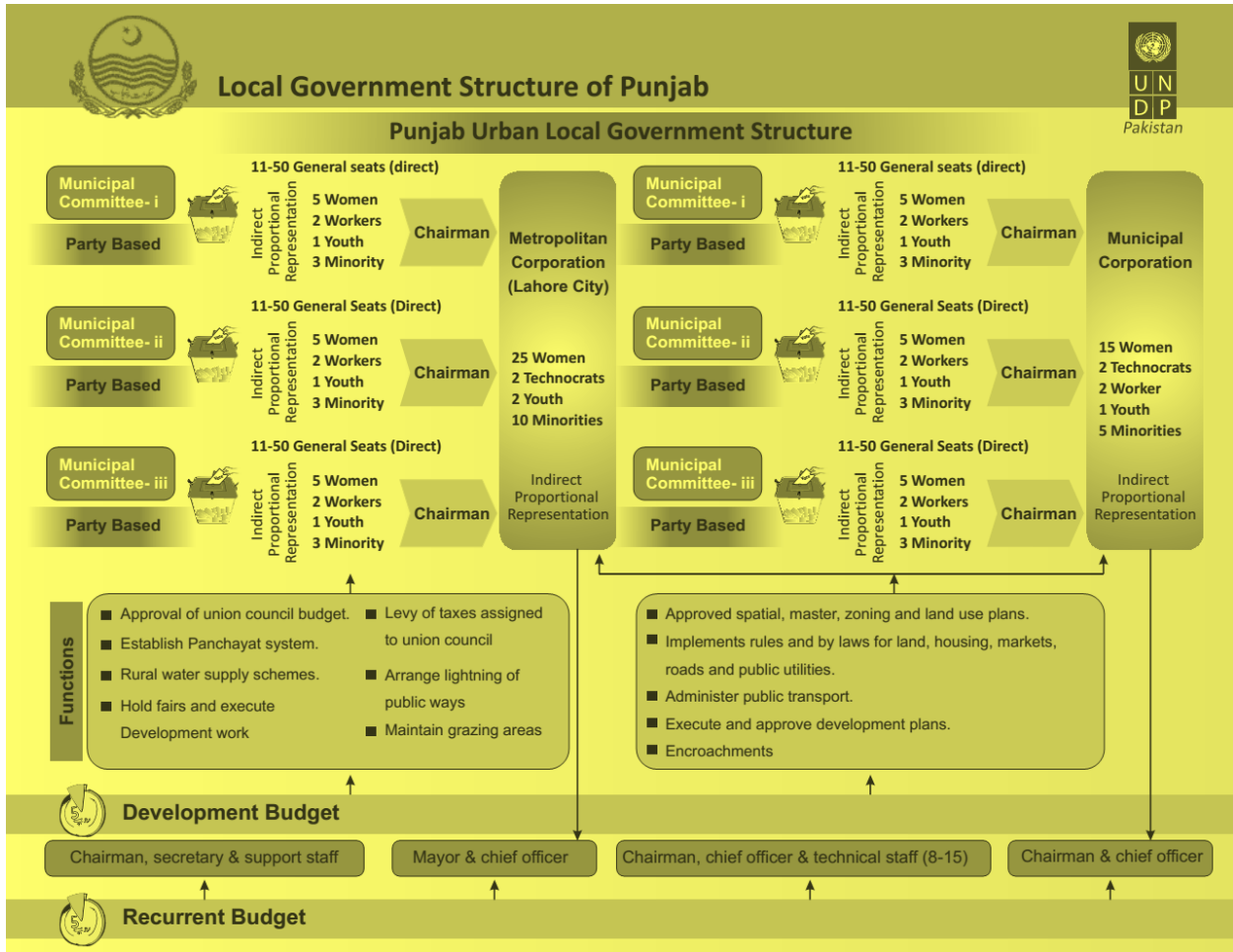
## Annex 3: Structure of Local Government

Figure 1: Punjab Local Government Structure (Rural)



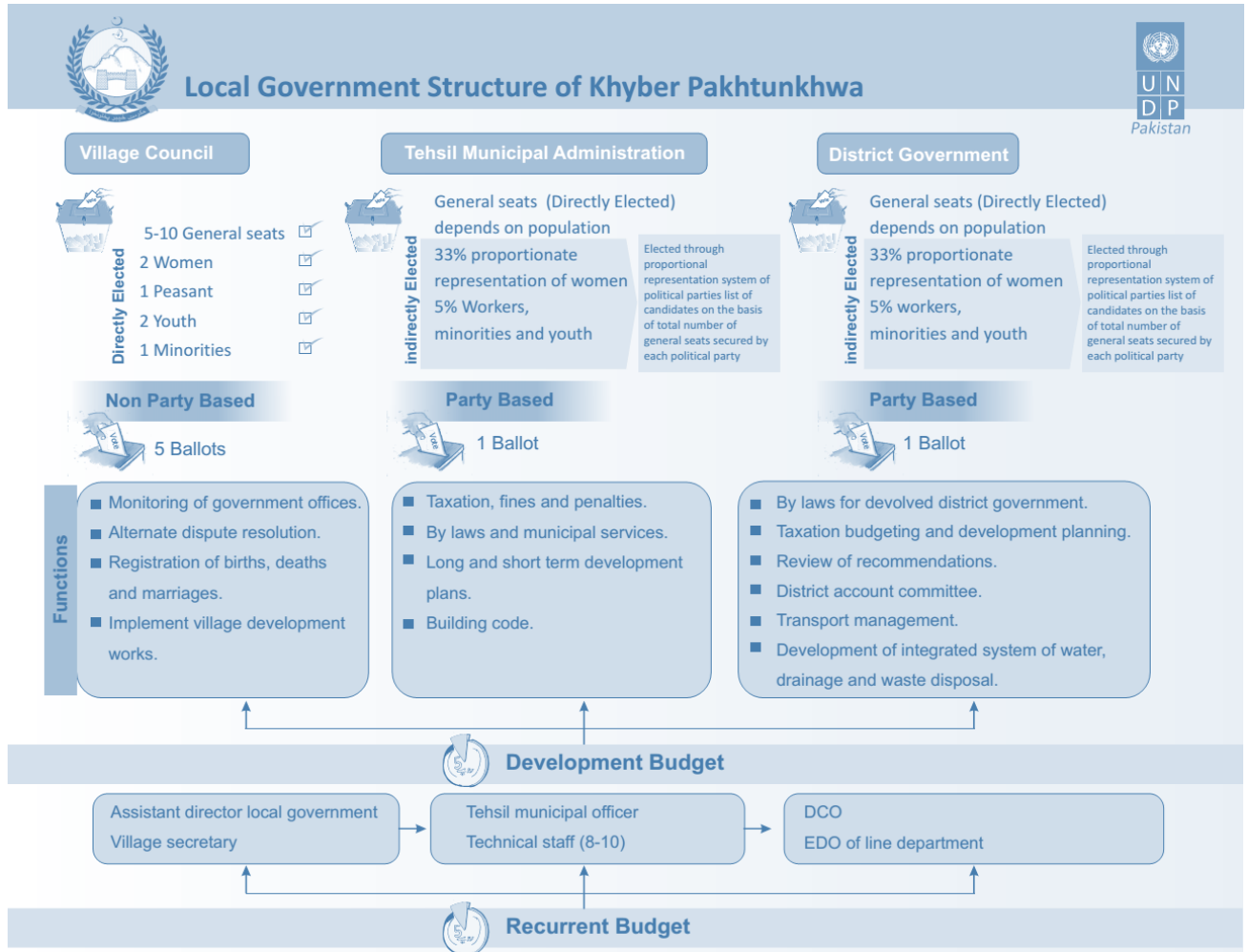
Source 1: UNDP (2013)

Figure 2: Punjab Local Government Structure (Urban)



Source 2: UNDP (2013)

Figure 3: Local Government Structure of Khyber Pakhtunkhwa



Source 3: UNDP (2013)

#### Annex 4: Name and Designation of the KIIs Participants

Punjab Province		KPK Province	
Sr.No.	Official Status	Sr.No.	Official Status
1.	Provincial Minister Local Government	1.	Senior Minister Local Government, Rural Development and Local Elections KPK
2.	Special Secretary Local Government	2.	Secretary Local Government
3.	Secretary Development	3.	Director General Local Government
4.	Deputy Secretary Development	4.	Special Secretary Local Government
5.	Additional Secretary Development	5.	Provincial Secretary Local Government Delimitation Authority
6.	Deputy Director Community Development	6.	Additional Secretary
7.	Chief Public Relation Officer	7.	Section Officer
8.	Chief Operating Offer	8.	Section Officer
9.	Mayor Lahore	9.	District Nazim Peshawar
10.	Senior Deputy Mayor Lahore	10.	District Naib Nazim Peshawar
11.	Deputy Mayor Lahore (Samna Abad Town)	11.	In charge Chief Minister youth coordination cell
12.	Deputy Mayor Lahore (Iqbal Town)	12.	Town Municipal Officer (Town 1)
13.	Deputy Mayor Lahore (Nashtar Town)	13.	District Member (Twon 1)
14.	Town Officer (Nishtar Town)	14.	Town Finance Officer

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